



# Perth and Kinross Local Review Body

Council Building  
2 High Street  
Perth  
PH1 5PH

27 March 2018

A Meeting of the **Local Review Body** will be held in the **Council Chamber, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH** on **Tuesday 3 April 2018** at **10.30am**.

If you have any queries please contact Committee Services on (01738) 475000.

**GILLIAN A TAYLOR**  
**Clerk to the Local Review Body**

***Those attending the meeting are requested to ensure that all mobile phones and other communication devices are switched off.***

## **Members**

Councillor W Wilson  
Councillor I James  
Councillor L Simpson  
Councillor A Jarvis (Reserve)

## **Advisers**

Clerk  
Legal Adviser  
Planning Adviser

## **Applicant**





# PERTH AND KINROSS LOCAL REVIEW BODY

3 APRIL 2018

## AGENDA

1. Welcome
2. Declarations of Interest
3. Minute of Meeting of Local Review Body of 6 March 2018 (copy herewith)  
**(Pages 1-10)**
4. Applications for Review
  - (i) TCP/11/16(517)  
Planning Application – 17/01429/FLL – Erection of 2 dwellinghouses on land 50 metres south of 1 Markethill, Kettins – Review Papers Attached  
**(Pages 11-62)**
    - (a) Notice of Review and supporting documents **(Pages 13-44)**
    - (b) Planning Decision Notice, Report of Handling and Reference Documents **(Pages 45-48)**
    - (c) Representations **(Pages 49-62)**
  - (ii) TCP/11/16(518)  
Planning Application – 17/01725/FLL – Erection of 2 dwellinghouses on land 70 metres west of Garden Cottage, Pitnacree – Review Papers Attached **(Pages 65-156)**
    - (a) Notice of Review and supporting documents **(Pages 65-136)**
    - (b) Planning Decision Notice, Report of Handling and Reference Documents **(Pages 137-138)**
    - (c) Representations **(Pages 139-156)**
  - (iii) TCP/11/16(519)  
Planning Application – 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS – Review Papers Attached **(Pages 157-196)**
    - (a) Notice of Review and supporting documents **(Pages 159-178)**
    - (b) Planning Decision Notice, Report of Handling and Reference Documents **(Pages 179-190)**
    - (c) Representations **(Pages 191-196)**

- (iv) TCP/11/16(520)  
Planning Application – 17/01804/IPL – Erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond – Review Papers Attached (**Pages 197-250**)
  - (a) Notice of Review and supporting documents (**Pages 199-226**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 227-238**)
  - (c) Representations (**Pages 239-250**)
- (v) TCP/11/16(521)  
Planning Application – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd – Review Papers Attached (**Pages 251-320**)
  - (a) Notice of Review and supporting documents (**Pages 253-306**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 307-308**)
  - (c) Representations (**Pages 309-320**)
- (vi) TCP/11/16(522)  
Planning Application – 17/01923/FLL – Alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD – Review Papers Attached (**Pages 321-358**)
  - (a) Notice of Review and supporting documents (**Pages 323-338**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 339-352**)
  - (c) Representations (**Pages 353-358**)
- (vii) TCP/11/16(523)  
Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – Review Papers Attached (**Pages 359-462**)
  - (a) Notice of Review and supporting documents (**Pages 361-446**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 447-448**)
  - (c) Representations (**Pages 449-462**)

5. Deferred Applications for Review

- (iii) TCP/11/16(501)  
Planning Application – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND – Review Papers Attached (**Pages 463-580**)
  - (a) Notice of Review and supporting documents (**Pages 465-492**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 493-514**)
  - (c) Representations (**Pages 515-558**)
  - (d) Further Information (**Pages 559-580**)
- (ii) TCP/11/16(509)  
Planning Application – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder – Review Papers Attached (**Pages 581-686**)
  - (a) Notice of Review and supporting documents (**Pages 583-636**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 637-670**)
  - (c) Representations (**Pages 671-686**)



## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 6 March 2018 at 10.30am.

Present: Councillors W Wilson (excluding Art \*\* (item v)), B Brawn, R McCall and L Simpson (Art \*\* (item v) only).

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (the Environment Service); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

### . **DECLARATIONS OF INTEREST**

Councillor W Wilson declared a non-financial interest on Art\*\* (item v)

### . **MINUTE**

The minute of meeting of the Local Review Body of 6 February 2018 was submitted and noted.

### . **APPLICATIONS FOR REVIEW**

#### (i) **TCP/11/16(506) - Planning Application – 17/01339/FLL – Erection of a dwellinghouse on land 40 metres north of The Stables, Main Street, Almondbank – Mr J Jenkins**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 40 metres north of The Stables, Main Street, Almondbank.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse on land 40 metres north of The Stables, Main Street, Almondbank, be refused for the following reason:

1. The proposal will intensify the use of an existing sub-standard access and junction which has poor visibility onto the public road and as such the proposed development would result in pedestrian and traffic safety issues contrary to Policy TA1B of the Perth and Kinross Local Development Plan 2014, which seeks to ensure the safety of all road users.

**Justification**

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

**(ii) TCP/11/16(510) - Planning Application – 17/01738/FLL – Erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross – Mr G Jack**

Members considered a Notice of Review seeking review/amendment of condition 10 (no permitted development) of the conditions imposed by the Appointed Officer for the erection of a dwellinghouse and garage.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application seeking removal/amendment of condition 10 (no permitted development) of the conditions imposed by the Appointed Officer for the erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross, be refused and Condition 10 continue to read as follows:

1. '10. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1, 2, 3 and Part 2, Class 7 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

Reason – In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority'.

### **Justification**

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

**(iii) TCP/11/16(511) – Planning application - 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross – Mr and Mrs G Jack**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross, be refused for the following reasons:
  - 1. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014, as the scale, massing and location of the stable building is considered to be unacceptable; it would not contribute positively to the quality of the surrounding built environment as it would create sporadic development in the open countryside. Furthermore, it would not respect the character and amenity of the building group at Chance Inn.
  - 2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside by creating sporadic development northwards in the open countryside to the detriment of the building group and sense of place.
  - 3. The proposal is contrary to Policy ER6(a) of the Perth and Kinross Local Development Plan 2014 as it erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of

the landscape and the quality of the landscape experience due to the scale and mass of the proposed stables in the open countryside.

#### **Justification**

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

- (iv) **TCP/11/16(512) – Planning application - 17/01662/FLL – Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour – Mr R Robertson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (ii) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour, be refused for the following reasons:
1. The proposal is contrary to Policy RD3 – Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014, in addition to the Council's Housing in the Countryside Guide 2012, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
  2. The proposal is contrary to Policy ED3 – Rural Business and Diversification, of the Perth and Kinross Local Development Plan 2014, as the farming business is not



considered to be established and there is no site specific justification which would allow for the site to be acceptable.

3. The proposal is contrary to Policy ER6 - .Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the Perth and Kinross Local Development Plan 2014, as the siting and scale of the proposed development is highly intrusive to the existing landscape framework and does not conserve or enhance the surrounding landscape as required by the policy.
4. The proposal is contrary to Policy PM1B – Placemaking criterion (a) and (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside, whilst the removal of trees and overall location of the proposed development would additionally erode and dilute the areas landscape character.
5. The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policy NE2B of the Perth and Kinross Local Development Plan 2014, as there are no clear public benefits associated with the removal of certain trees within the woodland to provide selected views for the proposed development.

#### **Justification**

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

HAVING DECLARED A NON-FINANCIAL INTEREST, COUNCILLOR W WILSON WITHDREW FROM THE MEETING DURING CONSIDERATION OF ART. \*\*.

Councillor B Brawn was unanimously appointed as Convener for the purposes of hearing Art.\*\* (item v).

Councillor B Brawn, Acting Convener, Presiding.

- (v) TCP/11/16(514) – Planning application - 17/01699/FLL – Formation of decking, Café Tabou, 4 St. John's Place, Perth, PH1 5SZ – Mr and Mrs Michalak**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of decking, Café Tabou, 4 St. John's Place, Perth, PH1 5SZ.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (iii) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for the formation of decking, Café Tabou, 4 St. John's Place, Perth, PH1 5SZ, be refused for the following reasons:
  - 1. The proposal is contrary to Policy RC1 of the Perth and Kinross Local Development Plan 2014 which seeks to ensure the encouragement of Class 2 & 3 development (e.g. restaurant use) in ground floor units which contribute to the character of the retail area and provides an attractive shop frontage treatment. The proposal does not positively contribute to the character of the retail area by virtue of its placement, design, material finish and consequentially nor is the proposal an appropriate addition to the restaurant's frontage, resulting in non-compliance with criterion (c).
  - 2. The proposal is contrary to Policy HE3A of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that development within a Conservation Area will preserve or enhance its character or appearance with appropriate design, materials, scale and siting of a new development. The proposal is not in keeping with the local character of the conservation area due to the use of non-traditional materials and, unsympathetically, would cover a section of granite paving, identified within the Perth Central Conservation Area Appraisal as a high quality material which contributes to the character of the area.
  - 3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment, whilst respecting the character and amenity of the place. The proposal, by virtue of its inappropriate placement, material finish and scale would result in an adverse impact on the visual amenity and character of the local area. The proposal is not an appropriate addition to the local context within the Perth Central Conservation Area or settings of listed buildings.
  - 4. The proposal is contrary to Policy PM1B(c) of the Perth and Kinross Local Development Plan 2014 which seeks

to ensure that all proposals are of a design and density which complements its surroundings in terms of appearance, height, scale, massing, materials, finish and colours. The proposal is of an appearance, non-traditional material and finish which does not complement its surroundings in a conservation area or the settings of listed buildings, and is of scale and mass which cannot be moved easily in the event of an emergency in order to access and maintain the public road and underground services.

**Justification**

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

**Note:** Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the formation of decking should be granted. He reasoned that the formation of decking would have enhanced the surrounding area and therefore complied with the Perth and Kinross Local Development Plan 2014.

COUNCILLOR L SIMPSON LEFT THE MEETING AT THIS POINT

COUNCILLOR W WILSON RETURNED TO THE MEETING AT THIS POINT

Councillor W Wilson, Convener, Presiding.

**(vi) TCP/11/16(515) – Planning application - 17/01488/FLL – Installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW – S Parkinson and R Letby**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for the Installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW, be refused for the following reasons:
  - 1. The removal of the existing sash and case windows is not justified as it has not been demonstrated that they are beyond repair, beyond economic repair or that any attempt has been made to retain the sash and case windows. Approval would therefore be contrary to the Perth and Kinross Placemaking Guide, Policies PM1A, PM1B(c) and HE3 of the Perth & Kinross Local Development Plan 2014, Historic Scotland's "Managing Change in the Historic Environment" 2010 and "Historic Environment Policy Statement" 2016 and paragraph 115 of the Scottish Planning Policy 2014, all of which seek to safeguard the historic built environment.
  - 2. Notwithstanding the lack of justification for the removal of the existing sash and case windows, the proposed windows are of an inappropriate type as they do not replicate the design, appearance, proportion, opening method or astragal detail. Approval would have a detrimental impact on the character and appearance of the Conservation Area and would therefore be contrary to the Perth and Kinross Placemaking Guide, Policies PM1A, PM1B(c) and HE 3 of the Perth and Kinross Local Development Plan 2014, Historic Scotland's "Managing Change in the Historic Environment" 2010 and "Historic Environment Policy Statement" 2016 and paragraph 115 of the Scottish Planning Policy 2014, all of which seek to safeguard the historic built environment.

### **Justification**

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

**Note:** Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for Installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW should be granted. He reasoned that the proposed replacement windows would not have a detrimental effect upon the area, thereby meeting the criteria of the Perth and Kinross Local Development Plan 2014 and other policy.

**(vii) TCP/11/16(516) - Planning Application – 17/01447/FLL –  
Alterations and extension to dwellinghouse, Balnagowan,  
Aberargie, Perth, PH2 9NE – Mrs A Kennedy**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse, Balnagowan, Aberargie, Perth, PH2 9NE.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for alterations and extension to dwellinghouse, Balnagowan, Aberargie, Perth, PH2 9NE, be refused for the following reason:
  - 1. The proposed development by virtue of its large scale and forward projection is not in keeping with either the character or appearance of the existing residential property and will result in an incongruous development being introduced into the local area. Accordingly, the proposal is contrary to Policies RD1, PM1A and PM1B (c and d) of the Perth and Kinross Local Development Plan 2014.

**Justification**

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

~~~~~



|                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------|
| <b>TCP/11/16(517) – 17/01429/FLL – Erection of 2 dwellinghouses on land 50 metres south of 1 Markethill, Kettins</b> |
|----------------------------------------------------------------------------------------------------------------------|

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 13-44***)
- (b) Decision Notice (***Pages 21-22***)
  - Report of Handling (***Pages 23-32***)
  - Reference Documents (***Pages 35, 37-40 and 44***)
- (c) Representations (***Pages 49-62***)





**TCP/11/16(517) – 17/01429/FLL – Erection of 2  
dwellinghouses on land 50 metres south of 1 Markethill,  
Kettins**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

1. Application for planning permission (including householder application) ☒
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:

1. If a response is requested by the Local Review Body, or more information required.
2. If considered appropriate by Local Review Body.

**Site inspection**

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

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

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

N/A

**Statement**

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

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

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

Please refer to separate supporting 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.

When the Planning Case Officer prepared his report we assumed that he would take account of the fact that Planning Permission for two houses on this site had already been granted . However, in his report it stated that there was no previous planning history.

**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.

1. All original planning submission documentation.
2. Planning permission previously granted.
3. Supporting statement

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

01-02-2018

## Supporting Statement

Erection of 2No Dwellinghouses, Land 50m South of Markethill, Kettins, Perthshire.  
Planning Ref : 17/01429/FLL.

The above application was refused for a number of different reasons. These were :

- a. The report agreed that Markethill was considered a grouping of buildings, but disagreed that the proposed site consisted of a definable site, as there were no well established landscape features or topography to provide a suitable setting. It was also considered was ribbon development. We feel that there is an inconsistency of interpretation of planning policy by different Case Officers as there are a number of other applications which we have had approved which we considered similar. Examples of these are attached. As can be seen from these, it is relatively common to use a post and wire fence as a boundary. Conditions have been applied to these approvals, to state that a suitable landscaping framework should be established with hedges and planting, which was suggested in this case.
- b. It was also considered that this site created a ribbon development. Again, we have shown an example of where a similar site was granted approval for four houses, along the side of an existing road. Again, there was no definable boundary at the edge of this approved site, other than a post and wire fence.
- c. When the Case Officer prepared his report, he stated that “there was no previous site history”. This is not the case, as an application for two houses, was previously granted (approval attached).





## PERTH AND KINROSS COUNCIL

Mr Keith Webster  
c/o LJR+H Architects  
Bob Hynd  
18 South Tay Street  
Dundee  
DD1 1PD

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD


Date 1st November 2017

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 17/01429/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 7th September 2017 for permission for **Erection of 2no. dwellinghouses Land 50 Metres South Of 1 Markethill Kettins** for the reasons undernoted.

PP

  
Interim Head of Planning

#### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. The proposal would also contribute to ribbon development along the A923.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. The proposal would also contribute to ribbon development along the A923.
3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.

4. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is no sufficient containment to the site.
5. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.
6. The proposal does not provide or demonstrate that a satisfactory residential environment can be created due to the proximity of the agricultural buildings to the west and south of the site. Accordingly there is the potential for future residents at this site to suffer annoyance from noise and odour from the agricultural activity, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

### **Justification**

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

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**

17/01429/1

17/01429/2

17/01429/3

17/01429/4

17/01429/9

17/01429/10

17/01429/11

17/01429/12

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                |      |
|------------------------|----------------|------|
| Ref No                 | 17/01429/FLL   |      |
| Ward No                | P2- Strathmore |      |
| Due Determination Date | 06.11.2017     |      |
| Case Officer           | John Russell   |      |
| Report Issued by       |                | Date |
| Countersigned by       |                | Date |

**PROPOSAL:**      Erection of 2no. dwellinghouses

**LOCATION:**      Land 50 Metres South Of 1 Markethill Kettins

### 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:** 25 October 2017

### SITE PHOTOGRAPHS







## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Markethill is a small hamlet consisting of a number of old cottages, new dwellings and rural buildings located to the west side of the A923. It is located on the main road between Coupar Angus and Dundee. The site is in the countryside around half a mile south of Coupar Angus.

The site consists of a small paddock area. A post and wire fence is located on the south, agricultural buildings to the west, the A923 to the east boundary and the curtilage of 1 Markethill to the north. The proposal is to form two dwelling houses within the paddock.

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 15/00585/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

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

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

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

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

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

### **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.

### **Policy EP8 - Noise Pollution**

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## OTHER POLICIES

### Development Contributions

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

### Housing in the Countryside Guide

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

## CONSULTATION RESPONSES

Environmental Health – No objection subject to conditional control relating to the operation of the proposed stoves.

Dundee Airport Ltd – No objection.

Transport Planning – No objection subject to conditional control.

Contributions Officer - This proposal is within the catchment of Kettins Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

Scottish Water – No objection.

## REPRESENTATIONS

None

## ADDITIONAL INFORMATION RECEIVED:

|                                       |              |
|---------------------------------------|--------------|
| Environmental Impact Assessment (EIA) | Not Required |
| Screening Opinion                     | Not Required |

|                                                               |              |
|---------------------------------------------------------------|--------------|
| EIA Report                                                    | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Not Required |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Submitted    |

## **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 local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.

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

The supporting statement submitted with the application considers that the existing building group is in excess of the three or more buildings of a size at least equivalent to a traditional cottage. The proposal does not detract from the residential and visual amenity of the group and in fact, would screen the remaining buildings from the road. The site is not considered as ribbon development, as the field pattern forms a logical "stop end" to the existing hamlet.



I therefore turn to the Housing in the Countryside SPG which assists with the assessment of the building group policy. This confirms that:-

*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.*

From my site inspection Markethill can be considered a grouping of buildings which is set along the A923. However I disagree that the proposed site for the proposed two new houses consists of a definable site. There are no well-established landscape features or topography to provide a suitable setting. Furthermore insertion of dwellings would constitute ribbon development along the A923. I disagree with the agent that this forms a logical 'stop end'.

In my view this would set an undesirable precedent and if approved I'm sure the same argument would be utilised to continue ribbon development into the next field along the A923 to the next logical 'stop end'.

I note the agent has referenced precedence and has highlighted that applications 10/01256/FLL, 16/00199IPL and 17/00007/FLL are comparable to this site. Precedence is a material consideration in the determination of an application. However, every site presents different characteristics and I discuss the differences below.

10/01256/FLL relates to completely different development pattern to the current application.

16/00199IPL relates to a building group with well-defined boundaries and a completely different development pattern to the current application.

From my review of 17/00007/FLL the circumstances of this case are quite different. Built development is located on the opposite side of the road as a result application 17/00007/FLL rounded off the grouping in this location and did not constitute ribbon development.

In light of this there is not sufficient similarity between the applications referenced for precedent to be a material consideration of weight in the determination of this application.



## **Design and Layout**

Policy PM1A confirms that development must contribute positively, to the quality of the surrounding built and natural environment. In this case the siting and layout of the development does not respect the character and amenity of this area of the Perth and Kinross which is contrary to policy PM1A.

From my review of Policy PM1B, the proposal also fails to create a sense of identity and erodes the character of the countryside (a).

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the siting of a proposed residential development on this site does not comply with the housing in the countryside policy accordingly formation of dwellings and their associated curtilages are considered to erode local distinctiveness, diversity and quality of the landscape. The proposal fails to comply with Policy ER6.

## **Residential Amenity**

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed properties is required and in this case cognisance of the surrounding landuses has to be taken into account.

I do not consider that the proposed development is compatible with the agricultural buildings and landuse to the west and south of the site. I consider that noise and odour due to the close proximity of agricultural buildings would not create an appropriate environment for the proposed dwellings. Accordingly the development would fail to comply with Policy EP8.

I also note that the siting criteria for the Housing in the Countryside SPG states that developments should not compromise the continuation of legitimate agricultural and related activities.

## **Roads and Access**

There are no objections to the proposed dwellinghouses on roads or access grounds from Transport Planning. The proposal would comply with Policy TA1B if conditional control is applied.

## **Drainage and Flooding**

Foul drainage is proposed to be a private system. The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable

urban drainage system and this would need to be incorporated into the site layout to comply with policy EP3C and this can be controlled conditionally.

### **Developer Contributions**

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

This proposal is within the catchment of Kettins Primary School and there are no capacity concerns in this catchment area at this time.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

**Refuse the application**

## **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. The proposal would also contribute to ribbon development along the A923.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. The proposal would also contribute to ribbon development along the A923.
- 3 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
- 4 The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is no sufficient containment to the site.
- 5 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.
- 6 The proposal does not provide or demonstrate that a satisfactory residential environment can be created due to the proximity of the agricultural buildings to the west and south of the site. Accordingly there is the potential for future residents at this site to suffer annoyance from noise and odour from the agricultural activity, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

## **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**

17/01429/1

17/01429/2

17/01429/3

17/01429/4

17/01429/9

17/01429/10

17/01429/11

17/01429/12

**Date of Report 01.11.2017.**

**Supporting Statement**

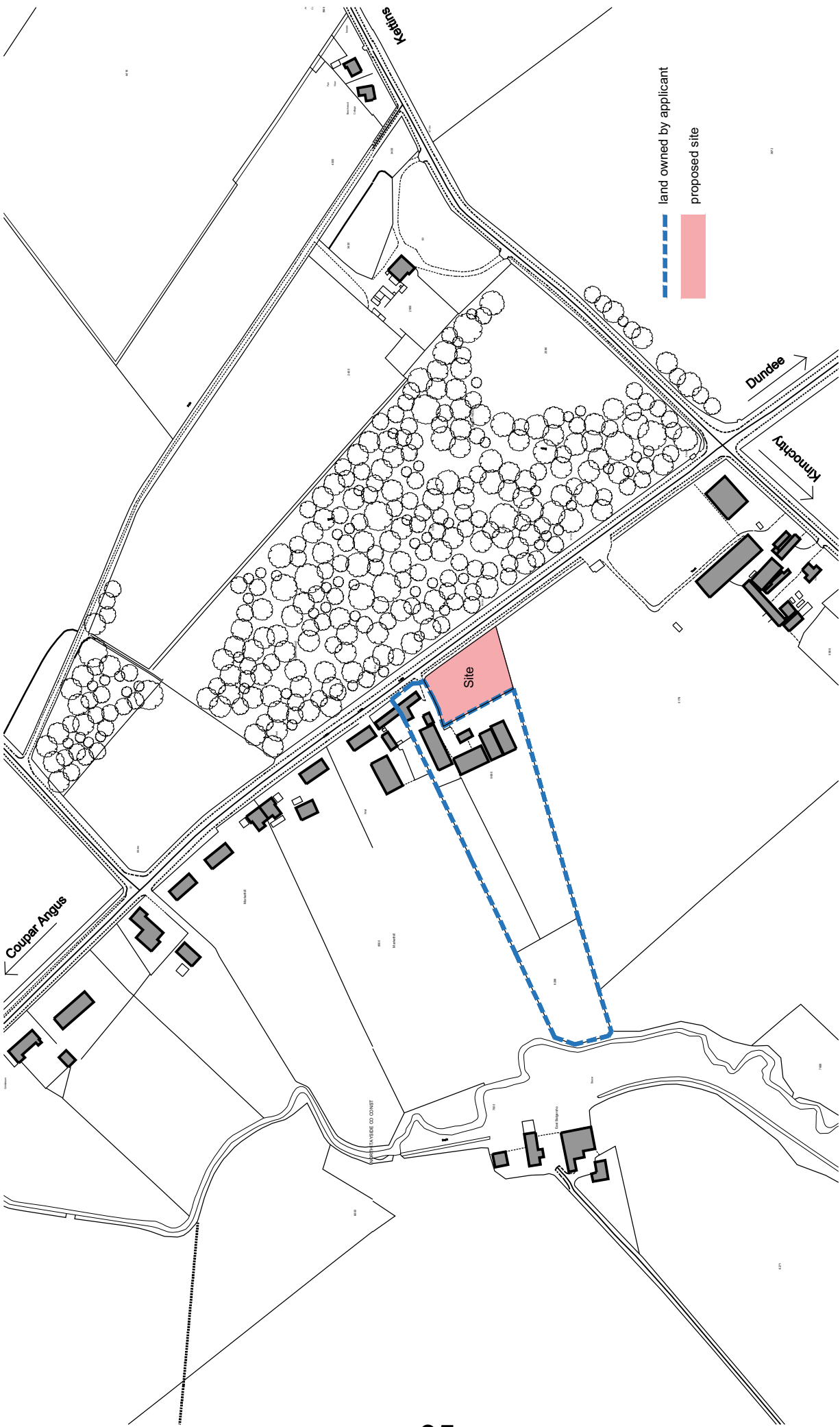
Markethill is a small hamlet consisting of a number of old cottages, new dwellings and rural buildings located to the south west side of the main Dundee road, around half a mile south of Coupar Angus. The site itself is currently a small paddock at the southern end of Markethill. We have examined the proposal against the recommendation contained in the Housing in the Countryside Policy and would make the following comments :

- a. Site Location. The site sits at the end of a group of buildings forming Markethill. It is contained on the eastern side by the main Coupar Angus to Dundee road, on the northern side by a group of existing houses and outhouses and on the west by storage sheds, currently used for storing hay bales. Other sheds to the north in the applicants ownership contain agricultural machinery and on the southern boundary it is separated from an adjacent field by post and wire fence. The site is similar in nature to a recent application approved at Woodside Farm (Ref: 17/00007/FLL). In the pre-application guidance we were given on that occasion, we were advised that additional planting would be required to ensure the site had a proper landscape setting. In this application, we have shown hedging along the southmost boundary, along with additional trees.
- b. Landscaping. In order to give the site a proper landscape setting, native Scottish species trees have been specified, the existing Rowan retained and beech hedging has been indicated on the drawings. In particular, the trees specified have been with a view to providing feeding for local bird life.
- c. Access. The access to the two site is taken from the main road with good visibility in both directions. Markethill is located within a 40 mile per hour speed limit.
- d. Contamination. The applicant has owned this property for a number of years. In that time, he has informed us that the site has only ever been used for grazing. The chance of contamination existing on site is therefore, considered as negligible.
- e. Adjacent Buildings. As stated, these are used for general farm storage. The applicant leases other ground in the area with particular emphasis on rearing sheep. As can be seen from the site layout plan, this is relatively small operation with only 1.6 hectares of ground in his ownership.
- f. Drainage. It is intended to install a bio-disc treatment plant and take the outfall from this to a closed soakaway within the site. There will therefore, be no discharge to a water course.
- g. Style of house. As can be seen from the drawings, the houses proposed are rural in appearance. The finishes of a slate roof and roughcast, is intended to enable these to blend with the adjacent properties.

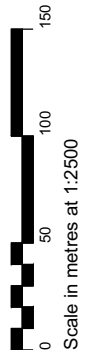
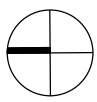
**Planning Policy:**

1. Building groups - The existing building group is in excess of the three or more buildings of a size at least equivalent to a traditional cottage. The proposal does not detract from the residential and visual amenity of the group and in fact, would screen the remaining buildings from the road. The site is not considered as ribbon development, as the field pattern forms a logical "stop end" to the existing hamlet.
2. The Plots proposed are comparable in size to the neighbouring residential properties and have a similar size of road frontage.
3. The size and design of the houses proposed are sympathetic to the existing housing.



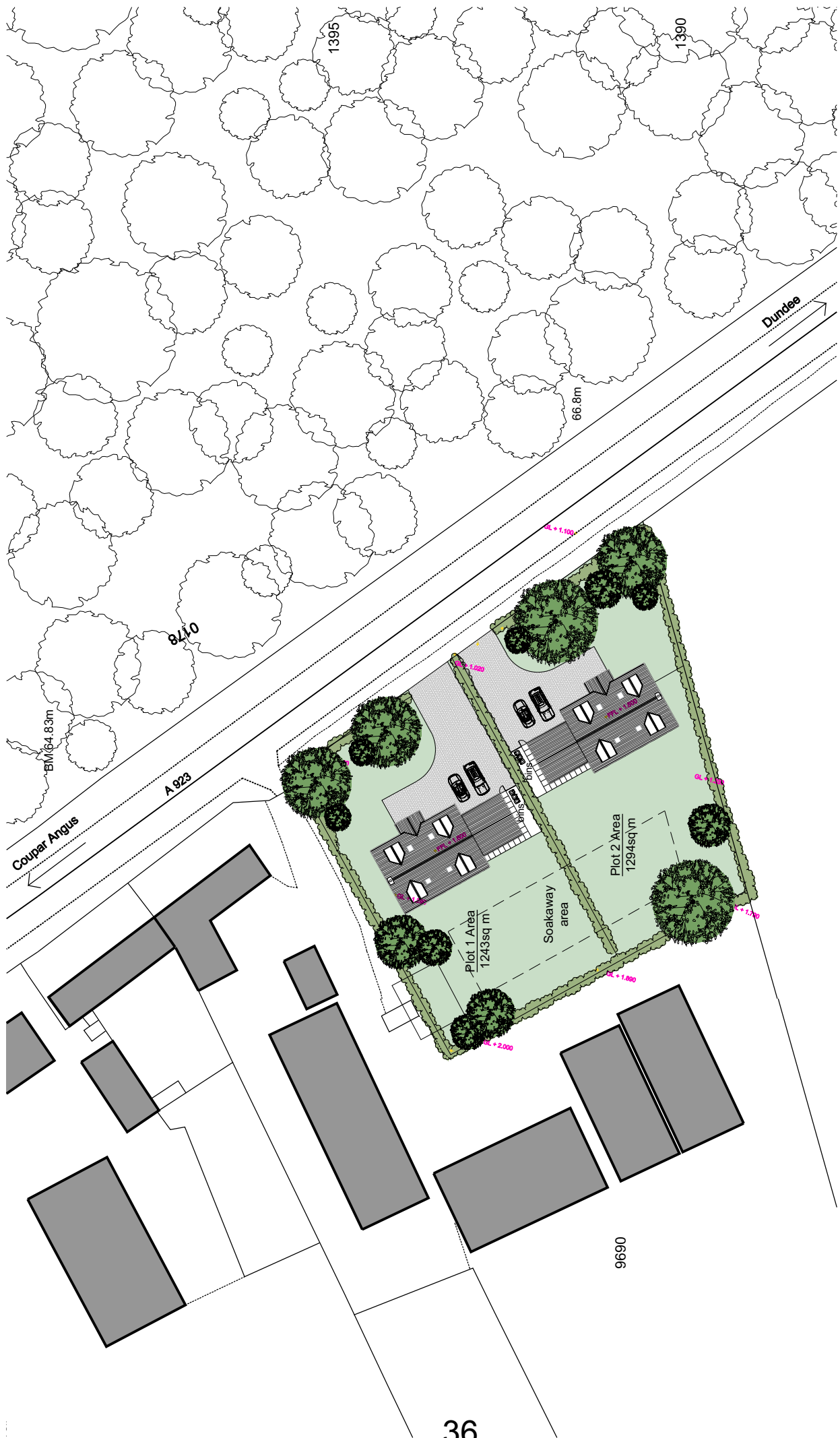


Rev.   
 LEADINGHAM JAMESON ROGERS + HYND   
 C H A R T E R E D A R C H I T E C T S   
 18 South Tg. Street Dundee DD1 1PD Tel: 01382 230511 Fax: 01382 232263 email: jameson@ljrh.co.uk   
 Job No. 125008 A3   
 Job Name Proposed Housing Development, Markethill, Kettins   
 Drawing No. 01   
 Date   
 Scale   
 Rev.   
 Location Plan As Existing

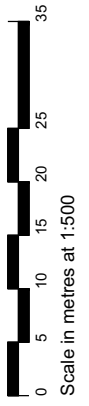
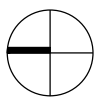


Location Plan As Existing

Proposed Housing Development, Markethill, Kettins



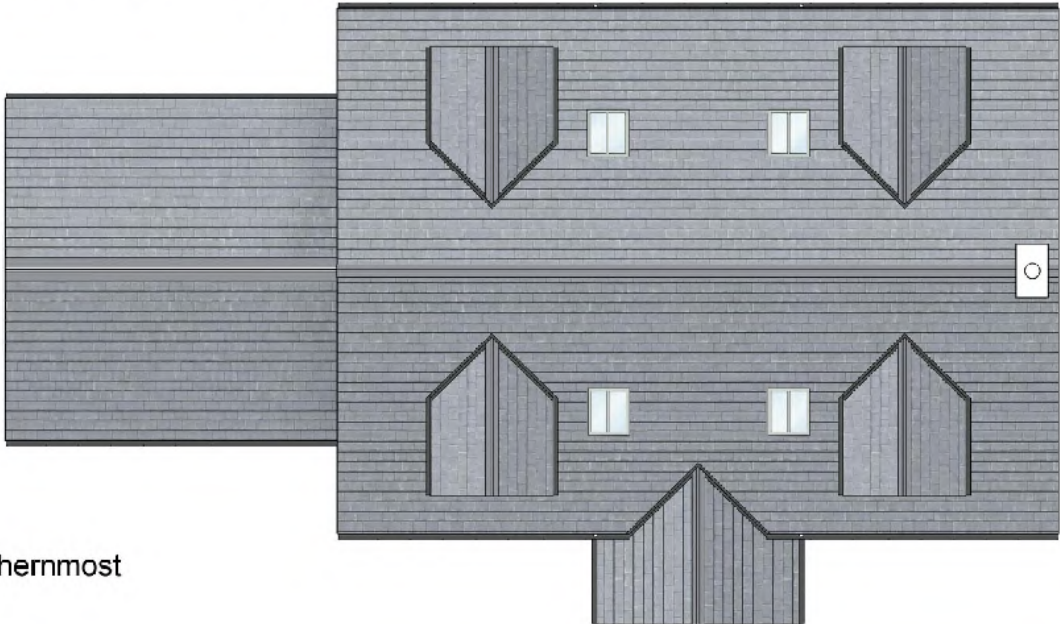
Rev.   
 LEADINGHAM JAMESON ROGERS + HYND   
 C H A R T E R E D A R C H I T E C T S   
 18 South 10th Street Dundee, DD1 1PD Tel: 01382 225211 Fax: 01382 225219 Email: [enquiries@ljrh.co.uk](mailto:enquiries@ljrh.co.uk)   
 Job No: 18/04/2017   
 Site Name: Proposed Housing Development, Markethill, Kettins   
 Scale: 1:500 @ A3   
 Date: April 17   
 Drawn: JH   
 Checked: JH   
 Status:   
 • Site plan



Site Plan As Proposed



Proposed Housing Development, Markethill, Kettins

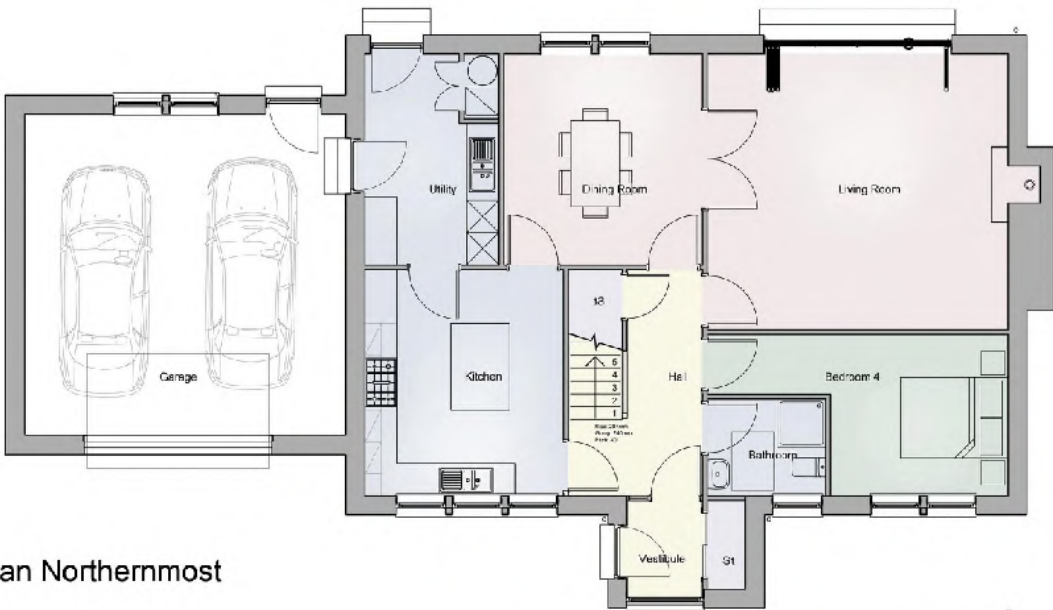


Roof Plan Northernmost



- Kitchen 15.6m<sup>2</sup>
- Bedroom 1 16.6m<sup>2</sup>
- Ensuite 1 7.5m<sup>2</sup>
- Bedroom 2 14.6m<sup>2</sup>
- Ensuite 2 7.6m<sup>2</sup>
- Bedroom 3 8.4m<sup>2</sup>
- Bathroom 4.7m<sup>2</sup>
- Hall 8.8m<sup>2</sup>

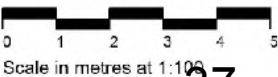
First Floor Plan Northernmost



- Kitchen 15.6m<sup>2</sup>
- Utility 9.8m<sup>2</sup>
- Dining Room 14.7m<sup>2</sup>
- Living Room 28.9m<sup>2</sup>
- Bedroom 4 12.5m<sup>2</sup>
- Bathroom 3.6m<sup>2</sup>
- Hall 7.4m<sup>2</sup>
- Vestibule 2.5m<sup>2</sup>

Ground Floor Plan Northernmost

Plot 1 - Floor Plans



Rev.

LEADINGHAM JAMESON ROGERS + ILYND

CHARTERED ARCHITECTS

18 South Lay Street Dundee, D1 1HD Tel: 01392 233511 Fax: 01392 233525 e-mail: [som@ljra.co.uk](mailto:som@ljra.co.uk)

Job Name

• Proposed Housing Development, Markethill, Kettins

Job No.

• 4211

Drawn

• F1

Drawn By

• 05

Design Title

• Plans

Scale

• 1:100 @ A3

Date

• July 17

Rev.

•





Roof - Roofing slate  
Roughcast - "Stonepack" Cinnamon  
Basecourse - Sandstone Pitch Faced to match adjacent house  
Bands - Stonepack Buff  
Rainwater Goods - Black U.P.V.C  
Windows/Doors - U.P.V.C to be RAL 6019  
Timber Lining - Painted Pastel Green RAL 6019  
Garage Door - Painted Pastel Green RAL 6019

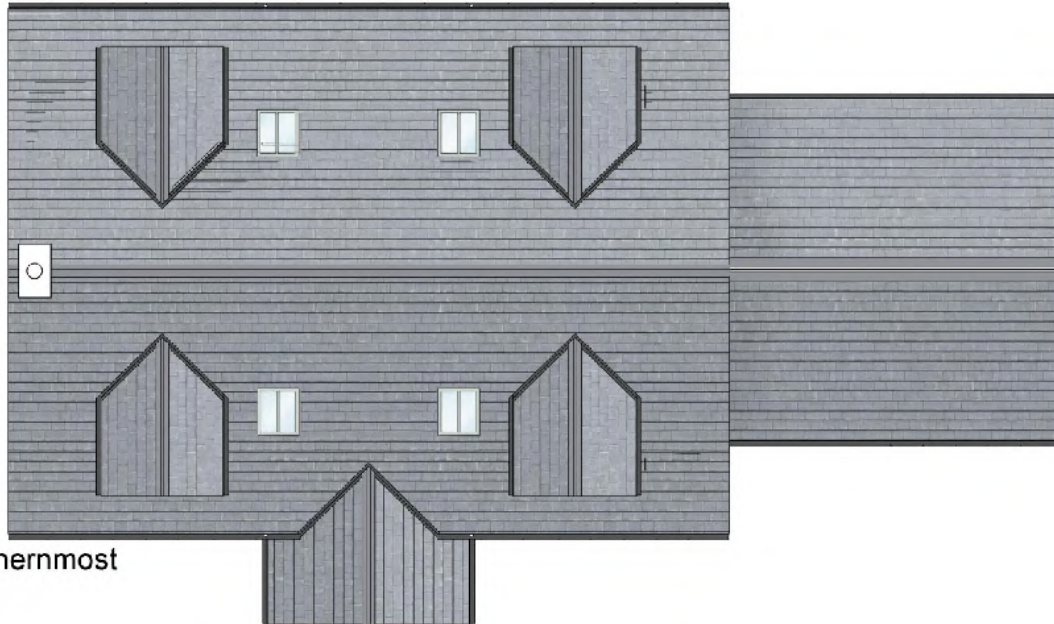
Plot 1 - Elevations



Rev. 1  
**LEADINGHAM JAMESON ROGERS + HYND**  
C H A R T E R E D A R C H I T E C T S  
18 Southport Road, Southport, Merseyside, L35 9EF  
Tel: 0151 333 2281 Fax: 0151 333 2282 email: jameson@leadinghamjameson.co.uk  
Architects  
A Professional Institution, Registered with the Architects Registration Board  
Drawing No. 100  
Date: 10/08/15  
Scale: 1/100 A3  
• 1/100 A3 • 1/100 A4 • 1/100 A5



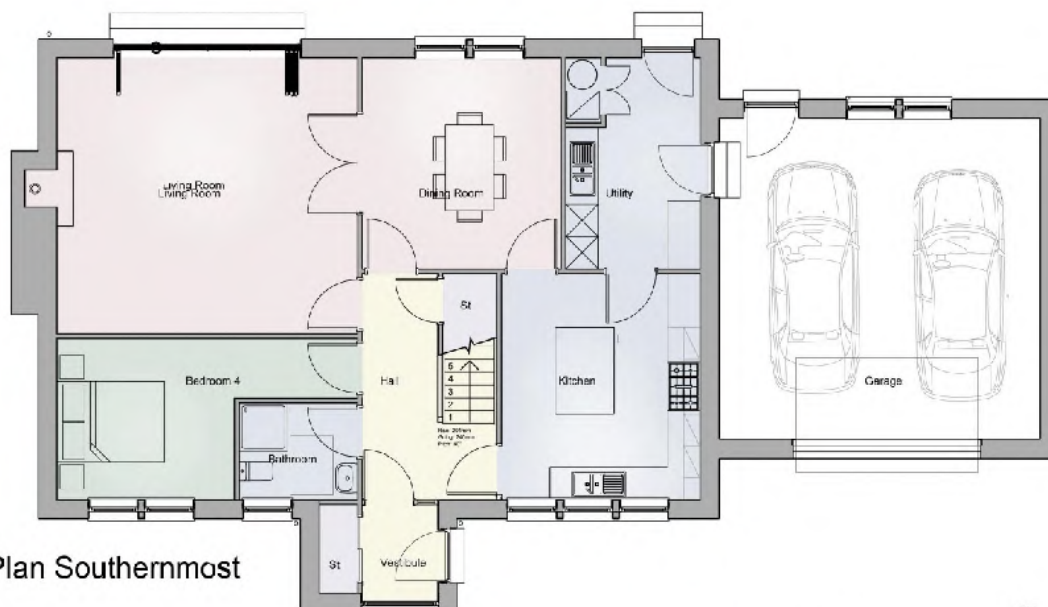
# Proposed Housing Development, Markethill, Kettins



Roof Plan Southernmost



First Floor Plan Southernmost



Ground Floor Plan Southernmost

Plot 2 - Plan

Scale in metres at 1:100

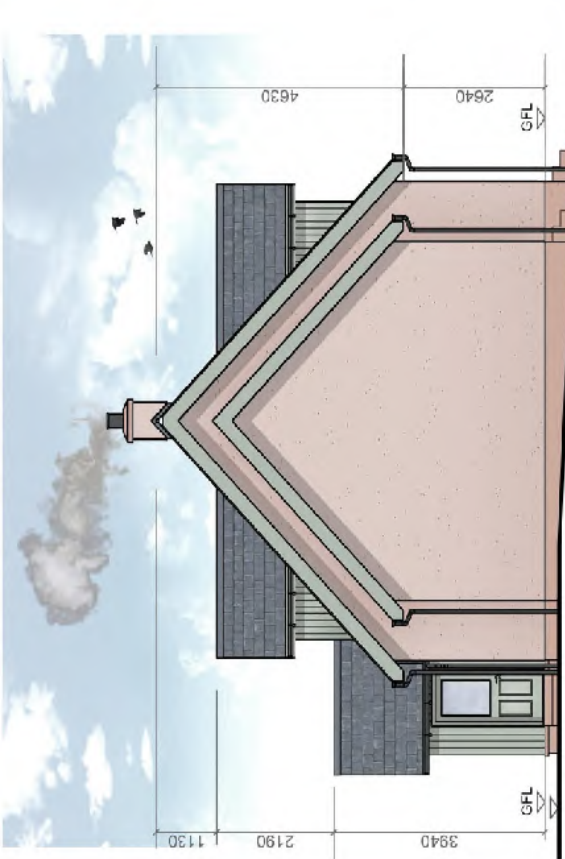


Rev. 1  
LEADINGHAM JAMESON ROGERS + HYND  
CHARTERED ARCHITECTS  
18 South Troy Street, Dundee DD1 1PD Tel: 01382 205611 Fax: 01382 205225 e-mail: admin@JRH.co.uk

|                                                     |                |           |           |
|-----------------------------------------------------|----------------|-----------|-----------|
| Job Name                                            | Job No.        | Series    | Draw. No. |
| • Proposed Housing Development, Markethill, Kettins | • 4211         | • PL      | • C7      |
| • Plans                                             | • Scale        | • Date    | • Rev.    |
|                                                     | • 1:100 (S.A.) | • July 17 | •         |



Proposed Housing Development, Markethill, Kettins



40

- Roof. - Roofing slate
- Roughcast - "Stonepack" Cinnamon
- Basecourse - Sandstone Pitch Faced to match adjacent house
- Bands - Stonepack Buff
- Rainwater Goods - Black U.P.V.C
- Windows/Doors - U.P.V.C to be RAL 6019
- Timber Lining - Painted Pastel Green RAL 6019
- Garage Door - Painted Pastel Green RAL 6019

Plot 2 - Elevations



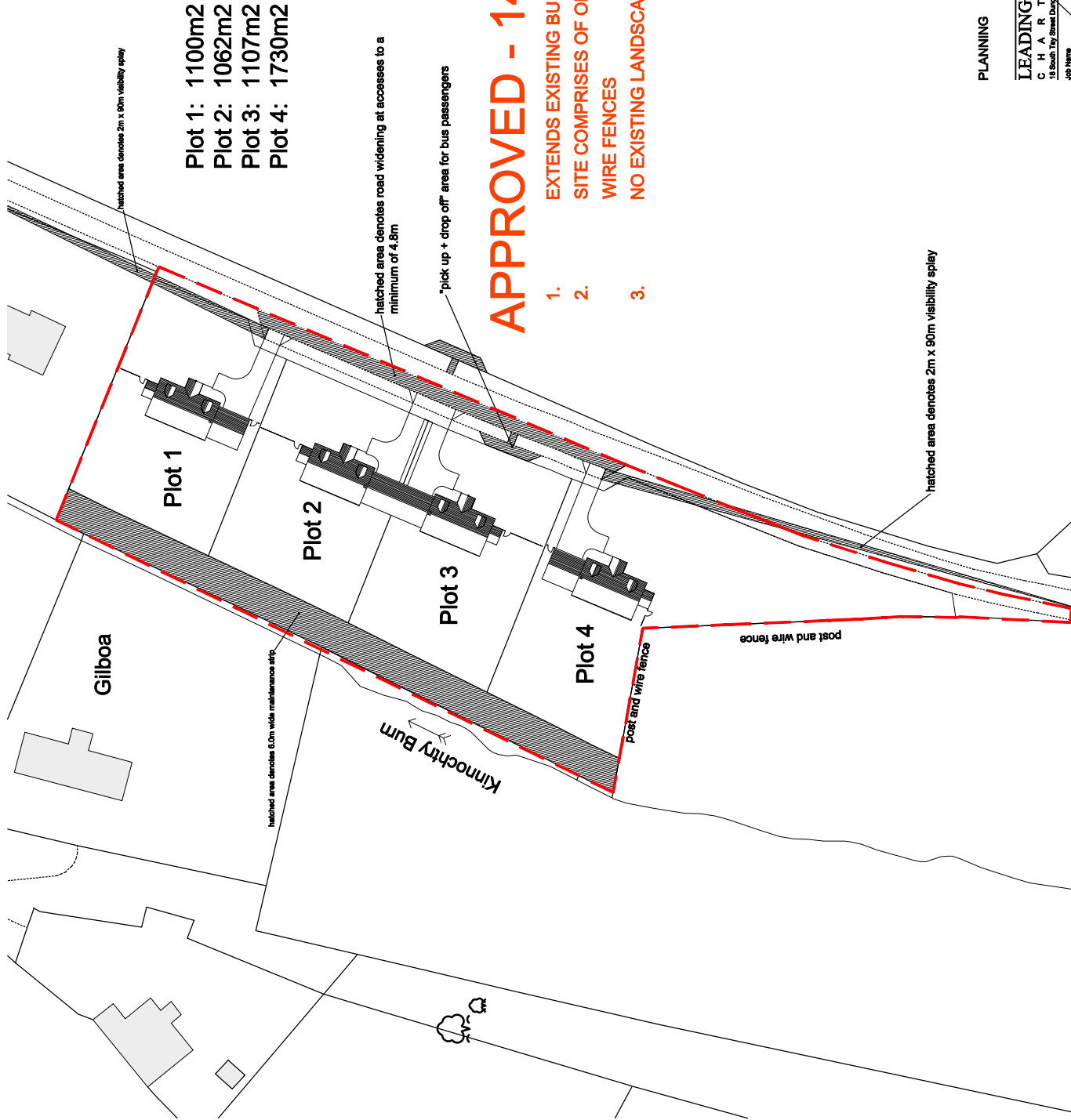
Rev: 

-

LEADINGHAM JAMESON ROGERS + HYND

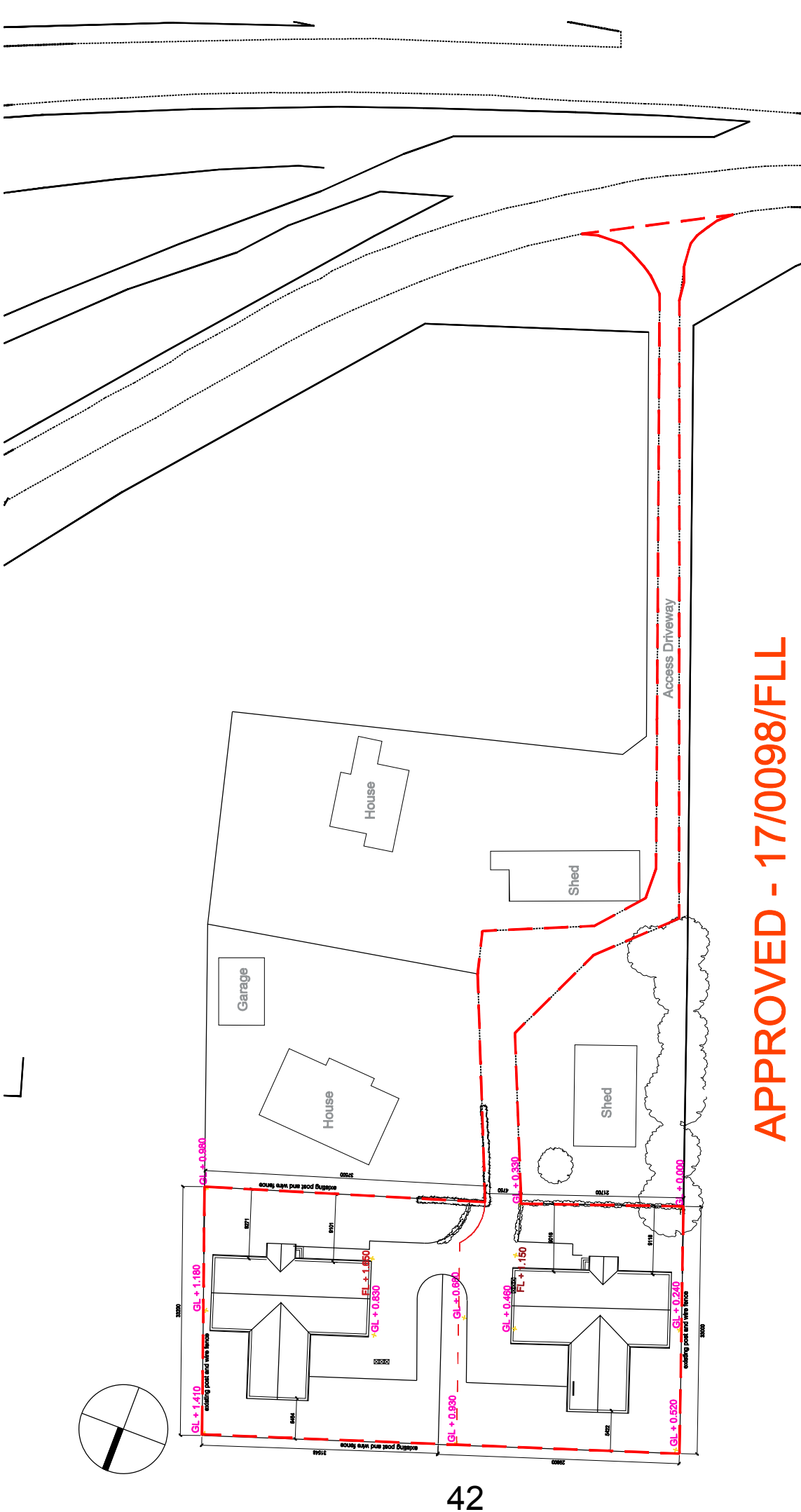
|                            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|----------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| C                          | H  | A  | R  | T  | E  | R  | O  | F  | E  | R  | A  | R  | C  | H  | I  | T  | E  | R  | S  |
| 30 South 157 2002 24-06-05 | CD | PL | PL | PL | PL | PL | PL | PL | PL | PL | PL | PL | PL | PL | PL | PL | PL | PL | PL |
| 30 South 157 2002 24-06-05 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

|            |                            |
|------------|----------------------------|
| Job Name   | 30 South 157 2002 24-06-05 |
| Job No     | 4211                       |
| Drawn By   | Jameson Rogers             |
| Checked By | Jameson Rogers             |
| Date       | 11/06/23                   |
| Scale      | 1:100                      |
| Rev        | •                          |



PLANNING

| Rev. |  | Job No. |  | Scale         |  | Date |  | Rev. |  |
|------|--|---------|--|---------------|--|------|--|------|--|
|      |  | a 2814  |  | a 1:1250 @ A3 |  | a D  |  | a D1 |  |
|      |  | a 2814  |  | a 1:1250 @ A3 |  | a D  |  | a D1 |  |
|      |  | a 2814  |  | a 1:1250 @ A3 |  | a D  |  | a D1 |  |



# APPROVED - 17/0098/FLL

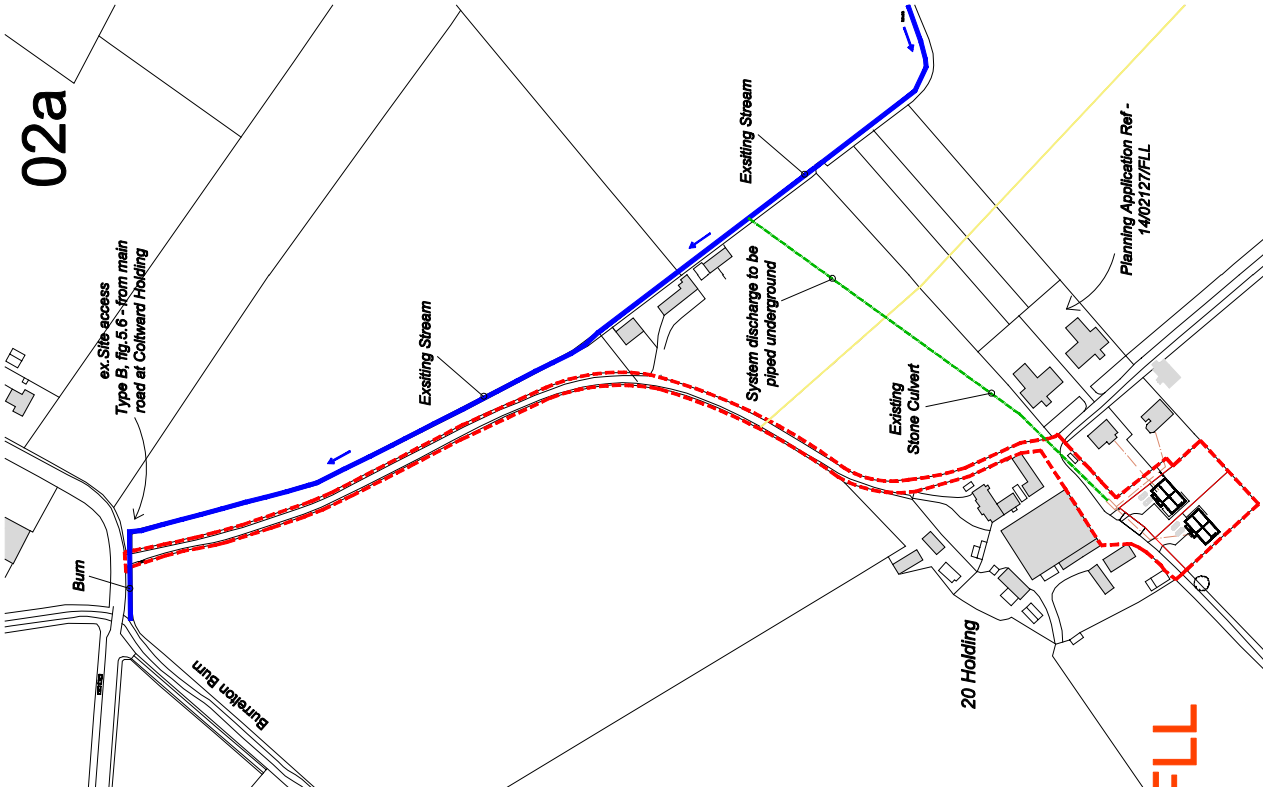
1. EXTENDS EXISTING BUILDING GROUP
2. SITE COMPRISES OF OPEN FEILD WITH POST AND WIRE FENCES
3. NO EXISTING LANDSCAPING FEATURES
4. ADJACENT TO REDUNDANT FARM BUILDINGS

— Site boundary



Scale in metres at 1:500

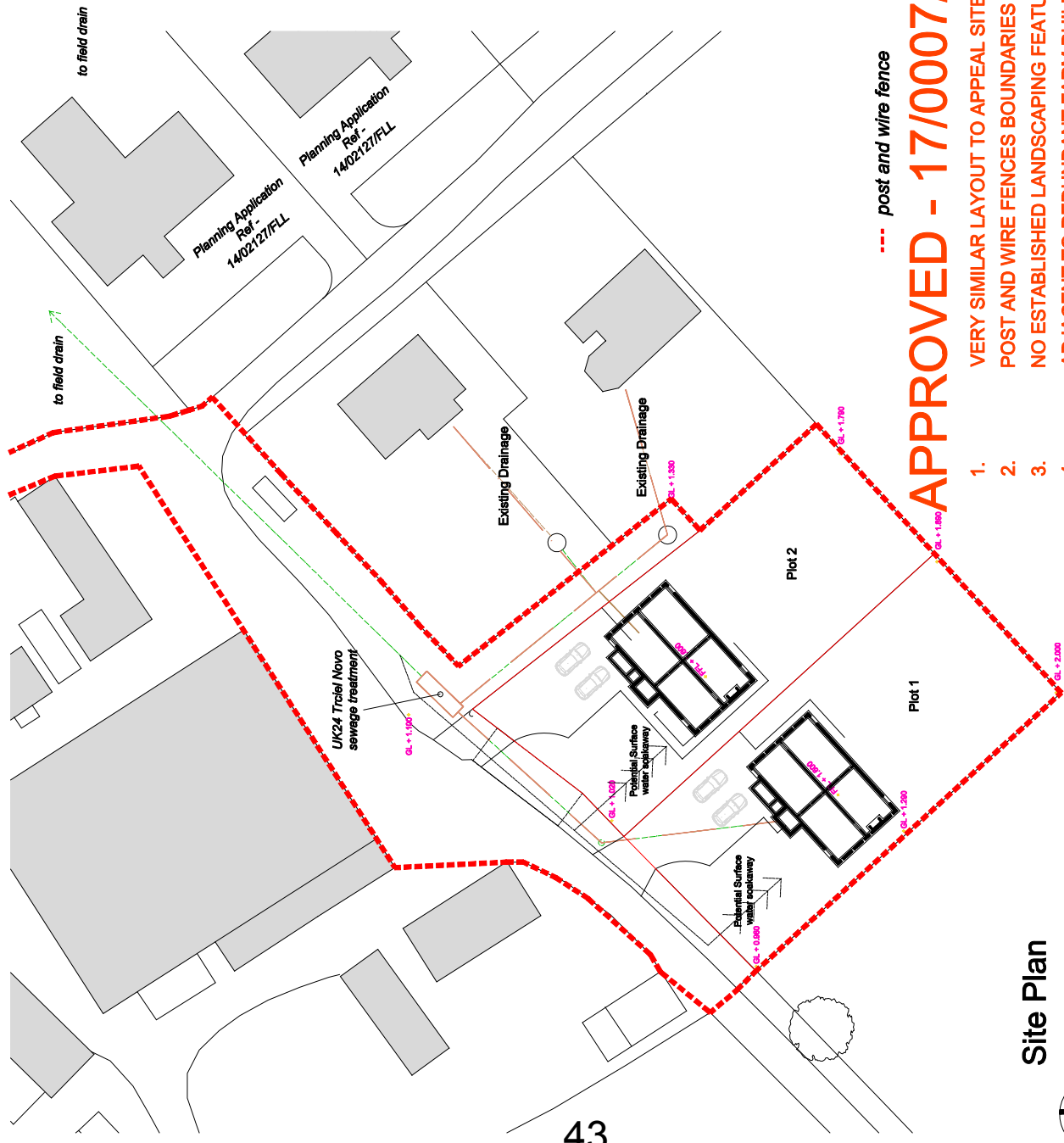




Location Plan

Scale in metres at 1:2500

Rev: A - House site & drainage info amended, Oct 18  
Drawn:  
**LEADINGHAM JAMESON ROGERS + HYND**  
C H A R T E R E D A R C H I T E C T S  
18 South Troy Street Dundee DD1 1PD Tel: 01382 208511 Fax: 01382 223228 e-mail: [info@ljrh.co.uk](mailto:info@ljrh.co.uk)  
Job Name: Proposed Housing at 20 Holding, Woodside  
Job No: 3348  
Scale: as noted @ A3  
Date: Oct 18  
Rev: A  
Dwg Title: Proposed Site & Location Plan



Site Plan

Scale in metres at 1:500

**APPROVED - 17/0007/FLL**

1. VERY SIMILAR LAYOUT TO APPEAL SITE  
2. POST AND WIRE FENCES BOUNDARIES  
3. NO ESTABLISHED LANDSCAPING FEATURES  
4. ADJACENT TO REDUNDANT FARM BUILDINGS





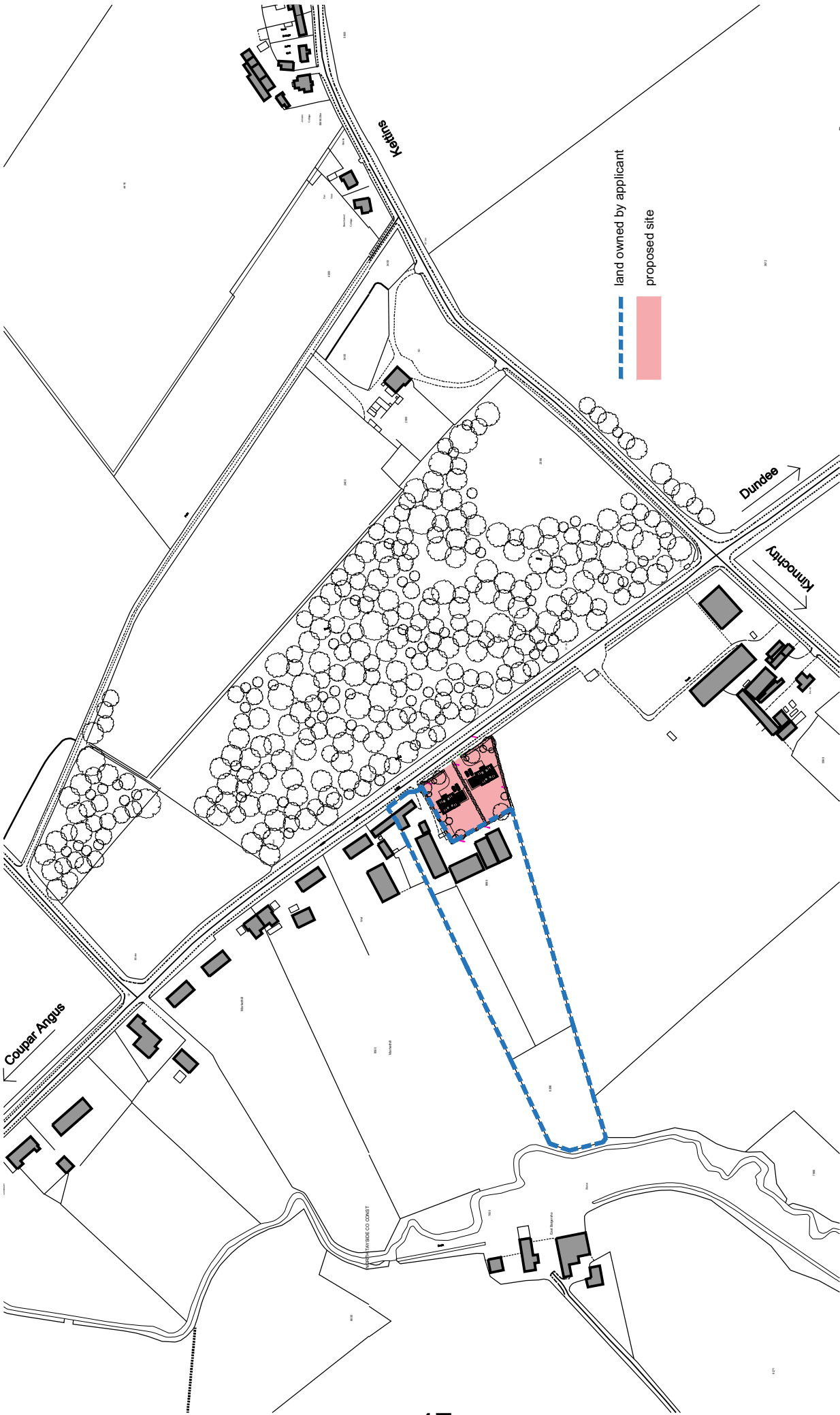
**TCP/11/16(517) – 17/01429/FLL – Erection of 2 dwellinghouses on land 50 metres south of 1 Markethill, Kettins**

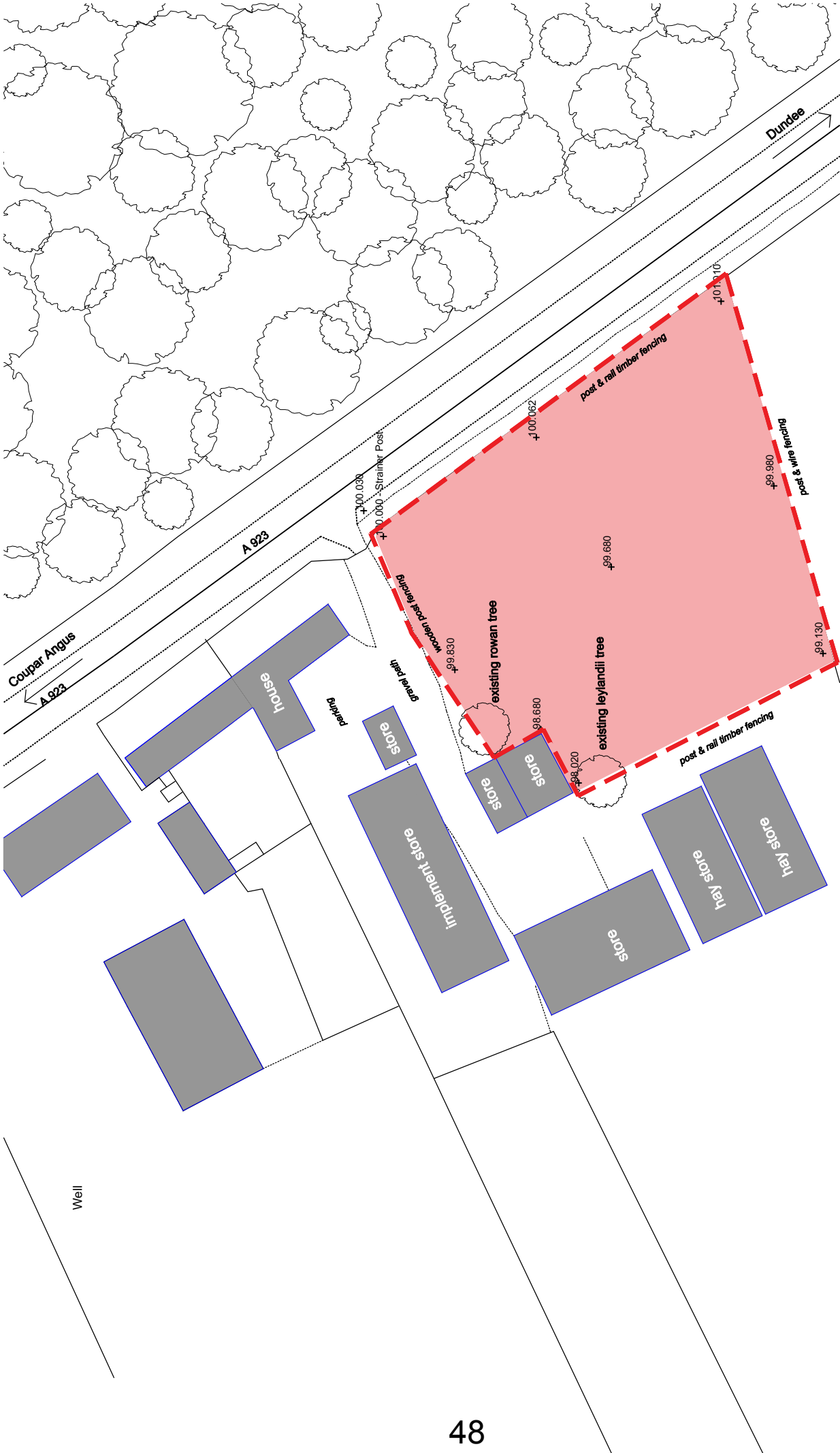
**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 21-22)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 23-32)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 35, 37-40 and 44)*







Existing Site Plan



Rev. B - additional information included

**LEADINGHAM JAMESON ROGERS + HYND**  
C H A R T E R E D A R C H I T E C T S  
18 South Dy Street Dundee, DD1 1PD. Tel: 01382 220511 Fax: 01382 222509 Email: [enquiries@ljrh.co.uk](mailto:enquiries@ljrh.co.uk)

Job No: 11  
Client: Housing Development, Markethill, Kettins  
Drawn: [Name]  
Date: [Date]  
Scale: 1:500 @ A3  
Drawing No: 03  
Rev: 8  
Date: 17 Sept 17

**TCP/11/16(517) – 17/01429/FLL – Erection of 2  
dwellinghouses on land 50 metres south of 1 Markethill,  
Kettins**

## **REPRESENTATIONS**



**From:**Yvonne Henderson  
**Sent:**20 Sep 2017 09:28:10 +0100  
**To:**Development Management - Generic Email Account  
**Cc:**Anne Phillips  
**Subject:**Ref 17/01429/FLL our ref 2017/0152/DND

Your Ref: 17/01429/FLL

Our Ref: 2017/0152/DND

Dear Sir/Madam,

PROPOSAL: Erection of 2nr. dwelling houses

LOCATION: Land 50 metres South of 1 Markethill Kettins for Mr Keith Webster

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for Dundee Airport.

Therefore, Dundee Airport Limited has no objections to the proposal.

Regards

Safeguarding Team

on behalf of Dundee Airport Limited

c/o Highlands and Islands Airports Limited Head Office, Inverness Airport, Inverness IV2 7JB

■ [REDACTED]

☐ [safeguarding@hial.co.uk](mailto:safeguarding@hial.co.uk) ☐ [www.hial.co.uk](http://www.hial.co.uk)

---

This email has been scanned for email related threats and delivered safely by Mimecast.  
For more information please visit <http://www.mimecast.com>

---



25/09/2017

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



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

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

Dear Local Planner

**PH13 Kettins Markethill Land 50 Metres South Of 1**  
**PLANNING APPLICATION NUMBER: 17/01429/FLL**  
**OUR REFERENCE: 750931**  
**PROPOSAL: Erection of 2no. dwellinghouses**

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

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

**Water**

- There is currently sufficient capacity in the Lintrathen Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**Foul**

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

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission**

has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

**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>                | 17/01429/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Erection of 2no. dwellinghouses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                           |
| <b>Address of site</b>                          | Land 50 Metres South Of 1 Markethill, Kettins                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                           |
| <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 Kettins 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:</u> £0</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                           |
| <b>Date comments returned</b>                   | 29 September 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                             |                                                                           |



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |             |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------|
| <b>Planning Application ref.</b>                | 17/01429/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Niall Moran |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Contact Details</b>      | ██████      |
| <b>Description of Proposal</b>                  | Erection of 2no. dwellinghouses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |             |
| <b>Address of site</b>                          | Land 50 Metres South Of 1 Markethill Kettins                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |             |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                             |             |
| <b>Recommended planning condition(s)</b>        | <p>AR01 Prior to the development hereby approved being completed or brought into use, the vehicular accesses shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type A access detail.</p> <p>RAR04 Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> <p>AR04 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.</p> <p>RAR02 Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.</p> <p>AR05 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.</p> <p>RAR01 Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.</p> |                             |             |
| <b>Recommended informative(s) for applicant</b> | The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |             |
| <b>Date comments returned</b>                   | 5 October 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |             |





# Memorandum

|          |                             |         |                            |
|----------|-----------------------------|---------|----------------------------|
| To       | Development Quality Manager | From    | Regulatory Service Manager |
| Your ref | 17/01429/FLL                | Our ref | MP                         |
| Date     | 10 October 2017             | Tel No  | ██████████                 |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission RE Erection of 2no. dwellinghouses Land 50 Metres South Of 1 Markethill Kettins for Mr Keith Webster**

I refer to your letter dated 19 September 2017 in connection with the above application and have the following comments to make.

### Recommendation

**I have no objection in principle to the application but recommend the under noted condition be included on any given consent.**

### Comments

This application contains provision for a wood burning stove and associated flue. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.

Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer, therefore I recommend this be included as a condition, which I have attached below

### Condition

**EH50** The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.



**TCP/11/16(518) – 17/01725/FLL – Erection of 2  
dwellinghouses on land 70 metres west of Garden Cottage,  
Pitnacree**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 65-136***)
- (b) Decision Notice (***Pages 79-80***)
  - Report of Handling (***Pages 81-89***)
  - Reference Documents (***Pages 101-136***)
- (c) Representations (***Pages 139-156***)



**TCP/11/16(518) – 17/01725/FLL – Erection of 2  
dwellinghouses on land 70 metres west of Garden Cottage,  
Pitnacree**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100083614-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

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

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                               |                                                                  |
|----------------------|-----------------------------------------------|------------------------------------------------------------------|
| Title:               | <input type="text" value="Other"/>            | You must enter a Building Name or Number, or both: *             |
| Other Title:         | <input type="text"/>                          | Building Name: <input type="text" value="Algo Business Centre"/> |
| First Name: *        | <input type="text"/>                          | Building Number: <input type="text"/>                            |
| Last Name: *         | <input type="text"/>                          | Address 1 (Street): * <input type="text" value="Glenearn Road"/> |
| Company/Organisation | <input type="text" value="Pitnacree Estate"/> | Address 2: <input type="text"/>                                  |
| Telephone Number: *  | <input type="text"/>                          | Town/City: * <input type="text" value="Perth"/>                  |
| Extension Number:    | <input type="text"/>                          | Country: * <input type="text" value="Scotland"/>                 |
| Mobile Number:       | <input type="text"/>                          | Postcode: * <input type="text" value="PH2 0NJ"/>                 |
| Fax Number:          | <input type="text"/>                          |                                                                  |
| Email Address: *     | <input type="text"/>                          |                                                                  |

## Site Address Details

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

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="753539"/> | Easting | <input type="text" value="292341"/> |
|----------|-------------------------------------|---------|-------------------------------------|



## Description of Proposal

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

Erection of 2 dwellinghouses on land 70 metres west of Garden Cottage, Pitnacree

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to grounds of appeal as set out in the attached supporting statement

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

☐ Yes ☒ No

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

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

MBM1 - Application forms, location plan and proposed elevations, MBM2 - Decision notice, MBM3 - Planning & Design Statement, MBM4 - Report of Handling, MBM5 - Tree Survey Log and Plan, MBM6 - Proposed site plan and site sections, MBM7 - Ecological Appraisal and Grounds of Appeal Statement in support of Notice of Review.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/01725/FLL

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

04/10/2017

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

21/11/2017

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

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

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

To assess the manner in which the site meets with the building groups and infill sites categories of the council's housing in the countryside policy.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Mark Myles

Declaration Date: 09/02/2018



## **Grounds of Appeal Statement in Support of Notice of Review (17/01725/FLL)**

### **Erection of 2 dwellinghouses at Pitnacree**

---

#### **1. Introduction**

---

- 1.1 This ground of appeal statement should be read in conjunction with the Notice of Review Appeal submitted on 9<sup>th</sup> February 2018 on behalf of Pitnacree Estate, for the erection of two houses on land 70 metres west of Garden Cottage, Pitnacree. The planning application and plans (17/01725/FLL) (copy attached - MBM1) was refused by PKC on 21<sup>st</sup> November 2017 (attached – MBM2).
- 1.2 The proposal requires to be considered under the terms of the relevant development plan policies (PM1 – Placemaking, RD3 – Housing in the Countryside and NE2 Forestry Woodland and Trees, of the Perth & Kinross Local Development Plan) but also the council's Housing in the Countryside Supplementary Guidance that was approved by the council in November 2014 and Scottish Planning Policy (June 2014).
- 1.3 A detailed supporting planning and design statement (produced by Sutherland & Co. Architects and Galbraith) was submitted as part of the original planning application (copy attached – MBM3).
- 1.4 We contest the council's single reason for refusal of the planning application and the assessment of the application as contained within the Report of Handling (copy attached - MBM4).
- 1.5 The planning application was also supported by a Tree Survey and Plan (prepared by CKD Galbraith) (MBM5); Site Plan and Cross Sections to address potential flood risk (prepared by Sutherland & Co.) (MBM6); and an Ecological Appraisal (prepared by SLR Consulting Ltd) (MBM7), which are all submitted in support of this appeal.

## 2. Grounds of Appeal and Response to PKC Reason for Refusal

---

- 2.1 As highlighted above, the planning application was refused by the council on 21<sup>st</sup> November 2017 for the following single reason;

*'The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the site would not respect the character, layout and building pattern of the group and that a high standard of residential amenity cannot be achieved. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or replacement of redundant non-domestic buildings or (6) Rural Brownfield Land.'*

- 2.2 As can be seen from the photographs included in the Report of Handling (MBM4), the site clearly benefits from a suitable landscape framework and setting which is capable of absorbing the development. In fact, the Report of Handling confirms that *'the site is well defined and largely enclosed by a mixture of planted and self-seeded cover.'*
- 2.3 This site is regarded as an identifiable infill site located within a recognised building group with long established and clearly defined boundaries i.e. it is not a newly created site and development would not have a detrimental impact on the surrounding landscape. The detailed plans submitted in support of the application show the houses to be contemporary in design and with high quality finishing materials paying regard to the wider setting and the Pitnacree locality.
- 2.4 No issues were raised by the appointed officer in respect of the design of the proposed houses.
- 2.5 We consider that the proposal would reflect the character and density of development as well as the spacing between buildings within Pitnacree. The proposed plot sizes and width of road frontage for both plots are comparable with others in the area. We do not believe that the development of this site would be detrimental to the amenity of the area or of any other property in anyway. No objections were received from any party. Indeed, if anything we consider the development of this site would complement the established building pattern and amenity of the area and enhance the viability of the wider Pitnacree area.
- 2.6 The principle of development on the site requires to be considered against Policy RD3 Housing in the Countryside and the associated Housing in the Countryside Guide. The council 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 open countryside
- d) Renovation or replacement of houses
- e) Conversion or replacement of redundant non-domestic buildings
- f) Development on rural brownfield land

- 2.7 In this case there are 2 key policy tests for assessing the principle of erecting two houses on this site - not just the 1 policy test as stated in the Report of Handling and the reason for refusal.
- 2.8 The Report of Handling only assess the proposal against Category a) building groups. However, due to the circumstances of this site it is considered that in addition to assessing the proposal under category a) building groups, an assessment against category b) Infill sites is also required and appropriate.
- 2.9 Of the 6 categories contained within the policy, it is considered that the proposal satisfies the terms of **Category a/1 – Building Groups** which states '*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.'
- 2.10 The application seeks detailed consent for two houses to be erected as part of the existing group of buildings at Pitnacree. In visual terms the proposed houses would be read as part of the wider grouping at Pitnacree where there are already more than 3 buildings as is required by the building group criteria of the policy. The Report of Handling considers that there is a building group located to the east of this site but that this site does not form part of this grouping due to the burn that forms an edge to the building group.
- 2.11 However, in terms of this key policy issue we would argue that the river, the road and the well-established landscape features also help to define and frame the character and layout of the building group and not just the burn that extends across the road to the north. Development is already located between the road and the river and also on

the north side of the road. This site is also framed by the well-established landscaping and trees and due to the route of the river and the direction and angle of the road to the west, this site would form the limit to any expansion within the building group in this particular direction. At the same time the proposal would not extend the building group beyond the gate lodge to Pitnacree House which already provides an existing defined western limit to the Pitnacree grouping. On the western approach to Pitnacree the settlement identification road sign is located slightly further to the west of the gate lodge which provide further evidence that the gate lodge and entrance to Pitnacree House mark the defined edge or boundary of the Pitnacree settlement in this direction.

- 2.12 The tree survey report and plan (MBM5) show that there would be a requirement to remove only 2 trees and some self-seeded trees (marked x on the tree survey plan) from the centre of the site. All other mature trees located around the site boundaries would be retained. The two trees to be removed (Beech and Pedunculate Oak) are both already in very poor condition and not of high quality and opportunities for compensatory replacement planting are available on the site which can be conditioned as part of any approval.
  
- 2.13 The design and layout of the development and the extensive ecological survey work have also taken account of the health and location of all trees to be retained and the layout has been modified from an earlier withdrawn planning application (17/00945/FLL) to provide suitable root protection areas for all retained trees. A construction method statement and tree protection measures would therefore be appropriate conditions as part of any approval.
  
- 2.14 The proposed riverside and wooded setting would therefore provide a high level of residential amenity and quality setting for the proposed houses in accordance with the building groups category of the policy. No objections had been received from any consultee or from the Biodiversity Officer to either the proposed tree survey or the ecological survey and approval of the two houses could be subject to conditions to protect the existing mature trees on the site thereby addressing and preventing any perceived '*inevitable*' clearance of trees by future occupants (as claimed by the appointed officer in the Report of Handling) which would then be unlawful.
  
- 2.15 Within the Report of Handling the appointed officer has also not given any consideration to whether the proposed site is a clearly definable **infill site** in accordance with **Category b** of policy RD3, whilst reflecting and respecting the existing pattern and spacing of development along this stretch of the road. Section 2 of the Supplementary Guidance provides more details and states that for 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 criteria are met.



- 2.16 As noted in the planning and design statement historical Ordnance Survey maps of Pitnacree have shown that a cottage and outbuildings previously occupied the north east corner of the appeal site. The cottage was demolished in the 1980's as the structure had deteriorated to the point where it posed a health and safety risk. However, its presence, combined with that of the gate lodge to the north west, and the settlement road sign on the western approach to Pitnacree, show that the historic extent of the building group has always incorporated the proposed site.
- 2.17 The proposals therefore also involve infilling of a gap situated between existing long-established properties already located immediately to the east which are at least equivalent in size to a traditional cottage and also the gatehouse/lodge located to the north west. The proportion of each plot occupied by the two new houses will also be similar to that exhibited by the existing houses and there are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed houses and the amenity of the existing houses would be maintained. The size and proportions of the infill houses are also in sympathy with the existing houses. It is also significant that the full extent of the gap will be included in the 2-house development and as such the proposal is therefore also considered to be consistent with the criteria set out in Category 2 of the council's Supplementary Guidance on infill sites.
- 2.18 The development of two houses will blend in sympathetically with the land form by utilising the existing trees and slopes to provide a backdrop. This is an identifiable site with long established boundaries. It is not a newly created site and it will not have a detrimental impact on the surrounding landscape.
- 2.19 Overall the site has an excellent landscape framework and well-defined boundaries on all sides, and there would be no impact to the amenity of the existing properties as the access to the proposed houses would be taken direct from the public road. The required standard of access and visibility splays can be provided within the site as shown on the proposed site plan.
- 2.20 The proposal would therefore provide a small scale high quality rural housing opportunity as part of an existing cluster and group of buildings where no other development opportunities have been identified in recent years.
- 2.21 Support for this type of housing in the countryside proposal is also fully endorsed within Scottish Planning Policy which advocates that '*the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.*' (para 75).
- 2.22 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that '*plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.*'

- 2.23 Paragraph 83 also highlights that plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character and there should be no need to impose occupancy restrictions on housing.

### **3 Conclusions**

---

- 3.1 This Notice of Review Appeal seeks consent to erect two houses on an infill site which also forms part of the existing building group at Pitnacree.
- 3.2 The development of two houses on this site would not prejudice the objectives of the Housing in the Countryside Policy and would not create a precedent for further adhoc development in the countryside.
- 3.3 There are sufficient and justifiable reasons for allowing the proposed houses as they are consistent with the key policy consideration (policy RD3 a) building groups and b) infill site, in the adopted local development plan) as well as the building groups (1) and infill sites (2) categories of the council's Housing in the Countryside Supplementary Guidance.
- 3.4 The site benefits from a strong and robust landscape framework, the development will not impact on the amenity of other properties and suitable access to the public road can be provided. The houses will have a hugely positive impact on the community and the proposed design for the houses is considered to meet the highest standards as required by Policy PM1 of the adopted local development plan and also complies fully with the advice contained within Scottish Planning Policy.
- 3.5 There are no other technical difficulties or infrastructure issues raised by this proposal and no objections were received from any individual or organisation.
- 3.6 We would therefore respectfully request that this Notice of Review can be approved under the terms of Category a/1 (building groups) and also Category b/2 (infill sites) of the council's Housing in the Countryside Policy as well as being in conformity with Scottish Planning Policy subject to any conditions that may be considered necessary by the Local Review Body.

# PERTH AND KINROSS COUNCIL

Pitnacree Estate  
c/o Galbraith  
Lauren Springfield  
Stirling Agricultural Centre  
Suite C  
Stirling Agricultural Centre  
Stirling  
UK  
FK9 4RN

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 21st November 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01725/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 4th October 2017 for permission for **Erection of 2no. dwellinghouses Land 70 Metres West Of Garden Cottage Pitnacree** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the site would not respect the character, layout and building pattern of the group and that a high standard of residential amenity cannot be achieved. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or replacement of redundant non-domestic buildings or (6) Rural Brownfield Land.

## **Justification**

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

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**

**17/01725/1**

**17/01725/2**

**17/01725/3**

**17/01725/4**

**17/01725/5**

**17/01725/6**

**17/01725/7**

**17/01725/8**

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                 |      |
|------------------------|-----------------|------|
| Ref No                 | 17/01725/FLL    |      |
| Ward No                | P4- Highland    |      |
| Due Determination Date | 03.12.2017      |      |
| Case Officer           | Joanne Ferguson |      |
| Report Issued by       |                 | Date |
| Countersigned by       |                 | Date |

**PROPOSAL:**      Erection of 2no. dwellinghouses

**LOCATION:**      Land 70 Metres West Of Garden Cottage Pitnacree

### 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:** 27 October 2017

### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The site is located to the west of Pitnacree. Measuring approximately 1.2 acres and roughly triangular in shape, it is bordered to the north by the public road, to the south by the River Tay and to the east by a small burn.

The site is well defined and largely enclosed by a mixture of planted and self-seeded tree cover. Non-native tree species are present, including a formally planted row of mature cedars to the road edge. The site lies at a lower level to the adjacent road.

The proposal is to erect two dwellings centrally within the site at least 12m from the river bank. The houses are offset in plan and are contemporary in the design and finish.

## **SITE HISTORY**

17/00945/FLL Erection of 2no dwellinghouses 3 August 2017 Application Withdrawn

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Various discussions, concerns raised regrading principle of development.

## **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 NE3 - Biodiversity**

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

### **Policy NE2A - Forestry, Woodland and Trees**

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

establishment in advance of major development where practicable.

#### Policy NE2B - Forestry, Woodland and Trees

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

### OTHER POLICIES

Supplementary Developer Contributions Guidance  
Housing in the Countryside Guide 2012

### CONSULTATION RESPONSES

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Scottish Water                   | No objection                      |
| Transport Planning               | No objection, conditions required |
| Local Flood Prevention Authority | No objection                      |
| Contributions Officer            | No contribution required          |
| Environmental Health             | No objection, condition required  |

### REPRESENTATIONS

No letters of representation received

### ADDITIONAL INFORMATION RECEIVED:

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

### 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 proposal is considered under Policy PM1 Placemaking and RD3 Housing in the Countryside. Other policy considerations include PM3 Infrastructure Contributions, NE1 Environment and Conservation, NE2 Forestry, Woodland and Trees, NE3 Biodiversity and EP15 Development within the River Tay Catchment Area which are covered in other sections of the report.

The principle of development on the site is considered against Policy RD3 Housing in the Countryside and the associated Housing in the Countryside Guide 2012. 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 open countryside
- d) Renovation or replacement of houses
- e) Conversion or replacement of redundant non-domestic buildings
- f) Development on rural brownfield land

The proposal is considered under category a/1 of the policy/guide as it does not fall within any other category.

Category a/1 Building Groups states that 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 provide 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 proposed house.

There is an existing building group to the east of the site which is defined and contained by the by the burn with the grouping extending north across the public road. There is a gatehouse/lodge to the northwest of the application site across the public road which sits isolated from the building group.

I consider the existing building group to be strongly defined by the burn and the tree belt. The development of the site would therefore not respect the character, layout and building pattern of the group which is tightly confined and grouped to the east of the burn.

I also consider that as the site due to its tree cover and requirement for clearing of self-seeded trees on the site would not demonstrate that a high standard of residential amenity could be achieved. The proposal tries to retain the mature trees on site however the retention of these trees would not provide a high level of amenity for the proposed houses and inevitably may lead to the further clearance of trees by future occupants.

### **Design and Layout**

The dwellings are contemporary on a staggered footprint and stepped floor plan working with the topography of the site. The roofs are mono-pitch with varied north/south orientations.

The external walls will comprise natural rubble stone. Roofs, fascias and cladding to upper wall surfaces will be of zinc. Window and door frames will be timber.

I consider the contemporary design and material to be acceptable.

### **Trees and Biodiversity**

The site is well defined and largely enclosed by a mixture of planted and self-seeded tree cover. Non-native tree species are present, including a formally planted row of mature cedars to the road edge. The site lies at a lower level to the adjacent road.

The tree survey and planning statement notes that two trees are to be removed. A number of trees however appear to be noted with an x in submitted plans and I assume are self-seeded trees as the mature planting is noted and numbered in the report. The site is also close to the River Tay which has been considered in the supporting information a Construction Method Statement would be conditioned if the proposal was considered acceptable.

The Biodiversity Officer has considered the report submitted and has no objection but recommends a number of conditions should the proposal be considered.

Whilst I note the intentions to retain the trees on the site I have concerns about the amount of clearance required and some of which has already been undertaken at the access point prior to submission I also have concerns regarding the level of amenity that can be achieved with the trees being retained (see next section).

### **Residential Amenity**

The dwellings have been sited and designed to take account of the topography and tree coverage in the site. I have concerns that future residents may find the woodland setting of the site detrimental to the amenity of the dwelling in terms of overshadowing and loss of light. I am also concerned about a lack of useable garden ground due to the trees and topography.

The dwellings include wood burning stoves and the associated flues. The Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.

Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer and use of a planning condition.

### **Visual Amenity**

The site is located at a lower level to the public road and there is mature planting along the road side boundary. It is considered that the development of the site would not have a significant detrimental impact on the wider visual amenity of the area.

### **Roads and Access**

The site is accessed from the public road passing through Pitnacree, and on to Strathtay to the west. Prior to progressing the application, a meeting was held with the council Transport Planning Officer who commented that a 2.4x50m visibility splay and 'type B' road access would suffice for the purposes of a two house site at this location.

Transport Planning have no objection and recommend standard conditions.

### **Drainage and Flooding**

The Flood Team have confirmed that according to SEPA maps, part of the proposed development lies within the envelope for low – medium fluvial flooding. SuDs are included in the site plan to compensate for increased runoff from both developments. Their records show that the C447 at Pitnacree flooded in 2002 due to blocked culverts, however the land for the proposed development drains away from the road. They confirm that they have no objection to the proposal.

### **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 Grandtully Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

#### **Refuse the application**

#### **Reasons for Recommendation**

1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the site would not respect the character, layout and building pattern

of the group. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or replacement of redundant non-domestic buildings or (6) Rural Brownfield Land.

### **Justification**

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

### **Informatives**

None

### **Procedural Notes**

Not Applicable.

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

17/01725/1

17/01725/2

17/01725/3

17/01725/4

17/01725/5

17/01725/6

17/01725/7

17/01725/8

**Date of Report** 16/11/17





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 100066155-001

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)

Erection of two dwellinghouses.

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:                                                                                 | Galbraith                             |                                                      |                              |
| Ref. Number:                                                                                          |                                       | You must enter a Building Name or Number, or both: * |                              |
| First Name: *                                                                                         | Lauren                                | Building Name:                                       | Stirling Agricultural Centre |
| Last Name: *                                                                                          | Springfield                           | Building Number:                                     |                              |
| Telephone Number: *                                                                                   | 01786435040                           | Address 1 (Street): *                                | Suite C                      |
| Extension Number:                                                                                     |                                       | Address 2:                                           | Stirling Agricultural Centre |
| Mobile Number:                                                                                        | 07920495414                           | Town/City: *                                         | Stirling                     |
| Fax Number:                                                                                           |                                       | Country: *                                           | UK                           |
|                                                                                                       |                                       | Postcode: *                                          | FK9 4RN                      |
| Email Address: *                                                                                      | lauren.springfield@galbraithgroup.com |                                                      |                              |
| Is the applicant an individual or an organisation/corporate entity? *                                 |                                       |                                                      |                              |
| <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity |                                       |                                                      |                              |

## Applicant Details

Please enter Applicant details

|                      |                  |                                                      |                              |
|----------------------|------------------|------------------------------------------------------|------------------------------|
| Title:               | Other            | You must enter a Building Name or Number, or both: * |                              |
| Other Title:         |                  | Building Name:                                       | Suite C                      |
| First Name: *        |                  | Building Number:                                     |                              |
| Last Name: *         |                  | Address 1 (Street): *                                | Suite C                      |
| Company/Organisation | Pitnacree Estate | Address 2:                                           | Stirling Agricultural Centre |
| Telephone Number: *  |                  | Town/City: *                                         | Stirling                     |
| Extension Number:    |                  | Country: *                                           | United Kingdom               |
| Mobile Number:       |                  | Postcode: *                                          | FK9 4RN                      |
| Fax Number:          |                  |                                                      |                              |
| Email Address: *     |                  |                                                      |                              |



## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

753541

Easting

292335

## 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)

Meeting with roads officer to confirm viability of access.

Title:

Mr

Other title:

First Name:

Tony

Last Name:

Maric

Correspondence Reference Number:

Date (dd/mm/yyyy):

01/12/2016

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)

Communication with planning officer for previously withdrawn application, reference 17/00945/FLL.

Title:

Mrs

Other title:

Planning Officer

First Name:

Joanne

Last Name:

Ferguson

Correspondence Reference Number:

17/00945/FLL

Date (dd/mm/yyyy):

30/05/2017

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:

0.50

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)

Lightly wooded open ground.

## 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: \*

As per planning drawings. New septic tank and soakaway.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Do your proposals make provision for sustainable drainage of surface water?? *<br/>(e.g. SUDS arrangements) *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>                                                                                                                                                                                                                                                                                                                                 |
| <p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>                                                                                                                                                                                                                                                                                                                                                                     |
| <h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p> |
| <h2 style="margin: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                       |
| <h2 style="margin: 0;">Waste Storage and Collection</h2> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 40px;"> <p>It is anticipated that standard municipal residential bins will be provided by the local authority as the site is residential. This can be located within the garden grounds.</p> </div>                                                                                                                                |
| <h2 style="margin: 0;">Residential Units Including Conversion</h2> <p>Does your proposal include new or additional houses and/or flats? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>How many units do you propose in total? * <span style="float: right; border: 1px solid black; padding: 2px 10px;">2</span></p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>                                                                                                                                                                                                            |
| <h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

## Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Lauren Springfield

On behalf of: Pitnacree Estate

Date: 03/10/2017

☒ 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)

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: Mrs Lauren Springfield

Declaration Date: 20/09/2017





## **1604 Pitnacree**

### **Proposed houses Design Statement**

#### **1. Introduction**

This Design Statement has been produced by Sutherland & Co. Architects and Galbraith as agents, in support of an application for detailed planning permission for two detached homes in Pitnacree, Perthshire.

#### **2. The site**

The site occupies the western edge of Pitnacree. Measuring approximately 1.2 acres and roughly triangular in shape, it is bordered to the north by an unclassified public road leading from the A827 to Strathtay, to the south by the River Tay and to the east by a small burn that runs through the settlement.

The site is well defined and largely enclosed by a mixture of planted and self-seeded tree cover. Non-native tree species are present, including a formally planted row of mature cedars to the road edge. The site generally lies 4-5m below the adjacent road level and enjoys a southerly aspect, with a gentle slope that increases to a steep bank towards the river. This bank places the site at least 6m above the normal river level and combined with the lower opposite bank this ensures that there is no flood risk associated with the site. As a consequence of the boundaries being dominated by mature tree cover and the topography, the site interior is remarkably well screened from the adjacent road and wider landscape views.



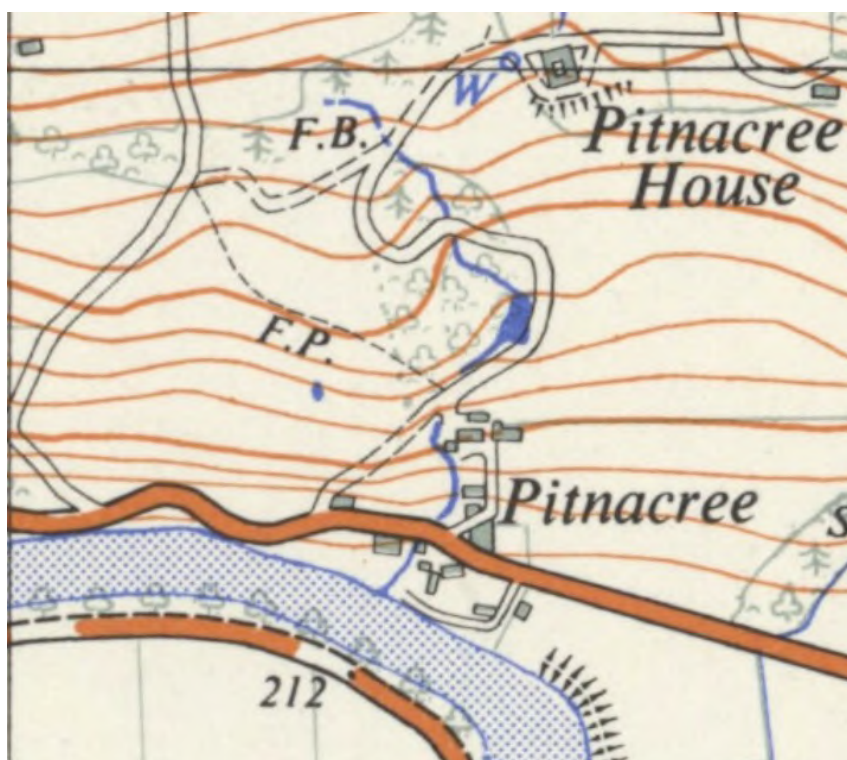
Image copyright Bing Maps

The site sits within the managed landscape of the Pitnacree estate. Historical Ordnance Survey maps of Pitnacree, from 1863 through to 1959 respectively, show a cottage and outbuildings occupying the north-east corner. This cottage was demolished in the 1980s when the structure had deteriorated to the point that it posed a health and safety risk. However its presence, combined with that of the gate lodge to the northwest, demonstrate that the historic extent of the village has historically incorporated the proposed development site. This position



is further reinforced by the housing allocation that was in place on the area to the north of the site under the previous local plan, prior to the removal of settlement boundaries from communities of this scale.

Ordnance Survey Sheet XL.13, Perth and Clackmannan, 25 inch scale, 1863



Ordnance Survey Map, 1959

### **3. Pitnacree**

The small settlement of Pitnacree continues along the river bank to the east of the site and extends towards the estate gate lodge and gardens north and west of the site. The site is enclosed by mature planting that encompasses and defines the wider settlement. In recent years broadleaf trees were planted on the site but these failed to take, possibly due to the significant perimeter cover offered by the canopy of existing mature trees. This scrub cover was subsequently removed from site, but all mature trees have been retained. Further comment on the tree cover and ecology of the site is offered below.

### **4. Access**

The site is accessed from an unclassified public road that runs from the A827 to the east, through Pitnacree, and on to Strathtay to the west. There is no speed limit restriction in Pitnacree, however, a 30mph zone starts approximately 600m to west at Strathtay. The road character is gently winding, with typically no more than 100m forward visibility, and features several private driveway entrances in the vicinity of the site. Restricted forward visibility, the incidence of driveway entrances and a narrow road bridge (with approx. 4m clear width) act as informal traffic calming features. Prior to progressing the application, a meeting was held with the council Transport Planning Officer who commented that a 2.4x50m visibility splay and 'type B' road access would suffice for the purposes of a two house site at this location. These demands have been accommodated in the design and are demonstrated with the drawings that accompany this application.

### **5. The proposal**

The following design principles have been employed:

- Existing established planting, particularly mature tree cover and riverbank habitat, to be preserved to protect site ecology and visual amenity
- Access to continue established pattern of informal driveway entrances direct from existing roadway
- Development height restricted to single storey to minimise visibility from roadway and from wider landscape views
- Sensitive contextual contemporary design that respects the visual scale of nearby buildings and wider landscape setting
- Building materials to be visually recessive and sympathetic to local traditional buildings
- Development to adhere to ambitious sustainability standards

The proposed houses have been placed in the middle of the site away from the boundary tree cover and at a distance of at least 12m from the river bank. The houses are specifically positioned in relation to groups of well-established trees that consolidate the boundary: they are offset in plan (and consequently section) from one another, helping to establish a more

varied massing. Plans are further arranged to follow the site topography, with internal floor levels stepping down the slope, minimising ground works and disruption to site ecology.

A simple palette of robust high quality materials is proposed. External walls will comprise natural rubble stone. Roofs, fascias and cladding to upper wall surfaces will be of pre-patinated zinc. Window and door frames will be timber. These materials are visually recessive and tonally sympathetic to local traditional buildings.

The proposal follows passive sustainable design principles. In particular, the site's southerly aspect has been exploited to maximise natural daylighting and passive solar gain. A high level of fabric air tightness and thermal insulation will be employed to minimise energy demand in use. Space heating will rely on ground source heat pump technology, extracting heat from a bore hole.

## **6. Policy Compliance**

The proposal has been developed in view of the following relevant housing planning policy and additional guidance and a number of associated policies that cover site specific features relating to hydrology and ecology.

### ***LDP Policy RD3: Housing in the Countryside***

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

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

### ***Supplementary Guidance: Housing in the Countryside***

#### ***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).*

As noted above, it is considered that the application is well founded on the basis of the housing in the countryside policy. The addition of the two proposed housing units occurs in a well-defined site where boundaries are clearly delineated by historic walls and planting and topographic features, all of which would prevent defend against future development that could coalesce with the development. The proposal fits the existing pattern of development at Pitnacree and provides a natural extension to the run of housing that lies between the road and the river, whilst not extending the settlement beyond the gate lodge to Pitnacree House, the existing western outlier to the settlement. There will be no impact to existing amenity and as the two houses have been brought forward together, careful consideration has been



allowed of the interaction of the two buildings including the preservation of the amenity of the new residents. Whilst it is something of a stretch to describe the houses as a replacement of an existing property, there is the historic evidence of housing on site and the removal of this building has not been fully effected, with rubble remaining on site. Development of this consent will force completion of this process and ensure the potentially detrimental impacts of ecology noted in the tree survey are resolved.

Given the unusual character of the site, with its varied woodland cover and co-location with the River Tay, the applicant has made the deliberate and considered approach to move directly to submitting an application for full planning permission. It is considered that an application on this basis, supported by a full architectural design, best demonstrates not only

compliance with the group of buildings policy but also that any concerns regarding site sensitivity had been adequately addressed.

In addition to the housing policy, this proposal has therefore also been advanced with awareness and consideration of the ecology and hydrology of the site and the relevant policies that concern these matters. It is noted the following policies have been considered in relation to the application:

***Policy NE1A: International Nature Conservation Sites***

*Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas) or Ramsar site, will only be permitted where:*

- (a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or*
- (b) there are no alternative solutions, and*
- (c) there are imperative reasons of overriding public interest, including those of social or economic nature.*

This policy is relevant given the immediate boundary of the site with the River Tay SAC. However it is not considered that there is any potential for a significant effect and thus development complies with this policy. This is evidenced by the both the findings of the environmental surveys and studies undertaken in relation to the site and the correspondence exchanged with Scottish Natural Heritage regarding the need for appropriate assessment.

In addition to the requirements of this policy, consideration has also been given to the guidance offered by Scottish Natural Heritage in their document “*River Tay Special Area of Conservation (SAC) - Advice to developers when considering new projects which could affect the River Tay Special Area of Conservation*” and direct guidance offered by the agency in specific regard to this site.

In order to qualify the ecology of the site and assess the viability of development, the first action undertaken in progressing the application was a Preliminary Ecological Appraisal (PEA), which assessed the ecology of the site and clarified the acceptability and viability of development both in relation to this ecology and the potential for impacts on the neighbouring, designated site.

The outcome of this work, initially undertaken in June 2016 and refreshed in the summer of 2017, was that there were no features identified that formed a barrier to development. The key outcomes of this work, and the further engagement with SNH that followed the 2016 surveys, are noted as follows:

- Limited evidence was found of trees offering bat roost potential (a position reiterated by further surveys by a forester). The design of the scheme avoids impacting any trees that offer any identified potential for bat roost activity, and the one tree that is proposed for removal is because of arboricultural reasons related to its poor condition rather than issues related to construction (tree 4454, per the tree survey log). On that basis it is not considered any further bat surveys are required.
- In relation to the River Tay SAC, SNH advised that there was no need for a Habitats Regulations Appraisal (HRA) screening on the basis the site was below the threshold of their interest and they have not identified a likely significant effect on the notified features of the adjacent Special Area of Conservation. SNH did however note the following:

1. If there are to be any outfalls from sewage etc into the River Tay they would require a Freshwater Pearl Mussel survey with an accompanying Species Protection Plan should they be present.

*There is no intention of any sewage outfall to the river, and thus no surveys have been undertaken.*

2. They have recommended that species specific surveys be undertaken for otters and bats. The former would be a survey of the river banks 250m either side of the development and the latter would be an inspection of any of the trees that may be cleared prior to construction for bat roosts. (It is however considered unlikely that bats will be an issue as the PEA work showed the trees on site to be of low bat use potential).

*Commentary on construction impact on bat roosts is noted above. On the basis no trees are scheduled for removal it is not considered further bat surveys are required. Otter surveys identified their presence in the immediate Tay environment but there was no evidence noted of holts that may be impacted by development.*

3. They do not require surveys for great crested newts.

*No surveys undertaken.*

On this basis it is considered that SNH agree that development will not create an unacceptable impact of the qualifying features of the SAC and they are comfortable there are no ecological barriers to consent.

Undertaking the PEA as an initial step provided a consideration of the general ecology of the site that could be incorporated throughout the design process. Whilst no protected ecological receptors were identified, the design has evolved to insure the impact on the woodland resource on site is negligible. Mature trees were assessed for quality and ecological value, ensuring that the design evolved on a basis that accommodated and maximised the site benefits of specimen planting and maintained the site's unique wooded quality and sense of enclosure from the wider environment. In assessing the trees on site, whilst no evidence of bats was noted some of the specimens were noted to offer bat roost potential. All such trees have been accommodated in the design, and thus this protective approach has ensured that there is no risk to damage to the habitat of a protected species.

### **Policy NE2: Forestry, Woodland and Trees**

**Policy NE2A**

*The Council will support proposals which:*

- (a) deliver woodlands that meet local priorities as well as maximising benefits for the local economy, communities, sport and recreation and environment;*
- (b) protect existing trees, woodland, especially those with high natural, historic and cultural heritage value;*
- (c) seek to expand woodland cover in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy;*
- (d) encourage the protection and good management of amenity trees, or groups of trees, important for amenity sport and recreation or because of their cultural or heritage interest;*
- (e) ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and trees on development sites in accordance with BS5837 "Trees in Relation to Construction";*
- (f) seek to secure establishment of new woodland in advance of major developments where practicable and secure new tree planting in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy.*

**Policy NE2B**

*Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site. The scope and nature of such surveys will reflect the known or potential amenity, nature conservation and/or recreational value of the trees in question and should be agreed in advance with the council. The Council will follow the principles of the Scottish Government Policy on Woodland Removal. In accordance with that document, there will be a presumption in favour of protecting woodland resources except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking. In exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.*

The proposed development has been designed to ensure that points b), d) and e) of Policy NE2A are complied with, whilst the extensive ecological survey undertaken of the site encapsulating a survey of trees on site, ensuring that mature specimens that were of amenity and ecological interest were accommodated into the scheme for the benefit of all. This position has been further bolstered by a tree survey undertaken by a competent, chartered forester which catalogued, tagged and offered a full commentary on all the trees on site. This identified two diseased or weak trees, which are scheduled for removal by the applicant. All other trees on site are to be accommodated by the development.

In the tree survey, which reviewed the site based on an existing design it was noted that trees #4495 and #4446 had potential to be impacted by proximity of development. In the case of #4495, an elm, whilst this tree is considered likely to succumb to Dutch Elm disease in due course, the houses have been shifted east to provide a suitable root protection area.

In the case of #4446 it is noted that this is a high quality specimen sequoia, and in this case the design of the entrance has accordingly been evolved to achieve maximum standoff. Construction methods will be deployed to protect the root structure of the tree and further investment in the site will ensure that the rubble that has been dumped from the demolition of the previous cottage is removed, ensuring this risk to the "future health and stability of the tree" is mitigated.

The tree survey also considered the ecological value of the trees and found only one that offered medium bat roost potential (none of high potential) and 6 of unclear status due to foliage cover. However as none of these trees are to be impacted by development no further surveys are considered necessary.

**Policy EP2: New Development and Flooding**

*There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.*

*Where a risk of flooding is known or suspected the Council will use the flood risk framework shown in the diagram overleaf and considers that areas of:*

- (i) medium to high flood risk are not suitable for essential civil infrastructure;*
- (ii) low to medium flood risk are suitable for most forms of development; and*
- (iii) little or no flood risk shown present no flood related constraints on development.*

*All development within areas of medium to high flood risk must incorporate a 'freeboard' allowance and the use of water resistant materials and forms of construction appropriate to its function, location, and planned lifetime relative to the anticipated changes in flood risk arising from climate change.*

*To allow for adaption to increased flood risk associated with climate change, development should not:*

- (a) Increase the rate of surface water run-off from any site;*
- (b) Reduce the naturalness of the river;*
- (c) Add to the area of land requiring flood protection measures;*
- (d) Affect the flood attenuation capability of the functional flood plain; nor*
- (e) Compromise major options for future shoreline or river management.*

Consultation of the SEPA flood map resource indicates that the site is not identified as being subject to flooding risk. This is due to the topography of the site; although it is adjacent to the river, the site lies 7m above the normal level. Combined with the lower opposite bank and the open, flat fields that lie to beyond that bank, this creates an environment which is not exposed to flood risk even in unusually high flow situations.

**Policy EP15: Development within the River Tay Catchment Area**

*The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment area. In order to ensure no adverse effects on the River Tay Special Area of Conservation, all of the following criteria will apply to development proposals at Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grantully/Strathtay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie, Craigie and Kinloch, and criteria (b) and (c) to development proposals at Bankfoot and Kirkmichael.*

- (a) Drainage from all development should ensure no reduction in water quality.*
- (b) Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment.*
- (c) Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.*



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

Whilst it is noted Pitnacree is not listed above, it is located between two of the identified locations and the application has therefore given consideration to this policy. Accordingly:

- a) The proposed drainage will ensure there is no detrimental impact on water quality, with no outflow from septic tank to watercourse.
- b) Whilst B and C are not geographically related to the site, it is noted B) There is no construction impact on the watercourse, and thus there is no policy requirement to submit a CMS and
- c) Otter surveys have been undertaken and commentary is offered above.

It is therefore considered that there are no material reasons to prevent the granting of consent for this application and that any consent would be fully compliant with the policies of Perth and Kinross' current LDP.

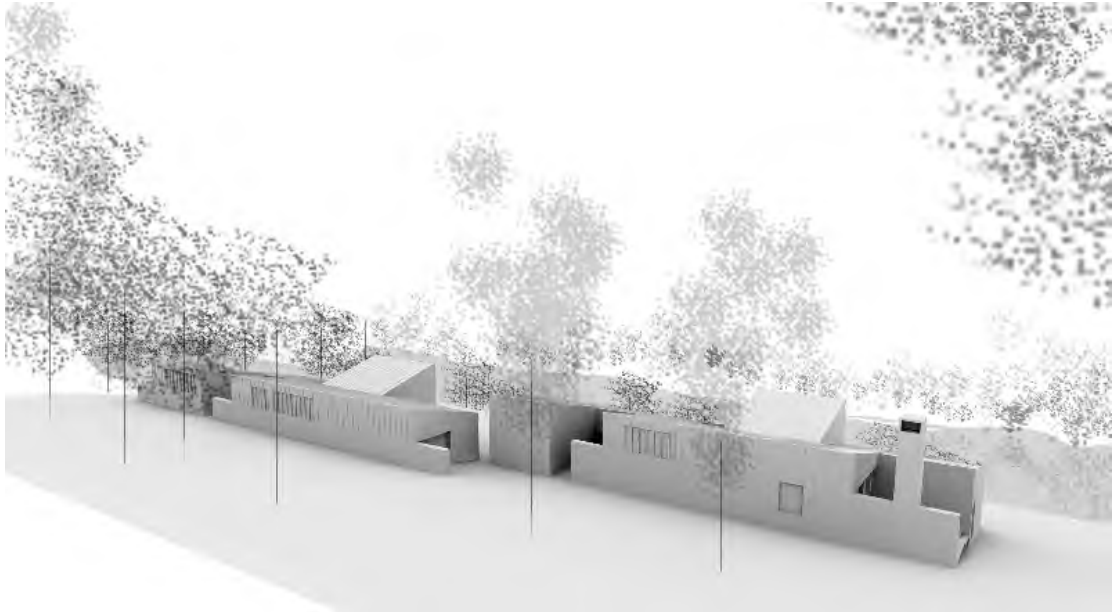


Image 1 - Proposal massing study

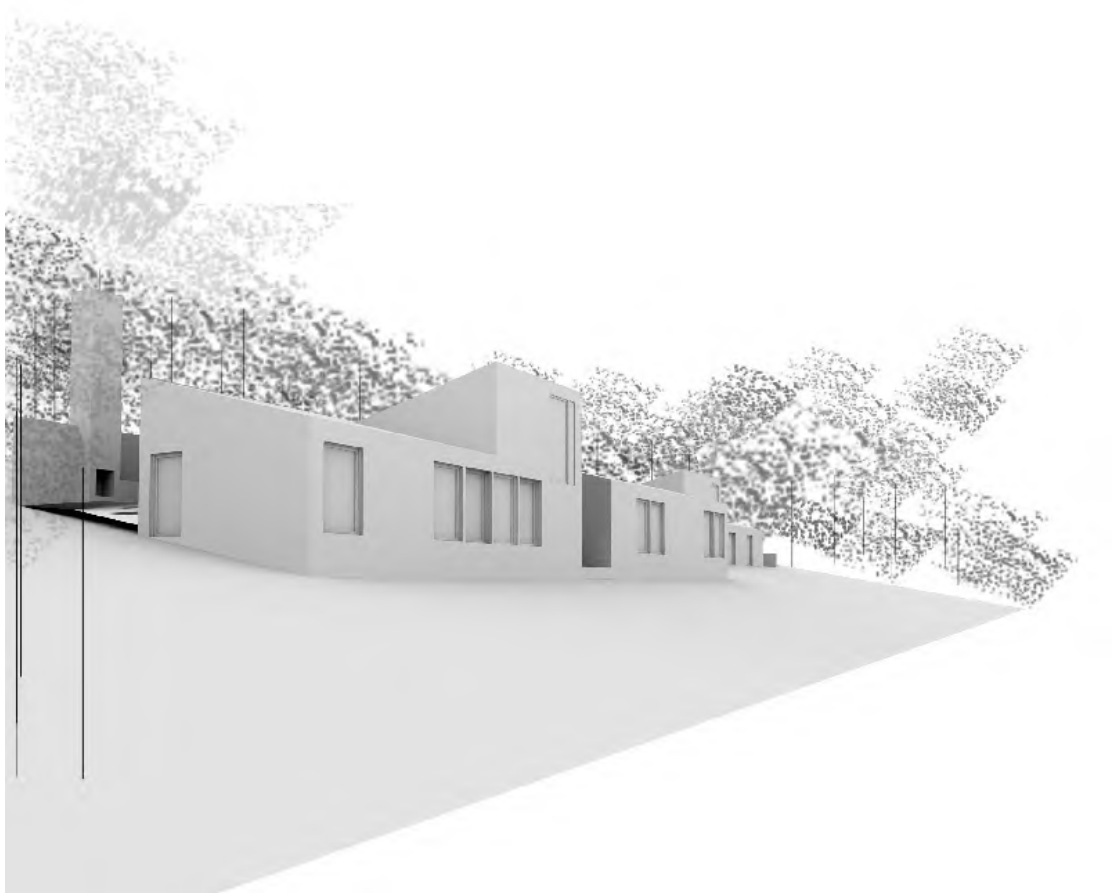


Image 2 - Proposal massing study

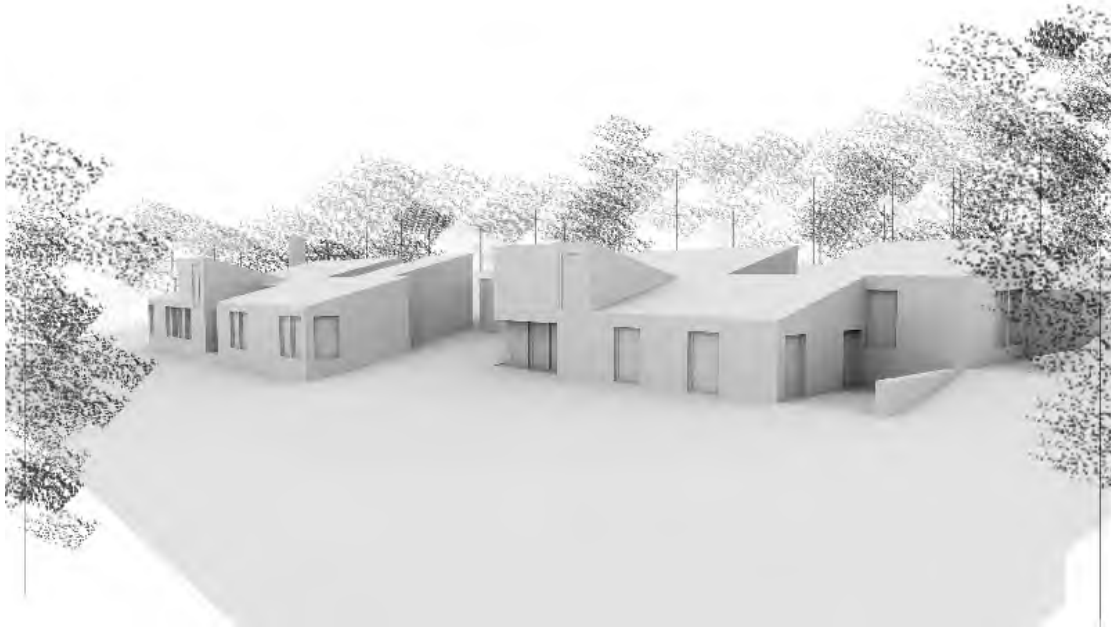
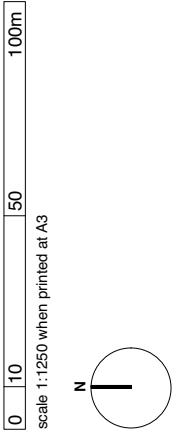


Image 3 - Proposal massing study





Key

Application Site

Issue / revision

- 17.05.17 Planning issue.

Sutherland & Co.

Chartered architects

t 01620 497150

e info@sutherland.co.uk

www.sutherland.co.uk

Project

**Pitnacree - proposed houses**

Drawing title

**Location Plan**

Drawing status

**PLANNING**

Drawing number

**1604 (PL) 001**

Scale

1:1250 @ A3

Date

Mar 17

Drawn

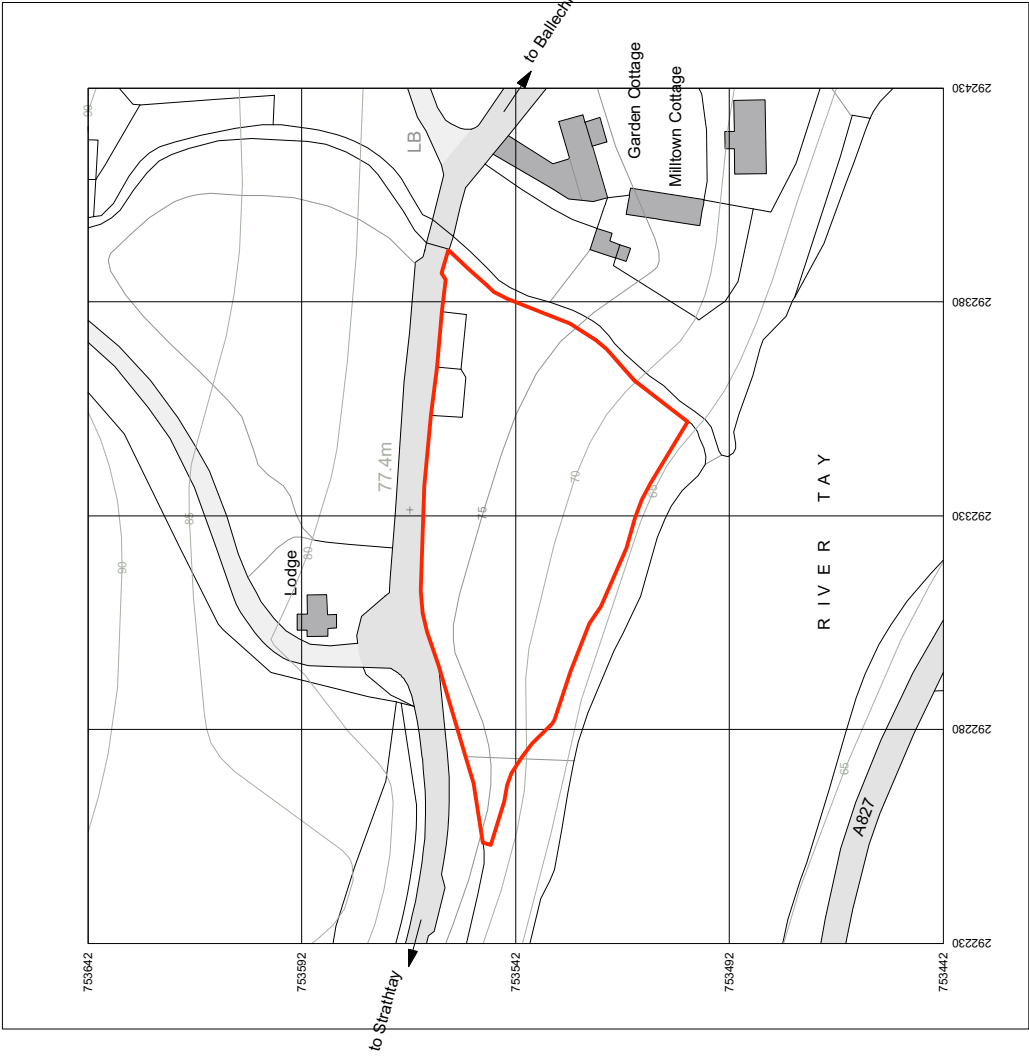
TI

Checked

RS

Revision

-



Produced on 06 September 2016 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.

This map shows the area bounded by 292230,753442 292230,753642 292430,753642 292430,753442

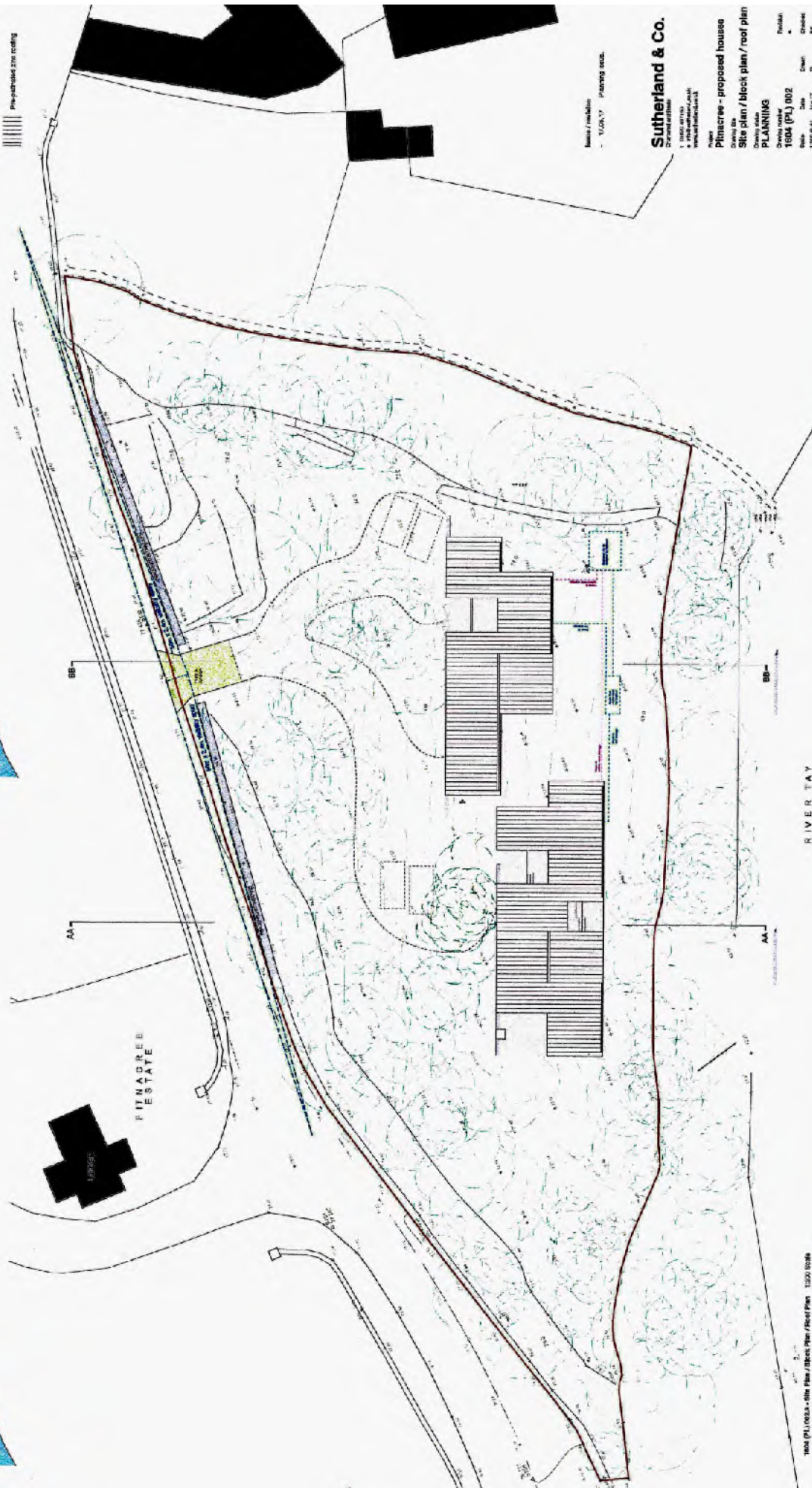
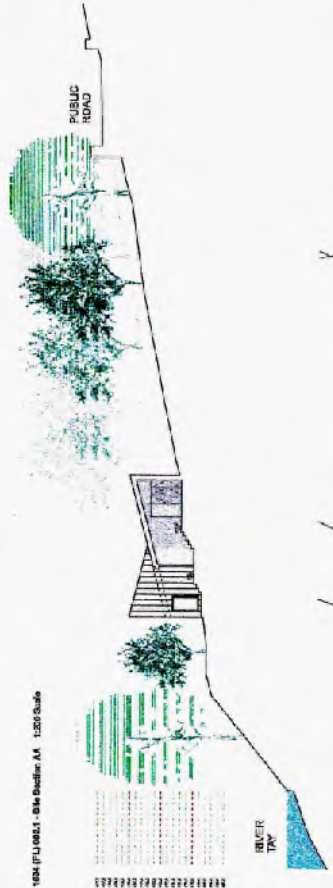
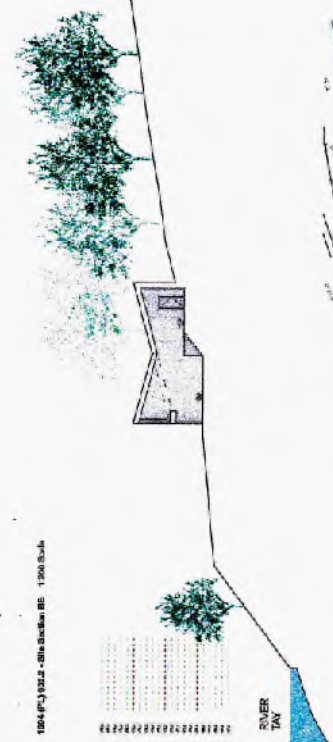
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Crown copyright 2016. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).

Data licenced for 1 year, expiring 06 September 2017. Unique plan reference: v4b/f13466/156543

1604 (PL) 001.1 - Site plan 1:1250 Scale

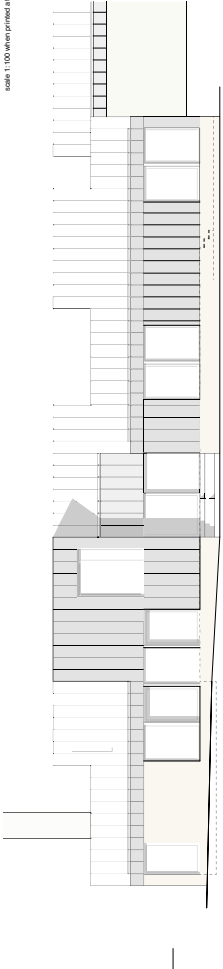




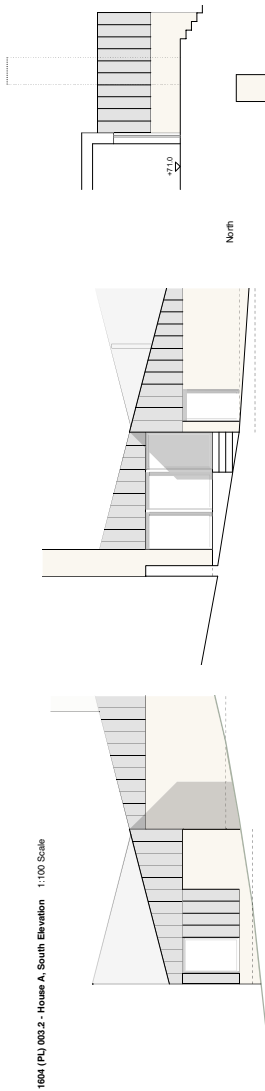
Notes / revision  
1. 10/01/17 Planning note.

**Sutherland & Co.**  
Architects  
1004 (PL) 002.1 - Site Plan / Block Plan / Roof Plan  
1:250 Scale  
10/01/2017

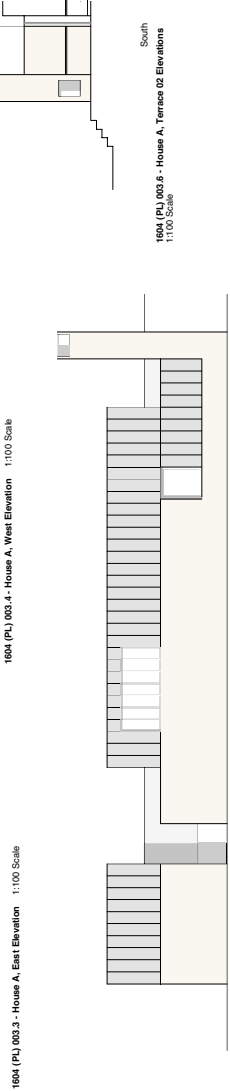
**Pinetree - proposed house**  
Site plan / block plan / roof plan  
1004 (PL) 002  
10/01/2017  
1:250 Scale



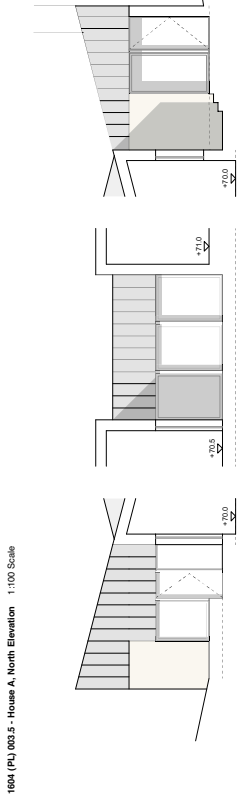
1604 (PL) 003.2 - House A, South Elevation 1:100 Scale



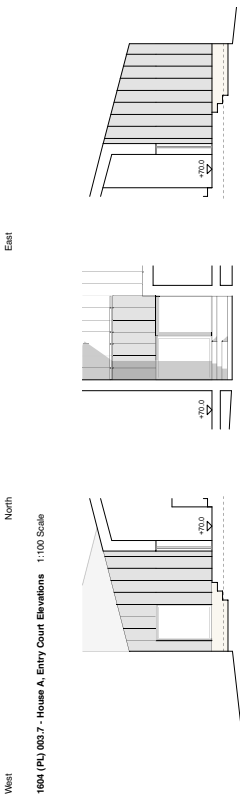
1604 (PL) 003.3 - House A, East Elevation 1:100 Scale



1604 (PL) 003.4 - House A, West Elevation 1:100 Scale



1604 (PL) 003.5 - House A, North Elevation 1:100 Scale



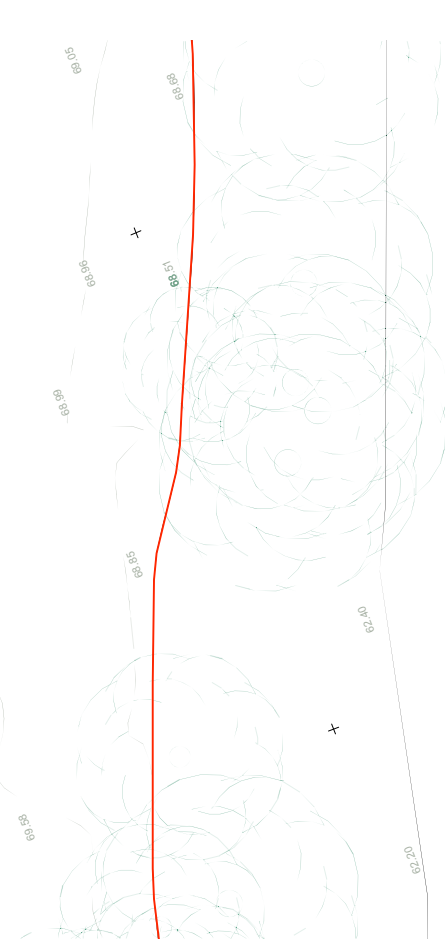
1604 (PL) 003.6 - House A, Entry Court Elevations 1:100 Scale



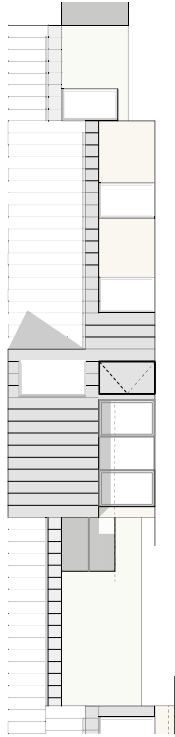
1604 (PL) 003.7 - House A, Terrace 01 Elevations 1:100 Scale



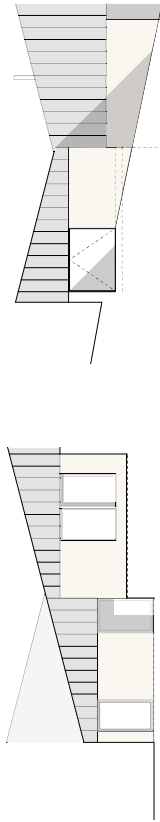
1604 (PL) 003.8 - House A, Terrace 02 Elevations 1:100 Scale



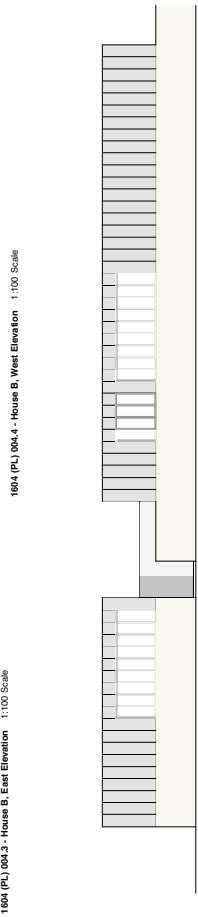
1604 (PL) 003.1 - House A, Floor Plan 1:100 Scale



1604 (PL) 004.2 - House B, South Elevation 1:100 Scale

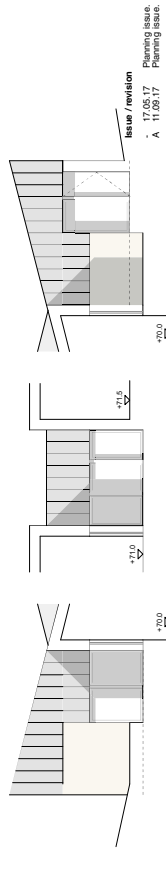


1604 (PL) 004.3 - House B, East Elevation 1:100 Scale



1604 (PL) 004.4 - House B, West Elevation 1:100 Scale

1604 (PL) 004.5 - House B, North Elevation 1:100 Scale



1604 (PL) 004.6 - House B, Entry Court Elevation 1:100 Scale

- Key
- Application Site
  - Pre-painted zinc cladding and roofing
  - Natural rubble stone walling
  - Timber-framed windows and doors

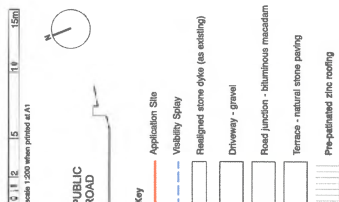
Sutherland & Co.

Chartered architects  
1 01620 497150  
497151  
www.sutherland.co.uk

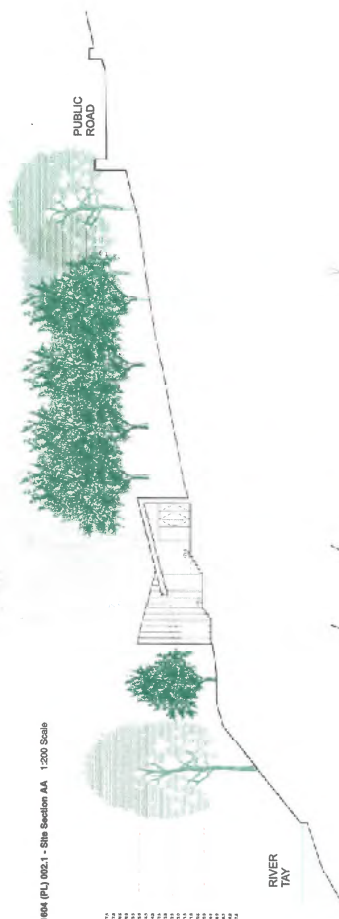
Project  
Pinacree - proposed houses  
Location  
House B - Plans and Elevations  
Drawing  
PLANNING

Drawn by  
1604 (PL) 004  
Scale  
1:100 @ A1  
Date  
Mar 17  
Revision  
Drawn  
Checked  
RS





604 (PL) 002.2 - Site Section BB 1:200 Scale



604 (PL) 002.1 - Site Section AA 1:200 Scale

Tree Nb.  
Species  
Density  
Height  
Age  
Crown clearance  
Notes  
Life ex.  
Sunduki  
117  
Ret cat  
Rec work.



1604 (PL) 002.3 - Site Plan / Block Plan / Roof Plan 1:200 Scale

17.05.17 Planning leave.

**Sutherland & Co.**

01630 497150  
info@sutherland.co.uk  
www.sutherland.co.uk

# PLANNING

| Revision | Drawn  | Checked |
|----------|--------|---------|
| 000 @ A1 | Mar 17 | RS      |



| Tag No. | Species           | Diameter (cm) | Height (m) | Age Class    | Estimated crown height above ground (m) | Notes                                                                                                                                                    | Life expectancy | Condition | Bat Roost Potential           | Retention Category (as per Table 1, British Standard 5837:12)* | Recommended action                                                             | Root Protection area (radius of nominal circle)(m) (as per Annex D, British Standard 5837:12)* |
|---------|-------------------|---------------|------------|--------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------|-------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 4490    | Beech             | 37            | 11-20      | Early mature | 4                                       | Main limbs rubbing in upper canopy                                                                                                                       | 40+             | Good      | Medium                        | B                                                              | None                                                                           | 4.5                                                                                            |
| 4491    | Beech             | 86            | 20+        | Mature       | 4                                       | Two compression unions at main fork where three main limbs join                                                                                          | 20-30           | Fair      | Unknown (obscured by foliage) | C                                                              | None                                                                           | 10.3                                                                                           |
| 4492    | Beech             | 100           | 20+        | Mature       | 4                                       | Compression union at main fork                                                                                                                           | 20-30           | Good      | Low                           | C                                                              | None                                                                           | 12                                                                                             |
| 4493    | Beech             | 61            | 20+        | Mature       | 8                                       | -                                                                                                                                                        | 40+             | Good      | Low                           | B                                                              | None                                                                           | 7.3                                                                                            |
| 4494    | Western red cedar | 102           | 25+        | Over mature  | 2                                       | -                                                                                                                                                        | 20-30           | Good      | Low                           | B                                                              | Lift canopy to approximately 6m                                                | 12.3                                                                                           |
| 4495    | Wych elm          | 51            | 11-20      | Semi mature  | 8                                       | No sign of crown dieback but likely to succumb to Dutch elm disease                                                                                      | 10-20           | Good      | Low                           | C                                                              | None                                                                           | 6.1                                                                                            |
| 4497    | Beech             | 83            | 25         | Mature       | 10                                      | Compression fork 1.0m from ground level. Severe wound to main limb on west side with decay.                                                              | 10-20           | Poor      | Unknown (obscured by foliage) | U                                                              | Remove and replace with similar                                                | 9.9                                                                                            |
| 4498    | Beech             | 72            | 11-20      | Mature       | 5                                       | Compression union at fork. Crown leaning towards road                                                                                                    | 20-30           | Fair      | Low                           | C                                                              | None                                                                           | 8.7                                                                                            |
| 4499    | Beech             | 78            | 25         | Mature       | 3                                       | Two compression forks, near base and at 3m. Poor form                                                                                                    | 20-30           | Fair      | Unknown (obscured by foliage) | C                                                              | None                                                                           | 9.3                                                                                            |
| 4496    | Western red cedar | 94            | 29         | Over mature  | 2                                       | Snow damaged upper crown                                                                                                                                 | 20-30           | Good      | None                          | B                                                              | Lift canopy to approximately 6m                                                | 11.3                                                                                           |
| 4444    | Western red cedar | 88            | 28         | Over mature  | 3                                       | Snow damaged upper crown                                                                                                                                 | 20-30           | Good      | None                          | B                                                              | Lift canopy to approximately 6m                                                | 10.5                                                                                           |
| 4441    | Western red cedar | 85            | 26         | Over mature  | 2                                       | Snow damaged upper crown                                                                                                                                 | 20-30           | Good      | None                          | B                                                              | Lift canopy to approximately 6m                                                | 10.2                                                                                           |
| 4442    | Western red cedar | 112           | 28         | Over mature  | 3                                       | Forked upper crown due to snow damage                                                                                                                    | 20-30           | Good      | None                          | B                                                              | Lift canopy to approximately 6m                                                | 13.5                                                                                           |
| 4443    | European larch    | 72            | 32         | Over mature  | 8                                       | -                                                                                                                                                        | 20-30           | Good      | None                          | B                                                              | None                                                                           | 8.7                                                                                            |
| 4445    | Western red cedar | 112           | 33         | Over mature  | 3                                       | Forked upper crown due to snow damage                                                                                                                    | 20-30           | Good      | None                          | B                                                              | None                                                                           | 13.5                                                                                           |
| 4453    | Pedunculate oak   | 19            | 15         | Semi mature  | 6                                       | Good form but partially suppressed by neighbouring conifer                                                                                               | 40+             | Good      | None                          | C                                                              | None                                                                           | 2.3                                                                                            |
| 4454    | Pedunculate oak   | 10            | 13         | Semi mature  | -                                       | Suppressed                                                                                                                                               | <10             | Poor      | None                          | U                                                              | Remove                                                                         | 1.2                                                                                            |
| 4455    | Wild cherry       | 18            | 17         | Semi mature  | -                                       | -                                                                                                                                                        | 20-30           | Good      | None                          | C                                                              | None                                                                           | 2.1                                                                                            |
| 4456    | Wych elm          | 26            | 18         | Early mature | -                                       | -                                                                                                                                                        | 10-20           | Good      | None                          | C                                                              | None                                                                           | 3.1                                                                                            |
| 4446    | Giant sequoia     | 120           | 33         | Over mature  | 5                                       | Large specimen typical of this species. Considerable dumping of rubble on north side likely to affect future health and stability of tree unless cleared | 30-40           | Good      | Poor                          | A                                                              | Lift crown to approximately 6m. Clear debris and restore original ground level | 14.4                                                                                           |
| 4447    | European larch    | 92            | 10         | Over mature  | 5                                       | Broken top and some dumping at base                                                                                                                      | 20-30           | Fair      | Poor                          | B                                                              | Clear debris and restore original ground level                                 | 11.1                                                                                           |

|      |                 |    |       |              |   |                               |       |      |                               |   |      |      |
|------|-----------------|----|-------|--------------|---|-------------------------------|-------|------|-------------------------------|---|------|------|
| 4452 | Downy birch     | 22 | 11-20 | Semi mature  | 5 | Minor damage at base          | 20-30 | Fair | None                          | C | None | 2.7  |
| 4451 | Sycamore        | 76 | 20+   | Mature       | 4 | -                             | 40+   | Good | Low                           | B | None | 9.1  |
| 4450 | Pedunculate oak | 86 | 20+   | Over mature  | - | -                             | 40+   | Good | Unknown (obscured by foliage) | A | None | 10.3 |
| 4449 | Pedunculate oak | 50 | 20+   | Mature       | - | -                             | 40+   | Good | Unknown (obscured by foliage) | B | None | 6    |
| 4448 | Pedunculate oak | 72 | 20+   | Mature       | - | -                             | 40+   | Good | Unknown (obscured by foliage) | B | None | 8.7  |
| 4457 | Wild cherry     | 26 | 11-20 | Early mature | - | -                             | 30-40 | Fair | None                          | C | None | 3.1  |
| 4458 | Wych elm        |    | 11-20 | Early mature | - | Multi-stemmed, small diameter | 10-20 | Fair | None                          | C | None | -    |

Paul Schofield MCFor  
Forestry Manager  
Galbraith  
Lynedoch House  
Barossa Place  
Perth PH1 5EP

# PITNACREE HOUSING DEVELOPMENT

**Preliminary Ecological Appraisal Update: September 2017**

Prepared for: Galbraith

SLR Ref: 413.6395.00001  
Version No: 3  
September 2017



## BASIS OF REPORT

This document has been prepared by SLR Consulting Limited with reasonable skill, care and diligence, and taking account of the manpower, timescales and resources devoted to it by agreement with Galbraith (the Client) as part or all of the services it has been appointed by the Client to carry out. It is subject to the terms and conditions of that appointment.

SLR shall not be liable for the use of or reliance on any information, advice, recommendations and opinions in this document for any purpose by any person other than the Client. Reliance may be granted to a third party only in the event that SLR and the third party have executed a reliance agreement or collateral warranty.

Information reported herein may be based on the interpretation of public domain data collected by SLR, and/or information supplied by the Client and/or its other advisors and associates. These data have been accepted in good faith as being accurate and valid.

The copyright and intellectual property in all drawings, reports, specifications, bills of quantities, calculations and other information set out in this report remain vested in SLR unless the terms of appointment state otherwise.

This document may contain information of a specialised and/or highly technical nature and the Client is advised to seek clarification on any elements which may be unclear to it.

Information, advice, recommendations and opinions in this document should only be relied upon in the context of the whole document and any documents referenced explicitly herein and should then only be used within the context of the appointment.

## CONTENTS

|                                                             |           |
|-------------------------------------------------------------|-----------|
| <b>1.0 INTRODUCTION .....</b>                               | <b>2</b>  |
| 1.1 Consultations .....                                     | 2         |
| 1.1.1 SNH .....                                             | 2         |
| 1.1.2 PKC .....                                             | 2         |
| <b>2.0 METHODOLOGY .....</b>                                | <b>3</b>  |
| 2.1 Field visit birds, protected species and habitats ..... | 3         |
| 2.2 Results .....                                           | 3         |
| 2.2.1 Birds .....                                           | 3         |
| 2.2.2 Other protected species .....                         | 3         |
| 2.2.3 Habitats .....                                        | 6         |
| 2.2.4 Invasive plant species .....                          | 7         |
| 2.2.5 Tree roosting bats .....                              | 8         |
| 2.2.6 Tree condition survey (August 2017) .....             | 9         |
| <b>3.0 CONCLUSIONS .....</b>                                | <b>10</b> |
| 3.1 Protected species .....                                 | 10        |
| 3.2 Invasive species .....                                  | 10        |
| 3.3 Roosting bats .....                                     | 10        |
| <b>4.0 RECOMMENDATIONS .....</b>                            | <b>11</b> |

## DOCUMENT REFERENCES

### TABLES

|                                                                             |   |
|-----------------------------------------------------------------------------|---|
| Table 2-1 Assessment of trees with bat roosting potential in May 2016 ..... | 8 |
|-----------------------------------------------------------------------------|---|

### APPENDICES

Appendix 01: Figure 1 - Ecological Receptors

## 1.0 Introduction

In May 2016 SLR Consulting Limited was commissioned by Galbraith to undertake an 'extended' phase 1 habitat survey / Preliminary Ecological Appraisal<sup>1</sup> (PEA) in order to inform an outline planning application for the construction of two dwellings on land 70 Metres West of Garden Cottage at Pitnacree in Perthshire. The application site (herein referred to as the 'Site') is located adjacent to the North of the River Tay, approximately 7km northeast of Aberfeldy at NN922535.

### 1.1 Consultations

The PEA and subsequent otter survey<sup>2</sup> undertaken in October 2016 was submitted as part of planning application 17/00945/FLL. Nicki McIntyre of Scottish Natural Heritage (SNH) was consulted prior to the submission of this application and her comments and advice are summarised below. The original PEA was reviewed by and David Williamson of Perth and Kinross Council (PKC) who also made comments and recommendations:

#### 1.1.1 SNH

- 'In terms of the River Tay Special Area of Conservation (SAC) the scale of this development is below the threshold that would trigger our involvement. Freshwater pearl mussels are not a qualifying interest of the SAC. In the River Tay their protection is through the Wildlife and Countryside Act 1981. If there is going to be a discharge of any kind to the river the impact to mussels should be identified through a survey and, if necessary, a species protection plan produced and submitted with the application.'
- 'Surveys for otters and bats, which are both European Protected Species (EPS), will need to be carried out before an application is submitted. If the development is going to affect an EPS the planning authority requires the applicant to have EPS licences in place before deciding on the application.'
- 'Surveys for great crested newts (GCN) are not advised as they are not known to be within the vicinity'.

#### 1.1.2 PKC

- 'A tree survey must be undertaken and the survey report submitted to the planning authority prior to determination as required by the Scottish Planning Policy.'
- 'A bat survey must be undertaken and the survey report submitted to the planning authority prior to determination as required by the Scottish Planning Policy.'
- 'Once all of the above have been provided to support the application it will be possible to fully assess the potential impact of the development on the ecology of the site, and recommend possible conditions to any approval.'

This updated PEA re-evaluates the baseline ecology at the Site and considers the requirements for bat roost surveys in any trees identified as being affected by the proposed development as requested by PKC. Otter *Lutra lutra* activity was previously noted along the banks of the River Tay but no active holts were recorded but the river side habitat is not suitable for water vole *Arvicola amphibius*. No signs of activity were noted for badger

<sup>1</sup> SLR (2016) Pitnacree Housing Development: Preliminary Ecological Appraisal

<sup>2</sup> SLR (2016a) Pitnacree Housing Development: Otter Survey Report



*Meles meles*, pine marten *Martes martes* or red squirrel *Sciurus vulgaris* and the majority of the trees had low potential for bat roosts. There was no suitable habitat for great crested newt *Triturus cristatus*.

## 2.0 Methodology

### 2.1 Field visit birds, protected species and habitats

A visit was made to the site on August 16<sup>th</sup> 2017 and surveys undertaken to search for evidence of all nesting birds, protected species such as badger and red squirrel to appraise the habitats and to note the presence of any invasive species such as Himalayan balsam *Impatiens glandulifera*.

The surveys were undertaken by Michael Austin (MCIEEM) of SLR between 13:15 and 15:15. Conditions were cloudy with occasional light rain. Winds were light as the site is well sheltered amongst trees. The whole terrestrial area of the development site was covered along with the banks of the River Tay to search for invasive species and evidence of otters.

No limitations to the surveys were identified and the surveyor followed the code of professional conduct set out by the Chartered Institute of Ecology and Environmental Management (CIEEM) when undertaking ecological work.

### 2.2 Results

#### 2.2.1 Birds

No nesting activity was recorded anywhere on site which was to be expected given the time of the year when the majority of nesting activity is over. The following species were recorded using the site, one of which is a red listed birds of conservation concern<sup>3</sup>: European robin *Erithacus rubecula*, rook *Corvus frugilegus*, song thrush *Turdus philomelos* (red listed), Eurasian tree creeper *Certhia familiaris* and wood pigeon *Columba palumbus*.

#### 2.2.2 Other protected species

Evidence of otter and red squirrel was found on site otherwise there were no signs of other protected species such as badger within the red line boundary of the development site. A quick inspection of the boathouse (which is outside the application boundary) did not show any evidence of roosting bats, denning mammals or nesting birds. There is a brash pile (Photograph 3) which provides potential habitat for resting mammal species such as otter, pine marten and hedgehog *Erinaceus europaeus*.

#### Otter

Previous otter activity has been noted along the River Tay but no active holts had been identified (SLR 2016a).

During this survey a single otter spraint was found on a rock at the edge of the River Tay at NS 92215 53535 (Photograph 1 and Figure 1).

---

<sup>3</sup> Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015). Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. British Birds 108, 708–746

**Photograph 1:  
Otter spraint**



## Red squirrel

Three cones (Photograph 2) that had been eaten by a squirrel species were found at NS 92388 53471 to east of boathouse (Figure 1). It was not possible to say if they were eaten by grey squirrel *Sciurus carolinensis* or red squirrel as both species are present in the area.

**Photograph 2:**  
**Conifer cones eaten by a squirrel species**



### 2.2.3 Habitats

The habitats on site remain as described in section 3.2.1 of SLR (2016) i.e. semi-natural broad leaved woodland habitat with some exotic species. The understorey consists of a mixture of bracken and shrub species. However, since original survey in May 2016 some clearance of the understorey had been undertaken and a total of 10 freshly cut tree stumps were noted, along with a large pile of brash in the centre of the site (Photograph 3). All of the mature trees recorded as target notes in Table 3.1 of SLR (2016) were still present.

**Photograph 3:**  
**Cleared area in the centre of the site with brash pile**





#### 2.2.4 Invasive plant species

Himalayan balsam (Photograph 4), which is listed on Schedule 9 of the Wildlife and Countryside Act 1981, occurs sporadically in the surrounding area, mostly along the river bank. It was target noted at the following locations (see Figure 1):

- NS 92288 53519
- NS 92262 53525
- NS 92367 53478

**Photograph 4:**  
**Himalayan balsam**



### 2.2.5 Tree roosting bats

During the previous PEA assessment (SLR 2016) fourteen tree locations (including groups of multiple trees) were assessed for bat roost potential. Nineteen trees were assessed as having low potential to support roosting bats, one tree was found to have medium potential and four trees were not fully assessed due to location at steep banks and access restrictions. All other trees were assessed as having negligible bat roost potential. Table 2-1 summarises the tree bat roost potential assessment, with individual trees cross-referenced to the Galbraith tree condition assessment tag numbers. Note that a number of trees within the site have subsequently been felled, none of which had greater than low bat roost potential. Trees included in this table are those assessed as having unknown, low or higher potential to support roosting bats. Trees assessed with missing Galbraith tag numbers were either outside of the tree condition survey area, or have subsequently been felled.

**Table 2-1**  
**Assessment of trees with bat roosting potential in May 2016**

| SLR Tree No. | Galbraith Tag No.       | Grid reference | Description of Bat Potential                                                                                                                                                                                                                  | Bat Potential |
|--------------|-------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| T01          | - (outside survey area) | NN 92271 53546 | Large, mature oak <i>Quercus sp.</i> on very steep bank; c.a. 18m in height, ground survey here limited due to steep ground, may offer potential for roosting bats due to size, age and species of tree; one crack visible in a broken branch | unknown       |
| T02          | 4490                    | NN 92297 53553 | Mature beech tree <i>Fagus sylvaticus</i> no obvious fissures or features for roosting bats                                                                                                                                                   | Low           |
| T03          | 4491                    | NN 92304 53553 | Mature beech tree larger than T02, lower areas with few fissures or gaps between trunk                                                                                                                                                        | Low           |
| T04          | 4492                    | NN 92309 53554 | Mature beech tree, no visible bat roost features but possible suitability for bats due to age and size                                                                                                                                        | Low           |
| T05          | 4494                    | NN 92313 53549 | Large mature cedar <i>Thuja plicata</i> . Top of tree hard to assess but no features suitable for roosting bats visible. Unlikely to have potential for bats due to tree structure                                                            | Low           |
| T06          | 4493                    | NN 92315 53554 | Large mature beech, top of tree hard to assess due to leaves. No suitable features for roosting bats detected. Low potential.                                                                                                                 | Low           |
| T07          | 4497                    | NN 92321 53549 | Mature beech. One large branch breakage area with some bat roost features at c 2m height                                                                                                                                                      | Moderate      |
| T08          | 4498                    | NN 92322 53554 | Mature beech. No visible bat roost features                                                                                                                                                                                                   | Low           |

| SLR Tree No. | Galbraith Tag No.               | Grid reference | Description of Bat Potential                                                               | Bat Potential |
|--------------|---------------------------------|----------------|--------------------------------------------------------------------------------------------|---------------|
| T09          | - (subsequently felled)         | NN 92331 53547 | Group of five mature sycamores. All low bat roost potential.                               | Low           |
| T10          | 4445                            | NN 92338 53552 | Row of seven mature cedar (also includes tag nos. 4441, 4442, 4444, 4496 & 4494)           | Low           |
| T11          | 4446                            | NN 92360 53542 | Giant sequoia <i>Sequoiadendron giganteum</i> by gate. Low bat roost potential             | Low           |
| T12          | 4451, 4448, 4449, 4450          | NN 92366 53522 | Group of four mature trees, one sycamore and three oak. No detectable bat roost potential. | unknown       |
| T13          | - (willows subsequently felled) | NN 92297 53522 | Willows ( <i>Salix spp.</i> ) on bank. Mature oak tree on steeper bank.                    | unknown       |
| T14          | - (outside survey area)         | NN 92122 53567 | Multiple mature trees, mostly oak.                                                         | unknown       |

### 2.2.6 Tree condition survey (August 2017)

The results of this survey suggest that just one of the existing trees on the site may require to be removed, a semi mature pedunculate oak some 13m tall which has been growth suppressed by surrounding trees. This tree is noted as 4454 in the Galbraith survey and is assessed as being of poor bat roost potential as such a bat roost survey has not been undertaken for this single tree.

## 3.0 Conclusions

### 3.1 Protected species

The development area itself has no protected species present that are likely to be impacted by development works. Although red squirrel may be present they were not observed during either of the 2016 or 2017 surveys and no evidence of any dreys was found. Although otters were recorded as present foraging along the River Tay on both surveys no active holts were found and as such it is unlikely that construction activity would cause any disturbance to transient otters that are using this stretch of the river for fishing.

### 3.2 Invasive species

Himalayan balsam is present along the bank of the River Tay but is not present within the development area so there is no likelihood of seed contaminated soil being spread to other areas.

### 3.3 Roosting bats

Galbraith conducted a tree condition survey on 31/08/2017 as requested by PKC. The results of this survey indicated that all but one of the trees assessed for roosting bats are able to remain in situ therefore there will be no risk to any roosting bats in these trees should they be present. A single tree has been earmarked for removal: a growth suppressed semi-mature pedunculated oak which is less than 10m tall. This tree has been carefully assessed during both surveys and has no obvious features for inspection that may offer refuge for roosting bats.



## 4.0 Recommendations

- Pre-construction checks may be required for nesting birds depending on the date of the commencement of works. Nesting birds may be present in areas to be cleared between March and July inclusive.
- Pre-construction checks for otter of the development footprint and surrounding area (up to 200m radius) may be required to identify any new or previously unidentified holts. The use of remote cameras under licence would establish whether or not any holts area occupied and whether any breeding is taking place. If otters are found to be present then a Species Protection Plan can be produced setting out the details of how the development is likely to affect otters, outlining all the mitigation measures that would be put in place to avoid an offence being committed and would summarise all the residual impacts after mitigation has been taken into account. If necessary additional artificial holts can be provided in areas safe from disturbance, prior to any construction activity.

## APPENDIX 1: ECOLOGICAL RECEPTORS



292400

292200

753600

135

753400



LEGEND

- SITE BOUNDARY
- OTTER SPRRAINT
- SQUIRREL CONES
- HIMALAYAN BALSAM



45 LOCHSIDE VIEW  
EDINBURGH PARK  
EDINBURGH  
EH12 9DH  
T: +44 (0)131 335 6830  
www.slrcconsulting.com

PITNACREE  
ECOLOGY SURVEY  
PITNACREE HOUSING DEVELOPMENT  
PEA UPDATE AUGUST 2017

Scale 1:1,000 @ A3  
Date SEPTEMBER 2017  
1



## EUROPEAN OFFICES

### United Kingdom

#### AYLESBURY

T: +44 (0)1844 337380

#### BELFAST

T: +44 (0)28 9073 2493

#### BRADFORD-ON-AVON

T: +44 (0)1225 309400

#### BRISTOL

T: +44 (0)117 906 4280

#### CAMBRIDGE

T: + 44 (0)1223 813805

#### CARDIFF

T: +44 (0)29 2049 1010

#### CHELMSFORD

T: +44 (0)1245 392170

#### EDINBURGH

T: +44 (0)131 335 6830

#### EXETER

T: + 44 (0)1392 490152

#### GLASGOW

T: +44 (0)141 353 5037

#### GUILDFORD

T: +44 (0)1483 889800

#### LEEDS

T: +44 (0)113 258 0650

#### LONDON

T: +44 (0)203 691 5810

#### MAIDSTONE

T: +44 (0)1622 609242

#### MANCHESTER

T: +44 (0)161 872 7564

#### NEWCASTLE UPON TYNE

T: +44 (0)191 261 1966

#### NOTTINGHAM

T: +44 (0)115 964 7280

#### SHEFFIELD

T: +44 (0)114 245 5153

#### SHREWSBURY

T: +44 (0)1743 23 9250

#### STAFFORD

T: +44 (0)1785 241755

#### STIRLING

T: +44 (0)1786 239900

#### WORCESTER

T: +44 (0)1905 751310

### Ireland

#### DUBLIN

T: + 353 (0)1 296 4667

### France

#### GRENOBLE

T: +33 (0)4 76 70 93 41

**TCP/11/16(518) – 17/01725/FLL – Erection of 2  
dwellinghouses on land 70 metres west of Garden Cottage,  
Pitnacree on land 50 metres south of 1 Markethill, Kettins**

**PLANNING DECISION NOTICE** *(included in  
applicant's submission, see pages 79-80)*

**REPORT OF HANDLING** *(included in applicant's  
submission, see pages 81-89)*

**REFERENCE DOCUMENTS** *(included in applicant's  
submission, see pages 101-136)*



**TCP/11/16(518) – 17/01725/FLL – Erection of 2  
dwellinghouses on land 70 metres west of Garden Cottage,  
Pitnacree**

## **REPRESENTATIONS**






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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                             |                                       |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------|
| <b>Planning Application ref.</b>                | 17/01725/FLL                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Comments provided by</b> | Ruth Thompson                         |
| <b>Service/Section</b>                          | Flooding                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Contact Details</b>      | floodingdevelopmentcontrol@pkc.gov.uk |
| <b>Description of Proposal</b>                  | Erection of 2no. dwellinghouses                                                                                                                                                                                                                                                                                                                                                                                                          |                             |                                       |
| <b>Address of site</b>                          | Land 70 Metres West of Garden Cottage Pitnacree for Pitnacree Estate                                                                                                                                                                                                                                                                                                                                                                     |                             |                                       |
| <b>Comments on the proposal</b>                 | <p>According to SEPA maps, part of the proposed development lies within the envelope for low – medium fluvial flooding. SuDs are included in the site plan to compensate for increased runoff from both developments. Our records show that the C447 at Pitnacree flooded in 2002 due to blocked culverts, however the land for the proposed development drains away from the road.</p> <p>We have no objection to this application.</p> |                             |                                       |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                             |                                       |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                             |                                       |
| <b>Date comments returned</b>                   | 11.10.2017                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                       |



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                                                                                                                                   |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01725/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Comments provided by</b> | Euan McLaughlin                                                                                                                                   |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br> |
| <b>Description of Proposal</b>                  | Erection of 2no. dwellinghouses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                                                                                                                                   |
| <b>Address of site</b>                          | Land 70 Metres West Of Garden Cottage, Pitnacree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                                                                                                                                   |
| <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 Grandtully 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:</u> £0</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                                                                                                                                   |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                                                                                                                                   |
| <b>Date comments returned</b>                   | 13 October 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                                                                                                                                   |



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                          |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01725/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Comments provided by</b> | Tony Maric<br>Transport Planning Officer |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Contact Details</b>      | ██████████<br>████████████████████       |
| <b>Description of Proposal</b>                  | Erection of 2no. dwellinghouses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                          |
| <b>Address of site</b>                          | Land 70 Metres West Of Garden Cottage<br>Pitnacree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                          |
| <b>Comments on the proposal</b>                 | <b>Insofar as the roads matters are concerned, I do not object to this proposal provided the undernoted conditions are attached in the interests of pedestrian and traffic safety.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                          |
| <b>Recommended planning condition(s)</b>        | <ul style="list-style-type: none"> <li>• <b>AR01</b> Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide <b>Type B, Figure 5.6</b> access detail.</li> <li>• <b>AR03</b> Prior to the commencement of the development hereby approved, full visibility splays of <b>2.4m x 43.0m</b> shall be provided to the left and right of the access measured between points 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.</li> </ul> |                             |                                          |
| <b>Recommended informative(s) for applicant</b> | The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.                                                                                                                                                                                                                                        |                             |                                          |
| <b>Date comments returned</b>                   | 18 October 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                          |



# Memorandum

|          |                             |         |                            |
|----------|-----------------------------|---------|----------------------------|
| To       | Development Quality Manager | From    | Regulatory Service Manager |
| Your ref | 17/01725/FLL                | Our ref | MP                         |
| Date     | 31 October 2017             | Tel No  | ██████████                 |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission RE Erection of 2no. dwellinghouses Land 70 Metres West Of Garden Cottage Pitnacree for Pitnacree Estate**

I refer to your letter dated 10 October 2017 in connection with the above application and have the following comments to make.

### Recommendation

**I have no objection in principle to the application but recommend the under noted condition be included on any given consent.**

### Comments

This application contains provision for a wood burning stove and associated flue. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.

Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer, therefore I recommend this be included as a condition, which I have attached below.

### Condition

**EH50** The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stoves and flues and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority





**From:**David Williamson  
**Sent:**Tue, 14 Nov 2017 14:20:52 +0000  
**To:**Joanne Ferguson  
**Subject:**RE: Consultation

Hi Joanne,

If you are intending to approve the application I would recommend the following conditions.

- TR04** Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.
- RTR00** Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
- NE00** The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
- RNE01** Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
- NE01** Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

**RNE02** Reason - In order to prevent animals from being trapped within any open excavations.

- Should works not commence within 12 months of the approval further ecological surveys shall be required to be submitted to the planning authority for approval not more than 6 weeks prior to commencement of approved works.
- **RNE01** Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

Bet you wished you hadn't asked 😊

David

*David Williamson*

*Biodiversity Officer - Planning and Development*

*Perth and Kinross Council*

*Every Council Officer has a duty under the Nature Conservation (Scotland) Act 2004 to conserve and enhance biodiversity*

---

**From:** Joanne Ferguson  
**Sent:** 03 November 2017 17:33  
**To:** David Williamson  
**Subject:** Consultation

Hi David

I don't think a consultation request was sent to you on this one...could you have a look?

17/01725/FLL Erection of 2 dwellinghouses at Land 70 Metres West Of Garden Cottage

Pitnacree

Thanks

Joanne



10/10/2017

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

**PH9 Pitnacree Garden Cottage Land 70 Metres West**  
**PLANNING APPLICATION NUMBER: 17/01725/FLL**  
**OUR REFERENCE: 751818**  
**PROPOSAL: Erection of 2no. dwellinghouses**

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

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

**Water**

- There is currently sufficient capacity in the Killiecrankie Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**Foul**

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

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission**

has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

**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)



**TCP/11/16(519) – 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 159-196***)
- (b) Decision Notice (***Pages 181-182***)
  - Report of Handling (***Pages 183-190***)
  - Reference Documents (***Pages 175-177***)
- (c) Representations (***Pages 191-196***)



**TCP/11/16(519) – 17/02272/FLL – Alterations and extension  
to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100053602-004

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

|                       |                           |                                                      |                |
|-----------------------|---------------------------|------------------------------------------------------|----------------|
| Company/Organisation: | Scott Strachan Architect  |                                                      |                |
| Ref. Number:          |                           | You must enter a Building Name or Number, or both: * |                |
| First Name: *         | Scott                     | Building Name:                                       | The Hurst      |
| Last Name: *          | Strachan                  | Building Number:                                     |                |
| Telephone Number: *   | 07872318785               | Address 1 (Street): *                                | Old Perth Road |
| Extension Number:     |                           | Address 2:                                           | Milnathort     |
| Mobile Number:        |                           | Town/City: *                                         | Kinross        |
| Fax Number:           |                           | Country: *                                           | Scotland       |
|                       |                           | Postcode: *                                          | KY13 9YA       |
| Email Address: *      | scott@scottstrachan.co.uk |                                                      |                |

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                              |                                                                |
|----------------------|----------------------------------------------|----------------------------------------------------------------|
| Title:               | <input type="text" value="Mr"/>              | You must enter a Building Name or Number, or both: *           |
| Other Title:         | <input type="text"/>                         | Building Name: <input type="text" value="Evearn"/>             |
| First Name: *        | <input type="text" value="A. &amp; Mrs C."/> | Building Number: <input type="text"/>                          |
| Last Name: *         | <input type="text" value="Gordon"/>          | Address 1 (Street): * <input type="text" value="Forgandenny"/> |
| Company/Organisation | <input type="text"/>                         | Address 2: <input type="text"/>                                |
| Telephone Number: *  | <input type="text"/>                         | Town/City: * <input type="text" value="Perth"/>                |
| Extension Number:    | <input type="text"/>                         | Country: * <input type="text" value="Scotland"/>               |
| Mobile Number:       | <input type="text"/>                         | Postcode: * <input type="text" value="PH2 9HS"/>               |
| Fax Number:          | <input type="text"/>                         |                                                                |
| Email Address: *     | <input type="text"/>                         |                                                                |

## Site Address Details

|                                                                       |                                                        |
|-----------------------------------------------------------------------|--------------------------------------------------------|
| Planning Authority:                                                   | <input type="text" value="Perth and Kinross Council"/> |
| Full postal address of the site (including postcode where available): |                                                        |
| Address 1:                                                            | <input type="text" value="Evearn"/>                    |
| Address 2:                                                            | <input type="text" value="Forgandenny"/>               |
| Address 3:                                                            | <input type="text"/>                                   |
| Address 4:                                                            | <input type="text"/>                                   |
| Address 5:                                                            | <input type="text"/>                                   |
| Town/City/Settlement:                                                 | <input type="text" value="Perth"/>                     |
| Post Code:                                                            | <input type="text" value="PH2 9HS"/>                   |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="718312"/> | Easting | <input type="text" value="308727"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## Description of Proposal

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

Alterations & extension to dwelling house

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

1970's chalet dwelling in conservation area located near B listed Church. Refused on basis of scale & form resulting in adverse impact on visual amenity of house & surrounding area. Conservation officer confirmed no comments or concerns regarding the impact of the proposed extension on the setting of the listed buildings. No objections from neighbours, statutory consultees or the public. Pre-application feedback indicated support for a larger scheme with varying eaves heights

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

☐ Yes ☒ No

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

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

Location Plan Block Plan Plans, Section & Elevations Pre-application enquiry Pre-application response

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/02272/FLL

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

21/12/2017

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

12/02/2018

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

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

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

To view the proposal in context. Dwelling does not front a public road and proposal has negligible impact on visual amenity to surrounding area

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)



## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Scott Strachan

Declaration Date: 22/02/2018



## Scott Strachan

---

**From:** Murray Mitchell [REDACTED]  
**Sent:** 21 August 2017 22:37  
**To:** Scott Strachan  
**Subject:** Fwd: Pre application advice

Regards

**Murray Mitchell**



10 South Street,  
Milnathort  
Kinross  
KY13 9XA

[REDACTED]  
w. [www.mscharacterhomes.com](http://www.mscharacterhomes.com)

Begin forwarded message:

**From:** Claire Gordon [REDACTED]  
**Subject:** Fwd: Fw: Pre application advice  
**Date:** 21 August 2017 at 21:38:25 BST  
**To:** Murray Mitchell [REDACTED]

Original correspondence

----- Forwarded message -----

**From:** The Gordons [REDACTED]  
**Date:** 3 July 2017 at 13:53  
**Subject:** Fw: Pre application advice  
**To:** CLAIRE GORDON [REDACTED]

On Wednesday, 29 June 2016, 22:13, The Gordons [REDACTED] wrote:

Hello

We are living in Forgandenny, Evesham, PH2 9HS and would like to extend our current house to increase the living space and add a bedroom and bathroom upstairs.

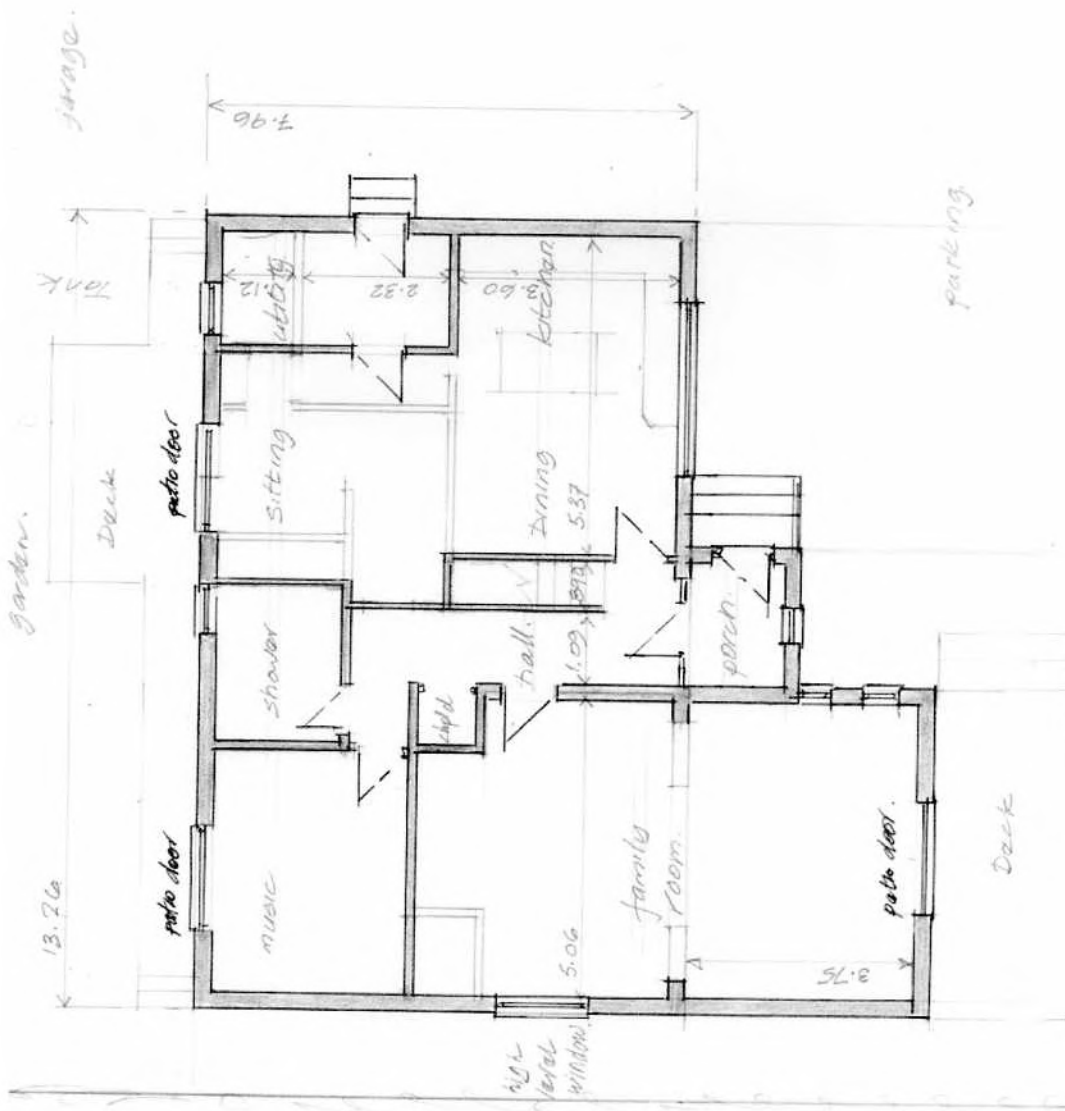
Please find attached a first draft of a concept we like.

We would appreciate your input before we take the drafts and plans any further.

Thank you

Claire and Andrew Gordon

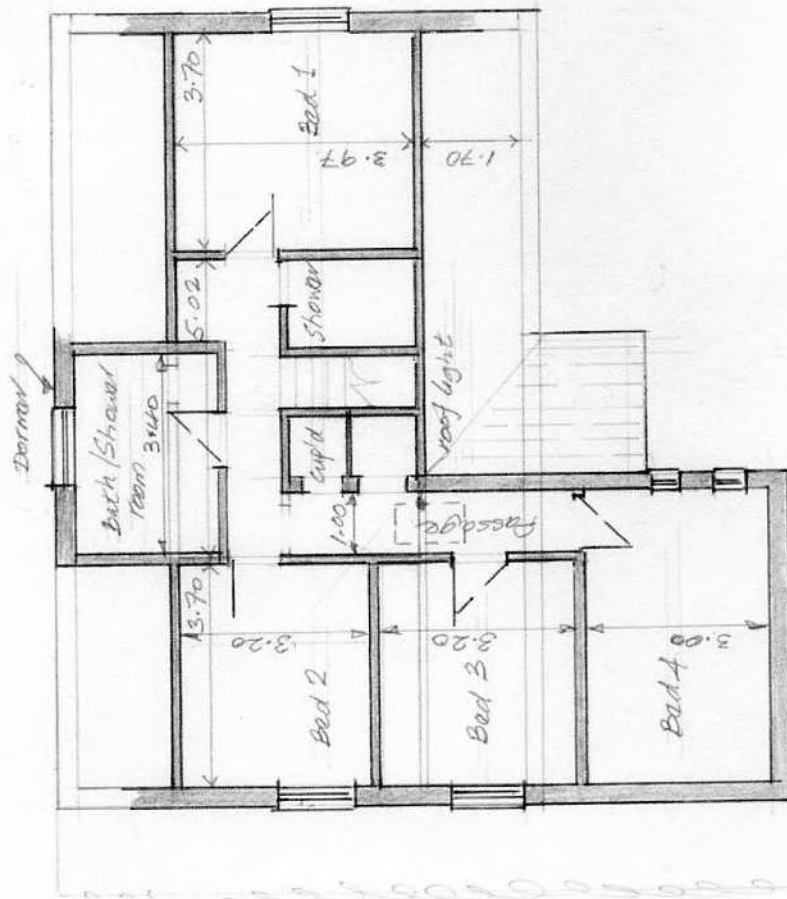
Show original message



EVA ERN EDO  
concept  
Ground Floor

SCALE 1:100

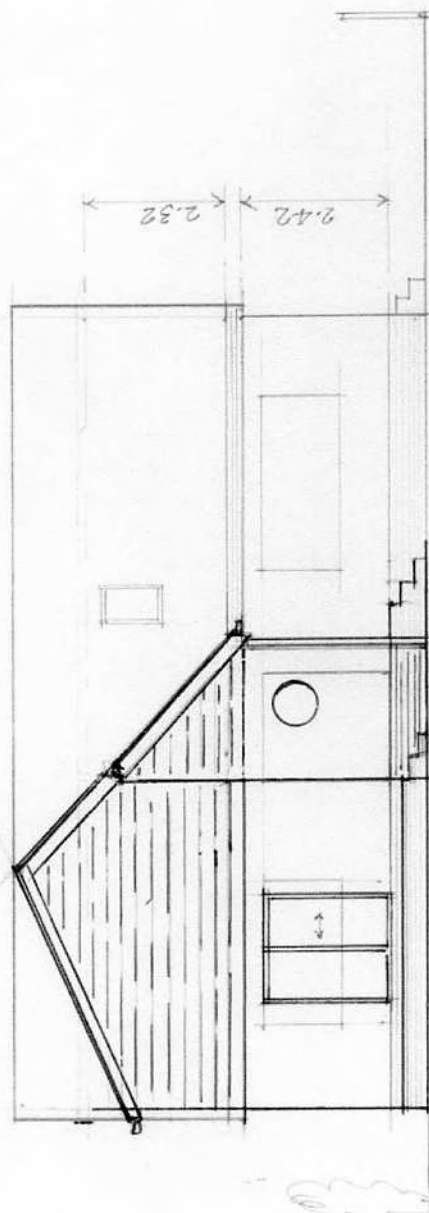
0 1m 2m 3m 4m 5m



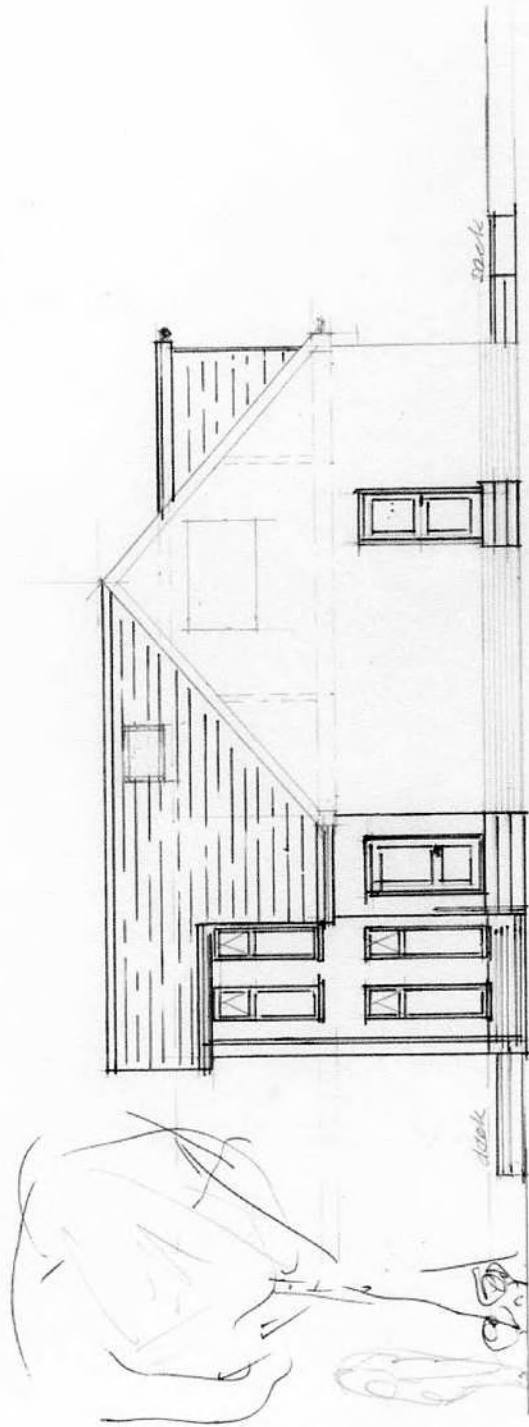
EVEARN  
concept two

First Floor  
Scale 1:100





FUEARN  
concept two  
Front Elevation  
Scale 1:100



EVEARN  
concept TWO.  
side Elevation  
Scale 1:100



## Scott Strachan

---

**From:** Murray Mitchell [REDACTED]  
**Sent:** 21 August 2017 22:37  
**To:** Scott Strachan  
**Subject:** Fwd: PKC Pre Application Response

Regards

Murray Mitchell



10 South Street,  
Milnathort  
Kinross  
KY13 9XA

[REDACTED]  
w. [www.mscharacterhomes.com](http://www.mscharacterhomes.com)

Begin forwarded message:

**From:** Claire Gordon [REDACTED]  
**Subject:** Fwd: Fw: PKC Pre Application Response  
**Date:** 21 August 2017 at 21:37:29 BST  
**To:** Murray Mitchell [REDACTED]

Response from planning officer

On Thursday, 30 June 2016, 17:54, Sean Panton [REDACTED] wrote:

Dear Mr & Mrs Gordon,

**Pre Application Enquiry: Extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS.**

I refer to your email received on 30 June 2016 regarding the above proposal.

Any proposal such as this would be assessed against council policies and Scottish Government legislation. Of particular relevance is TAYplan 2012 and Perth and Kinross Council's Local Development Plan 2014.

The most relevant policies of this Local Development Plan are policies PM1: Placemaking and RD1: Residential.

The Development Plan can be viewed online:

<http://www.pkc.gov.uk/article/1936/Development-Plan>

Other policies or documents which will be applicable include:

The Placemaking guide and Scottish Planning Policy 2014.

The key considerations would be the design, impact on the surrounding built and natural environment, the finishing materials, height, scale and massing, and the impact on neighbouring properties from overshadowing or overlooking and potential road safety concerns.

### **Comment on proposal**

On an initial look at the plans, it was difficult to identify which sections of the building are new build and which sections are existing. On saying this however, the building does not appear to be substantially increased in size and in terms of scale is considered to be acceptable for the size of the plot and existing dwellinghouse. The height line of the proposed extension is also considered to be acceptable due to being similar to that of the existing building and neighbouring properties. In terms of overlooking, concept 2D shows that there are windows on the side elevation, however I am satisfied that these will not cause any adverse issues of overlooking to neighbouring residents. My concerns however relate to the potential overshadowing of the proposed development. I would advise that prior to submitting an application you fully look at ways to minimise overshadowing. I hope you can appreciate that it is hard to tell fully from these drawings and without visiting the site how much overshadowing will be created.

I therefore consider your proposal to appear acceptable in principle and would advise that you come forward with a formal application once consideration has been given to overshadowing of neighbouring residents.

### **Limitations of This Advice**

It is only by submitting a formal application that a measured and comprehensive response to a proposed development can be given as quickly as resources permit. A formal application involves considering a proposal in terms of the Development Plan and the Council's policies on the basis of detailed plans and any further information and justification which is considered necessary. Formal assessment will also involve visiting the site and the surrounding area; researching the planning history of the site and the surrounding area; carrying out any necessary consultations; and taking account of any comments received from notified neighbours and the wider public.

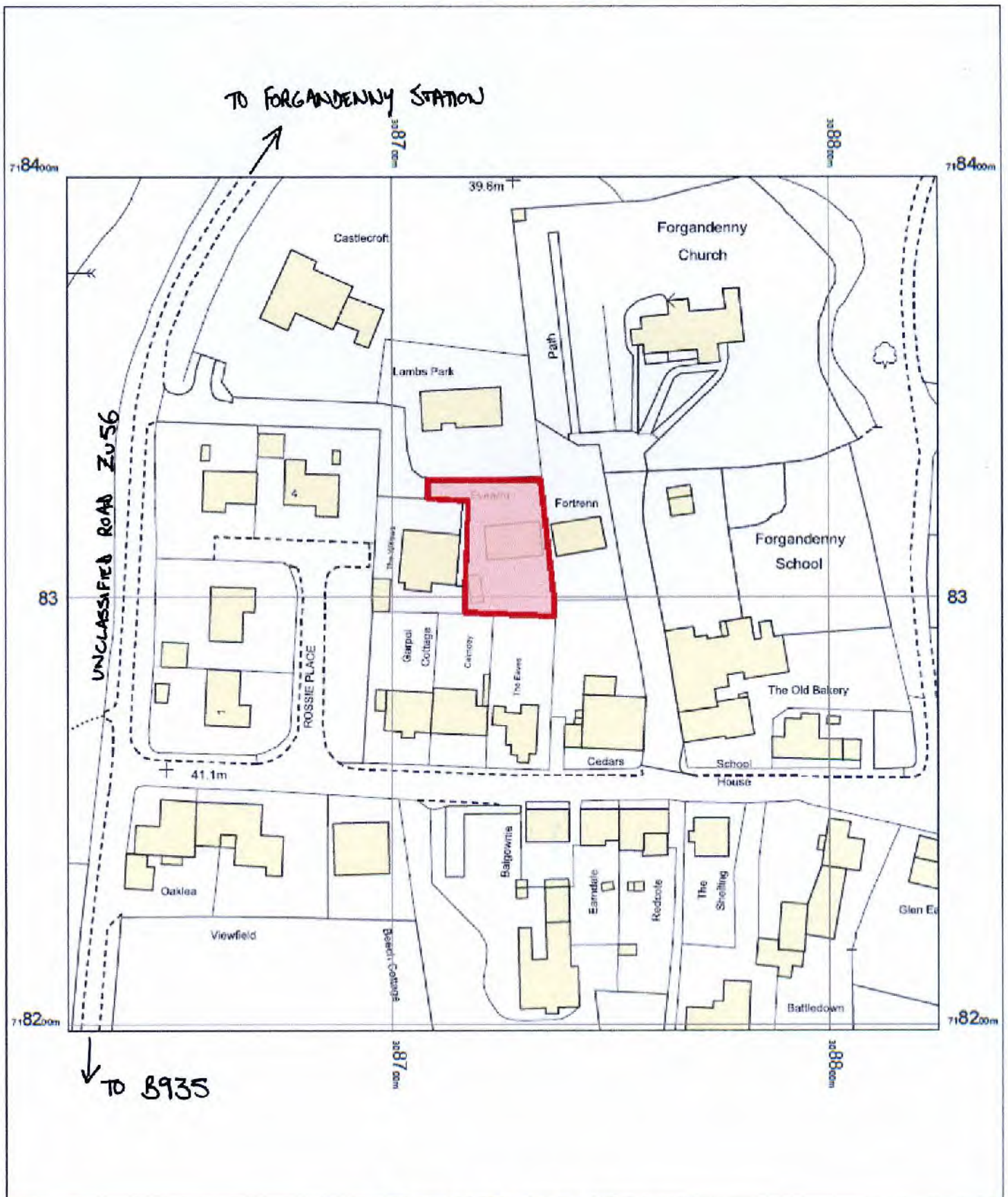
**You should note that I have not necessarily identified all the policies or material considerations which might influence the determination of any planning application. The Council would not in any event be bound by such advice in the event that you submit a planning application.**

Please note that current staffing resources, priorities and workload will not permit me to respond to any further pre-application consultation regarding this proposed development.

I hope that this response has been of some assistance to you.

Kind Regards,  
Sean Panton,  
Development Management,  
Planning & Development,

# Location Plan



Eveam,  
Forgardenny  
Perth  
PH2 9HS

OS MasterMap 1250/2500/10000 scale  
19 May 2017, ID: MNOW-00625325  
[www.nicolsondigital.com](http://www.nicolsondigital.com)

1:1250 scale print at A4, Centre: 308725 E, 718298 N

©Crown Copyright and database rights 2016 OS  
100019980



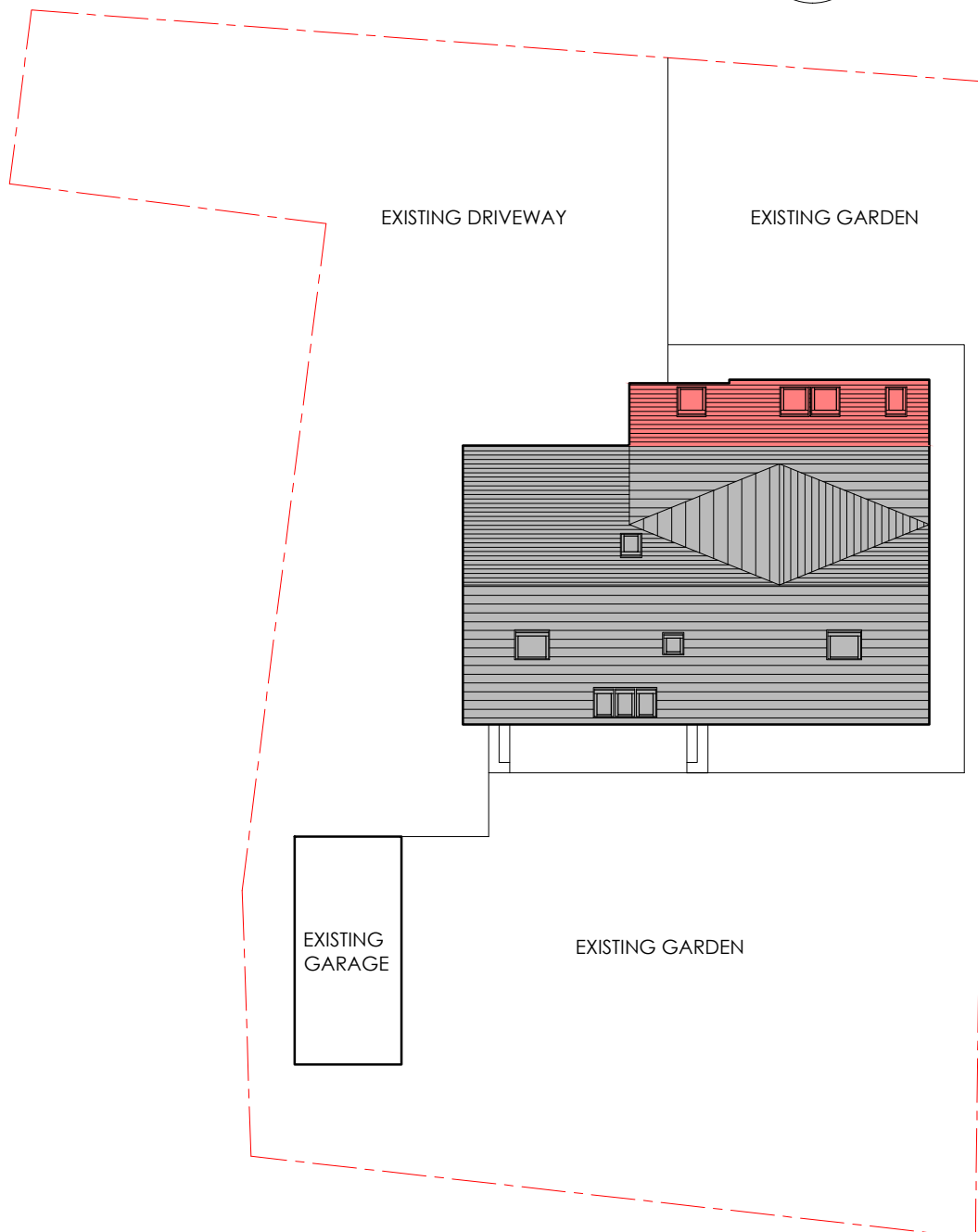
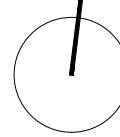


Building Standards  
Approved Certifier

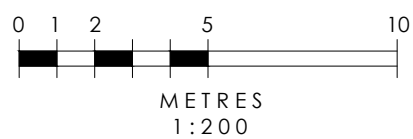


The Scottish  
Government

NORTH



**BLOCK PLAN**  
1:200



**SCOTTSTRACHAN**ARCHITECT

THE HURST, OLD PERTH ROAD, MILNATHORT, KINROSS KY13 9YA  
T. 01577 862694 - M. 07872 318785  
[scott@scottstrachan.co.uk](mailto:scott@scottstrachan.co.uk)

**PROJECT**

ALTERATIONS TO DWELLING  
'EVEARN', FORGANDENNY PERTH PH2 9HS

**CLIENT**

MR & MRS GORDON

**DRAWING TITLE**

BLOCK PLAN

**DATE**

29 MAY 2017

**SCALE**

1:200 @ A4

**DRAWING NO.**

16/311/PL/ 002

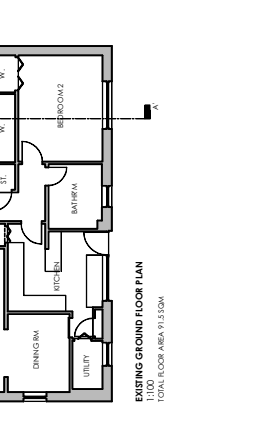
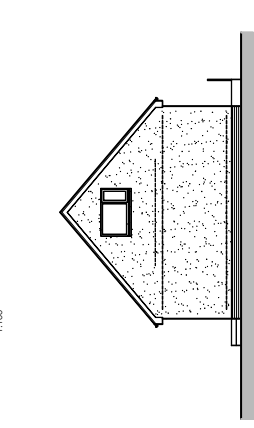
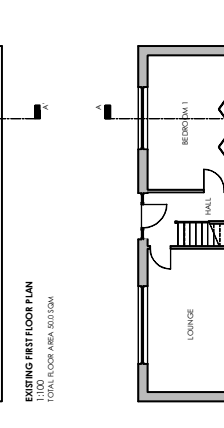
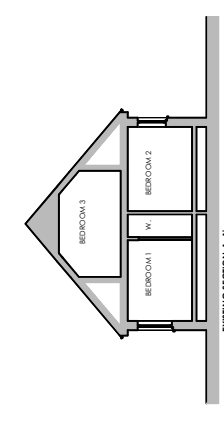
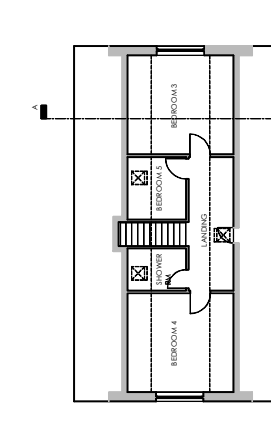
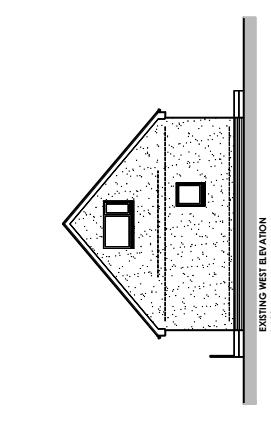
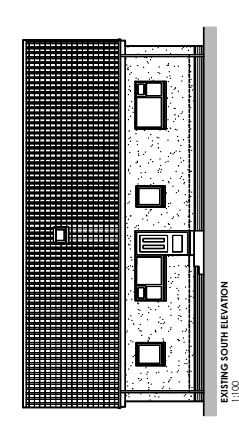
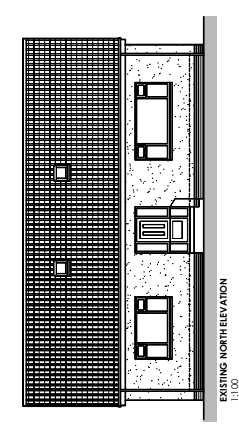
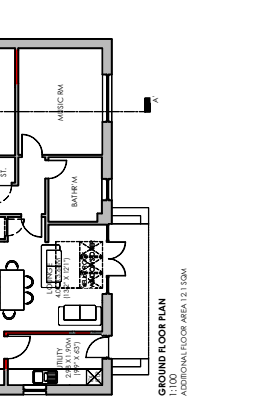
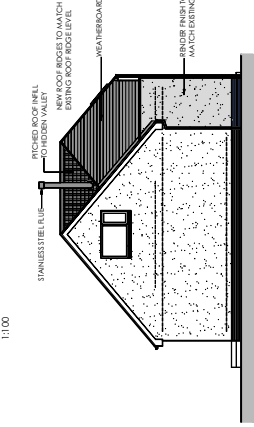
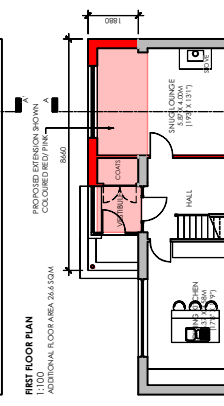
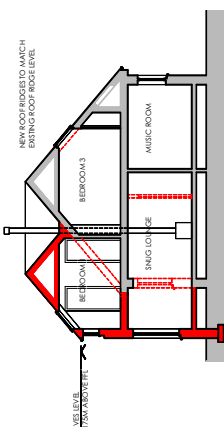
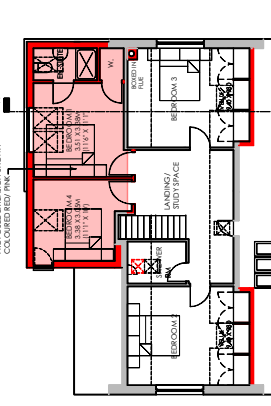
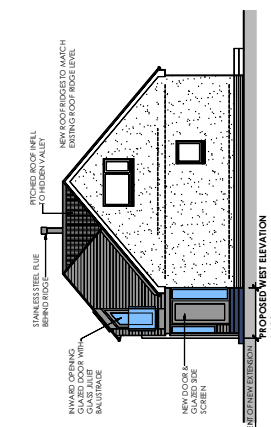
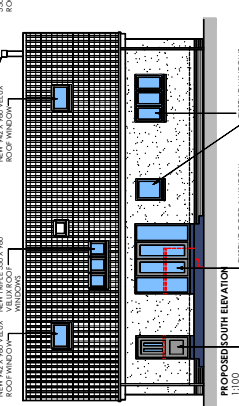
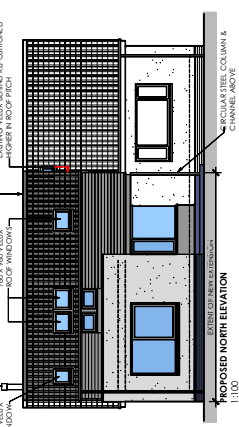




NOTES:  
ALL DIMENSIONS TO BE VERIFIED ON SITE.  
IF IN DOUBT CHECK WITH ARCHITECT.



**PROPOSED EXTERNAL FINISHES**  
**ROOF**  
GREY POWDER INTERLOCKING CONCRETE ROOF  
TILES TO MATCH EXISTING  
STAINLESS STEEL FINISH TO ROOF OF WINDOWS  
STAINLESS STEEL FINISH TO ROOF OF PORCH  
**RAINWATER GOODS**  
BLACK PVC/DREPOW STYLE PHONES &  
CIRCULAR DOWNPIPES  
**WALLS**  
GREY HIGH RENDER TO MATCH EXISTING  
GREY PAINTED WOODGRAIN FIBRE CEMENT  
WEATHERBOARD CLADDING TO ROOF OF PORCH  
GREY PAINTED EXPOSED STRUCTURAL STEELWORK  
FACING BRICK BASE COURSE TO MATCH EXISTING



|     |       |                           |
|-----|-------|---------------------------|
| REV | DATE  | DESCRIPTION               |
| A   | 26.11 | SHOWER ROOM VELUX AMENDED |
| B   | 26.11 | SHOWER ROOM VELUX AMENDED |
| C   | 26.11 | SHOWER ROOM VELUX AMENDED |
| D   | 26.11 | SHOWER ROOM VELUX AMENDED |
| E   | 26.11 | SHOWER ROOM VELUX AMENDED |
| F   | 26.11 | SHOWER ROOM VELUX AMENDED |
| G   | 26.11 | SHOWER ROOM VELUX AMENDED |
| H   | 26.11 | SHOWER ROOM VELUX AMENDED |
| I   | 26.11 | SHOWER ROOM VELUX AMENDED |
| J   | 26.11 | SHOWER ROOM VELUX AMENDED |
| K   | 26.11 | SHOWER ROOM VELUX AMENDED |
| L   | 26.11 | SHOWER ROOM VELUX AMENDED |
| M   | 26.11 | SHOWER ROOM VELUX AMENDED |
| N   | 26.11 | SHOWER ROOM VELUX AMENDED |
| O   | 26.11 | SHOWER ROOM VELUX AMENDED |
| P   | 26.11 | SHOWER ROOM VELUX AMENDED |
| Q   | 26.11 | SHOWER ROOM VELUX AMENDED |
| R   | 26.11 | SHOWER ROOM VELUX AMENDED |
| S   | 26.11 | SHOWER ROOM VELUX AMENDED |
| T   | 26.11 | SHOWER ROOM VELUX AMENDED |
| U   | 26.11 | SHOWER ROOM VELUX AMENDED |
| V   | 26.11 | SHOWER ROOM VELUX AMENDED |
| W   | 26.11 | SHOWER ROOM VELUX AMENDED |
| X   | 26.11 | SHOWER ROOM VELUX AMENDED |
| Y   | 26.11 | SHOWER ROOM VELUX AMENDED |
| Z   | 26.11 | SHOWER ROOM VELUX AMENDED |

**SCOTT STRACHAN ARCHITECT**  
THE HUBS, 100, GLENKILBO, GLENKILBO, DUNDEE, DD1 1TA  
T: 01577 862864 • M: 07872318765  
E: scott@scottstrachan.co.uk  
scottstrachan.co.uk

**PROJECT**  
PROPOSED EXTENSION TO DWELLING  
EVEAR, FOSGARDENNY, PERH PH2 9HS

**CLIENT**  
MR A. & MRS C. GORDON

**DRAWING TITLE**  
FLOOR PLANS, SECTIONS & ELEVATIONS

**DATE**  
19 MAY 2017

**SCALE**  
1:100 @ A1

**DRAWING NO.**  
14/ 311 / P1 / 001 REVISION A



**TCP/11/16(519) – 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 175-177)*





# PERTH AND KINROSS COUNCIL

Mr A. And Mrs C. Gordon  
c/o Scott Strachan Architect  
Scott Strachan  
The Hurst  
Old Perth Road  
Milnathort  
Kinross  
Scotland  
KY13 9YA

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 12th February 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/02272/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 21st December 2017 for permission for **Alterations and extension to dwellinghouse Evearn Forgandenny Perth PH2 9HS** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposed extension, by virtue of its raised wall head and eaves level, excessive proportions, poor form, conflicting composition and lack of integration, would unbalance and overwhelm the existing dwellinghouse and compromise its architectural integrity, resulting in an adverse impact on the visual amenity of the house and surrounding area.

Approval would therefore be contrary to Policies RD1(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, massing, materials, colours and finishes.

## **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

17/02272/1

17/02272/2

17/02272/3

## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                     |      |
|------------------------|---------------------|------|
| Ref No                 | 17/02272/FLL        |      |
| Ward No                | P9- Almond And Earn |      |
| Due Determination Date | 20.02.2018          |      |
| Case Officer           | Keith Stirton       |      |
| Report Issued by       |                     | Date |
| Countersigned by       |                     | Date |

**PROPOSAL:** Alterations and extension to dwellinghouse

**LOCATION:** Evearn Forgandenny Perth PH2 9HS

#### 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:** 10 January 2018

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is Evearn, a detached 1970's "chalet-style" dwellinghouse which is located within the Forgandenny Conservation Area. This application seeks detailed planning permission for alterations to the rear (South) and an extension to the front (North). The application is identical to a previously refused proposal, Ref: 17/00940/FLL.

## **SITE HISTORY**

17/00940/FLL          Extension to dwellinghouse  
Application Refused – 21 July 2017

## **PRE-APPLICATION CONSULTATION**

Pre application Reference:          16/00433/PREAPP

The principle of an extension was considered to be acceptable, but several reservations were raised. The proposal evolved in design and detailing in between the initial pre-application enquiry and the formal application submission.

## **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.

Scottish Planning Policy, paragraph 143, states that;

*“Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance”.*

## **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 HE3A - Conservation Areas**

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development out with an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

**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 RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

In addition to the adopted development plan policies listed above, the following policies from Perth & Kinross Local Development Plan 2: Proposed Plan 2017 are now relevant material considerations in the determination of the application;

Policies 1A and 1B: Placemaking, Policy 17: Residential Areas, Policy 28A: Conservation Areas. These Policies generally replicate the equivalent Policies in the adopted Local Development Plan.

## **OTHER GUIDANCE**

Perth & Kinross Council's Draft Placemaking Guide 2017 has now been issued. The guidance states that;

*"Whether it is an extension on a house or a strategic development site, there are always aims and objectives for any new development..."*

*There is considerable scope for modern architecture and building techniques to support new lifestyles but an honest contemporary approach can be matched with local building characteristics to provide attractive modern living. It requires sensitivity and care by the designer but will not necessarily result in additional expenditure.*

*New development should acknowledge the scale and form of the surrounding buildings. This can make a huge difference to the visual impact of a*

*development. Whilst it is not desirable to copy traditional buildings, it is important to harmonise with them.*

*Proportion is a fundamental element of architecture, and relates to the building as a whole and also as sections working harmoniously together. Individual elements of a building must work together to create a coherent design that balances. The building envelope, windows and doors, eaves and roof ridgeline should all work in balance with each other”.*

The Council is in the process of drafting more detailed Technical Notes that will provide specific guidance on domestic extensions.

These will offer more information regarding this type of development and give best practice examples that can be used by applicants and Development Management to support the pre-application and planning application process.

The aim of these technical notes is not to be proscriptive regarding design but to ensure that the Placemaking process has been followed when applying for planning permission for a new development, regardless as to the size, cost or location of a proposal.

The Technical Notes will reflect the messages in the Placemaking Guide and be published alongside the Adopted Supplementary Guidance.

The draft Supplementary Guidance has been consulted upon and comments were invited between 13th July 2017 and 31st August 2017.

## **INTERNAL COMMENTS**

Conservation Officer            No concerns regarding setting of Listed Buildings

Environmental Health            No objections – condition required on any approval

## **REPRESENTATIONS**

No letters of representation have been received in relation to this proposal.

## **ADDITIONAL STATEMENTS RECEIVED:**

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environment Statement                                         | Not Required |
| Screening Opinion                                             | Not Required |
| Environmental Impact Assessment                               | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Not Required |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

## **APPRAISAL**

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

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

### **Policy Appraisal**

In general terms, developments which are ancillary to an existing domestic dwelling are considered to be acceptable in principle. However, consideration must be given to the specific details of any proposal, whether it would have an adverse impact on visual amenity and whether it would preserve and enhance the character and appearance of the Conservation Area.

### **Design and Layout**

The existing dwellinghouse has a rectangular footprint and is of a 1970's pitched roof "chalet-style" design, with accommodation contained entirely within the roof space. The houses in the immediately adjacent plots have a mixture of designs and finishes, though all are of single storey appearance, with upper level accommodation contained entirely within the roof space.

This proposal is identical to a previously refused proposal, Ref: 17/00940/FLL. Whilst post-refusal discussions have taken place on a number of alternative design options, none of them were considered to adequately address the concerns raised and/or were cost prohibitive. It is understood that the applicant has re-submitted the same proposal with the intention of taking the case to the Local Review Body, seeing as the previous refusal is now time-barred from a review.

Minor alterations to window and door openings are proposed to the rear (South). Additionally, an extension is proposed to the principal (North) elevation of the house. It measures 8.66m in length, 1.88m in projection; has a raised eaves level and a matching ridge level. The extension has been designed to read deferentially from the existing house, in a contemporary fashion.

### **Landscape**

The scale and nature of the proposals do not raise any significant landscape impact issues.

## **Residential Amenity**

The residential amenity of neighbouring properties would not be adversely affected by the proposed development in terms of overlooking or overshadowing, given their relative positions, orientations and distances.

The Council's Environmental Health Officer has provided comments in relation to potential nuisance conditions caused by the proposed stove. A planning condition has been requested on any approval in order to safeguard surrounding residential amenity.

## **Visual Amenity**

The proposed alterations to the window and door openings to the rear of the building are of no concern and are considered to be acceptable.

Given the variety of surrounding houses in this private cul-de-sac and adjoining plots, the principle of an extension to the front elevation in this context is considered to be acceptable, providing that its proportions, design and finish are appropriate.

The extension is detailed in a contemporary fashion with the partial use of grey fibre cement weatherboard cladding, a Juliette balcony and an open-sided entrance porch which has a steel column supporting the upper level extension.

However, the heightened proportions and raised wall head and eaves level of the extension exceed those of the host building, resulting in a dominant feature which would unbalance and overwhelm the principal elevation of the house, to the detriment of its visual amenity.

Additionally, the proposed ridge line runs parallel to the ridge of the house. Therefore, in addition to its dominant appearance, the resulting extension also lacks cohesion as it is poorly integrated with the house and has an incongruous appearance.

The applicant has cited examples of nearby unsympathetic development in an effort to justify the current proposals. However, none of them are considered to be justification for over-riding the current planning policies in this instance. This application must be determined based upon its own planning merits.

On balance, the present proposals are not considered to meet with adopted planning policies or the recently issued draft Placemaking Guide for the previously stated reasons; therefore the application is recommended for refusal.

## **Conservation Area and Setting of Adjacent Listed Buildings.**

This modern dwellinghouse is located within the Forgandenny Conservation Area and is located adjacent to a number of Listed Buildings. The proposal is



not considered to have an adverse effect on the setting of the adjacent Listed Buildings.

Although the proposal raises a number of visual amenity issues, as detailed above, it is accepted that the impact of the proposals would be contained to an area relatively close to the modern property, and that it would not have such a significant impact on the traditional character and historic integrity of the wider Conservation Area.

### **Roads and Access**

There are no road or access implications associated with this proposed development.

### **Drainage and Flooding**

There are no drainage and flooding implications associated with this proposed development.

### **Developer Contributions**

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

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 or the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Reasons for Recommendation**

- 1 The proposed extension, by virtue of its raised wall head and eaves level, excessive proportions, poor form, conflicting composition and lack of integration, would unbalance and overwhelm the existing dwellinghouse and compromise its architectural integrity, resulting in an adverse impact on the visual amenity of the house and surrounding area.

Approval would therefore be contrary to Policies RD1(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, massing, materials, colours and finishes.

### **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**

Not Applicable.

### **Procedural Notes**

Not Applicable.

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

17/02272/1

17/02272/2

17/02272/3

**Date of Report**      **9 February 2018**

**TCP/11/16(519) – 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandanny, Perth, PH2 9HS**

## **REPRESENTATIONS**



# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/02272/FLL

Our ref LRE

Date 8 January 2018

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

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

**PK17/02272/FLL RE: Alterations and extension to dwellinghouse Evearn Forgandenny Perth PH2 9HS for Mr & Mrs C. Gordon**

I refer to your letter dated 3 January 2018 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –08/01/18)

### **Recommendation**

**I have no objection in principle to the application but recommend that the under noted conditions be included on any given consent.**

### **Comments**

The plans submitted with the application indicate that the applicant proposes to install a wood burning stove within the snug lounge area of the dwelling house.

The closest residential property to the application site is Fortrenn which is approximately 3 metres away.

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

### **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.TG16 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 wood burning stove to be installed is a small domestic stove and will be below the range that should be assessed; I therefore have no adverse comments to make with regards to air quality.

### **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.

The plans submitted with this application indicate that the proposed flue will be exhausted through the roof and will terminate above the roof ridge. Therefore the emissions should disperse adequately and should not adversely affect the residential amenity of neighbouring properties.

However I recommend that the undernoted condition be included on any given consent.

**Condition**

**EH50** The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority



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

|                                                 |                                                                                                                                                                                                                                                                                                                                |                             |               |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------|
| <b>Planning Application ref.</b>                | 17/012272/FLL                                                                                                                                                                                                                                                                                                                  | <b>Comments provided by</b> | Diane Barbary |
| <b>Service/Section</b>                          | Conservation                                                                                                                                                                                                                                                                                                                   | <b>Contact Details</b>      | [REDACTED]    |
| <b>Description of Proposal</b>                  | Alterations and extension to dwellinghouse                                                                                                                                                                                                                                                                                     |                             |               |
| <b>Address of site</b>                          | Evearn, Forgandenny                                                                                                                                                                                                                                                                                                            |                             |               |
| <b>Comments on the proposal</b>                 | <p>Evearn is an unlisted building in the Forgandenny Conservation Area. The site is to the south west of the category B listed Forgandenny Parish Church and Churchyard (LB 11303 and 11304).</p> <p>I have no comments or concerns regarding the impact of the proposed extension on the setting of the listed buildings.</p> |                             |               |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                                                                                                                                |                             |               |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                |                             |               |
| <b>Date comments returned</b>                   | 22/01/18                                                                                                                                                                                                                                                                                                                       |                             |               |





**TCP/11/16(520) – 17/01804/IPL – Erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 199-226***)
- (b) Decision Notice (***Pages 211-212***)
  - Report of Handling (***Pages 215-224***)
  - Reference Documents (***Pages 225-226 and 229-237***)
- (c) Representations (***Pages 239-250***)



**TCP/11/16(520) – 17/01804/IPL – Erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name TULCHAN ESTATES LIMITED

Address 16 CLARENCE STREET  
EDINBURGH

Postcode EH3 5AT

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name CAMPBELL BLAKE  
C.B. PLANNING LIMITED

Address WOODLEA  
PERTH ROAD,  
CRIEFF, PERTSHIRE,

Postcode PH7 3EQ

Contact Telephone 1 07400 400815

Contact Telephone 2

Fax No

E-mail\* campbellblake@bt.com

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

17/01804/1PL

Site address

150 METRES NORTH WEST OF EAST TULCHAN STEWARDS,  
TULCHAN ESTATE, GLENALMOND, PH1 3SQ.

Description of proposed  
development

ERECTION OF A FARM WORKERS / ESTATE MANAGERS  
DWELLING HOUSE (IN PRINCIPLE)

Date of application

13/10/2017

Date of decision (if any)

8/12/2017

**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 WOULD ALLOW THE MEMBERS OF THE LOCAL REVIEW BODY TO ASSESS THE FARM & BUILDINGS AND TAKE FURTHER PRESENTATIONS IF APPROPRIATE

**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 EXTENDS TO 141 HECTARES OF UPLAND FARM, SO CAN UTILISE THE INTERIOR FARM ACCESS TRACK



## Statement

## Notice of Review

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

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

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

SEE ATTACHED SUPPLEMENTARY 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.

N/A

## 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.

1. SUPPLEMENTARY STATEMENT
2. DECISION NOTICE ON APP REF: 17/01804/EPL
3. SUPPORTING LETTER FROM SAC CONSULTANCY DATED 18<sup>th</sup> SEPTEMBER 2017
4. REPORT OF HANDLING FOR APP REF: 17/01804/EPL
5. LOCATION PLAN - TULCRAH PLAN 41
6. APPLICATION SITE - PLAN 3

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

26/03/2018



---

**Supplementary Statement to the  
Perth and Kinross Local Review  
Body by Tulchan Estate Limited:  
Erection of a Farm Tenant/Estate  
Manager Dwellinghouse at Glenalnr  
Perthshire,PH1 3SG**

---

**Planning Permission in Principle**

---

**Council ref: 17/01804/IPL**

---

**February 2018**

---

## **1.0 Introduction**

- 1.1 The planning application for the erection of a Farm Tenant/Estate Managers dwelling house (in principle) was refused, under delegated powers, on 8<sup>th</sup> December 2017. The council application reference is 17/01804/IPL (see attached Decision Notice).
- 1.2 This application was accompanied by a letter from SAC Consulting, dated 18<sup>th</sup> September 2017 (see attached SAC letter), which stated that “ the proposal to build a farmhouse...is highly desirable for animal welfare, farm and business security, and health and safety” and that the “ proposal to build a dedicated farm dwelling house to be let on a long-term basis in conjunction with all the farmland and associated existing farm infrastructure at East and West Tulchan will create a fully operational and practical farming unit.”
- 1.3 This is the second application submitted for the proposed development of the Farm Tenant/Estate Managers dwelling. The first application, council ref: 17/00817/FLL was refused under delegated powers on 26<sup>th</sup> July 2017. The first and second applications are almost identical though the main difference is that this second application was accompanied by the SAC Consulting letter referred to above.

## **2.0 Report of Handling**

- 2.1 The Report of Handling (see attached) specified 5 reasons for refusal. Reasons 1 and 2 challenged the principle and economic need for the dwelling house, whilst reasons 3, 4 and 5 expressed concern about the proposed position of the dwelling adjacent to the road, route C 409.
- 2.2 The Report of Handling raised two specific concerns. Firstly, it states that “the essential need for a workers dwelling has been created artificially” through the disposal of the original farmhouse at East Tulchan in the 1990’s. Secondly there is a preference for the proposed dwelling to be located near the existing agricultural buildings, elsewhere on the estate, rather than adjacent to the road and the potential source of nuisance and complaint to the nearest residential properties should agricultural buildings be developed in conjunction with the proposed dwelling.

## **3.0 The Proposal**

- 3.1 Tulchan is an upland farm comprising some 141 hectares (349 acres). The farm supports livestock production with some of the land having potential to grow crops. The income is split between farming and holiday lets (two existing properties are let). There are various agricultural buildings spread throughout the site.
- 3.2 The farm is currently let on a Short-Limited Duration Tenancy which will end in November 2019. The land owner does not farm or live on the land.

- 3.3 Tulchan Estate are seeking planning permission (in principle) for a farm worker/estate managers dwelling house as, currently, there is no farmhouse. The proposition is to, on expiry of the existing lease, offer a full farm tenancy to a new entrant farmer and the proposed dwelling would be required to accommodate the new entrant and his/her family.

#### **4.0 Reasoned Justification**

- 4.1 It is accepted that in terms of the New Houses in the Countryside policy applied by Perth and Kinross Council that there has to be a demonstrated need for a new dwelling. The planning application process is being commenced at this point to allow sufficient time for approval of an application in principle and a subsequent Matters Specified by Conditions application, should the Council be favourably disposed towards the principle of development. There is an identified need to live on site to manage the operations effectively, particularly in relation to the husbandry of the animal stock. There is no potential to utilise existing accommodation or for the renovation of other existing buildings as these units supplement the farm income.
- 4.2 In this instance the agricultural unit extends to 141 hectares. There are two existing dwellings: Tulchan Lodge, an 8- bedroom unit (sleeps 16) which was specifically built as a holiday let and the Hayloft which, because of its restricted size, is more suited to a holiday let. Tulchan Lodge and the Hayloft were constructed by the current owners (see attached Tulchan Plan 4).
- 4.3 The Report of Handling believes that the case for a new dwelling has been “created artificially” as the original farmhouse, called East Tulchan, was sold in the 1990’s. It should be pointed out, that East Tulchan farmhouse was sold by the previous owner and the current owner only acquired the land. The accusation that the need is “artificially created” is unfounded and disingenuous. East Tulchan farmhouse now forms part of a privately developed and extended steading development of 5 houses, which abuts the site of the proposed dwelling, and is no longer available for agricultural use. There is therefore a net loss of one agricultural dwelling.
- 4.4 The letting of Tulchan Lodge and the Hayloft generates some 60% of the farm income. The lettings cross subsidises the agricultural operation. Farmers are encouraged to diversify and identify additional sources of income. This owner has actively embraced this and now wishes to extend the diversification by philanthropically encouraging a new entrant into farming. This will require a new dwelling which meets the needs of a young, growing family. This is the rationale behind this planning application which is justified by the terms of the New Houses in the Countryside policy.
- 4.5 The site was specifically chosen as it is adjacent to route C409(Methven to Buchanty road). This logical location was selected for reasons of security, proximity to services in the road and that the pattern of development, is generally, to position farm and private houses adjacent to the road (see attached Application Site-Plan 3).

- 4.6 The proposed site extends to approximately an acre. The proposed site and the abutting East Tulchan steading development is separated by a 40- metre wide landscape strip and then some 70 metres of garden ground. The separation distance of 110 metres with mature landscaping is sufficient to maintain the amenity of the residential units at East Tulchan. The applicant, as an additional safeguard, is proposing that the permitted development rights be removed from this property so that no other building can be erected without the permission of the Council to ensure the continued amenity of East Tulchan steading.
- 4.7 The vision is for a 1.5 storey, 3 bed dwellinghouse designed to reflect the local architecture and the Design Guidelines sought by the Council. This is to be the family home for the farm. The existing farm buildings and letting units are dispersed throughout the unit and remote from the C409. Further agricultural building, should they be required, will be located elsewhere on the unit and will not compromise the setting of the proposed dwelling. The applicant has indicated his willingness to enter into a section 75 agreement, or other legal remedy to tie the proposed dwelling to the farm and farm worker.

## 5.0 Conclusion

- 5.1 Agriculture is an important industry in Scotland and Perthshire. Agriculture is a key component in the local economy. The importance of agriculture for the management of the countryside, production of food and for recreational activities is recognised at Scottish Government level with a range of supporting measures identified for the industry. Part of this support arises through the planning process where a degree of flexibility is applied to new developments supporting these rural enterprises. For example, as stated in a recent Scottish Government report:

*“If it is to prosper into the future, farming needs to attract a steady flow of new entrants and young farmers with drive, innovation and entrepreneurial skills. The main incentive for new and young entrants is a profitable industry which has good opportunities. At present, however, farming does not offer sufficient returns or opportunities to attract the number of new entrants that the industry needs. The Scottish Government is therefore keen to offer support to new and young entrants so that they can make the most of their business and the opportunities that arise.”*

- 5.2 The opportunity is available to support a new farm entrant in line with the above Scottish Government report, but a dwelling house is required to accommodate the family. The need for the FarmTenant/Estate Managers house has been shown in terms of the existing size of the agricultural unit and has not been created artificially.
- 5.3 The farm unit is some 141 hectares in extent and the two existing dwellings cross subsidise the farm income. The two existing units are also lend themselves to letting rather than permanent habitation.

- 5.4 The optimal position for the new dwelling is adjacent to the C409 for reasons of security and practicality of infrastructure servicing. The separation distance between the proposed unit and East Tulchan steadings is such that there is little likelihood of any detrimental effect on the amenity of these units. Removing the permitted development rights will provide further protection and comfort.
- 5.5 SAC Consulting has stated in their letter that the new dwelling house is highly desirable for animal welfare, farm and business security, health and safety and that this farm setup and potential enterprise will create an excellent full- time farming opportunity for a young, enthusiastic and dedicated new entrant. There is a proven and supported essential need.
- 5.6 As the proposal is in line with Council policy(Section 3,paragraph 3.3 of the New Houses in the Countryside policy applies), it is respectfully requested that members of the Local review Body apply the correct information weighting and approve this planning application in principle for a new dwelling and overturn the delegated decision.



# PERTH AND KINROSS COUNCIL

Tulchan Estates Limited  
c/o C B Planning Limited  
Campbell Black  
Woodlea  
Perth Road  
Crieff  
PH7 3EQ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 8th December 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01804/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 13th October 2017 for permission for **Erection of a dwellinghouse (in principle) Land 150 Metres North West Of East Tulchan Steadings Glenalmond** 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 Adopted Local Development Plan 2014 in that the proposal is not sufficiently robust in demonstrating that there is an economic need for the dwelling at the farm holding. Furthermore it has not been adequately demonstrated that the proposed dwelling position within the farm holding would achieve a suitable landscape fit to protect and enhance the landscape interests of this area of Perth and Kinross.

2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. In particular the proposal is not sufficiently robust in demonstrating that there is an economic need for the dwelling at the farm holding.
3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
5. The proposal is contrary to Policy PM1B, criterion (a) and (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

## **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**

17/01804/1

17/01804/2

17/01804/3

17/01804/4

17/01804/5





# SAC

CONSULTING

1<sup>st</sup> Floor Sandpiper House  
Ruthvenfield Road  
Inveralmond Industrial Estate  
PERTH PH1 3EE

t: +44 (0)1738 636611  
f: +44 (0)1738 627860  
e: Kara.Craig@sac.co.uk  
w: www.sruc.ac.uk

Tulchan Estates Ltd  
16 Clarence St  
EDINBURGH  
EH3 5AF

Our Ref: /KC

18 September 2017

To Whom It May Concern

## Supporting Letter for Construction of a Dwellinghouse for an Agricultural Worker at Tulchan Estate

SAC have been contacted by Sandy Mitchell, owner of Tulchan Estates Ltd, to provide support for a planning application to construct a new farm dwellinghouse on his land at East and West Tulchan, by Glenalmond, Perth.

East and West Tulchan is an upland farm comprising 141 hectares (349 acres) or thereby. The farm supports livestock production with some of the land having the potential to grow arable crops.

Mr Mitchell does not farm the land at East and West Tulchan. The farm land is currently let out on a Short Limited Duration Tenancy (SLDT) however this tenancy will terminate in 2019 as a result of the tenant retiring. The current tenant will cease farm operations within the next 24 months. With this in mind Tulchan Estates Ltd will create an opportunity for a new entrant to farming to get a start on the farming ladder. There is currently no farmhouse owned by Tulchan Estates Ltd on the land at East and West Tulchan. In order for Tulchan Estates Ltd to offer a full farm tenancy that includes land, associated farm infrastructure and accommodation for a tenant, a new farm dwellinghouse is required to be built.

Farming in Scotland is under ever increasing social and economic pressures. The demographic of farm occupiers in Scotland is significantly weighted towards the older generations with nearly 40% of farm occupiers over 65 years of age. In response to this trend, the Scottish Government is determined to encourage new and younger generations into agriculture. Attracting and encouraging new entrants will drive innovation and best practice, improve efficiencies, contribute towards the economic vitality of the agricultural sector and will also create a future for the industry.

There are many barriers that hinder and prevent new entrants commencing a farming business. These include a lack of capital to buy land, a lack of farm land on offer to purchase, a limited availability of farm tenancies and limited availability of affordable and fit for purpose rural housing.

Agricultural/

**SAC Consulting is a division of SRUC**

**Leading the way in Agriculture and Rural Research, Education and Consulting**

SRUC. A charitable company limited by guarantee, Scottish Charity Number: SC003712 Registered in Scotland, Company Number: SC103046 Registered Office: Peter Wilson Building, King's Buildings, West Mains Road, Edinburgh EH9 3JG  
SAC Commercial Limited. An SRUC company. Registered in Scotland, Company Number: SC148684. Registered Office: Peter Wilson Building, King's Buildings, West Mains Road, Edinburgh EH9 3JG



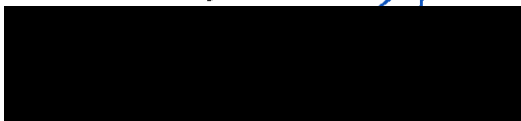
Agricultural land is mostly under long-term ownership or rented under long-term secure tenancy agreements and most often any changes in ownership or tenancy occurs within a family through succession. This is a barrier for those with a desire to farm but who are not fortunate enough to come from a farming family background as farm land and new tenancies rarely become available to those outside an existing farming family fold.

Another barrier to new entrants is the availability of rural housing. In order to commence farming activity, new entrants require housing in addition to a land base. Ideally this housing should be fit for purpose and located on the site of the land area being farmed. Rural housing is in high demand in Perthshire as a result of outsiders buying into the scenic rural areas and the high levels of rural tourism. This activity is undoubtedly economically beneficial to Perthshire by bringing new people to the area as well as creating diversification opportunities for farming and other rural businesses. Nevertheless, this has resulted in limited housing opportunities for farm workers and many farming units being split up. Prior to Sandy Mitchell buying the property, the farm dwellinghouse and the farm land at East and West Tulchan farm were split up.

The proposal to build a farm dwellinghouse on the land at East and West Tulchan is highly desirable for animal welfare, farm and business security, and health and safety. This onsite accommodation for a new tenant will also ensure efficient farming practices. In addition, the proposal will encourage rural business development through activities associated with the construction of the farm dwellinghouse and its long-term maintenance and ensure sustainable farming operations at East and West Tulchan which will benefit the overall rural environment in the Glenalmond area.

Mr Mitchell's proposal to build a dedicated farm dwellinghouse to be let out on a long-term tenancy in conjunction with all the farm land and associated existing farm infrastructure at East and West Tulchan will create a fully operational and practical farming unit. This farm set up and potential farming enterprises will create an excellent full time farming opportunity for a young, enthusiastic and dedicated new entrant.

Yours sincerely

A large black rectangular box redacting the signature of Kara Craig.

**Kara Craig**  
***Agricultural Consultant***

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                     |      |
|------------------------|---------------------|------|
| Ref No                 | 17/01804/IPL        |      |
| Ward No                | P9- Almond And Earn |      |
| Due Determination Date | 12.12.2017          |      |
| Case Officer           | John Russell        |      |
| Report Issued by       |                     | Date |
| Countersigned by       |                     | Date |

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

**LOCATION:** Land 150 Metres North West Of East Tulchan Steadings  
Glenalmond

### 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:** 25 October 2017

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The proposal is to erect an essential workers dwelling house in a field which is to the west of East Tulcahn by Glenalmond. The proposed plot is remote from the existing farm buildings. It is located to the north of the farm holding in an open field next to the farm access track junction with the public road. The in-principle application delineates the site and the entrance to the site. As the application is in-principle there are no details at this stage indicating the building mass, elevational treatment or siting within the plot.

It should be noted that this application is a resubmission of application 17/00817/FLL that was refused. The agent confirms that more supporting information has now been submitted with this application to demonstrate that there is an “essential need”.

There is a considerable amount of history associated with the site as detailed below.

### **SITE HISTORY**

98/01314/FUL Erection of shooting lodge, refused 18 December 1998.

04/00377/FUL Extension of shooting lodge caretakers accommodation and erection of garage/store/kennels, refused 26 April 2004.

04/01057/FUL Extension of shooting lodge caretakers accommodation and erection of garage/store/kennels, 19 July 2004.

05/01805/FUL Alterations and extension to garage/store to form dwellinghouse, approved 04 January 2006

06/01536/MOD Modification of existing consent 04/01057/FUL, for revised entrance porch design, approved 28 August 2006.

Change of use from self catering holiday accommodation to private residential accommodation, approved 15 April 2011.

15/00062/FLL Erection of timber hut, approved 09 March 2015

17/00817/IPL Erection of a dwellinghouse (in principle) 26 July 2017  
Application Refused

### **PRE-APPLICATION CONSULTATION**

Pre application Reference: 16/00793/PREAPP

### **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning

Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **DEVELOPMENT PLAN**

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

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

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy PM3 - Infrastructure Contributions**

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

#### **Policy PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

#### Policy RD3 - Housing in the Countryside

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

#### Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

#### Policy 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.

#### Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

#### Policy EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### OTHER POLICIES

#### **Development Contributions**

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

#### **Housing in the Countryside Guide**

A revised Housing in the Countryside Policy 2012 was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

## **CONSULTATION RESPONSES**

Transport Planning – No objection.

Scottish Water – No objection.

Contributions Officer – No objection subject to conditional control.

Environmental Health – No objection subject to conditional control.

Community Waste Advisor - Environment Service – No response within consultation period.

## **REPRESENTATIONS**

None

## **ADDITIONAL INFORMATION RECEIVED:**

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

## **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 local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported where they comply with criterion.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not relate to:-

- (a) Building groups.
- (b) Infill sites.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Rural Brownfield.

The agent considers there to be an essential need for the dwelling, category (c) New houses in the open countryside.

I therefore turn to supplementary guidance, 'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3.

### Essential Workers Dwelling Assessment:-

With regards to development of an essential worker dwelling the SPG highlights that:-

*A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s). Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required.*

In support of the application an updated planning statement has been provided by the agent. This confirms the Estate owns 349 acres, 210 are in agricultural use while the remaining 139 acres under woodland cover. The estate income is split between farming and holiday lets. The farm is currently let and the tenancy ends in November 2019.



It also sets out background associated with the landholding and details of units within the holding that were currently utilised for holiday letting purposes. There is also reference to the current farm tenant and their accommodation. A supporting letter has also been prepared by SAC consulting noting general pressures experienced in farming and noting that there will be benefits associated with having a dwelling on the site.

From my review of the now updated supporting statement it still appears that the need for an agricultural dwelling is a result of the disposal of the existing farmhouse and land to the tenant farm in the 1990's to generate funds. The expiry of the lease that the current tenant farmer has on land to the south has now brought this matter to the fore. From my review of the information submitted to date I am still of the view that the 'essential need' for a worker's dwelling has been created artificially.

While a supporting letter from SAC consulting has now been submitted there is no detailed report breaking down the actual needs of the farm holding, in terms of labour units.

Furthermore, if a case for an agricultural dwelling was made then it would appear that this could be adequately satisfied by one of the holiday letting properties (Tulchan Lodge or the Hayloft) on the existing holding which are also closer to the existing farm building.

In addition I am still not convinced that the proposed site which is remote from the existing farm building and in an open field is the most suitable location. In the majority of cases essential worker dwelling applications have a clear link with the supervision of the farm buildings to improve security and reduce the risk of theft.

Based on the submitted information and my assessment above the proposal is contrary to the requirements of this category in the Housing in the Countryside SPG, thus fails to comply with category (c) of Policy RD3.

### **Design and Layout**

No detailed design or layout has been submitted. If this application was approved conditional control would be required to reserve assessment of these matters.

### **Landscape**

Policy ER6 of the local plan seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded.

As noted above in my assessment of the essential workers house location on the farm unit I am not convinced, at this point in time, that the proposed site will achieve the best landscape fit.

### **Residential Amenity**

I do not consider that residential amenity will be affected by the proposed house however this would be assessed further through matters specified by condition if the application is approved.

I do however have concern that if this application was approved then agricultural buildings may be sought next to the agricultural dwelling which may give rise to issues with neighbouring dwellings to the East of the site.

Taking this into account locating the essential workers dwelling next to the agricultural building to provide supervision may be more desirable should a case be made to support an essential workers dwelling unit on the landholding.

### **Roads and Access**

There are no objections to the proposed dwellinghouses on roads or access grounds from Transport Planning. The proposal would comply with Policy TA1B if conditional control is applied to secure appropriate car parking and turning facilities.

### **Drainage and Flooding**

#### Drainage

To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity as well as ensuring the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance conditional control is recommended by Environmental Health.

Surface water and the implementation of SUDS can also be dealt with by conditional control to ensure adherence to the requirements of Policy EP3C.

#### Flooding

The site is not in an area subject to river or surface water flooding.

### **Developer Contributions**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be

operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Methven Primary School and conditional control is required due to the outline nature of the application.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

#### **Refuse the application**

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

- 1 The proposal is contrary to Policy RD3 - Housing in the Countryside of the Adopted Local Development Plan 2014 in that the proposal is not sufficiently robust in demonstrating that there is an economic need for the dwelling at the farm holding. Furthermore it has not been adequately demonstrated that the proposed dwelling position within the farm holding would achieve a suitable landscape fit to protect and enhance the landscape interests of this area of Perth and Kinross.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or

dwellinghouses would be acceptable in this location. In particular the proposal is not sufficiently robust in demonstrating that there is an economic need for the dwelling at the farm holding.

- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.
- 4 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
- 5 The proposal is contrary to Policy PM1B, criterion (a) and (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

### **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**

17/01804/1

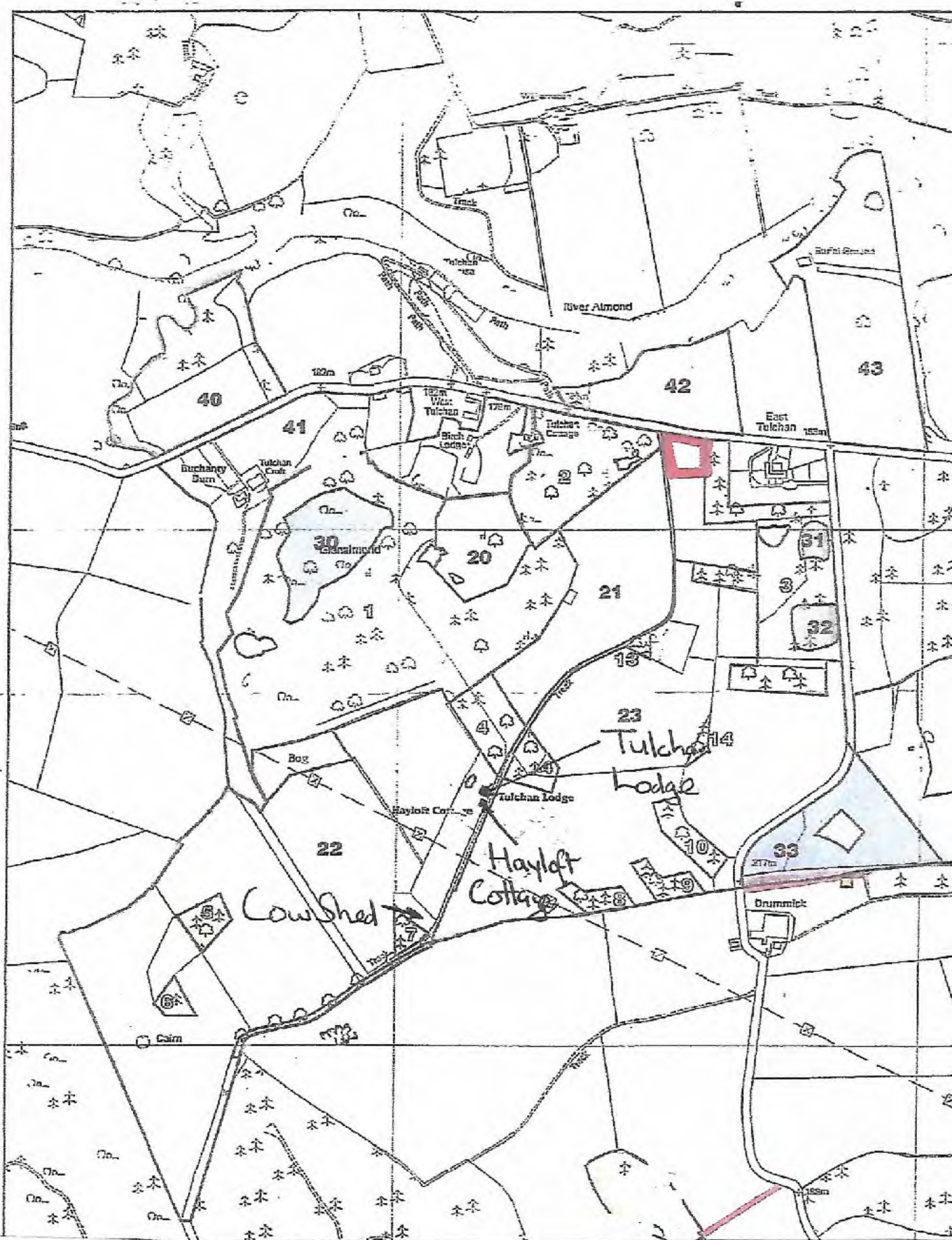
17/01804/2

17/01804/3

17/01804/4

17/01804/5

**Date of Report 07.12.2017**



#### PLAN 4 - Existing Buildings

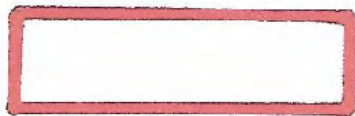
Planning Application in Principle for the erection of a Farm Tenant/Estate Managers Dwellinghouse at Tulchan Estate, Glenalmond, Perthshire, PH1 3SG



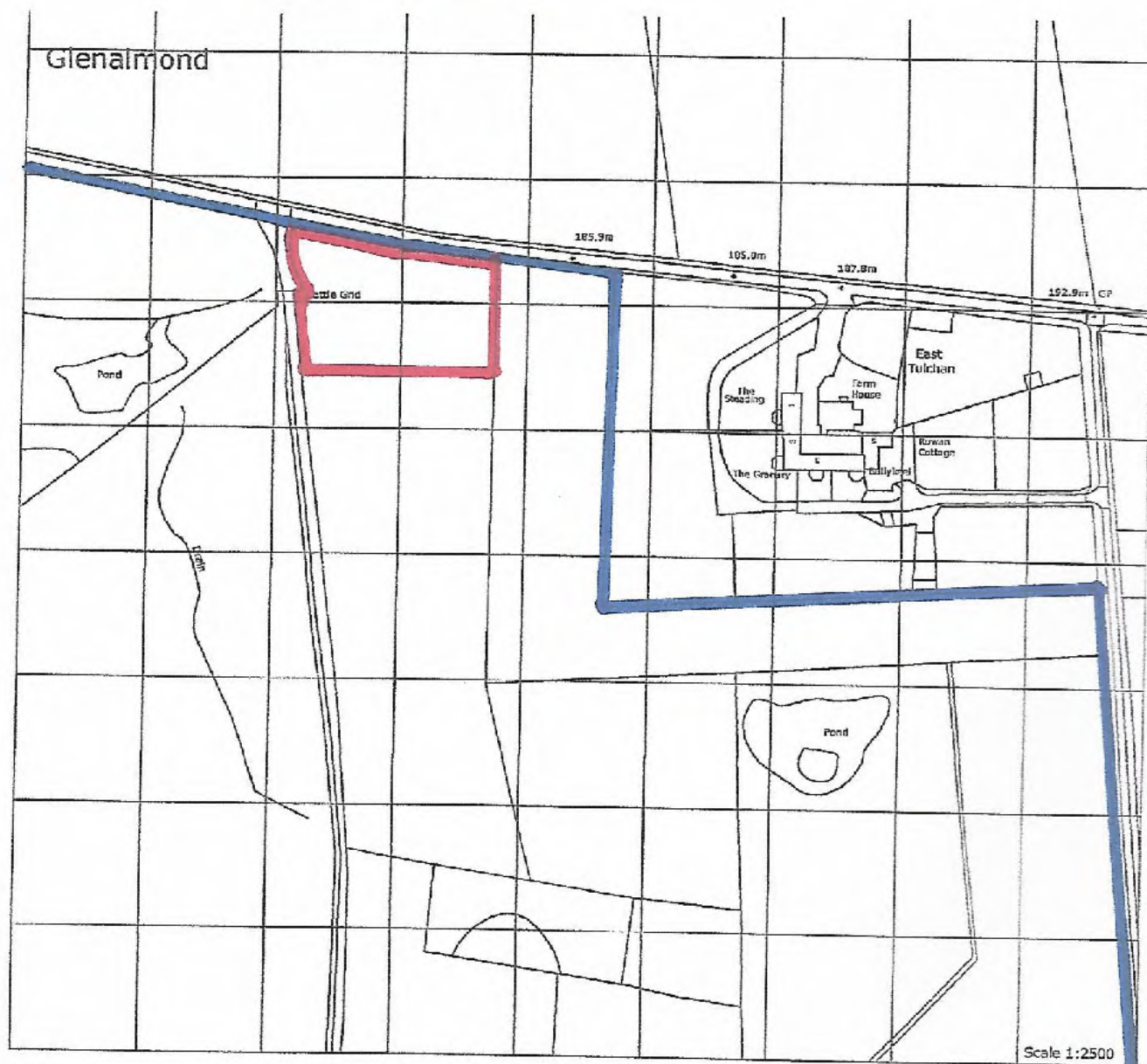
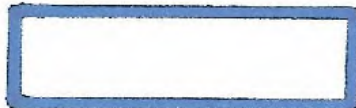
## PLAN 3 – Application Site

Planning Application in Principle for the erection of a Farm Tenant/Estate Managers Dwellinghouse at Tulchan Estate, Glenalmond, Perthshire, PH1 3SG

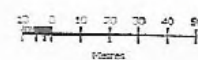
Application Site:



Ownership :



Produced on 07 March 2017 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.  
This map shows the area bounded by 205394, 727054 295366, 726211 295373, 723311 295343, 720554.  
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.  
Ordnance Survey copyright 2017. Supplied by epla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).  
Data licensed for 1 year, expiring 07 March 2018. Unique plan reference: v23u2:66400/700157



**TCP/11/16(520) – 17/01804/IPL – Erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond**

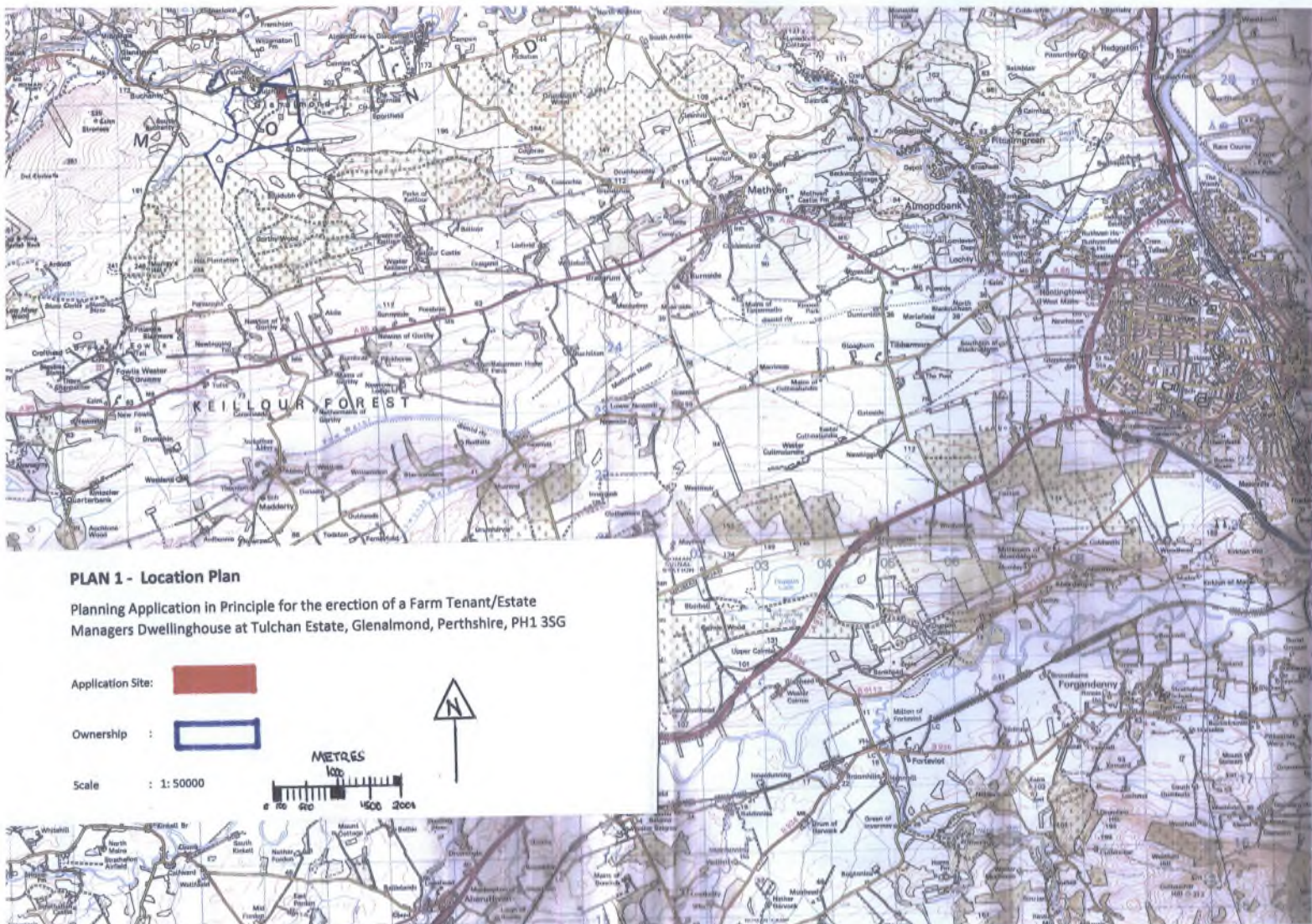
**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 211-212)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 215-224)*

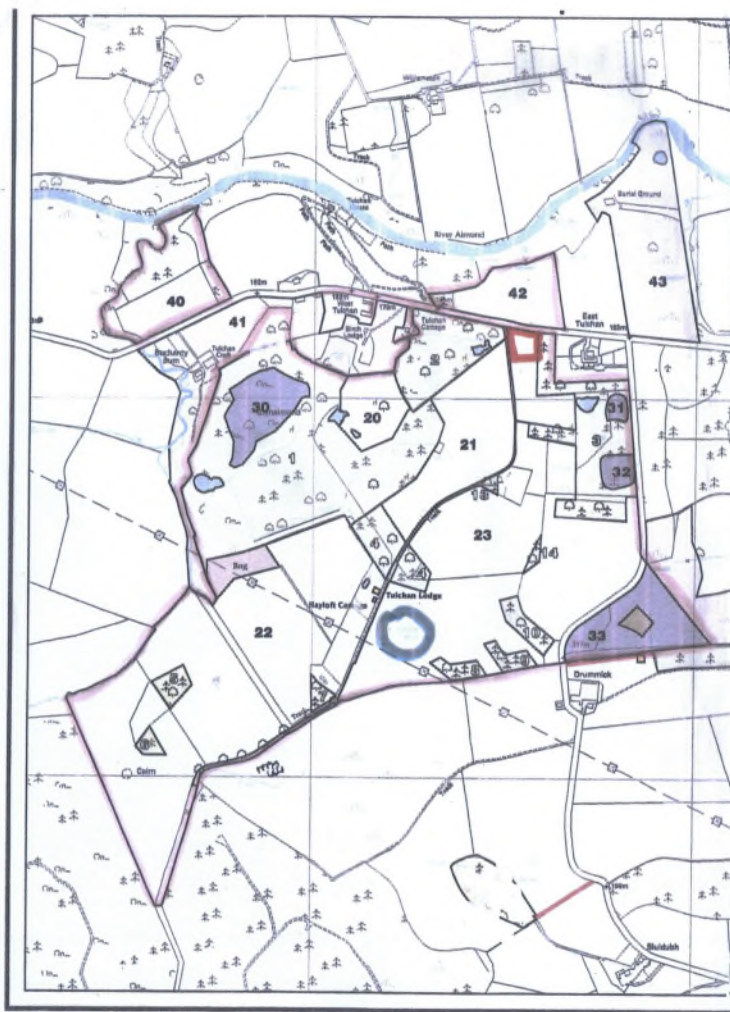
**REFERENCE DOCUMENTS** *(part included in applicant's submission, see pages 225-226)*



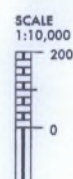








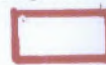
right of access



### PLAN 2 - Ownership Plan

Planning Application in Principle for the erection of a Farm Tenant/Estate Managers Dwellinghouse at Tulchan Estate, Glenalmond, Perthshire, PH1 3SG

Application Site:



Existing Lodge:

1

Ownership :



Outbuilding:

2

Scale : Scale only for planning purposes



---

**Tulchan Estate Limited, for the  
Erection of a Farm Tenant/Estate  
Manager Dwellinghouse at  
Glenalmond, Perthshire, PH1 3SG**

---

**Planning Permission in Principle**

---

**Supporting Planning Statement**

---

**October 2017 (Revised)**

---



## **1.0 Introduction and Preamble**

- 1.1 C.B.Planning Limited has been appointed by Tulchan Estates Limited to prepare and submit a Planning Application in Principle for the Erection of a Farm Tenant/Estate Managers Dwellinghouse on land within the Tulchan Estate, Glenalmond, Perthshire, PH1 3SG. This is the second planning application following the refusal issued on 26<sup>th</sup> July 2017(Ref: 17/00817/IPL). This is same description of development on the exact same red line boundary but with some further supporting information provided to demonstrate that there is an “essential need”.
- 1.2 The earlier application was refused on 5 grounds which essentially were based on a lack justification for the additional unit and the positioning of the said new unit adjacent to the access road with the possible potential for future agricultural operations to impact on the amenity of the adjoining residential uses and character of the area.
- 1.3 The Report of Handling makes specific reference to the absence of a statement from SAC which breaks down the actual needs of the farm holding. The Report postulates that the need is “created artificially” as there are already two units on site, which will be noted below are used exclusively for holiday lets to support the estate finances.
- 1.4 Since the issuing of the refusal my client has engaged with SAC and obtained a Supporting Letter which will be discussed latter in this document (see Appendix 1).
- 1.5 This Supporting Planning Statement will now provide information on the location, background on the Estate, a review of the Development Plan, a justification for the proposed dwellinghouse with the letter of support from SAC, a rebuttal of the previous reasons for refusal and a conclusion.

## **2.0 Location**

- 2.1 Tulchan Estate lies about 3 miles north west of Methven, on the south side of route C 409, Methven to Buchanty Road, 1 mile west of Glenalmond College and some 10 miles north west of Perth City Centre (see Plan 1).
- 2.2 This is an agricultural area. It should be noted from Plan 1 that the majority of the farm units tend to be located adjacent to route C 409.

## **3.0 The Estate**

- 3.1 Tulchan Estate Ltd owns some 349 acres of which 210 are in agriculture and 139 acres in woodland (see Plan 2 which delineates the boundary). The estate income is split between farming and holiday lets.
- 3.2 The farm is currently let and the tenancy ends in November 2019 when it is anticipated that the tenant farmer will retire. The existing lodge and outbuildings are used for letting to supplement the estate income (see Plan 2 where the position of these buildings is highlighted). When the land was acquired, following the near liquidation of the previous owner, there were no buildings. The current tenant bought a field and on obtaining



planning permission built his farmhouse and sheds. The Estate has since built a cow shed and general shed as well as the holiday let units. The only agricultural buildings owned by the Estate are a cowshed and a general shed which are located in the centre of the owned land. The land is classified under Class 3.2 in The Macaulay system Land Capability for Agriculture in Scotland; that is land suitable for mixed farming comprising improved grassland, potatoes and cereals. It is the quality of the land which necessitates cross funding to supplement the agricultural practices. The agricultural land is mainly used for grazing of sheep and cattle.

- 3.3 For the planning application(17/00817/IPL) supplementary information was sought in relation to the existing buildings and cowshed. This was provided in Plan 4 which highlights the position of the cowshed and the two existing holiday lets known as Tulchan Lodge and Hayloft; these two units are utilised exclusively as holiday lets to help support, subsidise and extend the estates revenue stream.
- 3.4 The estate was acquired in 1989 which then comprised both east and West Tulchan Farms. At that time my client did not acquire the derelict West Tulchan farmhouse as this unit was sold separately to another party. The land was farmed by a tenant. In order to generate funds, during the recession in the 1990's, some land and the farmhouse were sold to the tenant. In essence all the land on the south side of Buchanty Road was retained but with no farmhouse.
- 3.5 Tulchan Lodge was built in the early 2000's as derived from the delegated planning approval ref:11/00396/FLL. Also, application reference 05/01805/FLL for the alteration and extension to garage/store to form a dwelling house was approved and this seems to be the Hayloft unit. There have also been a number of other planning applications submitted for agricultural related buildings and sheds.
- 3.6 The cowshed is remote from the road and the absolute end of the unsurfaced access track. This building stands on its own. There is no farm steading as all buildings tend to be dispersed.

#### **4.0 The Proposal**

- 4.1 Planning Permission in Principle is sought for the provision of a Farm Tenant/Estate Manager house. My clients anticipate offering a new tenancy to a new farm entrant or employing an estate manager. Accommodation will be required in either eventuality for the ongoing proper management of the Estate. As stated above, the existing tenancy expires in November 2019. The new tenant will replace the existing tenant. The planning application process is being commenced at this point to allow sufficient time for approval of an application in principle and a subsequent Matters Specified by Conditions application, should the Council be favourably disposed towards the principle of development. There is an identified need to live on site to manage the operations effectively, particularly in relation to the husbandry of the animal stock. There is no potential to utilise existing accommodation or for the renovation of other existing buildings as these units supplement the farm income.



- 4.2 The chosen site is adjacent to route C 409 on the eastern side of the access road which serves the Estate, in the field up to the landscape strip at East Tulchan steading (see Plan 3). The proposed plot extends to some 0.404 hectares (1 acre) and measures 74 x 54 metres. This location is adjacent to existing services and will provide a measure of security and control over those entering and leaving the estate to deter theft. There have been a number of thefts reported to the police but nothing major in recent years. In addition to the full-time farm manager the estate activities provide employment for a part-time housekeeper, gardener, handyman/gamekeeper and beaters. Therefore, it is sound to position the proposed dwelling at the road as this allows for security and better adheres to the pattern of development where housing is normally positioned along the road.
- 4.3 The application site and the estate are not covered by any landscape, ecological or nature designations. The application site is an open field with no trees contained therein. The site is some 16 metres above the level of the River Almond and as such there has been no instances of flooding. The site is not within any Green Belt designation.
- 4.4 It is contended that the size and nature of the farming enterprise on this unit justifies the construction of a new dwellinghouse. The Estate are willing to enter into an agreement in terms of section 75 of the Town and Country Planning(Scotland)Acts to tie the occupancy of the unit to a person employed on the Estate. Scottish Government Circular 3/2012 advises that restrictions are rarely appropriate and should generally be avoided. Tulchan Estates would be willing to enter an agreement should Perth and Kinross Council deemed such to be appropriate and additionally be favourably disposed to the insertion of appropriate conditions to further control the occupancy and tie the unit to a new farm entrant. The applicant is also proposing that the permitted development rights are withdrawn for the new dwellinghouse so as maintain the amenity of the adjoining residential units.

## 5.0 Planning Policy Context

- 5.1 Agriculture is an important industry in Scotland and Perthshire. Agriculture is a key component in the local economy. The importance of agriculture for the management of the countryside, production of food and for recreational activities is recognised at Scottish Government level with a range of supporting measures identified for the industry. Part of this support arises through the planning process where a degree of flexibility is applied to new developments supporting these rural enterprises. For example, as stated in a recent Scottish Government report:

*"If it is to prosper into the future, farming needs to attract a steady flow of new entrants and young farmers with drive, innovation and entrepreneurial skills. The main incentive for new and young entrants is a profitable industry which has good opportunities. At present, however, farming does not offer sufficient returns or opportunities to attract the number of new entrants that the industry needs. The Scottish Government is therefore keen to offer support to new and young entrants so that they can make the most of their business and the opportunities that arise."*



- 5.2 The Scottish Planning Policy (2014) (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications with plans being up-to-date and relevant, thus reinforcing the provisions of Section 25 of the Act. The SPP also seeks to promote successful sustainable places with a focus on low carbon; a natural, resilient place; and, a more connected place. The development plan comprises the TAYPlan Strategic Development Plan 2012 and the adopted Perth and Kinross Council Local Development Plan 2014(LDP). The LDP is supported by Supplementary Planning Guidance and the Housing in the Countryside Guide - November 2012(HCG) is pertinent. The TAYPlan policies within are strategic in nature and there are none which specifically relates to the proposals in this application. However, a key objective within TAYPlan includes that development should "Protect and enhance the quality of the TAYPlan area's built and water environments, landscape, biodiversity and natural resources". The Proposed replacement TAYPlan (2015) has been the subject to a public consultation process and has recently (June 2016) been submitted to Scottish Ministers. Whilst the policies retain their strategic nature, Policy 2 requires development proposals to be "Place-led to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context". The adopted LDP is being reviewed but is not sufficiently advanced to be a material consideration.
- 5.3 The applicable policies in the LDP are PM1A and B, PM2, PM3, RD3, TA 1B, NE 2B, NE3, ER6, EP2, EP3B and EP3C. These policies cover Placemaking, Design Statements, Infrastructure Contributions, Housing in the Countryside, Transport Standards for New Development proposals, Forestry, Woodland and Trees, Biodiversity, Managing Future Landscape Change, New Development and flooding, foul drainage and surface water discharge respectively.
- 5.4 As this is a Planning Application in Principle then policies are PM 1A and 1B, ER6 and EP1 are normally appropriate, when and if the Council approve this application, and at the Matters Specified by Conditions application stage. Policies PM2, PM4, TA1B, NE 2B, NE3 and EP2 are not relevant. In terms of policy EP 3B and EP 3C it is proposed that the foul drainage is to be connected to a septic tank and the surface water drainage will be dealt with via a SUDS pond or soak-away system all to the specifications of SEPA/Scottish Water.
- 5.5 The most relevant Policy is RD3: Housing in the Countryside which states the following:
- " 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 as set out in section 3 of the Supplementary Guidance.*
  - (d) Renovation or replacement houses.*
  - (e) Conversion or replacement of redundant non-domestic buildings.*
  - (f) Development on rural brownfield land*



*This policy does not apply to the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversion 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 the Forest of Clunie SPA's and Dunkeld-Blairgowrie Loch and River Tay SACs."*

- 5.6 The wording of the above policy is reiterated in the Housing in the Countryside policy which provides additional guidance for the criteria specified from (a) to (f) above. Looking particularly at the most relevant parameter in relation to this application then under Section 3. New Houses in the open Countryside at paragraph 3.3 Economic Activity it states:

".. A house or group of houses is required either on site or in the locality for a local worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s)..... Permission may be restricted by an occupancy condition to remain as an essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required."

- 5.7 This proposal is policy compliant in that it is required by the scale and nature of the agricultural operation and the chosen site is not within a policy designation that would inhibit a consent. The established economic activity of the existing mixed -use operation of the Estate justifies an additional dwelling house for a new worker.
- 5.8 This is reinforced by a supporting letter provided by SAC Consulting, see Appendix 1. SAC has assessed the situation and reviewed the background information on the estate and highlighted the challenging social and economic pressures faced by farming in Scotland. They point out that nearly 40% of farm occupiers are beyond the age of 65 and in response to this trend the Scottish government is determined to encourage new and younger generations into agriculture. SAC also strongly emphasise that there are many barriers to new entrants due to the lack of capital, a lack of farm land to purchase with availability of affordable housing. Taking all of the above into account SAC conclude that " The proposal to build a farm dwellinghouse is highly desirable for animal welfare, farm and business security, and health and safety. This onsite accommodation for a new tenant will also ensure efficient farming practice". The "proposal to build a dedicated farm dwellinghouse to be let on a long- term tenancy in conjunction with all the farm land and associated existing farm infrastructure will create a fully operational and practical farming unit. This farm set up and potential farming enterprise will create an excellent full- time farming opportunity for a young, enthusiastic and dedicated new entrant".



## 6.0 Conclusion

- 6.1 This proposal meets the terms of the Development Plan, National Guidance and the relevant Perth and Kinross council Policy Guidelines As demonstrated above a justification for the erection of a dwellinghouse in the countryside has been established. The dwelling will be occupied by a new entrant farm tenant or estate manager and the chosen site at the entrance best fits the pattern of development on other farm units within the immediate area. There is an identified need to live on site to manage the farm operations effectively, particularly in relation to the husbandry of the animal stock and is supported in principle by SAC Consulting.
- 6.2 The proposed position of the new dwelling at the road entrance better adheres to the pattern of development in this area where housing units tend to be located adjacent to the road. The existing buildings on the estate are dispersed rather than concentrated so there is no natural steading alternative. Therefore, it is disingenuous to suggest that the proposed position of the new dwelling is contrary to policies ER6, PM1A and PM1B, criterion (a) and (b).
- 6.3 The proposed development will provide a unique opportunity for a new farm entrant to work, manage and live on a viable farming unit. The applicant is willing to sign an appropriate legal agreement tying the new unit to a farming entrant and/or the application of conditions to ensure this. The applicant is additionally agreeable to the removal of all permitted development rights to ensure that the amenity of the adjoining residential units are not impacted by for example the erection and storage of agricultural buildings and operations.
- 6.4 There is now a proven and supported essential need.



**TCP/11/16(520) – 17/01804/IPL – Erection of a dwellinghouse (in principle) on land 150 metres North West of East Tulchan Steadings, Glenalmond**

## **REPRESENTATIONS**



19<sup>th</sup> October 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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: PH1 Glenalmond East Tulchan Steadings 150M NW Of**  
**PLANNING REF: 17/01804/IPL**  
**OUR REF: 752397**  
**PROPOSAL: Erection of a dwellinghouse (in principle)**

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

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

**Water**

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

**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.

**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

**Lisa Lennox**

Development Operations Analyst

[Lisa.lennox2@scottishwater.co.uk](mailto:Lisa.lennox2@scottishwater.co.uk)



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                           |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01804/IPL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
| <b>Address of site</b>                          | Land 150 Metres North West Of East Tulchan Steadings, Glenalmond                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                           |
| <b>Comments on the proposal</b>                 | <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Methven Primary School.</p>                                                                                                                                                    |                             |                                                                           |
| <b>Recommended planning condition(s)</b>        | <p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p> |                             |                                                                           |
| <b>Recommended informative(s) for applicant</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                                                           |
| <b>Date comments returned</b>                   | 23 October 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                           |



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |             |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------|
| <b>Planning Application ref.</b>                | 17/01804/IPL                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Comments provided by</b> | Dean Salman |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Contact Details</b>      | ██████████  |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                |                             |             |
| <b>Address of site</b>                          | Land 150 Metres<br>North West Of East Tulchan Steadings, Glenalmond                                                                                                                                                                                                                                                                                                                                                       |                             |             |
| <b>Comments on the proposal</b>                 | Insofar as roads matters are concerned I do not object to the proposed development provided the conditions below are applied to any consent.                                                                                                                                                                                                                                                                              |                             |             |
| <b>Recommended planning condition(s)</b>        | <ul style="list-style-type: none"> <li>Prior to the occupation and use of the approved development all matters regarding access, car parking, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.</li> </ul> |                             |             |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |             |
| <b>Date comments returned</b>                   | 01 Novemberl 2017                                                                                                                                                                                                                                                                                                                                                                                                         |                             |             |



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 17/01804/IPL

Our ref ALS

Date 17/11/2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of a dwellinghouse (in principle) Land 150 Metres North West Of East Tulchan Steadings Glenalmond for Tulchan Estates Limited**

I refer to your letter dated 17/10/2017 in connection with the above application and have the following comments to make.

**Water** (assessment date –17/11/2017)

### Recommendation

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

### Comments

The development is for a dwelling house in a rural area with private water supplies believed to serve properties in the vicinity. The applicant has indicated that they will connect to the Public Mains water supply but should this prove to be impractical cognisance must be taken of Informative 2 below. To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives. No public objections relating to the water supply were noted at the date above.

### WS00 Condition

Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

### 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.

## **PWS - Informative 2**

The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.



**TCP/11/16(521) – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 253-306***)
- (b) Decision Notice (***Pages 287-288***)
  - Report of Handling (***Pages 289-298***)
  - Reference Documents (***Pages 299-301 and 304***)
- (c) Representations (***Pages 309-320***)





**TCP/11/16(521) – 17/01915/IPL – Erection of a  
dwellinghouse (in principle) on land 30 metres south of  
Balnacree House, Donavourd**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100085566-001

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

## Applicant or Agent Details

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

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

|                      |                                       |                                                      |                                                |
|----------------------|---------------------------------------|------------------------------------------------------|------------------------------------------------|
| Title:               | <input type="text" value="Mr"/>       | You must enter a Building Name or Number, or both: * |                                                |
| Other Title:         | <input type="text"/>                  | Building Name:                                       | <input type="text" value="Balnacree Cottage"/> |
| First Name: *        | <input type="text" value="Peter"/>    | Building Number:                                     | <input type="text"/>                           |
| Last Name: *         | <input type="text" value="McRobbie"/> | Address 1 (Street): *                                | <input type="text" value="Balnacree"/>         |
| Company/Organisation | <input type="text"/>                  | Address 2:                                           | <input type="text"/>                           |
| Telephone Number: *  | <input type="text" value=""/>         | Town/City: *                                         | <input type="text" value="Donavourd"/>         |
| Extension Number:    | <input type="text"/>                  | Country: *                                           | <input type="text" value="Scotland"/>          |
| Mobile Number:       | <input type="text"/>                  | Postcode: *                                          | <input type="text" value="PH16 5JS"/>          |
| Fax Number:          | <input type="text"/>                  |                                                      |                                                |
| Email Address: *     | <input type="text" value=""/>         |                                                      |                                                |

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

757005

Easting

296100

## Description of Proposal

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

Erection of a dwellinghouse (in principle)

## Type of Application

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

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |                                             |              |                                                                      |            |                                                                |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------------------------|--------------|----------------------------------------------------------------------|------------|----------------------------------------------------------------|------------|
| <p>What does your review relate to? *</p> <p><input checked="" type="checkbox"/> Refusal Notice.</p> <p><input type="checkbox"/> Grant of permission with Conditions imposed.</p> <p><input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |                                             |              |                                                                      |            |                                                                |            |
| <p><b>Statement of reasons for seeking review</b></p> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 10px; min-height: 60px;"> <p>Please see submitted Statement of Case and supporting evidence detailing the matters to be taken into account.</p> </div> |              |                                             |              |                                                                      |            |                                                                |            |
| <p>Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |              |                                             |              |                                                                      |            |                                                                |            |
| <p>If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)</p> <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |                                             |              |                                                                      |            |                                                                |            |
| <p>Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>1. Statement of Case 2. Review Doc 1 - Image of site 3. Review Doc 2 - Applicant's suggested conditions 4. Application Form 5. Location Plan 6. Planning Statement 7. Indicative Site Layout 8. Sketch Perspective 9. Site Photographs 10. Historic Map Extract 11. Report of Handling 12. Decision Notice</p> </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |                                             |              |                                                                      |            |                                                                |            |
| <p><b>Application Details</b></p> <p>Please provide details of the application and decision.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">What is the application reference number? *</td> <td style="border: 1px solid black; padding: 2px 10px;">17/01915/IPL</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 2px 10px;">27/10/2017</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 2px 10px;">29/11/2017</td> </tr> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |              | What is the application reference number? * | 17/01915/IPL | What date was the application submitted to the planning authority? * | 27/10/2017 | What date was the decision issued by the planning authority? * | 29/11/2017 |
| What is the application reference number? *                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 17/01915/IPL |                                             |              |                                                                      |            |                                                                |            |
| What date was the application submitted to the planning authority? *                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 27/10/2017   |                                             |              |                                                                      |            |                                                                |            |
| What date was the decision issued by the planning authority? *                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 29/11/2017   |                                             |              |                                                                      |            |                                                                |            |

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The land surrounding the application site is private land, not public, so in order to view the site it would be necessary first to make arrangements with the applicant.

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Peter McRobbie

Declaration Date: 26/02/2018

## **Perth and Kinross Council Local Review Body**

### **Statement of Case for a request for a review of refusal of application for planning permission in principle**

**Planning Application Ref. No: 17/01915/IPL**

**For:**

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

**Land 30 Metres South Of Balnacree House, Donavourd, Pitlochry**

## Introduction

This statement is submitted in support of a request for a review of the decision to refuse an application for planning permission in principle (reference 17/01915/IPL). The proposal is for the erection of a dwellinghouse on land to the south of Balnacree Cottage. The application was refused under delegated powers on 29<sup>th</sup> November 2017.

The application was submitted on 27<sup>th</sup> October 2017. The application was accompanied by a location plan; historic mapping; site photographs; and indicative site layout and a sketch perspective drawing illustrating how the proposal would be situated on the site. This level of detail is well in excess of the minimum requirements for an application for planning permission in principle.

The case in support of approval of the application was set out in the applicant's planning statement. This set out a comprehensive justification for the proposal in accord with the relevant Local Development Plan Policy as well as the Council's Supplementary Guidance. These documents are all submitted in support of this review request and should be read in conjunction with this Statement of Case.

It is not intended to re-state the policy case already made in the applicant's planning statement. This document will set out the case in support of this review, taking account of the reasons for refusal and matters raised in the Report of Handling.

We have significant concerns with incorrect and unsubstantiated assumptions made in the Report of Handling that have clearly influenced the decision to refuse to grant planning permission in principle for the proposal. In particular these assumptions relate to ground levels and concerns about further future applications. It is wholly inappropriate and indeed unreasonable to reach a conclusion on an application for planning permission in principle based on unsubstantiated assumption.

It is also of concern that despite the officer reached a conclusion that the visual amenity of the proposal would not be acceptable, despite clearly concluding in the assessment that the information submitted by the applicant confirmed that the proposal would not be unduly prominent. The overall conclusion is not consistent with the assessment in this regard.

It should be borne in mind at all times that this is a proposal seeking planning permission in principle. Detailed matters relating to siting, design, finishing materials, landscaping and ground levels can appropriately be dealt with by way of planning conditions.



## Addressing the Reasons for Refusal

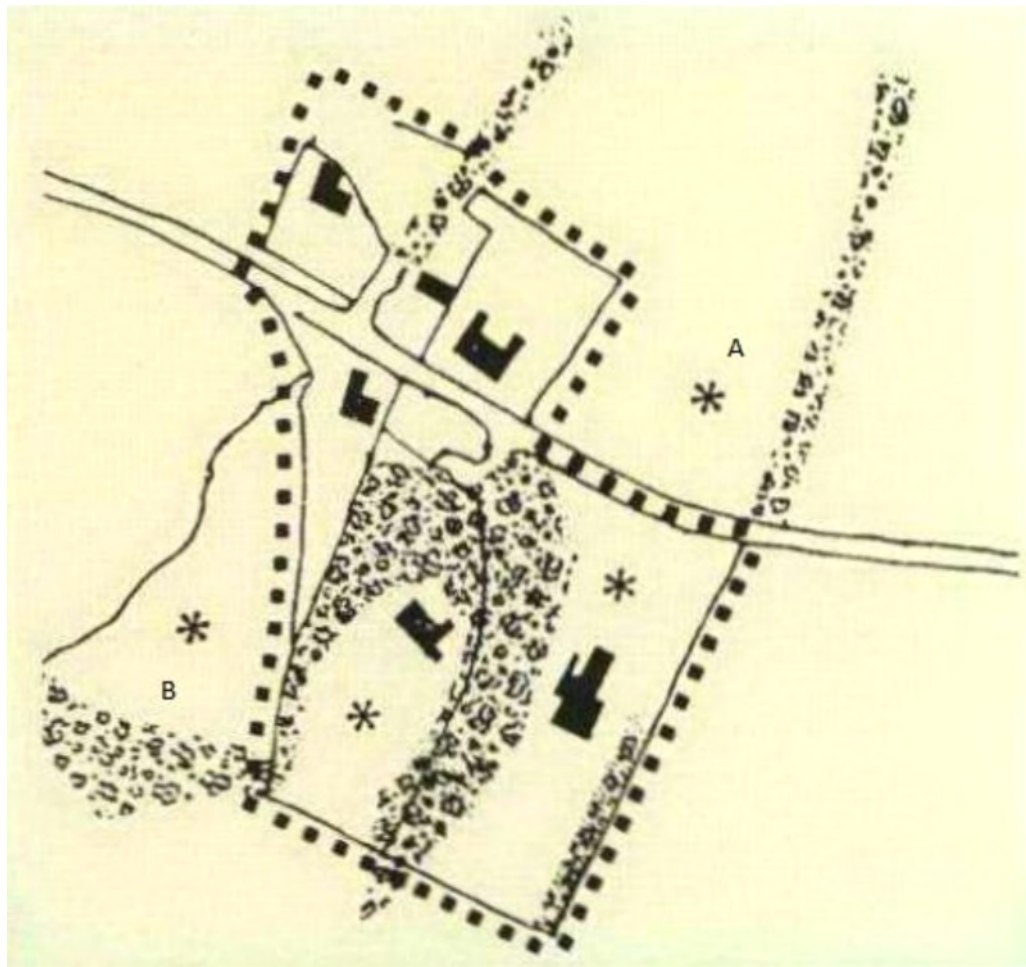
This section will directly address the reasons for refusal as referred to on the Decision Notice dated 29<sup>th</sup> November 2017.

The first reason for refusal states:

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 satisfy any of the categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.*

The merits of the application site are discussed in great detail in the supporting planning statement. It is not intended to repeat all of those here.

The Council's Guidance on the Siting and Design of Houses in Rural Areas illustrates appropriate rounding off opportunities (marked A and B on the plan below).





The plan above demonstrates the application site in relation to the rest of the building group.

In the first image from Council Guidance, appropriate site A is bounded by the curtilage of one residential property, by an access road, by a field boundary and is open to the north. Appropriate site B is bounded by the curtilage of residential property to one side, by landscaping to the other, and a field boundary or stream to the other side.

There are clear comparisons to be drawn between what the Council considers appropriate in the Guidance and this site. It is bounded by residential property on one side, by the access track on another side (with residential property beyond) and a field boundary on the other side.

There is no discernible or material difference between the application site and these appropriate additional sites identified in the Council's guidance.

The site is clearly defined by the curtilage of residential property to the south east. This boundary is clearly defined by maturing trees. The boundary to the north east is clearly defined by the road and a small hedge. The south western boundary is a long established field boundary. It is defined by a fence and had been augmented by recent tree and shrub planting. The topography of the local landform slopes down to the south west from the site, containing it from extending further into the field. The image above demonstrates that the proposal would round off the existing building group in accord with Council policy.

It is not referred to in the reason for the refusal but the discussion in the Report of Handling notes that the Officer had concerns about future pressure to extend the building group further into the field. This is an unsubstantiated assertion made by the Case Officer and is completely irrelevant in the consideration of this proposal. The proposal is only for a single dwelling on the identified site. This matter is discussed in more detail in the following section.

It is submitted that the proposal is an appropriate extension to an established building group. It meets the criteria of 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 well as the Council's long established guidance set out in Guidance on the Siting and Design of Houses in Rural Areas as illustrated above. For these reasons, the first reason for refusal cannot be sustained.

The second reason for refusal states:

*2. The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site, the lack of a landscape framework and its position below and detached from other buildings in the group above it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment.*

There are several matters of concern raised in respect of the second reason for refusal. These are addressed below.

**Concern about the conclusion - *Due to the open, sloping nature of the site, the lack of a landscape framework.***

The site is open only to the south west. The topography of the wider area rises to the rear of the site. In addition, there is existing, established landscaping to the north and east of the site, providing a very strong visual backdrop and sense of containment for the proposal. Further, as suggested by PKC planning officials, the applicant has already undertaken to provide some additional planting to augment the existing site boundaries. Indeed, as clarified in the applicant's planning statement the siting of the proposed house follows the Council's own guidance as set out in the Council's Guidance on the Siting and Design of Houses in Rural Areas.

Unfortunately, this did not seem to have been taken into consideration by the officer in the assessment of the application as it is not referenced in the Report of Handling.

It must also be taken into account that the site is not prominently visible in wider public viewpoints. This is reflected in the lack of public interest/objection to the application.

A document has been prepared (Review Doc 1) to demonstrate that the proposal would be contained by its surroundings. It is submitted that the strong visual backdrop and containment afforded by the existing topography and landscaping, in addition to that the additional landscaping around the site boundaries is wholly in accord with Council guidance. Indeed, the Report of Handling concludes that the proposal would not be "unduly prominent".

**Concern about the conclusion - *its position below and detached from other buildings in the group.***

The Officer's assessment states that the position of the house would be below the other buildings in the group. Indeed, the Report of Handling states that *"any development would be at a significantly lower level than the existing buildings in the group"*. This interpretation is not correct. The position of the proposed house illustrated in the applicant's indicative site layout occupies a similar ground floor level as the large garage of the adjacent house to the east. It would be seen alongside, not below this neighbouring building within the group.

The assessment also states that the proposed house would be detached from the other buildings in the group. A simple interpretation of the word "detached" is "separate". However, the proposed house would not appear separate or isolated from the rest of the group. Far from it. The proposed house would share access from the same access track as the rest of the group. It occupies a location to the south of Balnacree Cottage and west of Balnacree Steading. It is bounded by the access track to the north and by the curtilage of Balnacree Steading to the east. It is clearly seen in the context of these two immediately adjacent, adjoining properties. This is demonstrated on the image on the preceding page. To suggest it is detached would be to suggest that the proposal would be remote from, detached from and with no conterminous boundaries with the other properties in the group. This is clearly not the case as is also shown in Review Doc 1.

The proposed house would be neither below or detached from the rest of the group. As stated above, the site is not prominent in wider public views.

The Report of Handling considers the evidence submitted by the applicant, including the Sketch Perspective Drawing. On that basis, the officer concluded that the proposal would "not be unduly prominent". The conclusions reached in the second reason for refusal are inconsistent, and contrary to that assessment of the submission.

Taking the above into account it is clear that contrary to the overall conclusions reached in the second reason for refusal:

- The proposal is not widely open or prominent and benefits from a strong visual backdrop as a consequence of rising landform to the rear and an established framework of mature trees;
- The siting of the proposed dwellinghouse would be in accordance with Council's Guidance on the Siting and Design of Houses in Rural Areas;
- The proposed dwellinghouse would not sit below all other buildings in the group, nor would it appear detached from the group. Instead it would be a clear part of the group with shared access and conterminous boundaries with other properties in the group.

There is no evidence to suggest that the proposal would have an adverse visual impact and would not contribute positively to the built environment. No concerns have been raised regarding design or finishing materials in any of the Officer's assessment. Indeed, the assessment concludes that the proposal would not be unduly prominent. This is an application for planning permission in principle and all matters relating to design and external appearance can be controlled by imposition of suitable conditions. For these reasons, it is submitted that the second reason for refusal cannot be sustained.

## Addressing other matters raised in the Report of Handling

### Lack of objection by public and consultees

It is relevant to note that there were no letters of representation or objection submitted by members of the public in respect of this application.

It is also relevant to note that there were no objections made by any of the parties formally consulted about the application. In summary:

Internal Development Planning: Case Officer sought opinion on the proposal's compliance with LDP Policy PM4. Development Planning confirms that this is not relevant to the application and it should be assessed against Policy PM3. No objection made.

Internal Transport Planning: No objections to the proposal.

Internal Strategy & Policy: Confirms that application site in catchment area for Pitlochry Primary School. Requests condition requiring compliance with developer contribution policy. No specific requirement for any contribution specified. No objection made.

Internal Regulatory Services – Contaminated Land: No concerns regarding ground contamination. Water: Standard condition requested regarding private water supply. No objection made.

It is therefore clear that there are no technical objections to the proposed development. Importantly, when consulted on the application, development planning raised no objection in terms of compliance with development plan policy.

### Concerns raised with the Report of Handling

As stated previously, we have serious concerns with a number of statements and unsubstantiated assumptions set out in the Report of Handling. These are highlighted and commented on below.

#### The proposed dwelling would not be located forward of the building group

The Report of Handling states that *"the proposed site does not relate well to the existing building group. It extends the group into the top part of an existing field and any development would be at a significantly lower level than the existing buildings in the group."*

It also states that the Officer has *"concerns with the site configuration and that any sizable building, forward of the main building group would not contribute positively to the quality of the surrounding built and natural environment and be contrary to policy PM1 Placemaking"*.

There is no analysis provided in this assessment to demonstrate what harm would be caused by siting a building forward of the group. In any event, and as already discussed, the proposed dwelling as demonstrated in the indicative site layout, would not be forward of the group. There is no defined building line in this location. The large detached triple garage at Balnacree Steading to the east (05/01446/FUL) lies further to the south than the proposed dwelling as illustrated on the indicative site layout.

The proposed dwelling would not be at a significantly lower level than the existing building in the group. The topographical contours run north west – south east (as confirmed in the topographical survey). The proposed dwelling sites on the 157m contour – this is actually further up the hill than the adjacent large detached triple garage to the east. The garage occupies a lower level than the proposed dwelling would.

Therefore all assumptions regarding the proposed dwelling being forward of and significantly lower than the existing building group are incorrect. This has significant implications for the subsequent assessment made by the officer regarding the proposal's compliance with Policy PM1.

#### **Acknowledgement that proposal would not be unduly prominent**

The Report of Handling states that *"There was concern previously that extensive ground works would be required to provide sufficient level ground for any proposed house resulting in an overly engineered development in this open rural location. Additional information has been submitted by the applicant suggesting that the proposed house would be set in to the bank and would not be unduly prominent (our emphasis)..."*

The Officer notes that the applicant has submitted information confirming that the proposed house would be set into the bank and would not be unduly prominent. The Officer clearly recognises the applicant's intention and confirms that the proposal "would not be unduly prominent." We welcome and endorse this conclusion.

Despite acknowledging that the proposal would *"not be unduly prominent"* the Officer goes on to conclude that *"until detailed plans are submitted it is difficult to comment on this with any degree of certainty..."*

The Council can use conditions to provide all of the clarity and certainty that it needs to ensure that the proposed dwelling utilises the slope to the rear, and that as far as possible the house would be built into the bank, avoiding the need for underbuilding as far as possible. The applicant has demonstrated commitment to do so both in the visualisation submitted in support of the application and as described in the Planning Statement.

It is all the more frustrating that whilst having provided with this information, the Officer (despite clearly seeking re-assurance on the matter) did not seek to approach the applicant to obtain additional information or commitment to address these concerns. There is no reason why this matter could not be conditioned to provide the necessary certainty.

#### **Unsubstantiated concerns about visual impact and unreasonable conclusions about pressure to develop adjacent land**

The assessment in the Report of Handling states that *"The application is in principle so the full impact on visual amenity would be assessed should any detailed proposal be submitted. However placemaking policies require proposals to contribute positively to the built and natural environment. Due to the open nature of the site and the site configuration I still consider that it is highly likely that any proposed dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment. The site is triangular in shape and relatively narrow. It is also likely that there will be pressure to extend the garden ground into the field below further detracting from the rural nature of the area."*

The first section of this section of the Report of Handling is correct. The application is for permission in principle, and therefore visual amenity and impact would be assessed at the detailed stage. However, the Officer then goes on to conclude that *“it is highly likely that any proposed dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment”* without providing any explanation as to why this conclusion has been reached. All matters relating to design, siting and finishing materials are dealt with at the detailed design stage in the submission for Approval of Matters Specified in Conditions. Conditions can be used to ensure that the building is of an appropriate height (no more than 1.5 storeys) is situated appropriately, landscaped properly and finished with appropriate materials.

Of greatest concern however, is the Officer’s assumption that *“It is also likely that there will be pressure to extend the garden ground into the field below further detracting from the rural nature of the area”*.

According to Annex A of Circular 3/2013: Development Management Procedures, there are two tests which define a whether a consideration is *“material or relevant”*. The second test states *“It should relate to the particular application.”* Quite simply, concerns about the impacts of hypothetical applications that may never be submitted are of no relevance whatsoever to this proposal. Therefore they cannot reasonably be material considerations.

It is a fundamental principle of the planning system that each application must be treated on its own merits. It is clear from the Report of Handling that the Officer has considered the prospect of a future planning application on adjacent land and that this has influenced the conclusion on this application. This is wholly inappropriate and unreasonable.

We note that the Officer acknowledges that the proposal will not be unduly prominent. Conditions can be imposed to ensure that the building is of an appropriate height (no more than 1.5 storeys) is situated appropriately, landscaped properly and finished with appropriate materials. Conditions can also ensure that the building is set into the rising landform to minimise underbuilding as far as practical as a fundamental design principle for the detailed design.

## Conclusions and Recommendations

In conclusion, it has been demonstrated that:

- There are no public comments or objections to this proposal;
- There are no objections or technical concerns from any of the Council's internal or external consultees to this proposal;
- There are significant concerns in the assessment of the proposal in the Report of Handling, in particular related to unsubstantiated assertions and assumptions by the Case Officer relating to ground levels and future applications;
- The Report of Handling acknowledges that the information submitted by applicant in support of the proposal confirms that it "would not be unduly prominent". This does not support an overall conclusion that the proposal would have an adverse visual impact. The second reason for refusal is illogical, and contrary to the assessment of the proposal;
- It has incorrectly been stated that the proposed dwelling would be "significantly lower" than the other existing buildings in the group. This led to a conclusion that the proposal would not comply with Policy PM1. This is not correct, the adjacent triple garage to the south east occupies lower ground than the proposed dwelling;
- Assumptions regarding future planning applications are not material considerations in the assessment of a planning application. Each case is judged on its own merits. Any future application for a different site would be judged on its own merits against the appropriate planning policy on that time. It is not reasonable for concerns about future planning applications to influence the decision on this application;
- For the reasons set out above, the two reasons for refusal of the application cannot be sustained; and
- The proposal is in accord with the requirements of LDP Policies RD3 and PM1 as well as the Housing in the Countryside Guide (2012).

For all of the reasons set out in this statement, the applicant wishes the Local Review Body to reconsider the decision to refuse to grant planning permission in principle for the proposed dwelling. The applicant is willing to agree to a number of conditions regarding the size, siting and construction of the proposed dwelling to give the Council the necessary comfort that visual amenity will be in accord with Council policies. To that end, Review Doc 2 sets out a list of suggested conditions and informatives.





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 100071639-001

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)

Erection of a dwellinghouse (in principle)

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

## Applicant Details

Please enter Applicant details

|                      |                                       |                                                               |
|----------------------|---------------------------------------|---------------------------------------------------------------|
| Title:               | <input type="text" value="Mr"/>       | You must enter a Building Name or Number, or both: *          |
| Other Title:         | <input type="text"/>                  | Building Name: <input type="text" value="Balnacree Cottage"/> |
| First Name: *        | <input type="text" value="Peter"/>    | Building Number: <input type="text"/>                         |
| Last Name: *         | <input type="text" value="McRobbie"/> | Address 1 (Street): * <input type="text" value="Balnacree"/>  |
| Company/Organisation | <input type="text"/>                  | Address 2: <input type="text"/>                               |
| Telephone Number: *  | <input type="text" value=""/>         | Town/City: * <input type="text" value="Donavourd"/>           |
| Extension Number:    | <input type="text"/>                  | Country: * <input type="text" value="Scotland"/>              |
| Mobile Number:       | <input type="text"/>                  | Postcode: * <input type="text" value="PH16 5JS"/>             |
| Fax Number:          | <input type="text"/>                  |                                                               |
| Email Address: *     | <input type="text" value=""/>         |                                                               |

## Site Address Details

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

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="757005"/> | Easting | <input type="text" value="296093"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## 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)

This is a fresh application following refusal of 16/01504/IPL. Discussion held with Council regarding the reasons for refusal and requirements for resubmission.

Title:

Mr

Other title:

First Name:

John

Last Name:

Williamson

Correspondence Reference Number:

Date (dd/mm/yyyy):

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:

1640.00

Please state the measurement type used:

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

## Existing Use

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

Vacant 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.

## 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: \*

Surface water will be via new soakaway and foul water via septic tank/treatment plant and soakaway.

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☒ Yes ☐ No

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

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

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

## Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

## Certificate Required

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

Certificate E

# Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Mr Peter McRobbie

On behalf of:

Date: 27/10/2017

☒ 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)

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)

Supporting planning statement

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Peter McRobbie

Declaration Date: 27/10/2017



## **Statement in Support of the application for Planning Permission in Principle by Peter McRobbie for the erection of a single dwellinghouse on land to the south of Balnacree House, Donavourd.**

This statement has been prepared to accompany an application for Planning Permission in Principle (PPP) for the erection of a single dwelling at Balnacree, Donavourd. This is a fresh application following the decision of Perth and Kinross Council to refuse to grant PPP for a dwelling on the site (ref: 16/01504/IPL dated 28<sup>th</sup> October 2016). This statement will address the reasons for the refusal of the previous application and set out the proposal's compliance with the development plan.

The over-riding policy context has not changed significantly since the determination of the previous application. TAYplan 2, the second Strategic Development Plan for the area, has formally been approved by the Scottish Ministers. However, this proposal by its nature raises little by way of strategic relevance to the SDP.

### **The Proposal**

The Applicant, Peter McRobbie and his family have resided at Balnacree for 55 years. The existing cottage at Balnacree was originally built in the 17<sup>th</sup> century. This proposal is for a new a new, modern and more efficient family home at Balnacree.

It is proposed to erect a single storey house on presently vacant land at Balnacree Cottage. As the Application seeks Planning Permission in Principle, full details of the proposed dwelling are not available at this stage.

The Indicative Layout drawing submitted in support of the Application illustrates the location of a new house and garage within the site. Private garden ground is provided and a new septic tank and soakaway would be provided within the site.

The Applicant's vision is for a new single storey home of timber construction and finish, inspired by Scandinavian timber lodges. It is proposed that timber for the new home would be sourced locally. The proposed new house would benefit from a south facing aspect, with excellent views over the Tummel Valley.

Vehicular access will be taken from the existing private drive (owned by the Applicant). The proposed vehicular access is illustrated on the Indicative Layout drawing as being to the front of the proposed dwelling house. It is noted that the gradient of the proposed new access will comply with Council standards.

The topography of the land within the site slopes from north east down to the south west. The proposal seeks to minimise groundworks, in accord with Council policy to create a suitable platform for the house that minimises engineering works and negates the the need for significant underbuilding.

Semi-mature landscaping exists on the south east and south west boundaries.

### **The proposal's response to the previous reasons for refusal**

This section of the statement responds to the previous reasons for refusal, confirming why they are no longer relevant considerations.

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 satisfy any of the categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.*

Response: It is submitted that the site is an appropriate addition to the building group at Balnacree. It is a triangular site that is bounded by residential property to the east (south east) and a road with residential property to the north (north east). The southern boundary is a well defined field boundary with landscaping in the form of semi-mature trees. As explained below, the site is in accord with similar suitable extensions to building groups as highlighted in Council guidance in *Siting and Design of New Houses in Rural Areas*, compliance with which is a pre-requisite of Council Policy in the *Housing in the Countryside Policy* (2012).

Compliance with this policy requirement is explained further in the following section.

2. *The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site and the need for substantial engineering works it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment.*

Response: This reason for refusal relates to concerns regarding the visual impact about the house in relation to engineering works. The applicant's original supporting statement confirmed that the applicant sought to reduce groundworks and to work with the site's topography where possible (page 4). It also confirmed that the proposed house would be cut into the slope to the rear, and would not be built on a significantly raised platform (page 7). The applicant confirmed that this would be in accord with the Council's *Siting and Design of Houses in Rural Areas* guidance.

However, this did not seem to be taken into account in the determination of the previous application. The need for "extensive" and "substantial engineering works" is an unsubstantiated assertion made by the Case Officer. At no point did the Case Officer request any additional information from the applicant in terms of existing or proposed levels, or to request any section or perspective drawings.

The applicant has now provided a perspective drawing to illustrate how the proposal would sit in the context of the surrounding topography. The level of detail must bear in mind that this is an application for PPP. The proposed layout is indicative only. For the avoidance of doubt, it is proposed to minimise the impact of groundworks. There is no need for extensive or intrusive engineering. The proposed dwelling would be cut into the existing slope. It would not be built on a raised, engineered platform.

The Council's *Siting and Design of Houses in Rural Areas* advises to "use or create a level site" and to "fit the house to the site without using a large amount of underbuilding". This is just what the proposal seeks to do. A level site will be created by cutting in to the slope, thus

avoiding the need for any underbuilding. Thus the proposal is wholly in accord with the Council's approved guidance in this regard.

Indeed, the site uses the surrounding topography which rises to the rear in a positive fashion. The rising landform provides a strong visual backdrop for the proposal. It will be extremely well contained by existing landform and trees. Again this is in accord with the guidance in *Siting and Design of Houses in Rural Areas*. Additional landscaping is now established on the site's eastern and southern boundaries.

*Reason 3. The proposal is contrary to policy PM4: Settlement Boundaries of the Perth and Kinross Local Development Plan 2014 which states that for settlements which are defined by a settlement boundary, development will not be permitted, except within the defined settlement boundary. The site is around 200 metres from an identified settlement boundary. Development in such close proximity to a settlement boundary would be contrary to policy PM4.*

Response: This is considered to be an unreasonable reason for refusal as Policy PM4 is not a relevant consideration. The application site is not within, nor is it on the adjoining edge of a defined settlement boundary. The site lies entirely within the countryside area as defined by the adopted LDP. Indeed, the Report of Handling and the first reason for refusal clearly acknowledge that the site is within the countryside.

Policy PM4 was introduced to the LDP as a recommendation of the Reporter at Examination (Issue 8b) as a result of concerns regarding the ability of the Proposed Plan to resist pressure to incrementally extend existing settlement boundaries. The Proposed Plan contained no policy presumption against development adjoining a settlement boundary. Any such proposal would be assessed under Policy RD3 in the same way as a proposal to extend a building group which did not have a settlement boundary.

Policy PM4 was therefore introduced to provide a policy presumption in favour of preserving settlement boundaries. The Examination Report clearly confirms that Policy PM4 is relevant only to proposals that would extend a settlement boundary. It is not relevant for proposals that would not adjoin a settlement boundary. The site is 200 metres away from a settlement boundary. It does not adjoin any settlement boundary. The Examination Report clearly states that applications for additions to building groups are to be assessed under Policy RD3. There is no locus to assess such an application under Policy PM4. Accordingly, this reason for refusal was unreasonable as Policy PM4 is not a relevant policy in the consideration of the proposal.

### **Compliance with the Development Plan**

The LDP was adopted in February 2014. It contains policies and proposals to guide development in Perth and Kinross over the period to 2024.

The LDP confirms that the land at Balnacree is not located within a settlement boundary is therefore considered as a countryside location. There are no site specific policies or designations affecting the site.

The LDP strategy acknowledges the importance of the contribution of windfall sites to the overall housing supply. Paragraph 4.3.10 of the LDP confirms that the Council anticipates that 10% of all house completions will come from unplanned or windfall sites. For Highland

Perthshire, this means that the Council anticipates that 110 homes will be built from windfall sites over the period 2010-2024.

Paragraph 6.1.12 states:

“Windfall or small sites can play an important role in sustaining villages outwith the main settlements whilst retaining the character of each settlement and the high value of the natural environment within the area. The level and type of development within villages will be influenced by the needs of the local economy and the capacity of existing infrastructure.”

Paragraph 4.3.11 of the LDP confirms that 15% of all house completions in the Highland Perthshire Area will come from small sites of 5 homes or less.

The LDP therefore acknowledges the importance of approving housing development from small windfall sites such as this in meeting housing need and demand in Highland Perthshire. This is even more pertinent in circumstances where there is a shortfall in the effective housing land supply.

The following policies in the LDP are relevant to this Application.

RD3: Housing in the Countryside

PM1: Placemaking

PM3: Infrastructure Contributions

TA1: Transport Standards and Accessibility Requirements

ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

EP2: New Development and Flooding

EP3: Water Environment and Drainage

Policy HE1B: Non-Designated Archaeology

*Policy RD3: Housing in the Countryside* states that the “Council will support the erection, or creation through conversion, of single houses 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.”

Proposals considered under any of these categories must comply with the Council's relevant Supplementary Guidance, particularly the Housing in the Countryside Guide.

The proposal is for the erection of a single new build house. The Application site is located within an existing group of 3 houses and one holiday chalet. There are existing residential properties to the east and to the north. The site occupies a triangular plot between them. Therefore, the proposal falls to be considered under the Building Groups category.

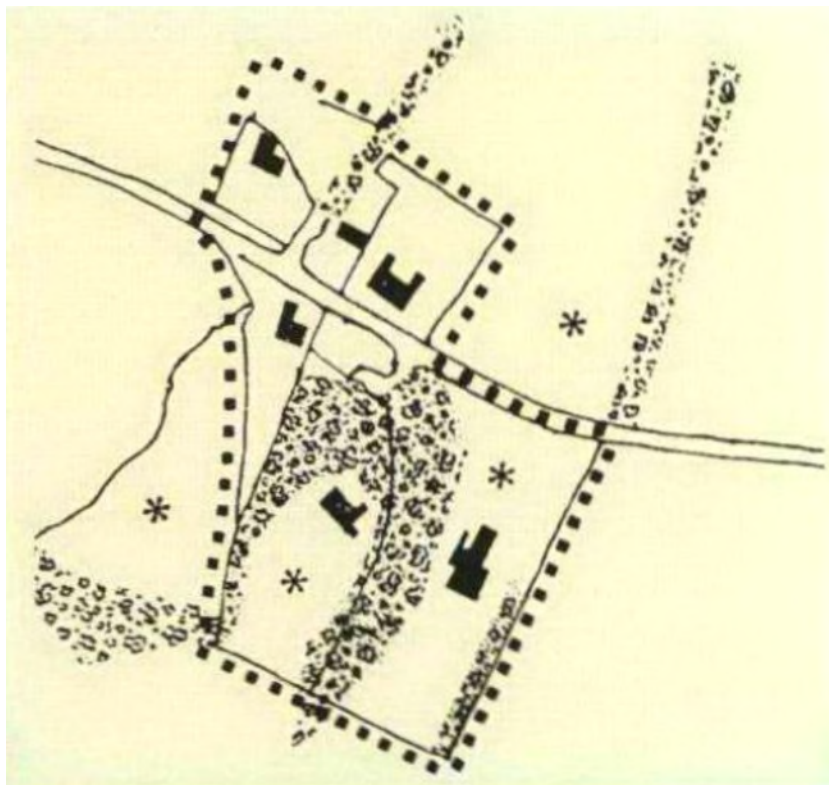
The Housing in the Countryside Guide defines a building group as “3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature.”

The Application site is within a group of 3 or more buildings as described above.

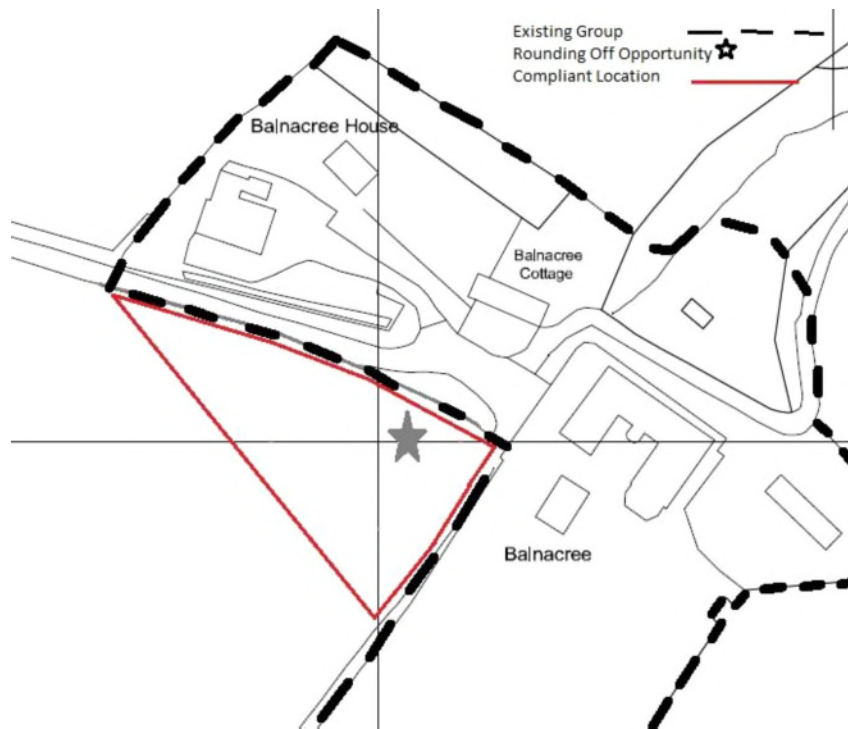
Consent will be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

The Application site is well defined by the existing road to the rear and the boundary of the neighbouring property to the west. The south west boundary features existing landscaping, ensuring that the group is well contained. This will further mature over time, providing a defensible edge that will prevent the further spread of the group, in accord with the requirements of *Siting and Design of Houses in Rural Areas*.

A comparison between the suitable rounding off locations illustrated in Council Policy in *Siting and Design of Houses in Rural Areas* and this proposal is illustrated below:



In the above image appropriate sites are highlighted with a star. There are appropriate additions to the west (a triangular plot bounded by a single house, trees and a watercourse or fence line) and to the north east (bounded to the west by a house, south by a road, east by trees/hedging, and the north boundary is completely undefined). The application site is illustrated below.



It is evident that the application site is bounded by a house to the east, a road to the north (with housing beyond) and the south western boundary is enclosed by trees and a long established boundary). There is no difference between this application site and those sites highlighted as appropriate additions to building groups in Council Policy.

The proposal is for a home of a similar scale to the existing house at Balnacree Cottage. It would be smaller than the larger homes at Balnacree House and Balnacree Steading. The proposal would be in keeping with the scale and character of the existing homes. The proposed home would not be overlooked or overshadowed, nor would it overlook or overshadow the neighbouring homes. A suitable standard of amenity will be achieved.

*Siting and Design of Houses in Rural Areas* also advises that new proposals should use existing topography to provide a landscape setting for the new house. This reduces scale and visual impact and makes the development immediately look established.

It is proposed that a level platform is created by cutting in to the rising ground to the north east, rather than raising the ground level by constructing a raised platform. This will ensure that the proposal is well integrated into the landscape and minimises underbuilding.

The proposal accords with this guidance, utilising the rising landform to the rear. This is illustrated in the supporting perspective sketch drawing.

The use of timber in construction and as a finishing material is supported by *Siting and Design of Houses in Rural Areas*. There are a number of existing timber built chalet style buildings in the locality. Accordingly, the proposal will not be incongruous in its surroundings.

The proposed new house will be located more than 20 metres away from any existing house. Accordingly, there will be no loss of amenity through window to window overlooking. As a

result of the topography of the location and the position of the existing houses, there will be no loss of amenity through overshadowing.

Accordingly, the proposal is in accord with the requirements of *The Housing in the Countryside Guide* and the *Siting and Design of Houses in Rural Areas*. It therefore follows that the proposal is in accord with *Policy RD3: Housing in the Countryside*.

*Policy PM1: Placemaking* is split in three sections, some of which are not relevant to a proposal for a single house. The proposal will be a well designed addition to the group, it would be sited well within the landscape as explained above and as such would contribute positively to the surrounding environment. It would respect the site's topography, complement the surrounding area in terms of scale, character, massing and materials and include provision for additional landscaping.

For these reasons, the proposal complies with the relevant aspects of Policy PM1.

*PM3: Infrastructure Contributions* sets the Development Plan context for the Council to secure financial contributions through planning obligations to mitigate the individual and cumulative impact of development.

Detailed guidance about developer contributions is set out in Supplementary Guidance. In this case, the only relevant Supplementary Guidance relates to Primary Education. Section 4 of the Supplementary Guidance (Primary Education and new Housing Development) states that the Council will identify a school capacity constraint when the roll reaches 80% of capacity.

According to the Council's annual SCOTXED returns, the capacity of Pitlochry Primary School is for 300 pupils. The 2016/17 census roll was 190 pupils. This is 63% of capacity. Accordingly, there is no requirement for any financial contributions towards increased capacity at Pitlochry Primary School.

*TA1: Transport Standards and Accessibility Requirements* sets out policy requirements for significant travel generating development. As this proposal is for a single house and therefore not a significant travel generator, the requirements of this Policy are not directly relevant to this proposal.

However, it is noted that there is an existing bus route within around 10 minutes walk from the site that provides services to Pitlochry. The Council's car parking standards will be met and this can be secured by a planning condition.

*ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes* states that development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross' landscapes. Development proposals should not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

It is noted that there are no landscape designations on the Application site. The site is not readily visible in public views, particularly from existing transport routes. The proposal is within an existing group of buildings. All of the buildings within the group are to the rear of the Application site. Therefore the proposal will be seen in the landscape as part of an

existing group of buildings. The proposal would not incorporate significantly engineered platforms or underbuilding to accommodate the new house. The rising landform to the rear of the Application site, as well as the existing trees and landscaping, provides significant visual containment for the proposal. The proposed landscaping on the south western boundary will further ensure the visual integration of the proposal.

Therefore, the proposal will have a minimal impact on the characteristics and features of Perth & Kinross' landscapes, and is in accord with Policy ER6.

The proposal is not within an area identified as being at risk of pluvial or fluvial flooding. Accordingly, the proposal complies with the requirements of *Policy EP2: New Development and Flooding*.

*Policy EP3: Water Environment and Drainage* is relevant to the proposal in respect of parts EP3B and EP3C.

*Policy EP3B: Foul Drainage* states that private drainage systems may be permitted where there is little or no public system available and the proposal does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks.

There is no public drainage system available to serve the proposal. A private drainage system is proposed through septic tank and soakaway. This is illustrated in the Indicative Layout drawing. The soakaway system is provided in land owned by the Applicant. The proposal is designed to comply with the SBSA Technical Handbook. Further details will be provided at the detailed design stage.

The proposal is in accord with the requirements of *Policy EP3B: Foul Drainage*.

*Policy EP3C: Surface Water Drainage* requires that new proposals employ suitable SUDS measures. The proposal will ensure that surface water run off from the proposal is contained to no greater than existing Greenfield rates. Further details will be provided at the detailed design stage. This will ensure that the proposal is in accord with Policy EP3C.

The site is partly within the *Balnacree Farmstead Historic Environment Record*. This is a non-statutory designation. *Policy HE1B: Non-Designated Archaeology* states that the Council may impose conditions on the grant of planning permission, if necessary, to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

A desktop review of historic mapping confirms that the site has not been significantly developed and most likely been in agricultural use throughout. The 1867 mapping indicates that there may have been some kind of enclosure around the site, but this is not confirmed. Given previous agricultural use, the potential for any surviving archaeological remains of any significance is therefore low.



## **Conclusion**

This Statement has been prepared in support of a fresh application for Planning Permission in Principle by Peter McRobbie for the erection of a new dwellinghouse at Balnacree, near Pitlochry.

This Statement confirms that the proposal is in accord with the provisions of the development plan. Material considerations provide further support for the proposal.

In particular, it has been demonstrated that:

- The proposal is a suitable addition to an existing building group in accord with the Council's approved Supplementary Guidance and LDP Policy RD3.
- Engineering works will be minimised and the need for underbuilding negated. The proposed house will integrate well in the surrounding landscape in accord with the *Housing in the Countryside Policy* and *Siting and Design of Housing in Rural Areas*.
- All matters raised in the previous application have been addressed.
- The proposed access arrangements meet the requirements of Council Policy.
- Policy PM4 is not a relevant consideration in the determination of this application.
- There is adequate capacity at Pitlochry Primary School with no requirement for any financial contribution to augment capacity.
- Detailed design matters will be considered through the submission of subsequent application(s) for Approval of Matters Specified in Conditions.

In accord with the provisions of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, it is therefore recommended that Planning Permission in Principle is granted.



# PERTH AND KINROSS COUNCIL

Mr Peter McRobbie  
Balnacree Cottage  
Balnacree  
Donavourd  
PH16 5JS

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 29th November 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01915/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 27th October 2017 for permission for **Erection of a dwellinghouse (in principle) Land 30 Metres South Of Balnacree House Donavourd** 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 satisfy any of the categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.
2. The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site, the lack of a landscape framework and its position below and detached from other buildings in the group above it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment.

## **Justification**

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

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**

**17/01915/1**

**17/01915/2**

**17/01915/3**

**17/01915/4**

**17/01915/5**

**17/01915/6**

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                 |      |
|------------------------|-----------------|------|
| Ref No                 | 17/01915/IPL    |      |
| Ward No                | N4- Highland    |      |
| Due Determination Date | 26.12.2017      |      |
| Case Officer           | Persephone Beer |      |
| Report Issued by       |                 | Date |
| Countersigned by       |                 | Date |

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

**LOCATION:** Land 30 Metres South Of Balnacree House Donavoured

### 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:** 6 November 2017

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission in principle is sought for the erection of a dwellinghouse on land 30 metres south of Balnacree House, Donavoured. The site is part of an unkempt area at the top of a grazed field in a rural location around 200 metres from the Donavoured settlement boundary. There are two existing dwellinghouses on ground above the site, separated from the site by an access track, and a large modern property to the east that was constructed on the site of an old steading building. The site measures 1640 square metres.

An application for a similar proposal was refused in October 2016. This is a new application which seeks to address the reasons for refusal.

## **SITE HISTORY**

16/01504/IPL Erection of a dwellinghouse (in principle) 28 October 2016  
Application Refused

## **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 PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

### **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 EP3B - Water, Environment and Drainage**

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

## OTHER POLICIES

Housing the Countryside Supplementary Guidance  
Developer Contributions Supplementary Guidance

## CONSULTATION RESPONSES

Transport Planning

No objection subject to condition.

Contributions Officer

The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure.

Scottish Water

No response.

Environmental Health

Private water

The development is for a dwelling house in a rural area with private water supplies (including Balnacree) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water an informative note is required to be attached to any planning permission.

Contaminated Land

A search of the historic records did not raise any concerns regarding ground contamination.

Development Plans

A view is requested on the interpretation of Policy PM4 of the adopted LDP as it relates to this planning application.

Policy PM4, as inserted into the Plan by the Reporter during the examination process, is not particularly clear and this is something which we are seeking to address in Proposed LDP2. However, my view is that Policy PM4 applies to proposals for development which directly adjoin a settlement boundary. Given that this proposal does not directly adjoin the settlement boundary at Donavoured I would suggest that the application would be more appropriately assessed under Policy RD3 Housing in the Countryside.



## REPRESENTATIONS

There have not been any representations received in relation to this application.

## ADDITIONAL STATEMENTS RECEIVED:

|                                                               |                                |
|---------------------------------------------------------------|--------------------------------|
| Environment Statement                                         | Not Required                   |
| Screening Opinion                                             | Not Required                   |
| Environmental Impact Assessment                               | Not Required                   |
| Appropriate Assessment                                        | Not Required                   |
| Design Statement or Design and Access Statement               | Supporting statement submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required                   |

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### Policy Appraisal

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 does not accord with any of the relevant categories of the housing in the countryside policy. In particular the proposal should be judged in terms of the building group part of the policy. Whilst the existing cluster of buildings can be categorised as a building group as outlined within the policy, any extension to a group must respect the layout and building pattern of the group. The policy states that: "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)." In this instance the proposed site does not relate well to the existing building group. It extends the group into the top part of an existing field and any development would be at a significantly lower level than the existing buildings in the group. The proposed site has a rough, unkempt appearance. The existing topography does not give definition to the site. It slopes down into the field and there are no well established landscape features that would define the site or provide a landscape setting.

I would also highlight that the site is around 200 metres from a settlement boundary as identified in the Local Development Plan. Policy PM4 states that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary. Previously this proximity to a settlement boundary was given as a reason for refusal. Having consulted the Development Plan Team they advise that Policy PM4, as inserted into the Plan by the Reporter during the examination process, is not particularly clear and that this is something which is being addressed in the Proposed LDP2. However, it is the view of the Development Plan Officer that Policy PM4 applies to proposals for development which directly adjoin a settlement boundary. Given that this proposal does not directly adjoin the settlement boundary at Donavoured it is considered that the application would be more appropriately assessed under Policy RD3 Housing in the Countryside. This reason for refusal has therefore been removed from this application. However it is still considered that the proposal fails to meet the terms of the housing in the countryside policy.

It was also considered previously that the site did not comply with placemaking policies and that the site works required to form a suitable area for construction of a house would have an adverse visual impact. This re-submission includes an indicative layout however I still consider that the development of this site located below the existing group would not comply with placemaking policies that seek to ensure development contributes positively to the quality of the surrounding built and natural environment.

## **Design and Layout**

The proposal is in principle although an indicative house position and sketch design has been shown. There was concern previously that extensive ground works would be required to provide sufficient level ground for any proposed house resulting in an overly engineered development in this open rural location. Additional information has been submitted by the applicant suggesting that the proposed house would be set in to the bank and would not be unduly prominent. However until detailed plans are submitted it is difficult to comment on this with any degree of certainty and I still have concerns with the site configuration and that any sizable building, forward of the main building group would not contribute positively to the quality of the surrounding built and natural environment and be contrary to policy PM1 Placemaking.

## **Landscape**

The appearance of the site has not changed significantly since application no. 16/01504/IPL was refused. There are no significant trees on the site which is generally overgrown with weeds. The access track forms part of the northern boundary with a low hedge extending along the north east part of this boundary. This hedge and track provides a well-defined boundary at the top of the site, giving a clear separation between this site and the existing building group. The other boundaries are not defined either by existing topography or well established landscape features. There is a post and wire fence with some intermittent small beech trees along part of the southwest boundary. This does not form an established landscape feature as required by Development Plan policy. The site slopes down into a large grazed agricultural field and relates more to this than to the existing building group. There are extensive views of the surrounding countryside from the site.

## **Residential Amenity**

The application is in principle. Any issues with regard to residential amenity would be fully addressed should a detailed application be submitted.

## **Visual Amenity**

The application is in principle so the full impact on visual amenity would be assessed should any detailed proposal be submitted. However placemaking policies require proposals to contribute positively to the built and natural environment. Due to the open nature of the site and the site configuration I still consider that it is highly likely that any proposed dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment. The site is triangular in shape and relatively narrow. It is also likely that there will be pressure to extend the garden ground into the field below further detracting from the rural nature of the area.

## **Roads and Access**

There is an existing private track that would access the site which also serves other properties in the area. There was previously an objection to the use of the access although no objections have been received this time. The Transport Planner has been consulted and does not object to the route shown. However further details will be required with regard to access and parking matters should any further application be submitted.

## **Drainage and Flooding**

There was concern previously about the potential for surface water flooding from the new house as it is suggested that the development would increase water on the access road. Further drainage details will be required with any detailed proposal but it would be expected that a SUDS scheme would be required to ensure that surface water stays within the site boundaries.

## **Private Water**

The development is for a dwelling house in a rural area with private water supplies (including Balnacree) believed to serve properties in the vicinity. Environmental Health has requested that any consent included an informative note to ensure the new development has an adequate and consistently wholesome supply of water.

## **Contaminated Land**

A search of the historic records did not raise any concerns regarding ground contamination.

## **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 Pitlochry Primary School.

Should the application be approved a condition will be attached to ensure that any detailed proposal is in line with the Developer Contributions policy.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Refuse the application**

## **Reasons for Recommendation**

1 The proposal 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 satisfy any of the categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.

2 The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site, the lack of a landscape framework and its position below and detached from other buildings in the group above it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural environment.

**Justification**

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

**Informatives**

None.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01915/1

17/01915/2

17/01915/3

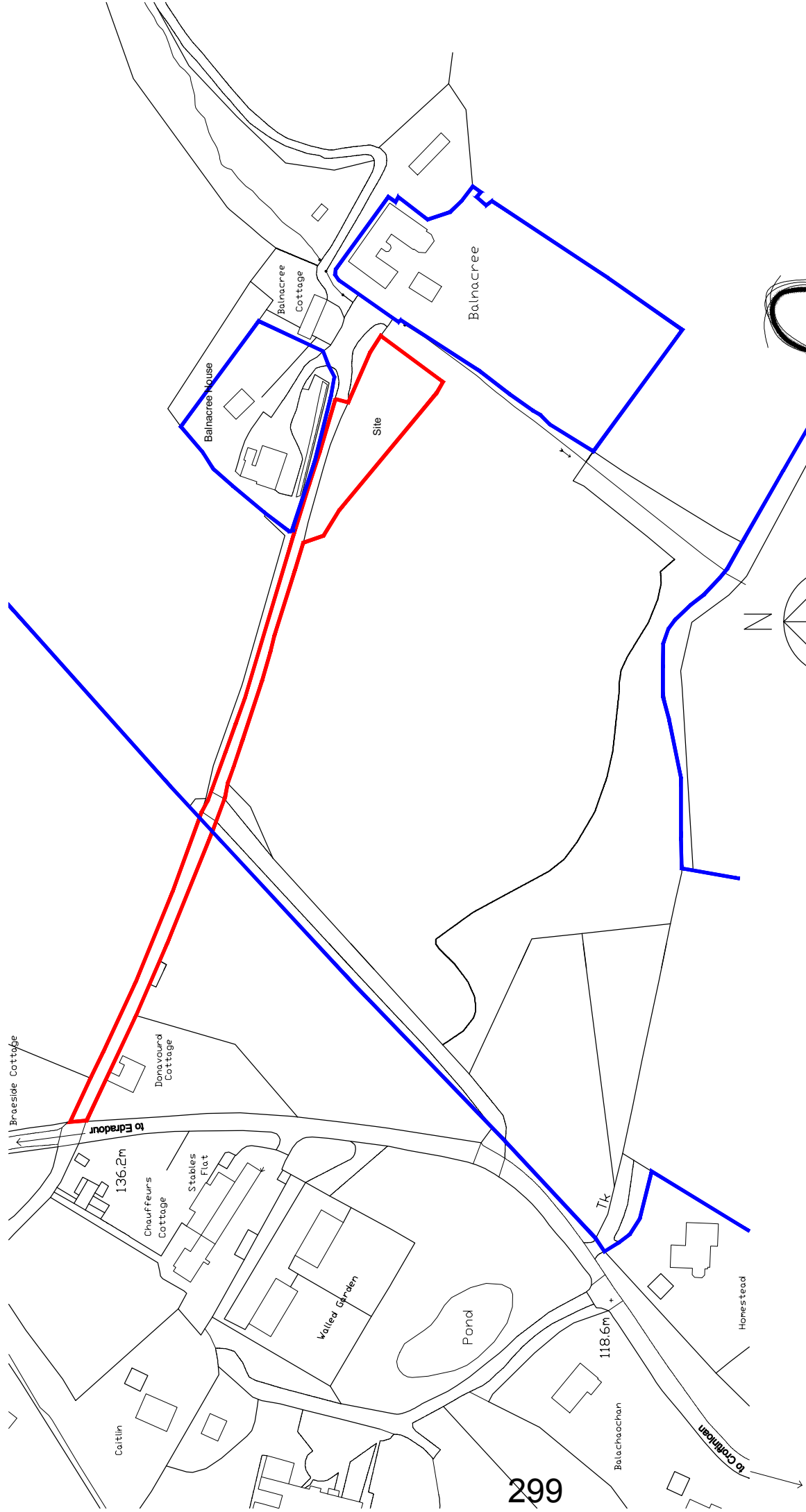
17/01915/4

17/01915/5

17/01915/6

**Date of Report**

**27.11.2017**



**Orchill**  
**Architectural Consultants**  
The Barn Mains of Orchill, Killecrankie, Pitlochry, Perthshire PH16 5LR  
t: 01796 470082  
e: mail@orchilarch.co.uk  
w: www.orchilarch.co.uk

## Location Plan

|           |             |              |        |          |
|-----------|-------------|--------------|--------|----------|
| Scale(s): | Size:       | First issue: | Drawn: | Checked: |
| 1:1250    | A3          | 20/10/17     | bh     | jh       |
| Job no:   | Drawing no: |              | Rev:   |          |
| 243       | 01          |              | A      |          |

|                    |                           |
|--------------------|---------------------------|
| Client:            | Project:                  |
| Mr P McRobbie      | New Dwelling at Balnacree |
| Drawing:           |                           |
| Site Location Plan |                           |

|     |          |                                |    |     |
|-----|----------|--------------------------------|----|-----|
|     |          |                                |    |     |
| Rev | Date     | Description                    | By | Chk |
| A   | 28/10/17 | Ownership boundaries confirmed | BH | JH  |

1. All boundaries, dimensions and levels are to be checked on site before construction and any discrepancies are to be reported to Orchill. 2. This drawing is copyright and may not be reproduced or used for any purpose other than that intended without the prior written agreement from Orchill Architectural Consultants.

All dimensions and setting out must be checked on site. Use written in preference to scaled dimensions. If in doubt ask.



Proposed Site Plan







Review Doc 1 – Illustration of site in context of surrounding houses, landform and existing landscaping

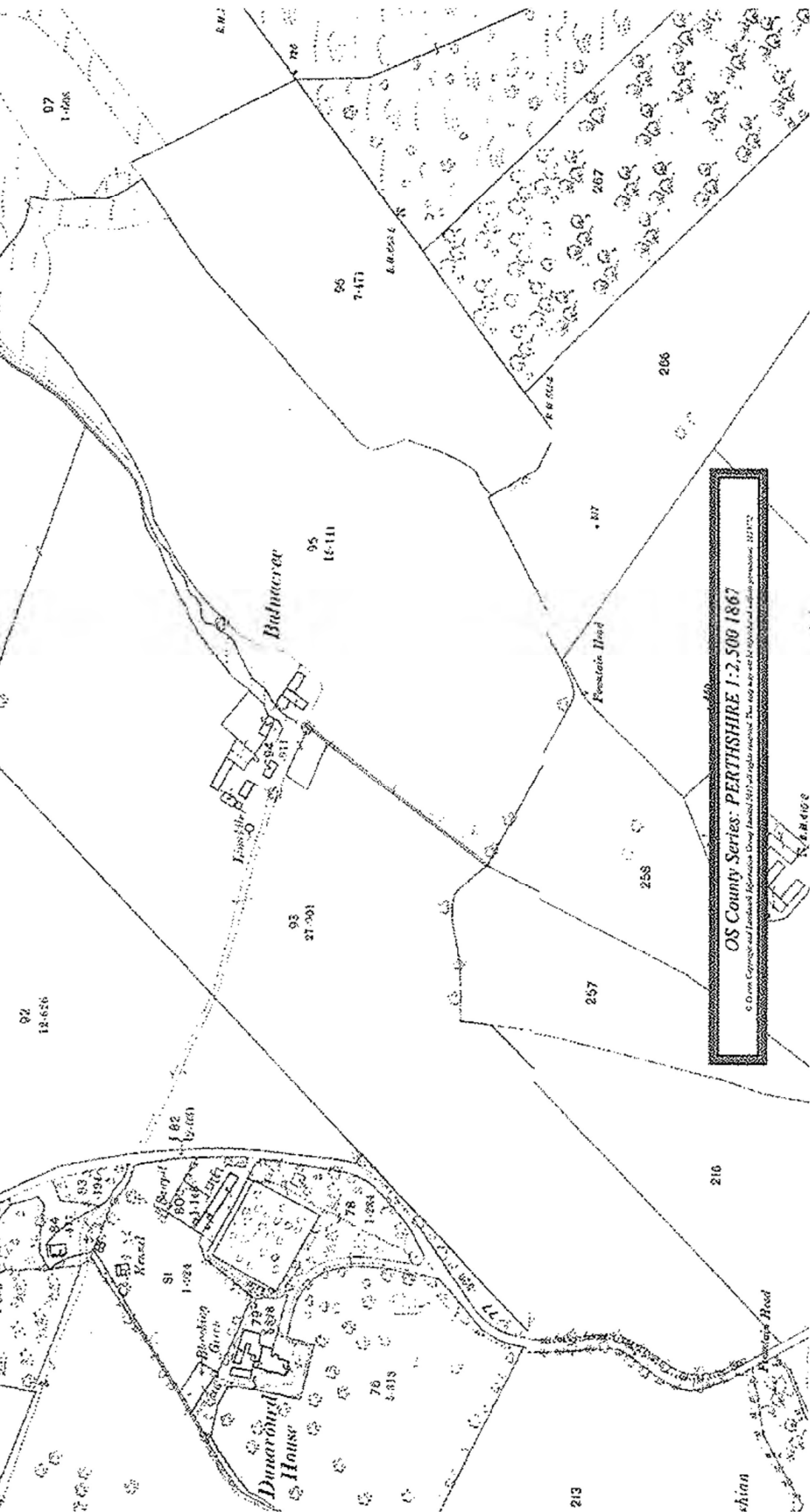


The above image demonstrates that the site of the proposed dwelling is visually contained by a combination of the existing dwellings within the group, rising landform and the existing mature trees. Additional planting already carried out, with further planting as part of a landscaping scheme for the site, will further integrate the new home into its surroundings. As confirmed in the Report of Handling, the proposal “would not be unduly prominent”.







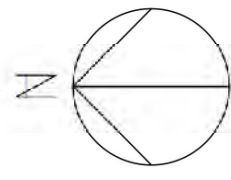
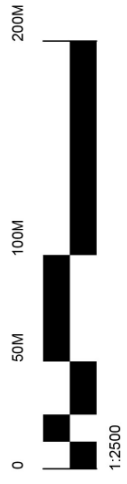




# Orchil

**Architectural Consultants**  
The Barn Mains of Orchil, Killecrankie, Pitlochry, Perthshire PH16 5LR  
t: 01796 470082  
e: mail@orchilarch.co.uk  
w: www.orchilarch.co.uk

OS Map 1867



1. All boundaries, dimensions and levels are to be checked on site before construction and any discrepancies are to be reported to Orchil. 2. This drawing is copyright and may not be reproduced or used for any purpose other than that intended without the prior written agreement from Orchil Architectural Consultants.

|                         |      |             |                                    |     |  |
|-------------------------|------|-------------|------------------------------------|-----|--|
|                         |      |             |                                    |     |  |
| Rev                     | Date | Description | By                                 | Chk |  |
|                         |      |             |                                    |     |  |
| Client: Mr P McRobbie   |      |             | Project: New Dwelling at Balnacree |     |  |
| Drawing: OS Map of 1867 |      |             |                                    |     |  |

|                     |                   |                          |              |                |
|---------------------|-------------------|--------------------------|--------------|----------------|
| Scale(s):<br>1:1250 | Size:<br>A3       | First Issue:<br>20/10/17 | Drawn:<br>bh | Checked:<br>jh |
| Job no:<br>243      | Drawing no:<br>07 |                          | Rev:         |                |

## Review Doc 2 – Applicant's suggested conditions

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 3 Notwithstanding condition 1, the proposed dwelling shall be of single storey or one and a half storey design, with any accommodation at first floor level contained within the roofspace and with all details and finishing materials sympathetic to the other dwellings in the area, all to the satisfaction of the Council as Planning Authority. It shall be demonstrated that the proposal dwelling will be built into the slope where possible, minimising the need for underbuilding.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 4 In pursuance of condition 1, the landscaping scheme shall include:
  - (i) The location of new trees, shrubs hedges, grassed areas and water features.
  - (ii) A schedule of plants to compromise species, plant sizes and proposed numbers and density.
  - (iii) The location design and materials of all hard landscaping works.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

#### Informatives

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 No work shall be commenced until an application for building warrant has been submitted and approved.
- 3 The applicant shall ensure the private water supply for the house/development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

**TCP/11/16(521) – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 287-288)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 289-298)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 299-301 and 304)*





**TCP/11/16(521) – 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd**

## **REPRESENTATIONS**



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 17/01915/IPL

Our ref ALS

Date 31/10/2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of a dwellinghouse (in principle) Land 30 Metres South Of Balnacree House Donavourd for Mr Peter McRobbie**

I refer to your letter dated 30/10/2017 in connection with the above application and have the following comments to make.

**Water** (assessment date – 31/10/2017)

### Recommendation

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

### Comments

The development is for a dwelling house in a rural area with private water supplies (including Balnacree) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and please note the following informative. No public objections relating to the water supply were noted at the date above.

### PWS - Informative 2

The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

AS



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                           |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01915/IPL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
| <b>Address of site</b>                          | Land 30 Metres South Of Balnacree House, Donavoured                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                                                           |
| <b>Comments on the proposal</b>                 | <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Pitlochry Primary School.</p>                                                                                                                                                  |                             |                                                                           |
| <b>Recommended planning condition(s)</b>        | <p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p> |                             |                                                                           |
| <b>Recommended informative(s) for applicant</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                                                           |
| <b>Date comments returned</b>                   | 09 November 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                           |



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref PK17/01915/IPL

Our ref LJA

Date 14 November 2017

Tel No (

The Environment Service

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

## Consultation on an Application for Planning Permission

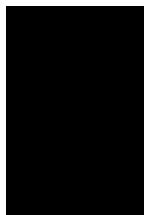
### **PK17/01915/IPL RE: Erection of dwellinghouse (in principle) Land 30m South of Balnacree House Donavourd for Mr Peter McRobbie**

I refer to your letter dated 30 October 2017 in connection with the above application and have the following comments to make.

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

#### Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.







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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------------|
| <b>Planning Application ref.</b>                | 17/01915/IPM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Comments provided by</b> | Katrina Walker                 |
| <b>Service/Section</b>                          | TES:<br>Development Plans                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Contact Details</b>      | Planning Officer<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                |
| <b>Address of site</b>                          | Land 30 Metres South Of Balnacree House, Donavourd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                |
| <b>Comments on the proposal</b>                 | <p>A view is requested on the interpretation of Policy PM4 of the adopted LDP as it relates to this planning application.</p> <p>Policy PM4, as inserted into the Plan by the Reporter during the examination process, is not particularly clear and this is something which we are seeking to address in Proposed LDP2. However, my view is that Policy PM4 applies to proposals for development which directly adjoin a settlement boundary. Given that this proposal does not directly adjoin the settlement boundary at Donavourd I would suggest that the application would be more appropriately assessed under Policy RD3 Housing in the Countryside.</p> |                             |                                |
| <b>Recommended planning condition(s)</b>        | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                |
| <b>Recommended informative(s) for applicant</b> | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                             |                                |
| <b>Date comments returned</b>                   | 16/11/17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                             |                                |



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

|                                                 |                                                                                     |                             |             |
|-------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------|-------------|
| <b>Planning Application ref.</b>                | 17/01915/IPL                                                                        | <b>Comments provided by</b> | Niall Moran |
| <b>Service/Section</b>                          | Transport Planning                                                                  | <b>Contact Details</b>      | ██████      |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse (in principle)                                          |                             |             |
| <b>Address of site</b>                          | Land 30 Metres South Of Balnacree House<br>Donavourd                                |                             |             |
| <b>Comments on the proposal</b>                 | Insofar as roads matters are concerned I do not object to the proposed development. |                             |             |
| <b>Recommended planning condition(s)</b>        |                                                                                     |                             |             |
| <b>Recommended informative(s) for applicant</b> |                                                                                     |                             |             |
| <b>Date comments returned</b>                   | 16 November 2017                                                                    |                             |             |



**TCP/11/16(522) – 17/01923/FLL – Alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 323-338***)
- (b) Decision Notice (***Pages 341-342***)
  - Report of Handling (***Pages 343-351***)
  - Reference Documents (***Pages 329-333***)
- (c) Representations (***Pages 353-358***)



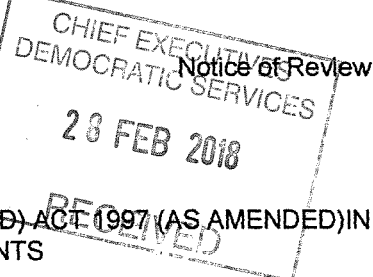
**TCP/11/16(522) – 17/01923/FLL – Alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD**

**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 2008

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

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

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name MR & MRS P. BOYCE

Address 16, SMITH STREET  
KINROSS

Postcode KY13 8DD

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail\* [REDACTED]

## Agent (if any)

Name MCNEIL PARTNERSHIP

Address 28 VICTORIA AVENUE  
MILNATHORT  
KINROSS-SHIRE

Postcode KY13 9YE

Contact Telephone 1 01577-863000

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail\* mcneilpartnership2@yahoo.com

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

Yes ☒ No ☐

\* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

17/01923/FLL

Site address

16, SMITH STREET, KINROSS, KY13 8DD

Description of proposed development

ALTERATIONS AND EXTENSIONS TO DWELLINGHOUSE.

Date of application

1<sup>ST</sup> NOVEMBER 2017

Date of decision (if any)

7<sup>TH</sup> DECEMBER 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:

N/A.

**Site inspection**

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

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

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

THERE ARE ACCESS GATES TO THE COMMUNAL PATH BETWEEN 16 AND 18 SMITH STREET AND FROM THE COMMUNAL PATH TO THE REAR OF 16 SMITH STREET. ACCESS MAY ALSO BE REQUIRED TO THE INTERIOR OF 16 SMITH STREET TO ASCERTAIN THAT THE PROPERTY IS IN NEED OF UPGRADING FROM ITS CURRENT SUB-STANDARD CONDITION.

## 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.

WE TOTALLY DISAGREE WITH THE CASE OFFICERS CLAIMS THAT THE PROPOSALS ARE OF EXCESSIVE PROPORTIONS AND BULK, AND ARE DETRIMENTAL TO THE SURROUNDING AREA AND IN PARTICULAR THE KINGS CONSERVATION AREA. THERE ARE A FEW PRECEDENTS AROUND/SET WHICH MAKE OUR PROPOSALS SEEM QUITE MODEST. THE BOARD'S ATTENTION IS DRAWN IN PARTICULAR TO THE REM OF NO 12 SMITH STREET WHICH HAS VERY SUBSTANTIAL GROUND AND UPPER FLOOR EXTENSIONS NOT PARTICULARLY WELL DESIGNED. WE WOULD SUGGEST THAT THE INTEGRITY OF THE CONSERVATION AREA HAS ALREADY BEEN COMPROMISED BY SOME OF THE EXISTING DEVELOPMENTS INCLUDING THE PRESENCE OF AN INDUSTRIAL COMPLEX IN THE FORM OF SMITH STREET MOTORS WORKSHOP. THE SIZE OF THE OVERALL PROPOSALS IS INFERIOR TO THE EXISTING STRUCTURE.

THE PROPOSALS ARE NOT INTENDED TO BE DEVELOPMENT FOR ULTIMATE FINANCIAL GAIN, RATHER THEY WILL BEING UP TO STANDARD AN OTHERWISE SUB-STANDARD DWELLING WHICH WILL PREVENT THE CURRENT UNACCEPTABLE HEAT LOSS THROUGH SUB-STANDARD EXTERNAL WALLS AND PREVENT THE PASSAGE OF FIRE BETWEEN NOS 14 AND 16 SMITH STREET WHERE THERE IS AN INADEQUATE FIRE WALL. THERE IS ALSO A NEED TO PROVIDE AT LEAST THE BASIC FACILITIES FOR DISABLED OCCUPANTS. WE WOULD LIKE TO POINT OUT THAT ONE OF THE APPLICANTS SUFFERS FROM MULTIPLE SCLEROSIS AND REQUIRES FACILITIES THAT WILL ACCOMMODATE TREATMENT AREAS, UPPER FLOOR SANITARY FACILITIES, WHEELCHAIR ACCESS AND FUTURE STAIR LIFT FACILITIES. THE PROPOSALS HAVE BEEN DESIGNED TO ADDRESS THESE BASIC REQUIREMENTS ONLY.

REGARDING THE REFERENCE TO INAPPROPRIATE MATERIALS WE WOULD BE HAPPY TO SUBSTITUTE REDGRAIN P.V. CLADDING WITH TRADITIONAL WOOD CLADDING OR ROSEMARY TREES HOWEVER WE WOULD POINT OUT THE MOST OF THE PROPERTIES IN SMITH STREET HAVE P.V. CLADDING WINDOWS AND DOORS TO FRONT AND REAR. OUR PROPOSALS WERE TO MINIMISE THE NEED FOR MAINTENANCE AND TO PROVIDE A LONG LASTING CLEAN APPEARANCE.

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.

N/A

## 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.

DRAWINGS & MAPS:

|                         |                               |                         |
|-------------------------|-------------------------------|-------------------------|
| DRAWING NO MP522-001    | ELEVATIONS EXIST AND PROPOSED | PKC PLAN REF 17/01923/1 |
| DRAWING NO MP 522-002   | ELEVATIONS AND ROOF PLANS     | PKC PLAN REF 17/01923/2 |
| DRAWING NO MP 522-003   | UPPER AND LOWER FLOOR PLANS   | PKC PLAN REF 17/01923/3 |
| DRAWING NO MP 522-004   | SITE PLANS                    | PKC PLAN REF 17/01923/4 |
| ORDNANCE SURVEY EXTRACT |                               | PKC PLAN REF 17/01923/5 |

PHOTOGRAPHS:

PICTURE REF. IM 001281 REAR VIEW OF 16 SMITH ST, KINROSS (APPLICANT SITE)  
 PICTURE REF. IM 001296 REAR VIEW OF 14 AND 16 SMITH STREET, KINROSS  
 PICTURE REF. IM 001301 REAR VIEW OF 18 SMITH ST, KINROSS.  
 PICTURE REF. IM 001309 VIEW OF SMITH STREET MOTORS WORKSHOP, 6 SMITH STREET, KINROSS  
 PICTURE REF. IM 001310 REAR VIEW OF 12 SMITH STREET, KINROSS

**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



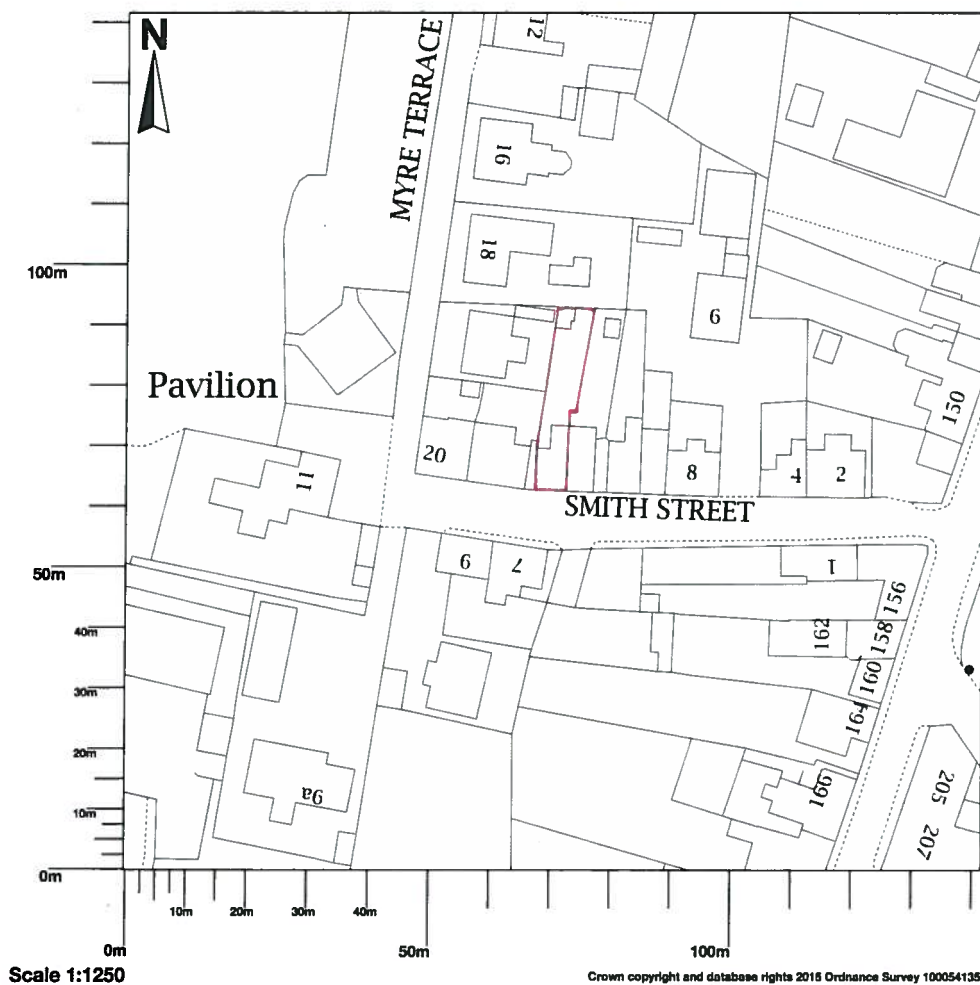
Date

26<sup>TH</sup> FEBRUARY 2018



PKC PLAN REF 17/01923/5

## 16 Smith Street, Kinross, KY13 8DD



Map shows area bounded by: 311744.28,701830.3,311885.72,701971.7 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 06 October 2017 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2017. Supplied by UKPlanningMaps.com a licensed Ordnance Survey partner (100054135). Unique plan reference: p2b/194883/266928

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. UKPlanningMaps logo and other designs are Copyright © copla ltd 2017

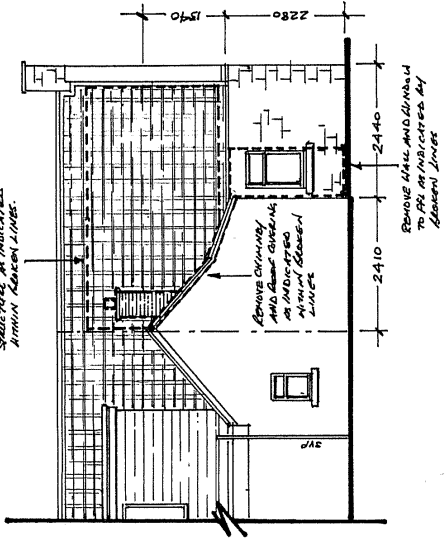
McNeil Partnership  
Technical Services Division  
28 Victoria Avenue, Milnthorpe, KIRROSS  
KY13 9YE  
tel : 01577-863000

Project:-  
**ALTERATIONS AND EXTENSIONS TO DWELLING HOUSES**  
  
For:-  
**MC SHIP & BOYCE**  
**16, SMITH STREET**  
**KIRROSS**  
**KY13 8DD**  
  
Tel:-  
**07533 - 281 - 1723 (Mr Boyce)**  
**07533 - 281 - 4124 (Mr Boyce)**  
  
**e-mail: [ray.brown@23cloud.com](mailto:ray.brown@23cloud.com)**  
Scales:- As shown Drawing No: **MS22-001**  
  
Drawn By:- **E. J. McNeill.**  
  
Notes:-  
**1) NEW G/P ROOF COVERING TO BE RECYCLED SLATES.**  
**2) NEW UPPER FLOOR COVERING TO BE SEAMLESS CHALK OR OILY LUSKOLITE INTERIORS MEMBRANE.**  
**3) NEW G/P ROOF EXTENSION ALONG WITH DOWN-PIPE TO BE WHITE PAINTED MET DASH & MATCH.**  
**4) NEW UPPER FLOOR FLOOR TO BE LIGHT OAK GRANT P.V. OR EQUIV PARTICLES TO MATCH.**  
**5) NEW LINING AND DOOR TO BE LIGHT OAK WITH GRANT FLOORING WITH NEW METAL KEY SERRA DOUBLE GLAZED UNIT.**  
**6) EXISTING PIPES AND CABLES AS FAR AS POSSIBLE TO BE REMOVED.**

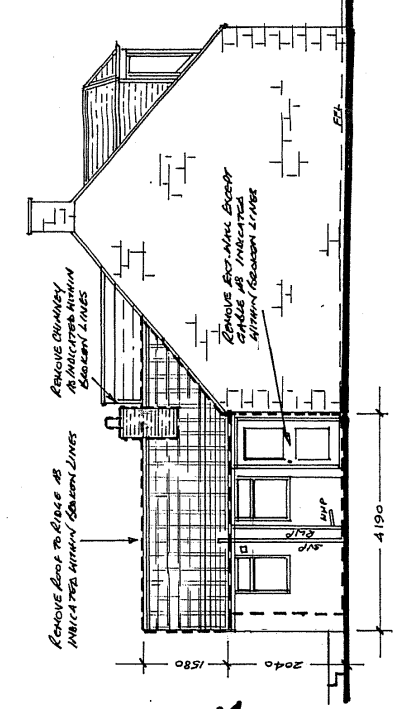
We certify that this is a true & accurate plan of the works referred to in this application for Warrant/ Planning consent

Signed:-  
  
Date:-

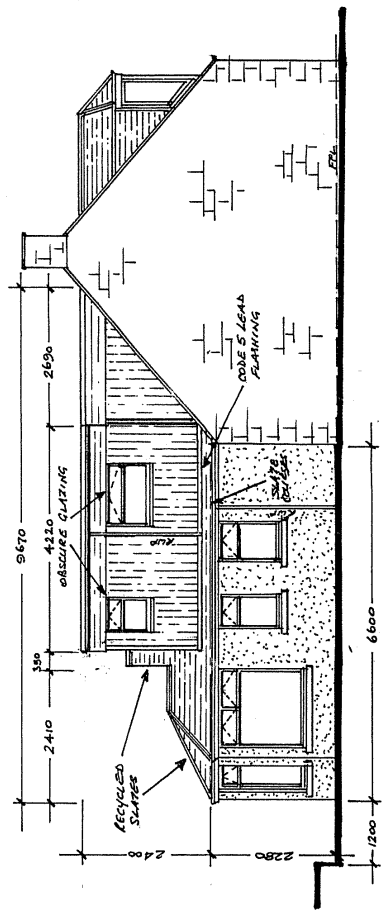
EXISTING NORTH ELEVATION 1:100



EXISTING WEST ELEVATION 1:100

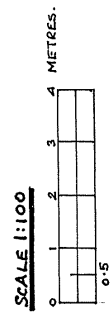
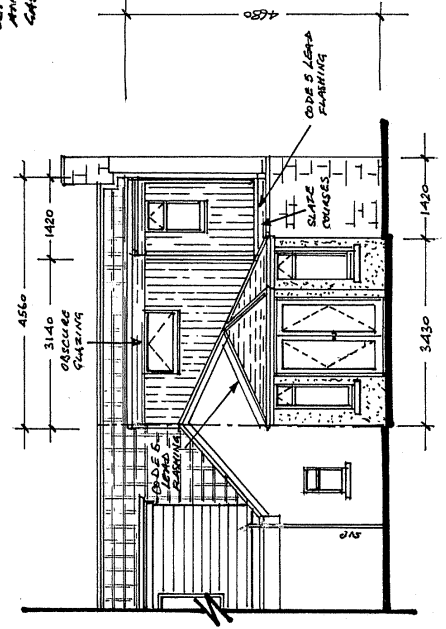


PROPOSED WEST ELEVATION 1:100



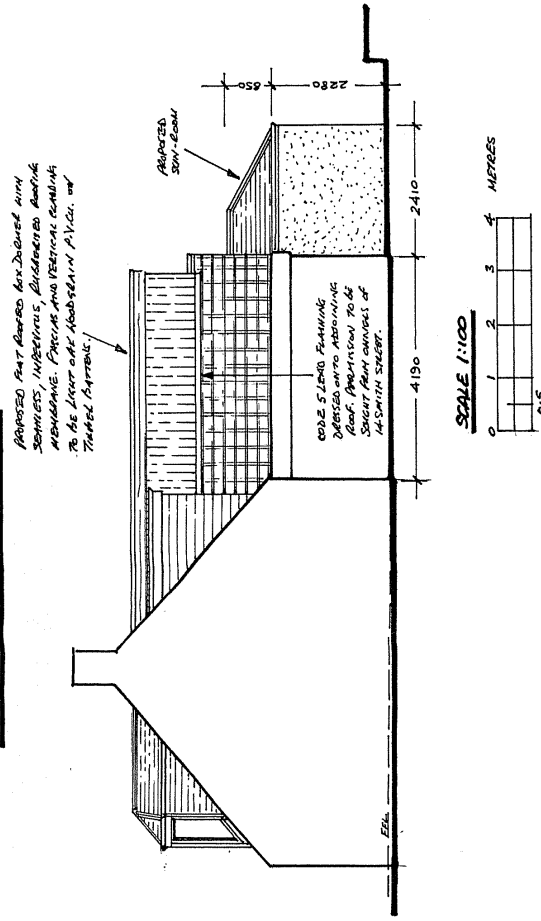
\* NEW UPPER FLOOR DOORWAYS TO BE SET BACK 350... INTO ROOF PLANE AND 350... IN FROM LINE OF GABLE WALLS.

PROPOSED NORTH ELEVATION 1:100

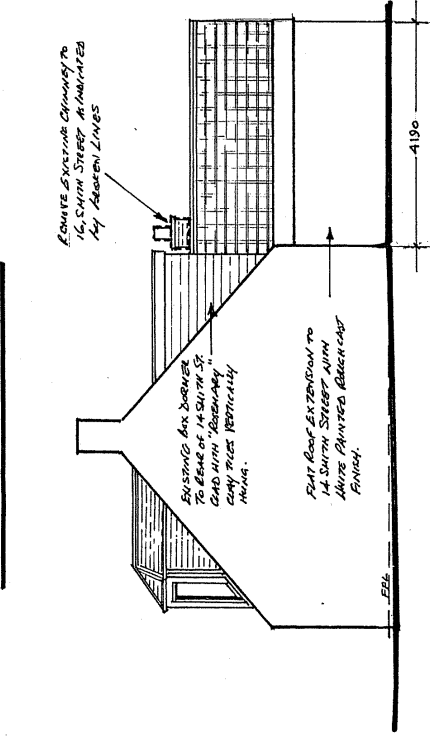


|                                                                                                                               |                                                              |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| McNeil Partnership<br>Technical Services Division<br>28 Victoria Avenue, Milnthorpe, Kinross<br>KY13 9YE<br>Tel: 01577-863000 |                                                              |
| Project:-                                                                                                                     | ALTERATIONS AND EXTENSIONS TO DWELLING                       |
| For:-                                                                                                                         | MR & MRS P. BOYCE<br>16, SMITH STREET<br>KINROSS<br>KY13 8DD |
| Tel:-                                                                                                                         | 0753 - 281 - 1723 (MR Boyce)<br>0753 - 281 - 4124 (MR Boyce) |
| e-mail                                                                                                                        | Ray.brown@23101010.com                                       |
| Scales:-                                                                                                                      | As shown Drawing No. - M522 - 002                            |
| Drawn By:-                                                                                                                    | E. J. McNeill.                                               |
| Notes:-                                                                                                                       |                                                              |
| We certify that this is a true & accurate plan of the works referred to in this application for Warrant/ Planning consent     |                                                              |
| Signed:-                                                                                                                      | Date:-                                                       |

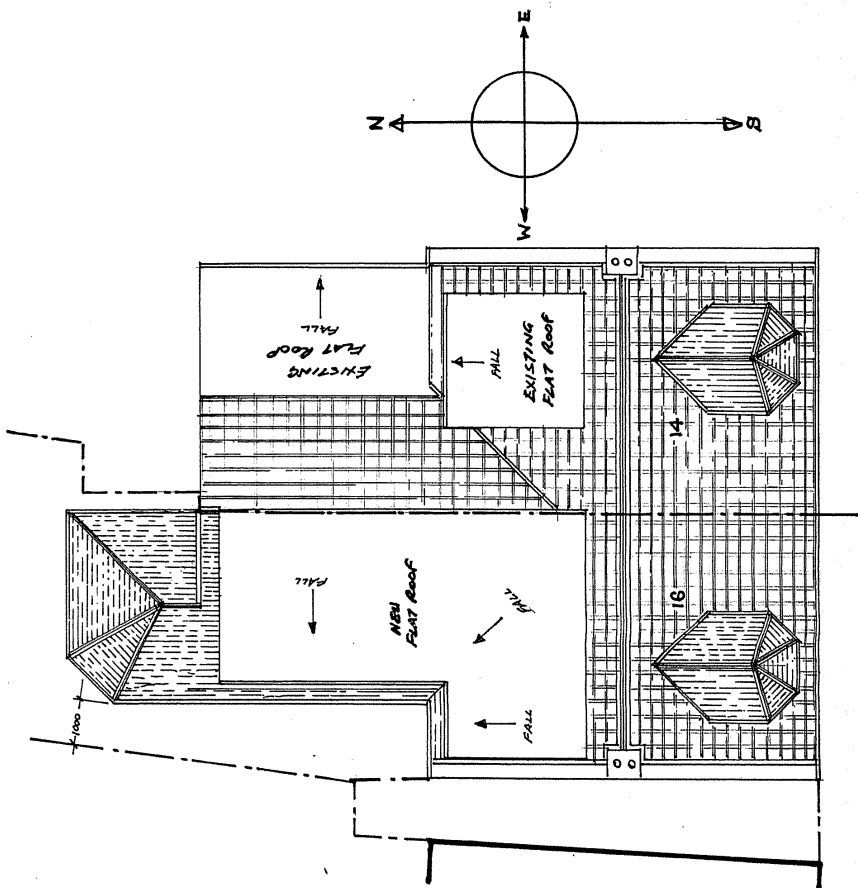
PROPOSED EAST ELEVATION 1:100



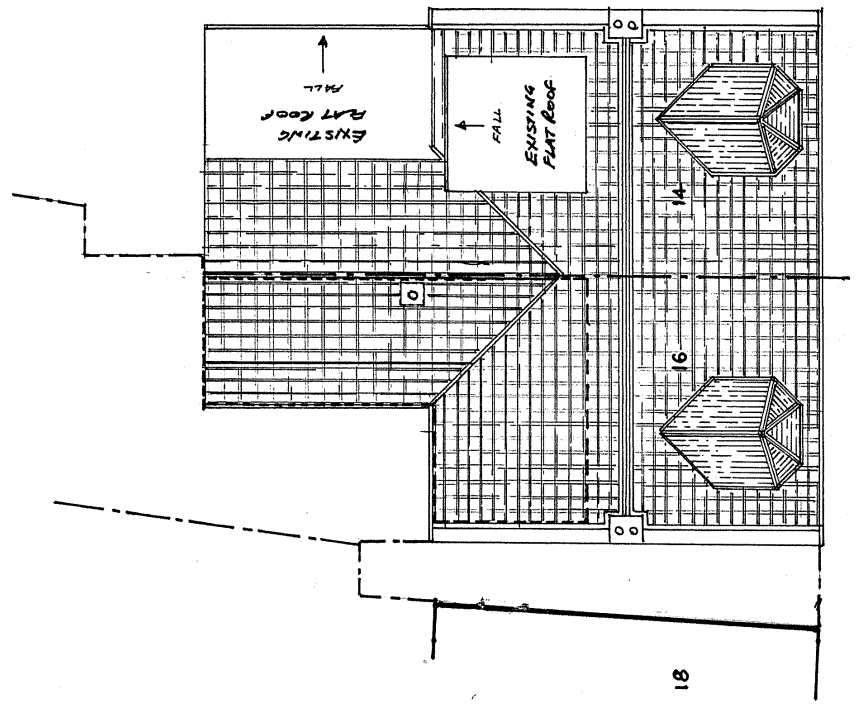
EXISTING EAST ELEVATION 1:100



PROPOSED ROOF PLAN 1:100



EXISTING ROOF PLAN 1:100







**Project:-**

ALTERATIONS AND EXTENSIONS TO DUELLING  
1649-8

FOR: ME & HON. P. BOYCE  
16, SMITH STREET  
KINROSS  
K4/13 822

Tel:- 0753 - 281 - 1723 (H W Boyce)  
0753 - 281 - 4124 (H L Boyce)

e-mail faybrown82@icloud.com

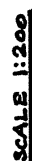
Scales:- As shown

Drawn By: - E. J. McNEILL.

Notes:-

We certify that this is a true & accurate plan of the works referred to in this application for Warrant/Planning consent

Signed:-  
Date:-



REAR VIEW OF 16, SOUTH STREET, KINROSS  
PIC. REF. IM 001281



REAR VIEW OF 14, SUMMIT STREET, KIRKBOSS  
PIC. REF. IM 001296





REAR of 18, SMITH STREET, KINGS  
PIC. REF. IM 001301





SOUTH STREET MOTELS, 6, SOUTH STREET, KINGS  
PIC. REF. IM 001309





REAR OF 12, SMITH STREET, KINROSS  
PIC. REF. IM 001310



**TCP/11/16(522) – 17/01923/FLL – Alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 329-333)*





# PERTH AND KINROSS COUNCIL

Mr And Mrs P Boyce  
c/o McNeil Partnership  
28 Victoria Avenue  
Milnathort  
Kinross-shire  
KY13 9YE

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 7th December 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01923/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 1st November 2017 for permission for **Alterations, extension and formation of a dormer 16 Smith Street Kinross KY13 8DD** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The dormer extension, by virtue of its excessive proportions, inappropriate bulk, massing, design and composition, would compromise the character and architectural integrity of the cottage, resulting in an adverse impact on the visual amenity of the area. Approval would therefore be contrary to Policies RD1, PM1A and PM1B(c) of the Perth & Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and appearance of the area by complementing its surroundings in terms of design, appearance, scale and massing.

2. The dormer extension, by virtue of its excessive proportions, inappropriate materials, bulk, massing, design and composition, would be harmful to the character and appearance of the Kinross Conservation Area. Approval would therefore be contrary to Scottish Planning Policy 2014 and Policy HE3A of the Perth & Kinross Local Development Plan 2014, which seek to ensure that development proposals preserve and enhance the character and appearance of Conservation Areas.

## **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**

- 1 Any future submissions should ensure that all drawings are presented accurately and consistently.

**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

17/01923/1

17/01923/2

17/01923/3

17/01923/4

17/01923/5

## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                   |      |
|------------------------|-------------------|------|
| Ref No                 | 17/01923/FLL      |      |
| Ward No                | P8- Kinross-shire |      |
| Due Determination Date | 31.12.2017        |      |
| Case Officer           | Keith Stirton     |      |
| Report Issued by       |                   | Date |
| Countersigned by       |                   | Date |

**PROPOSAL:** Alterations, extension and formation of a dormer

**LOCATION:** 16 Smith Street Kinross KY13 8DD

#### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 8 November 2017

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is 16 Smith Street, which is a modestly proportioned semi-detached cottage within the Kinross Conservation Area. This application seeks detailed planning permission to alter and extend the rear (North) elevation of the house. The proposal includes a ground floor extension to form

a sun room and a roof space extension to extend the bedroom and to form an en-suite.

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Not Applicable.

## **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.

Scottish Planning Policy, paragraph 143, states that;

*“Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area”.*

## **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 HE3A - Conservation Areas**

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area

that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

#### 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 RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **OTHER GUIDANCE**

Perth & Kinross Council's Draft Placemaking Guide 2017 states that;

*"Whether it is an extension on a house or a strategic development site, there are always aims and objectives for any new development..."*

*The towns and villages of Perth & Kinross offer us a wealth of visual stimulus, with a huge range of architectural styles, building uses and landscapes.*

#### *Materials*

*Local buildings were traditionally built in materials sourced within the area and have often contributed to the unique character of a settlement. New development should reflect this and source high quality, sustainable materials from local sources whenever possible. Use of timber can provide a high quality, natural finish if sensitively designed. Whilst local materials might not always be feasible, the use of stone detailing, individual walls or boundary treatments can assist in the overall sense of local character.*

#### *Colour*

*Choice of colour can have a clear visual impact on the surrounding area... Colour can also define specific parts of a building.*

*Good detailing will not only improve the appearance of the house but will make it more durable and weatherproof. There is considerable scope for modern architecture and building techniques to support new lifestyles but an honest contemporary approach can be matched with local building characteristics to provide attractive modern living. It requires sensitivity and care by the designer but will not necessarily result in additional expenditure.*

*New development should acknowledge the scale and form of the surrounding buildings. This can make a huge difference to the visual impact of a development. Whilst it is not desirable to copy traditional buildings, it is important to harmonise with them.*

*Proportion is a fundamental element of architecture, and relates to the building as a whole and also as sections working harmoniously together. Individual elements of a building must work together to create a coherent design that balances. The building envelope, windows and doors, eaves and roof ridgeline should all work in balance with each other.*

*Modern housing can sometimes lack the balance between plan depths to roof mass, resulting in visually dominant roofs. Roof massing in the context of the building envelope should create a proportionate balance, reflecting or interpreting the traditional form”.*

The Council is in the process of drafting more detailed Technical Notes that will provide specific guidance on domestic extensions.

These will offer more information regarding this type of development and give best practice examples that can be used by applicants and Development Management to support the pre-application and planning application process.

The aim of these technical notes is not to be proscriptive regarding design but to ensure that the Placemaking process has been followed when applying for planning permission for a new development, regardless as to the size, cost or location of a proposal.

The Technical Notes will reflect the messages in the Placemaking Guide and be published alongside the Adopted Supplementary Guidance.

The draft Supplementary Guidance is being consulted upon and comments were invited between 13th July 2017 and 31st August 2017.

## **INTERNAL COMMENTS**

Local Flood Prevention Authority

No objections – informative note recommended on any approval.

## **REPRESENTATIONS**

The following points were raised in the 1 representation received:

- The proportions of the roof extension are large and dominant
- Loss of sunlight
- Drawing discrepancy
- Inappropriate external cladding is out of keeping with the area
- Adverse impact on residential amenity

- Incongruous design, which would not preserve and enhance the character and appearance of the Conservation Area.

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

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environment Statement                                         | Not Required |
| Screening Opinion                                             | Not Required |
| Environmental Impact Assessment                               | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Not Required |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

#### **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

#### **Policy Appraisal**

In general terms, developments which are ancillary to an existing domestic dwellinghouse are considered to be acceptable in principle. Nevertheless, detailed consideration must be given to the scale, form, massing, design, position, proportions and external finishing materials of the proposed development within the context of the application site, and whether it would have an adverse impact on visual amenity or the character and appearance of the Conservation Area.

#### **Design and Layout**

The proposal seeks to extend the existing kitchen projection to the rear of the cottage in order to form a sunroom. Additionally, a large flat roofed L-shaped box dormer extension is proposed on the rear of the cottage.

Whilst the letter of objection states that the extent of dormer is inconsistent between the North and East elevation drawings, it does appear that the elevations are shown consistently. However, the elevations are not consistent with the first floor plan and this should be rectified in any future submissions.

#### **Landscape**

The domestic scale and nature of the proposal does not raise any landscape impact issues.

### **Residential Amenity**

The proposed sunroom extension is positioned hard on the boundary with the adjoining property. This has the potential to reduce the amount of available daylight to the window of the adjoining property. However, the height of the proposed eaves is only fractionally higher than that of a fence which could be erected under permitted development rights. Therefore, the fall-back position is that a fence could be erected without the requirement of planning permission which would cause a similar degree of daylight loss.

However, the proposed roof space extension would certainly be an incongruous and unwelcome addition to the rear of the house due to its large proportions and poor integration with the roof of the cottage. This would result in a bulky and imposing appearance, which would have an adverse impact on residential amenity.

### **Visual Amenity**

The scale, form, massing, design, position, proportions and external finishing materials of the proposed sunroom are all considered to be acceptable.

However, the proposed flat roofed L-shaped box dormer extension raises a number of concerns. A badly designed dormer can harm the appearance of a dwellinghouse. To avoid appearing over-dominant, a dormer should not in itself form the major part of the upstairs room. It should simply provide extra headroom and daylight. Dormers should not be over-dominant in relation to the existing scale of the property and should as a minimum:

- Be set below the ridgeline of the roof
- Be set back from the wall-head
- Be generally of pitched roof form
- Be physically contained within the roof pitch
- Relate to windows and doors in the lower storey(s) in terms of character, proportion and alignment
- Have the front face predominantly glazed, and
- Not extend more than half the length of the roof plane

The combination of the height and projection of the proposed dormer would create a flat roofed first floor extension of particularly large proportions, which would result in an unacceptable bulk and visual massing. The proposed dormer would dominate and overwhelm the single storey character of the existing cottage.

Therefore, approval would compromise the architectural integrity of the cottage. Furthermore, the visual impact would be exacerbated by the use of incongruous light oak upvc cladding.



Accordingly, the dormer extension would have an adverse impact on visual amenity and the character and appearance of the Conservation Area.

### **Roads and Access**

There are no road or access issues associated with this proposed development.

### **Drainage and Flooding**

The Council's Flooding team has provided comments on the application and raised the fact that the site lies within Scottish Environmental Protection Agency's 1 in 200 year flood risk envelope. An informative note has been recommended on any planning approval in order to draw the applicant's attention to flood risk guidance.

### **Developer Contributions**

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

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016-2036 or the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

#### **Reasons for Recommendation**

- 1 The dormer extension, by virtue of its excessive proportions, inappropriate bulk, massing, design and composition, would compromise the character and architectural integrity of the cottage, resulting in an adverse impact on the visual amenity of the area. Approval would therefore be contrary to Policies RD1, PM1A and PM1B(c) of the Perth & Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and appearance of the area by complementing its surroundings in terms of design, appearance, scale and massing.
- 2 The dormer extension, by virtue of its excessive proportions, inappropriate materials, bulk, massing, design and composition, would be harmful to the character and appearance of the Kinross Conservation Area. Approval would therefore be contrary to Scottish Planning Policy 2014 and Policy HE3A of the Perth & Kinross Local Development Plan 2014, which seek to ensure that development proposals preserve and enhance the character and appearance of Conservation Areas.

#### **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**

- 1 Any future submissions should ensure that all drawings are presented accurately and consistently.

#### **Procedural Notes**

Not Applicable.

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

17/01923/1

17/01923/2

17/01923/3

17/01923/4

17/01923/5

**Date of Report      6 December 2017**



**TCP/11/16(522) – 17/01923/FLL – Alterations, extension and formation of a dormer at 16 Smith Street, Kinross, KY13 8DD**

## **REPRESENTATIONS**



Date: 22 November 2017  
Our Ref: 5684/DQ/KAH  
Your Ref:



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

Dear Sirs

**Ref. 17/01923/FUL - Proposed Alterations, Extension and Formation of Dormer at 16 Smith Street, Kinross, KY13 8DD**

We submit this letter of objection on behalf of our client Christina Todd who lives at 14 Smith Street, Kinross, next door to the application site.

Our client is objecting to the unacceptable impact that the proposal will have on her residential amenity, and to the character and appearance of the Kinross Conservation Area.

#### **Impact on Residential Amenity**

The proposal comprises of a large rear extension to create an enlarged kitchen and sunroom on the ground floor level and an extended en-suite bathroom on the first floor.

Our client's rear garden area is north facing, and therefore only benefits from limited sunlight throughout the year.

The proposal to create a very large flat roofed first floor extension will mean that the limited sunlight our client currently enjoys will be severely curtailed, especially within the garden area closest to her house.

Additionally, Drawing No. MP522-002 (Proposed East Elevation) appears to show the first floor extension extending onto the roof plain of our client's dwellinghouse, with the drawing stating that **"Permission to be sought from owners of 14 Smith Street"** (our client). We can confirm that permission has not been sought, nor will it be given, for the first floor extension to encroach onto our client's roof plain.

Clearly the proposed east elevation drawing does not match with the proposed north elevation drawing in this regard, and the planning application should not be progressed until this discrepancy is rectified.

In any event, the proposed first floor flat roofed extension, to be clad in pvcu woodgrain effect panels will be out of keeping with the character of the area and will visually dominate the immediate environs and will unduly impact on our client's enjoyment of her rear garden by way of loss of sunlight and the creation of an over dominant extension out of keeping with the rest of the dwellinghouse.

Likewise, the proposed ground floor sunroom extension projects some 2.41 metres further back from the existing rear projection of our client's dwellinghouse. This will further exacerbate the loss of sunlight in our client's rear garden.

Montgomery Forgan Associates | Eden Park House, Cupar, Fife, KY15 4HS

Web: [www.montgomery-forgan.co.uk](http://www.montgomery-forgan.co.uk) | Email: [admin@montgomery-forgan.co.uk](mailto:admin@montgomery-forgan.co.uk) | Tel: 01334 654936

Partners: Alan K Altken BSc BArch (Hons) RIAS | David J Queripel MA (Hons) DipTP MRTPI

Associates: Michael D Manzie AClAT | Joe E S Narsapur BSc BArch (Hons) RIAS | Darren P O'Hare BA (Hons) MRTPI



**RTPI**  
Chartered Town Planners



Policy RD1 of the adopted Local Development Plan states that “... **residential amenity will be protected and, where possible, improved...**” We would contend that the proposal will adversely affect our client's residential amenity, consequently the proposal is contrary to Policy RD1 of the LDP and should be refused.

#### **Impact on the Conservation Area**

The proposal site is located within the Kinross Conservation Area.

Policy HE3A of the adopted Local Development Plan states that development within a Conservation Area must preserve or enhance its character or appearance. The policy goes on to state that the design, materials, scale and siting of new development within a conservation area... should be appropriate to its appearance, character and setting.

We would contend that the proposed alterations and extension to 16 South Street is out of keeping with the character and appearance of the Conservation Area. It is an incongruous and alien addition to a traditional and very modestly sized semi-detached cottage. It is overly large and not in proportion to the rest of the cottage. Its design, appearance and size will not preserve or enhance the character and appearance of the Conservation Area. Consequently, the proposal is contrary to Policy HE3A of the LDP and should be refused.

Yours faithfully

MONTGOMERY FORGAN ASSOCIATES

Encl



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

|                                                 |                                                                                                                                                                                                                              |                             |                                       |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------|
| <b>Planning Application ref.</b>                | 17/01923/FLL                                                                                                                                                                                                                 | <b>Comments provided by</b> | Steven Wilson                         |
| <b>Service/Section</b>                          | TES/Flooding                                                                                                                                                                                                                 | <b>Contact Details</b>      | FloodingDevelopmentControl@pkc.gov.uk |
| <b>Description of Proposal</b>                  | Alterations, extension and formation of a dormer                                                                                                                                                                             |                             |                                       |
| <b>Address of site</b>                          | 6 Smith Street Kinross KY13 8DD                                                                                                                                                                                              |                             |                                       |
| <b>Comments on the proposal</b>                 | No Objection – Property is at risk of flooding with a 1 in 200 year flood event as seen on SEPA's indicative flood map. It is suggested that flood resilient/ resistant materials should be used to construct this extension |                             |                                       |
| <b>Recommended planning condition(s)</b>        |                                                                                                                                                                                                                              |                             |                                       |
| <b>Recommended informative(s) for applicant</b> | PKC Flooding and Flood Risk Guidance Document (June 2014)                                                                                                                                                                    |                             |                                       |
| <b>Date comments returned</b>                   | 23/11/2017                                                                                                                                                                                                                   |                             |                                       |



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

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 361-446***)
- (b) Decision Notice (***Pages 385-386***)
  - Report of Handling (***Pages 387-396***)
  - Reference Documents (***Pages 409-440***)
- (c) Representations (***Pages 449-462***)



**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)

Name **SHONASH KINNAIRD**

Address **C10 FINDATIE FARM  
KINROSS**

Postcode **KY13 9LY**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name **ROBIN MATTHEW**

Address **PFA LTD  
39 DUNPACE CRESCENT  
DUNFERMLINE**

Postcode **KY12 9LZ**

Contact Telephone 1 **0151 225 1225**

Contact Telephone 2 **07515 396534**

Fax No

E-mail\* **robin@pfa.co.uk**

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

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

Yes ☒ No ☐

Planning authority

**PERTH AND KINROSS COUNCIL**

Planning authority's application reference number

**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:

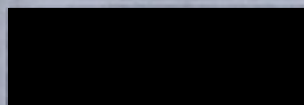
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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**

## Contents

|          |                                                                      |           |
|----------|----------------------------------------------------------------------|-----------|
| <b>1</b> | <b>Introduction.....</b>                                             | <b>3</b>  |
| <b>2</b> | <b>The site and proposed development.....</b>                        | <b>3</b>  |
| <b>3</b> | <b>Site planning history.....</b>                                    | <b>6</b>  |
| <b>5</b> | <b>Council Report of Handling for the planning application .....</b> | <b>13</b> |
| <b>6</b> | <b>Other material considerations .....</b>                           | <b>14</b> |
| <b>7</b> | <b>Conclusion .....</b>                                              | <b>15</b> |
|          | <b>Appendix One – Plan .....</b>                                     | <b>16</b> |

## **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 form 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  
24 Anchorscross  
Dunblane  
FK15 9JW

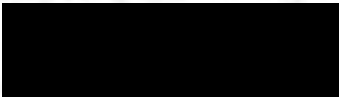
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

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









## 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





















**Project Information**

Client: **Findale Farm, Cornwall**

Project Name: **Findale Farm, Cornwall**

Project No: **1703**

Project Date: **1703**

Project Status: **1703**

Project Manager: **1703**

Project Engineer: **1703**

Project Designer: **1703**

Project Checker: **1703**

Project Approver: **1703**

Project Date: **1703**

Project Status: **1703**

Project Manager: **1703**

Project Engineer: **1703**

Project Designer: **1703**

Project Checker: **1703**

Project Approver: **1703**

**Site Plan**

Scale: **1:1000**

North Arrow: **North**

Site Boundary: **Site Boundary**

Building Footprint: **Building Footprint**

Parking Area: **Parking Area**

Access Road: **Access Road**

Drainage: **Drainage**

Topography: **Topography**

Vegetation: **Vegetation**

Water: **Water**

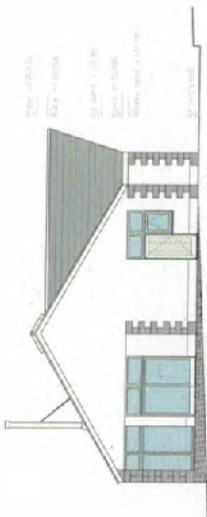
Other: **Other**



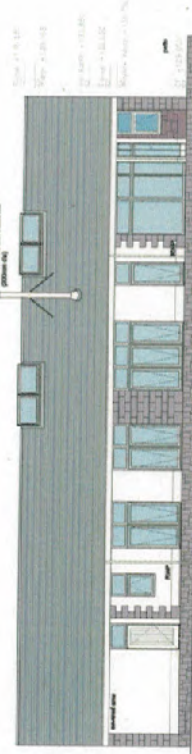


PROJECT: **PROPOSED HOUSE @ PINEHILL FARM, ALABAMA**  
 ARCHITECT: **MR. B. B. B. B.**  
 PROJECT NO.: **PROPOSED HOUSE @ PINEHILL FARM, ALABAMA**  
 DATE: **1/1/2017**  
 SCALE: **1/8" = 1'-0"**  
 SHEET NO.: **1/1**

PREPARED FOR: **MR. B. B. B. B.**  
 PREPARED BY: **MR. B. B. B. B.**  
 CHECKED BY: **MR. B. B. B. B.**  
 DATE: **1/1/2017**  
 SCALE: **1/8" = 1'-0"**  
 SHEET NO.: **1/1**



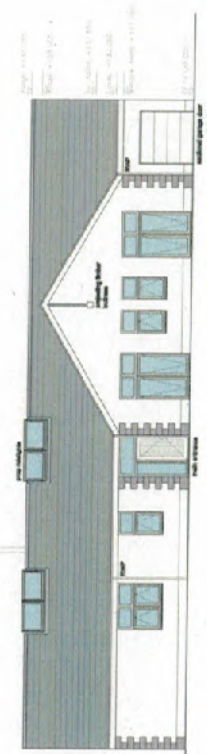
PROPOSED FRONT ELEVATION @ 1:50



PROPOSED NORTH ELEVATION @ 1:50



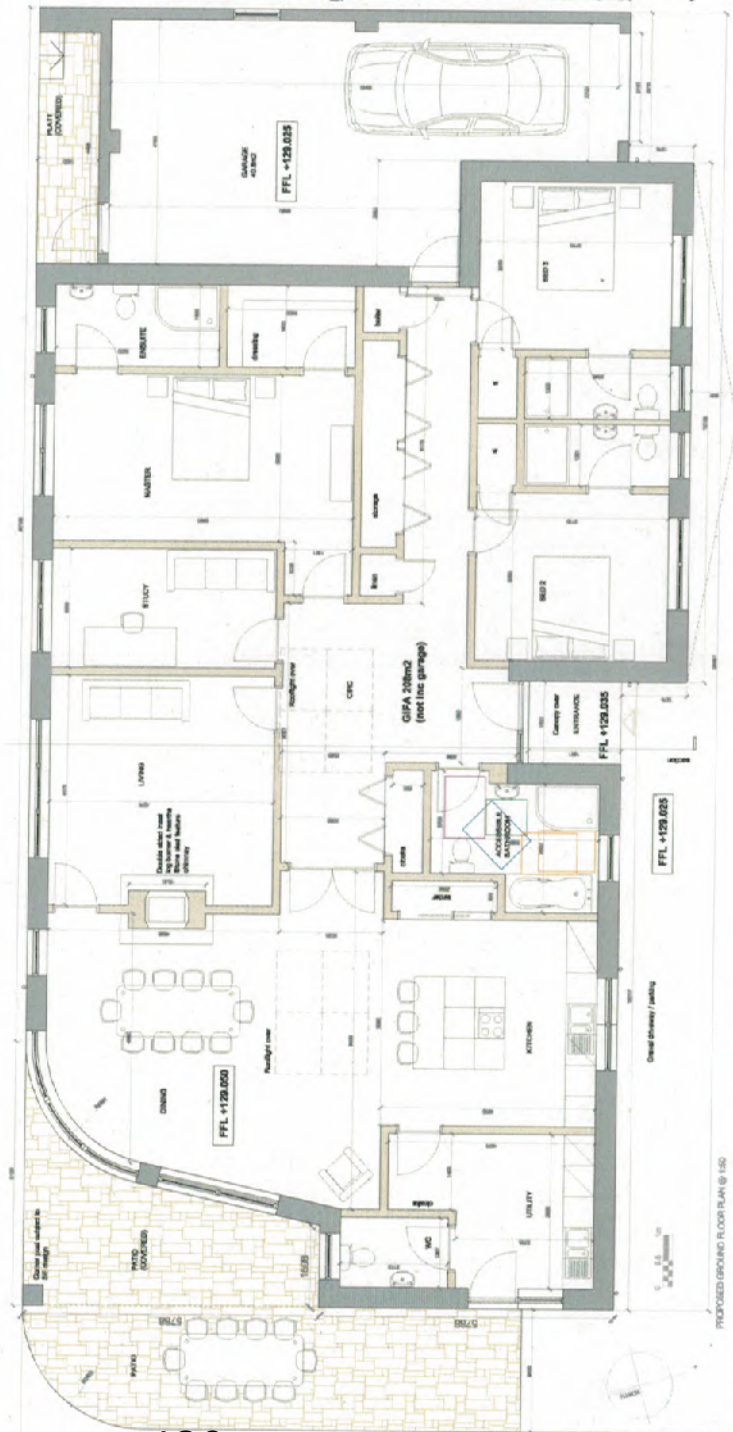
PROPOSED EAST ELEVATION @ 1:50



PROPOSED WEST ELEVATION @ 1:50



PROPOSED SOUTH ELEVATION @ 1:50



PROPOSED GROUND FLOOR PLAN @ 1:50

The drawings are prepared in accordance with the standards of the American Institute of Architects (AIA) and the standards of the International Building Code (IBC). The drawings are prepared for the purpose of obtaining a building permit and are not to be used for any other purpose without the written consent of the architect. The architect is not responsible for the accuracy of the information provided by the client or for the results of any construction based on these drawings. The architect is not responsible for the accuracy of the information provided by the client or for the results of any construction based on these drawings. The architect is not responsible for the accuracy of the information provided by the client or for the results of any construction based on these drawings.









## 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



## CONTENTS:

|      |                                                  |    |
|------|--------------------------------------------------|----|
| 1.   | EXECUTIVE SUMMARY                                | 2  |
| 2.   | INTRODUCTION                                     | 3  |
| 2.1. | INTRODUCTION TO SEWAGE TREATMENT                 | 3  |
| 2.2. | INTRODUCTION TO SURFACE WATER MANAGEMENT         | 4  |
| 3.   | SITE PROFILE AND GROUND ASSESSMENT               | 5  |
| 3.1. | TOPOGRAPHY, LOCAL DRAINAGE AND FLOODING          | 5  |
| 3.2. | GEOLOGY, GROUNDWATER AND ABSTRACTION             | 5  |
| 3.3. | LOCATION OF SERVICES                             | 5  |
| 3.4. | OTHER IMPLICATIONS OF PLOT SIZE OR VEGETATION    | 5  |
| 4.   | SEWAGE TREATMENT                                 | 7  |
| 4.1. | MINIMUM SYSTEM REQUIREMENTS                      | 7  |
| 4.2. | DISCHARGING TO A WATERCOURSE                     | 7  |
| 4.3. | RECOMMENDATION – SEWAGE TREATMENT                | 7  |
| 5.   | SURFACE WATER MANAGEMENT                         | 9  |
| 5.1. | MINIMUM SYSTEM REQUIREMENTS                      | 9  |
| 5.2. | INVESTIGATIONS & RESULTS                         | 9  |
| 5.3. | RECOMMENDATION – SURFACE WATER                   | 9  |
| 6.   | DISCLAIMER                                       | 10 |
| 7.   | REFERENCES                                       | 10 |
| 8.   | APPENDICES                                       | 11 |
| 8.1. | APPENDIX 1: SITE LOCATION                        | 11 |
| 8.2. | APPENDIX 2: DISCHARGE LOCATION                   | 12 |
| 8.3. | APPENDIX 3: SUBMISSION TO SEPA                   | 13 |
| 8.4. | APPENDIX 4: PARTIAL SOAKAWAY LAYOUT (INDICATIVE) | 15 |
| 8.5. | APPENDIX 5: PHOTOGRAPHS                          | 16 |

## **1. EXECUTIVE SUMMARY**

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.

### **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<br>(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.

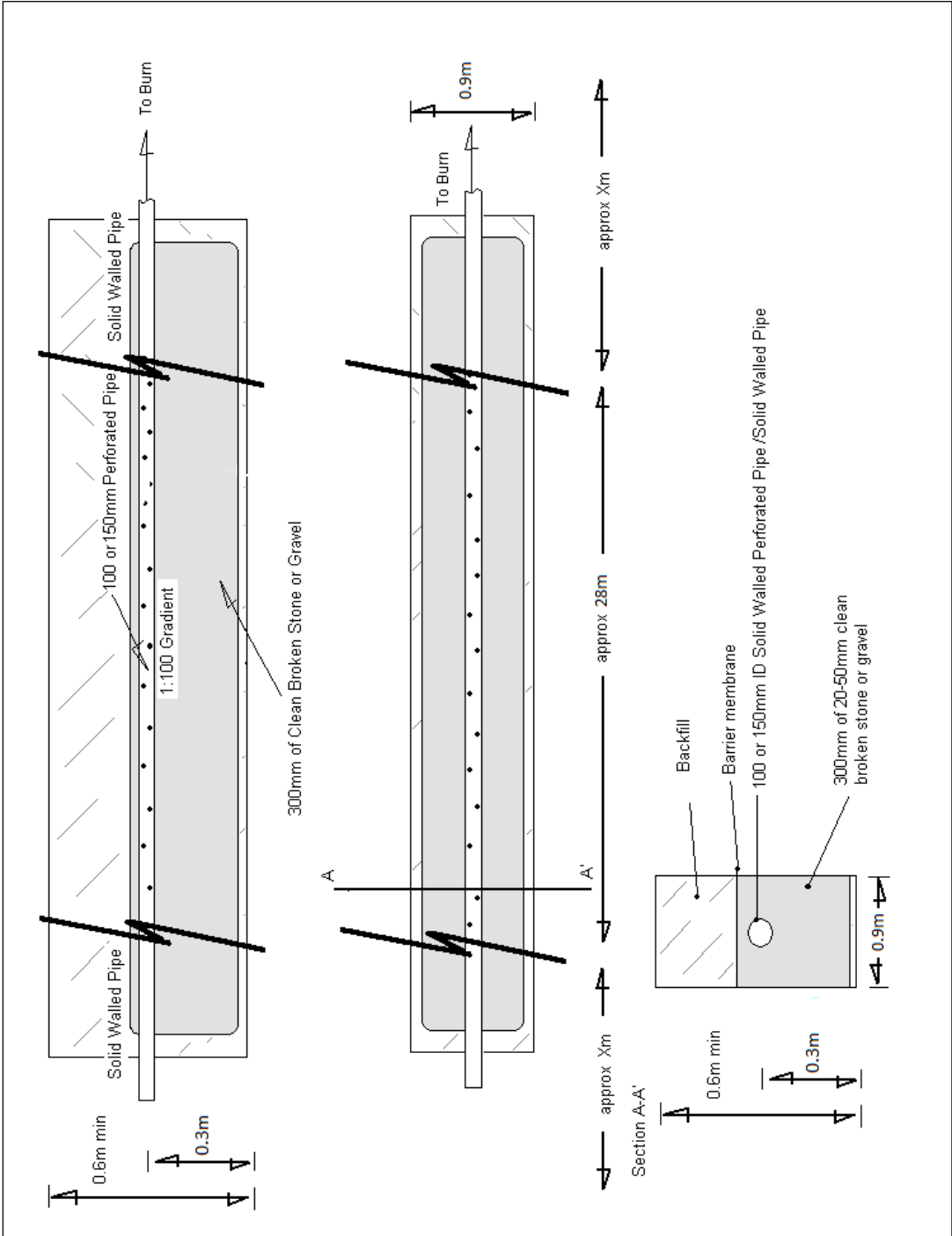
The flow in this watercourse, as can be seen from the attached photo, was reasonably substantial on Sat, 7<sup>th</sup> October and seemed to offer well in excess of 30:1 dilutions (for SPE this equates to 0.24 litres/sec flow in the watercourse) and we would have estimated the flow on the day to be 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



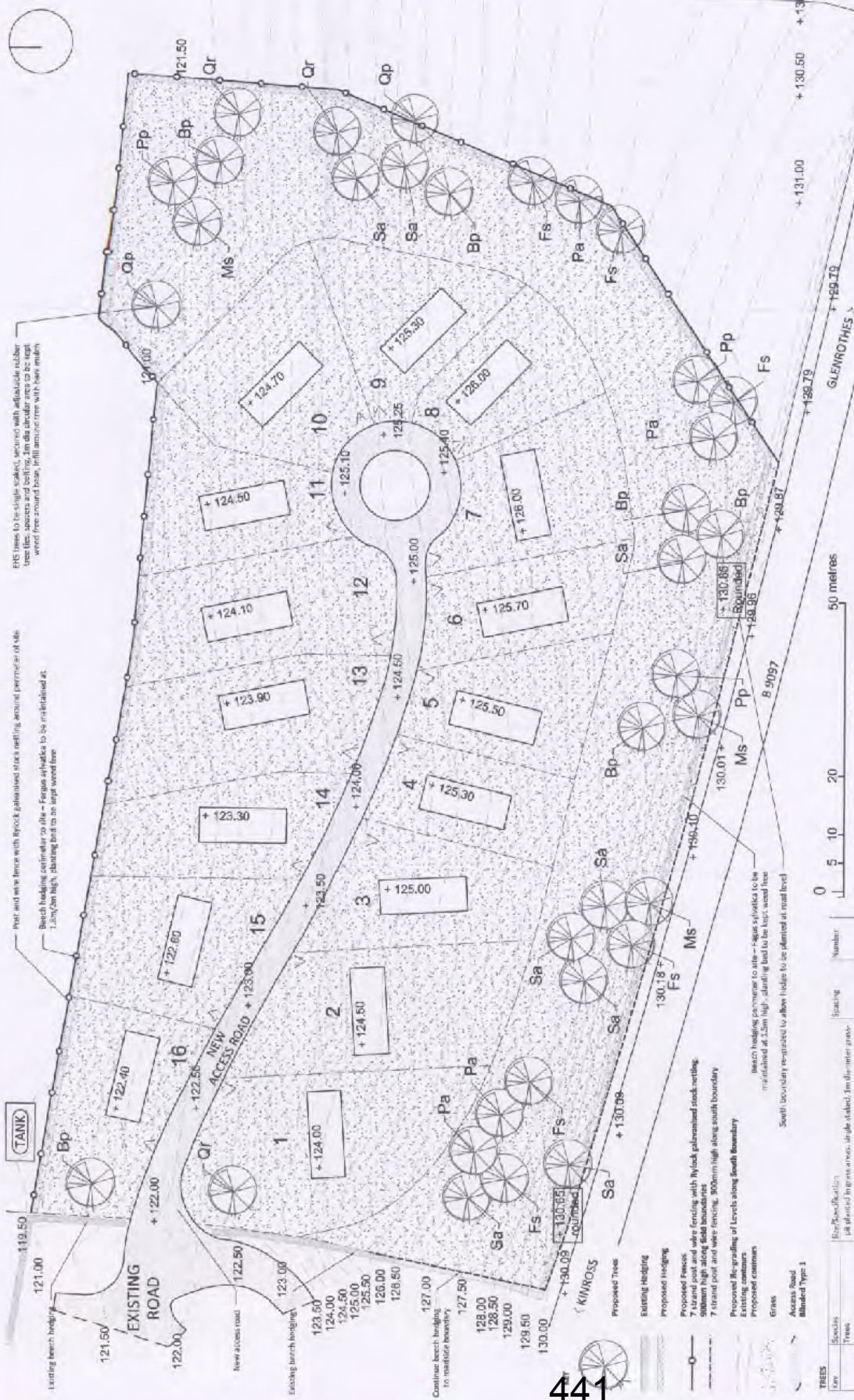
Photo No 2 – Watercourse at location of proposed discharge via existing drain





notes  
 - do not scale from drawing  
 all dimensions to be verified on site prior to commencement

Revision      date      initials



notes  
 - do not scale from drawing  
 all dimensions to be verified on site prior to commencement

Revision      date      initials

**PROPOSED TREES**

18-20cm DBH clear stem trees, full & evenly branching crown showing vigorous growth habit, well established 1500 x 1500 x 500mm deep pits, with base broken up to a depth of 300mm and slightly raised centre. Any compaction of soils to be rectified. where drainage is very poor or at low lying points include a 100mm deep drainage layer or similar over a 200mm deep drainage layer consisting of clean angular single sized coarse graded 30/40mm

Backfill pits with a mixture of site topsoil and approved compost, 1 part compost to 2 parts topsoil, mixed evenly, slow release fertiliser (14-13-13) added at recommended rates for tree size in last 500mm of backfilling

Plant trees centrally within pits, single staking 500mm high staking and rubber ties

Timber for tree stakes shall be straight, pointed, round section, painted, preservative impregnated (B31182) untreated, sweet chestnut or larch, 75mm dia

The length of stakes shall be equal to the sum of the length of the stake above ground (900mm), the length of the stake below ground (300mm), and an additional 600mm, candidate material around the stake

Trees to be secured with adequate 'subsurface' staking, ties and spacers

Trees to have stakes aligned in same orientation on prevailing wind side of tree

Angle stake on sloping ground

After planting water immediately thoroughly and without damaging or displacing plants or soil

1.0m diameter, 75mm depth dark coloured, decorative coarse grade bark mulch around trunk

All trees to be secured within the pit and grass circle, neatly edge around grass circle

**PROPOSED SHRUBS**

18-20cm DBH clear stem shrubs, full & evenly branching crown showing vigorous growth habit, well established 1500 x 1500 x 500mm deep pits, with base broken up to a depth of 300mm and slightly raised centre. Any compaction of soils to be rectified. where drainage is very poor or at low lying points include a 100mm deep drainage layer or similar over a 200mm deep drainage layer consisting of clean angular single sized coarse graded 30/40mm

Backfill pits with a mixture of site topsoil and approved compost, 1 part compost to 2 parts topsoil, mixed evenly, slow release fertiliser (14-13-13) added at recommended rates for tree size in last 500mm of backfilling

Plant shrubs centrally within pits, single staking 500mm high staking and rubber ties

Timber for tree stakes shall be straight, pointed, round section, painted, preservative impregnated (B31182) untreated, sweet chestnut or larch, 75mm dia

The length of stakes shall be equal to the sum of the length of the stake above ground (900mm), the length of the stake below ground (300mm), and an additional 600mm, candidate material around the stake

Trees to be secured with adequate 'subsurface' staking, ties and spacers

Trees to have stakes aligned in same orientation on prevailing wind side of tree

Angle stake on sloping ground

After planting water immediately thoroughly and without damaging or displacing plants or soil

1.0m diameter, 75mm depth dark coloured, decorative coarse grade bark mulch around trunk

All trees to be secured within the pit and grass circle, neatly edge around grass circle

**PROPOSED GRASS**

18-20cm DBH clear stem grass, full & evenly branching crown showing vigorous growth habit, well established 1500 x 1500 x 500mm deep pits, with base broken up to a depth of 300mm and slightly raised centre. Any compaction of soils to be rectified. where drainage is very poor or at low lying points include a 100mm deep drainage layer or similar over a 200mm deep drainage layer consisting of clean angular single sized coarse graded 30/40mm

Backfill pits with a mixture of site topsoil and approved compost, 1 part compost to 2 parts topsoil, mixed evenly, slow release fertiliser (14-13-13) added at recommended rates for tree size in last 500mm of backfilling

Plant grass centrally within pits, single staking 500mm high staking and rubber ties

Timber for tree stakes shall be straight, pointed, round section, painted, preservative impregnated (B31182) untreated, sweet chestnut or larch, 75mm dia

The length of stakes shall be equal to the sum of the length of the stake above ground (900mm), the length of the stake below ground (300mm), and an additional 600mm, candidate material around the stake

Trees to be secured with adequate 'subsurface' staking, ties and spacers

Trees to have stakes aligned in same orientation on prevailing wind side of tree

Angle stake on sloping ground

After planting water immediately thoroughly and without damaging or displacing plants or soil

1.0m diameter, 75mm depth dark coloured, decorative coarse grade bark mulch around trunk

All trees to be secured within the pit and grass circle, neatly edge around grass circle

**PROPOSED FERTILISER**

18-20cm DBH clear stem fertiliser, full & evenly branching crown showing vigorous growth habit, well established 1500 x 1500 x 500mm deep pits, with base broken up to a depth of 300mm and slightly raised centre. Any compaction of soils to be rectified. where drainage is very poor or at low lying points include a 100mm deep drainage layer or similar over a 200mm deep drainage layer consisting of clean angular single sized coarse graded 30/40mm

Backfill pits with a mixture of site topsoil and approved compost, 1 part compost to 2 parts topsoil, mixed evenly, slow release fertiliser (14-13-13) added at recommended rates for tree size in last 500mm of backfilling

Plant fertiliser centrally within pits, single staking 500mm high staking and rubber ties

Timber for tree stakes shall be straight, pointed, round section, painted, preservative impregnated (B31182) untreated, sweet chestnut or larch, 75mm dia

The length of stakes shall be equal to the sum of the length of the stake above ground (900mm), the length of the stake below ground (300mm), and an additional 600mm, candidate material around the stake

Trees to be secured with adequate 'subsurface' staking, ties and spacers

Trees to have stakes aligned in same orientation on prevailing wind side of tree

Angle stake on sloping ground

After planting water immediately thoroughly and without damaging or displacing plants or soil

1.0m diameter, 75mm depth dark coloured, decorative coarse grade bark mulch around trunk

All trees to be secured within the pit and grass circle, neatly edge around grass circle





# 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

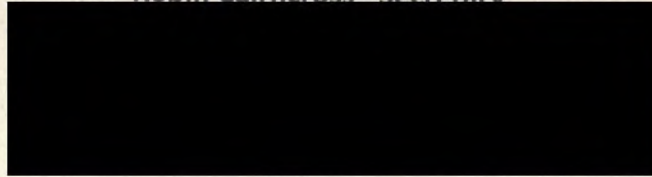
Robin Cairncross  
Secretary  
Portmoak Community Council





# 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.**

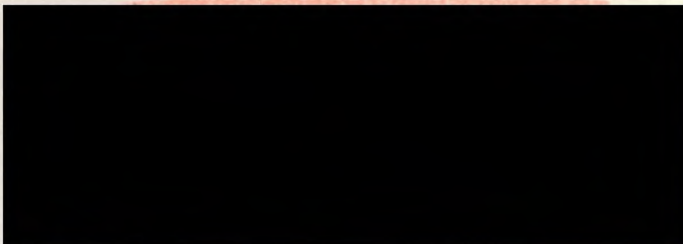
## **Notice of Comment**

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 385-386)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 387-396)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 409-440)*



**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<br>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<br>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 with 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*

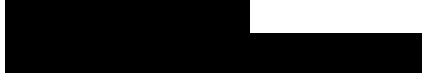
**Chief Planner / Principal Manager**

**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><br>Euan McLaughlin<br> |
| <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

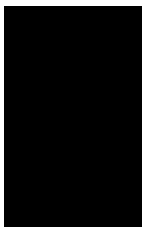
### **PK17/01749/FLL RE: Erection of a dwellinghouse and stables Land 70m west of Findatie Farm Kinross for Ms Shonagh Kinnaird**

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(501) – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 465-492***)
- (b) Decision Notice (***Pages 495-496***)
  - Report of Handling (***Pages 497-507***)
  - Reference Documents (***Pages 509-513***)
- (c) Representations (***Pages 515-558***)
- (d) Further Information (***Pages 559-580***)





**TCP/11/16(501) – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

| 1. Applicant's Details                                 |                   | 2. Agent's Details (if any) |                               |
|--------------------------------------------------------|-------------------|-----------------------------|-------------------------------|
| Title                                                  |                   | Ref No.                     |                               |
| Forename                                               |                   | Forename                    |                               |
| Surname                                                |                   | Surname                     |                               |
| Company Name                                           | Dollar Equestrian | Company Name                | RT Hutton Planning Consultant |
| Building No./Name                                      |                   | Building No./Name           | The Malt Kiln                 |
| Address Line 1                                         |                   | Address Line 1              | 2 Factors Brae                |
| Address Line 2                                         | Blairingone       | Address Line 2              | Limekilns                     |
| Town/City                                              | By Kinross        | Town/City                   | Fife                          |
| Postcode                                               | FK14 7ND          | Postcode                    | KY11 3HG                      |
| Telephone                                              |                   | Telephone                   | 01383 872000                  |
| Mobile                                                 |                   | Mobile                      | 07881097659                   |
| Fax                                                    |                   | Fax                         | N/A                           |
| Email                                                  |                   | Email                       | hutton874@btinternet.com      |
| <b>3. Application Details</b>                          |                   |                             |                               |
| Planning authority                                     |                   | Perth and Kinross Council   |                               |
| Planning authority's application reference number      |                   | 17/01337/FLL                |                               |
| Site address                                           |                   |                             |                               |
| Dollar Equestrian<br>Blairingone<br>Dollar<br>FK14 7ND |                   |                             |                               |
| Description of proposed development                    |                   |                             |                               |
| Erection of stable buildings (in retrospect).          |                   |                             |                               |

Date of application

07.08.2017

Date of decision (if any)

09.10.2017

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

#### 4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



#### 5. Reasons for seeking review

Refusal of application by appointed officer



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



Conditions imposed on consent by appointed officer



#### 6. Review procedure

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

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

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



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

#### 7. Site inspection

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

Can the site be viewed entirely from public land?



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



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

## 8. Statement

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

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

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

Please see separate statement attached

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

Yes ☒ No ☐

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

The reasons for refusal refer to odours, noise and visual impact, and the applicants' documents address these matters.

## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1. Statement from acoustic consultant
2. Manure plan
3. Landscape proposal

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

## 10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



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

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

R T Hutton

Date:

09.11.2017

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

**STATEMENT IN SUPPORT OF THE APPLICATION FOR REVIEW OF  
THE DECISION TO REFUSE PLANNING PERMISSION FOR THE  
ERECTION OF 4 TIMBER STABLES PLUS STORAGE FOR THE NON  
COMMERCIAL USE OF MR & MRS C MCLEISH AT DOLLAR  
EQUESTRIAN, BLAIRINGONE.**

**COUNCIL REF: 17/01337/FLL.**

**R T HUTTON PLANNING CONSULTANT  
NOVEMBER 2017.**



## **1.0 Background to the application for review.**

1.1 The planning application to which this application for review relates concerns 4 wooden stable buildings which have been on site for some 7 years. They were granted planning permission retrospectively under reference 14/00278/FLL, and a condition was imposed limiting the permission to 2 years. The condition was to allow the Council to review the traffic position once the adjacent commercial equestrian business became operational. Prior to the expiry of this temporary permission the applicants applied to have the permission granted on a further temporary basis, (16/00878/FLL). PKC subsequently after taking (and not refunding) the registration and advertising fees advised a further temporary period could not be considered. This was withdrawn 16/06/2016. The applicants were then further advised to make a new application (16/01743/FLL), attracting new full fees, for the permanent retention of the buildings. This application was refused 31/01/2017. The applicants did not seek a review of this decision as they had sought information from the Council which was not made available within the timescale required to seek a review. The current further application (17/01337/FLL) was submitted following discussion with a Council planning officer. This application was subsequently refused, with 2 reasons being given for that decision. On both applications the reasons for refusal are stated as Policy EPB "Noise Pollution" and Policy PM1 "Placemaking".

1.2 The applicants consider that these reasons contradict previously stated views of Council planning officers and express subjective opinions that have no justification. Mr and Mrs McLeish therefore now seek a review of this decision, and in support of their application they ask that members of the Local Review Body consider the information detailed in this report along with the landscape and manure plans now submitted plus the report from their acoustic consultant.

1.3 When dealing with this application for review it is appreciated that the members of the Review Body will have a copy of the delegated report that was prepared when the planning application was refused. The applicants therefore wish to detail the factual errors and misinformation that is contained within this report in order that members of the Review Body are aware of these when making their decision.

## **2.0 Misinformation contained within the delegated report.**

### **2.1 Photographs.**

The bottom left and top right photographs are taken from the adjoining U213 public road and are dominated by the excessive weed growth which is in fact within the Council's roadside verge. This unsightly weed growth is not within the application site, neither are the trailers which feature in this picture. Clearly by

including these pictures of unattractive features which are not within the site, the report author is seeking to give a false impression of the condition of the site.

## 2.2 Background information.

In the fourth paragraph of the report there is clear confusion where it is stated firstly that the stables are temporary and are to be removed, then later when landscape issues are being considered it states that the intention is for the stables to be retained on a permanent basis. It has always been the applicants' intension that the stables should be retained permanently for their own personal use.

## 2.3 The adjacent commercial equestrian centre.

There is an equestrian centre to the east of the timber stables, this was erected by Mr and Mrs McLeish following the grant of planning permission (11/01839/FLL). It was in order to assess the likely impact on traffic from this development that a temporary permission was originally sought for the timber stables. However, the delegated report states that this equestrian centre is no longer operating. This is clearly incorrect as the centre has been fully operational since 2013, either by the applicants or, more latterly, their tenants. This is an important point as it has a bearing on the issues of both traffic and residential amenity.

## 2.4 Traffic matters.

In the section of the delegated report relating to roads and access it states in the first paragraph:

"as the equestrian centre has never really become fully established it has not been possible to draw any conclusions in terms of traffic generation".

The concerns raised by this incorrect statement are referred to in 2.3 above, but the fact is that the centre has been full to capacity for the majority of the time it has been open, and has in fact operated beyond capacity since March 2017.

The report also avers that there will be an increase in traffic as a result of the applicants travelling to tend their horses. In fact this has always been the situation since the applicants stabled their horses on site in 2011. On each and every application relating to the timber stables (14/00278/FLL, 16/01743/FLL and 17/01337/FLL) Perth & Kinross Transport Planning Department reported having no concerns and no objections.

## 2.5 Residential amenity.

Concerns are raised in the report about the impact the stables will have on local residential amenity in terms of noise and odours. These are matters which are highly subjective and not substantiated. However, as they are referred to specifically in one of the reasons for refusal, they are matters which will be

addressed in the section below which contains the applicants response to the reasons for refusal.

### 3.0 Comments on the reasons for refusal.

3.1 The first reason given for refusal concerns the impact the operation of the 4 timber stables may have on the amenity of the house plot, and it states that there is a potential for noise and odours to cause annoyance to future residents. In support of this position Policy EP8 "Noise Pollution" is quoted.

3.2 The house plot in question was approved as part of the application for the equestrian centre, but as is explained in the delegated report, it has now been separated from that development and may be occupied by people with no association with the centre. Anyone buying this plot does so in the full knowledge that a large, commercial equestrian centre is operating within 9 metres of their house. In the delegated report planning reference 16/01879/FLL to convert the partially built garage into a dwelling house, the case officer stated:

**"I am also satisfied that the applicant is well aware of the potential issues in terms of noise and odours associated with the equestrian operations."**

The nearest of the timber stables is 60 metres from the house. It is therefore difficult to understand why the operation of 4 timber stables at that distance away is seen as a potential problem when a commercial operation involving stabling for 24 horses and an indoor arena much closer, at 9 metres, is acceptable.

3.3 Turning first to Policy EP8 which the Council rely on to justify the first reason for refusal, it is necessary to consider its wording. The policy states:

**"There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses close to sources of noise generation".**

Firstly, we would point out the obvious, that this policy has nothing to do with odour control. And refers only to noise. We can therefore assume that there is no policy backing for the reference to odour in this reason for refusal. We would also wish to highlight that the policy seeks to prevent uses which will generate high levels of noise, and would make the point that the stabling of 5 horses in 4 timber stables are not what would normally be considered to be a generator of a high level of noise. The timber stables have been in place since 2011 without any concerns being reported in regards to noise. However, rather than rely on a subjective view as seems to have been the case with the planning case officer, the applicants have engaged the services of an acoustic consultant. His assessment of the situation is summarised very succinctly in his email message which is submitted with this statement as the applicants' Document 1. He explains that having carried out acoustic work involving planning applications

over a 34 year period, he has never heard of or read of anyone complaining about the noise from horses. He has personal experiences with horses, and this when allied to his acoustic knowledge, leads to the conclusion that there is no need to carry out a noise impact assessment of the sound that may emanate from the stables.

3.4 In order to address the potential odour issue referred to in this reason for refusal, the applicants have commissioned the Scottish Agricultural College to prepare a manure plan, and this is now submitted as the applicants' Document 2. This explains that within the stables rubber matting will be used to minimise the amount of straw or wood shavings used for bedding, and that this will be cleared to an area to the rear of the stables, the furthest point from the nearest house. Thereafter, the report shows how, using established standards and methodology, Dollar Equestrian have more than sufficient land to deal with the manure produced.

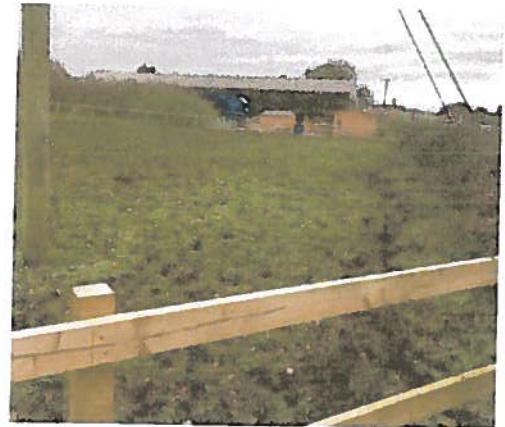
3.5 When considering issues of noise and odour as potential impacts on residential amenity, the Council planners are usually advised by their Environmental Health colleagues who have a specialist knowledge of these matters. It is clear from the delegated report that Environmental Health were in fact consulted on this application both in terms of the water supply and the issues of noise and odour. They forwarded no objection on any of these points suggesting conditions that could be imposed to ensure satisfactory standards are maintained. Whilst noting this point, the report then fails to give any reason as to why this specialist knowledge was ignored, and noise and odour raised as a reason for refusal. It is appreciated that planning officers are free to accept or reject advice from consultees, but in this case they have not only ignored the advice but gone on to actively disagree by including these issues as a reason for refusal with no evidence on which to base that view.

3.6 The first reason for refusal shows a great inconsistency and lack of any objective evidence to substantiate the point made. Planning permission has been given to the house plot in question close to a large scale equestrian business to which it may have no connection, where the potential for impact on amenity from noise and odours are much greater than from the 4 timber stables. Specialist advice has been ignored, and no evidence presented to support what is a subjective opinion.

3.7 The second reason for refusal is concerned with the visual impact the timber stables have on the surrounding area, and quotes Policy PM1 "Placemaking" to support this position. This is a very general policy which, whilst applicable to all developments, is generally aimed at larger scale projects than that the subject of this application. However the general aim behind the policy which can be applied to this proposal is that it should respect the character and amenity of the area. In light of this it is surprising that the reason for refusal refers to the affect on residential amenity which is not really the subject of this policy which is concerned with visual amenity.



3.8 When seeking to assess impact on local character and amenity it is necessary to establish the context within which the proposed development is set. In this case the area is essentially rural, though adjacent to the application site are a number of houses and a large shed building which houses the equestrian business, and a large agricultural shed to the east. This type of grouping of private timber stables are existing (around 1 mile away) at Easter Muirhead Equestrian Centre adjacent to the indoor arena.



Easter Muirhead Bothy has timber stables.



**Easter Muirhead Farm House also has timber stables.**



**Timber stables at 5 Tethyknowe.**



**It is also worth noting that at Cairnfold House, the next group of buildings to the west of our site, there are large stable buildings with a similar finish to those under review which were granted a permanent planning permission in 2013, 13/00117/FLL.**

**Cairnfold House:**



All the aforementioned including my client's application, are sited within 1 mile off the same U213 unclassified road. Therefore whilst the area is open countryside it does accommodate a series of buildings. Is it then appropriate to site 4 small,



timber stables within this context. Clearly the planning officer who dealt with the original application (14/00278/FLL) for the timber stables thought so. In his report to committee at the time he stated:

**“the stables that have been constructed on the site have no significant detrimental impact on the visual character of the area. Small scale timber stables such as the type built by the applicant are relatively commonplace throughout rural Kinross, with open fields and paddocks and generally form part of the character of the landscape,”**

There have been no changes in the area since that was written which would cause anyone to have a different opinion, yet that is what has happened. No explanation is given as to why what was regarded as acceptable visually in 2014 is now seen as unacceptable. Also the permission granted for stables at Cairnfold House indicated that timber stables are appropriate in this area. Such inconsistency in decision making leaves potential applicants for planning permission unable to take a view on what will be acceptable in any given situation, and can only bring the system into disrepute.

3.9 The delegated report explains that a landscape plan was approved as part of the permission for the equestrian centre, and these works have not yet been completed. The report avers that the landscape proposals impinge on the current application site, though no view is given on the relevance of this. On the approved landscape plan most of the area occupied by the stables was shown as either hard standing or grassland. However, the applicants have commissioned the same landscape architect to revise proposals incorporating the timber stables into the design, and his revised scheme is submitted as the applicants' Document 3. From this it can be seen that new tree planting to the north and south of the stables will provide an effective screen of the buildings when viewed from these directions. This when added to the earth mounding on the west side of the site will ensure that the stables buildings have no significant impact on the local landscape.

#### **4.0 Additional considerations:**

##### **4.1 Animal Welfare:**

Prevention of the applicants carrying out their Duty of care obligations as defined by the Scottish Parliament:

Under the Animal Health & Welfare (Scotland) Act 2006 anyone who is responsible for an animal has a legal duty to take reasonable steps to ensure its welfare.

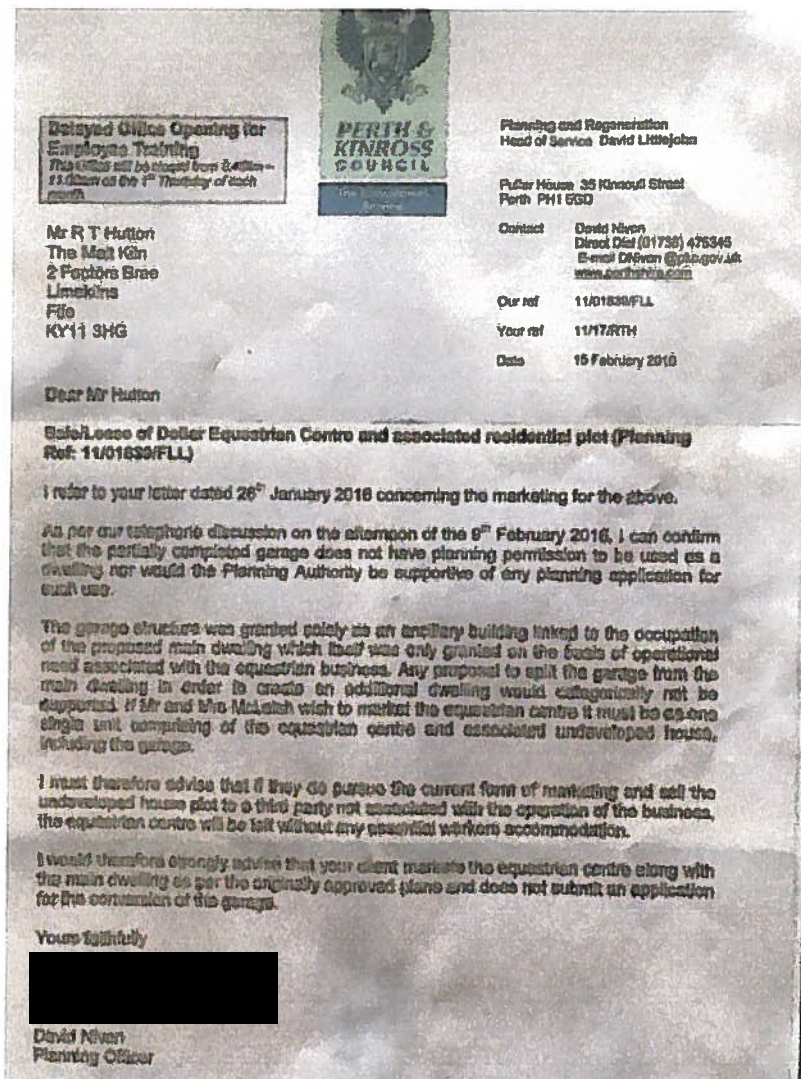
Codes of Practice for the Welfare of Animals: Equidae This Code which has been prepared following consultation, is issued with the authority of the Scottish Parliament pursuant to section 37 (Animal welfare codes) of the Animal Health and Welfare (Scotland) Act 2006. The Code applies in Scotland and has been issued by the Scottish Ministers (following approval by the Scottish Parliament). THIS CODE OF PRACTICE FOR THE WELFARE OF EQUIDAE WAS MADE ON 19 FEBRUARY 2009, AND WAS APPROVED

BY RESOLUTION OF THE SCOTTISH PARLIAMENT ON 25 MARCH 2009 AND COMES INTO EFFECT ON 29 APRIL 2009.

This document is also available on the Scottish Government website:

[www.scotland.gov.uk](http://www.scotland.gov.uk)

4.2 The applicants sought to convert the partially built garage into living accommodation to be associated with the business and obtained the necessary Building Warrants. PKC contacted myself as their agent advising it would not be possible to convert this building into a dwelling. This conversation was confirmed by an official letter dated 15/02/2016:



My clients then sold the building plot and partially built garage. The purchaser then sought and gained planning permission to convert the garage into a dwelling.

## 5.0 Conclusions

**Delayed Office Opening for  
Employee Training**

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



Mr R T Hutton  
The Malt Kiln  
2 Factors Brae  
Limekilns  
Fife  
KY11 3HG

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

Pullar House 35 Kinnoull Street  
Perth PH1 5GD

Contact David Niven  
Direct Dial (01738) 475345  
E-mail [DNiven@pkc.gov.uk](mailto:DNiven@pkc.gov.uk)  
[www.perthshire.com](http://www.perthshire.com)

Our ref 11/01839/FLL

Your ref 11/17/RTH

Date 15 February 2016

Dear Mr Hutton

**Sale/Lease of Dollar Equestrian Centre and associated residential plot (Planning  
Ref: 11/01839/FLL)**

I refer to your letter dated 26<sup>th</sup> January 2016 concerning the marketing for the above.

As per our telephone discussion on the afternoon of the 9<sup>th</sup> February 2016, I can confirm that the partially completed garage does not have planning permission to be used as a dwelling nor would the Planning Authority be supportive of any planning application for such use.

The garage structure was granted solely as an ancillary building linked to the occupation of the proposed main dwelling which itself was only granted on the basis of operational need associated with the equestrian business. Any proposal to split the garage from the main dwelling in order to create an additional dwelling would categorically not be supported. If Mr and Mrs McLeish wish to market the equestrian centre it must be as one single unit comprising of the equestrian centre and associated undeveloped house, including the garage.

I must therefore advise that if they do pursue the current form of marketing and sell the undeveloped house plot to a third party not associated with the operation of the business, the equestrian centre will be left without any essential workers accommodation.

I would therefore strongly advise that your client markets the equestrian centre along with the main dwelling as per the originally approved plans and does not submit an application for the conversion of the garage.

Yours faithfully

David Niven  
Planning Officer

5.1 The timber stables at Dollar Equestrian have been in place for 7 years and have not caused any nuisance or problems for neighbours. The Council planners are concerned that the stables will cause noise and odour nuisance to the occupants of the nearest house, and will be out of character with the area. In concluding on the residential amenity issue the planners have ignored the advice of their specialist advisors and made a subjective assessment that cannot be supported by fact. They also appear to have ignored the fact that this nearest house is very much closer to a significantly larger commercial livery operation where the potential for nuisance must be greater. This demonstrates a clear inconsistency which should not happen when planning decisions are being made.

5.2 The second reason for refusal states the planning officer's view that the stables are out of character with this area and will not contribute positively. This view runs directly counter to an earlier view on the stables expressed in the committee report when the stables were first approved. It is also inconsistent with the view taken when larger timber stables were approved on a nearby site. The stables under review are well screened, and this will be improved when the landscape scheme now submitted is implemented.



DOCUMENT 1

[REDACTED]  
Date: 19/10/2017 20:06

Subject: Planning Application for Stables, Near Tethyknowe, Near Blairingone  
y Dollar

**CHARLIE FLEMING ASSOCIATES**

ACOUSTICAL CONSULTANTS

NOISE CONTROL ENGINEERS

Good evening Charlie,

I refer to your email of 16<sup>th</sup> October 2017 and would like to thank you for inviting me to quote for carrying out an assessment of the sound emanating from your stables.

Having conducted over a thousand noise impact assessments for planning application I have a great deal of general experience in this field. In 34 of years of practice as an acoustic consultant, I have never been asked to consider the sound horses make with respect to a planning application. One can take this as an indication in itself that there is no sound of any significance. Furthermore, I have never read or otherwise heard anyone complaining about the sound of horses. I used to ride regularly and so am familiar with horses. The sounds they make, such as neighing, occur infrequently and for the vast majority of the time the animals are quiet. I see no need whatsoever to carry out a noise impact assessment of the sound that might emanate from the stables.



MANURE PLAN  
For  
DOLLAR EQUESTRIAN LIMITED

This report has been prepared exclusively for the use of Dollar Equestrian Ltd on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if he does, then he relies upon it at his own risk. No responsibility is accepted for any interpretation which may be made of the contents of the report.

Report prepared by:

James Buchanan  
Farm Business Services  
SAC Consulting  
Sandpiper House, Ruthvenfield Road  
Inveralmond Industrial Estate  
Perth, PH1 3EE

E. Mail: [REDACTED]

November 2017



## Table Of Contents

1. Waste Management Production, Handling & Storage
2. Quantities of Slurry FYM & Silage Effluent Produced
3. Land available for Spreading of Slurry, FYM and Silage Effluent.

## Waste Management Plan

### Soiled Bedding from Stables

Bedding is either straw or propriety wood shavings specifically produced for horses with no plans to change these. Rubber matting will be in place to help minimise bedding usage and therefore waste.

Both types of bedding are biodegradable and suitable for "muck spreading" after a period of time.

### Storage and Removal-

An area to the rear of the stables has been cut out of the bank to act as a muck heap. This is three sided and although open to the top and front, will help minimise odour.

There is an agreement with a local farmer to remove the muck heap weekly.

## Quantities of Slurry, FYM and Silage Effluent currently produced.

Dollar Equestrian does not lie within a NVZ area and standard figures used in the NVZ plan have been used to calculate the amount of FYM produced. All manure is collected as PYM. All winter feed is hay therefore no effluent is produced.

## Proposed Numbers

### FYM Production Calculator CURRENT SYSTEM

| Type of Livestock | Number | Body Wt | Occupancy | Daily Excreta | Actual     | Straw         | Straw  | Total         |
|-------------------|--------|---------|-----------|---------------|------------|---------------|--------|---------------|
|                   | Hd     | Kg      | (Days)    | Production    | Production | T/1d/6 Months | Total  | Estimated FYM |
|                   |        |         |           | Tonnes        | Tonnes     | Tonnes        | Tonnes | Tonnes        |
| Horses            | 5      | 500     | 365       | 0.03          | 54.75      | 1.5           | 15.0   | 70            |
| Calf              | 0      | 100     | 0         | 00008         | 0          | 0.5           | 0      | 0             |
| Finishing Cattle  |        | 400     | 330       | 0.019         | 0          | 1             | 0      | 0             |
|                   |        |         |           |               |            |               | 15.0   | 70            |

## Land Available for Spreading of Slurry, FYM and Silage Effluent

The business owns 27 ha of land before development. As already stated the business does not lie within the NVZ area. Assuming the 70 tons of manure were spread in one application at 50 tons/ha the business would need 1.5 ha of land. In reality the manure would be spread over a bigger area at a lower rate, however the calculation shows that Dollar Equestrian has enough land to dispose of the manure it produces.



# LANDSCAPE PLAN

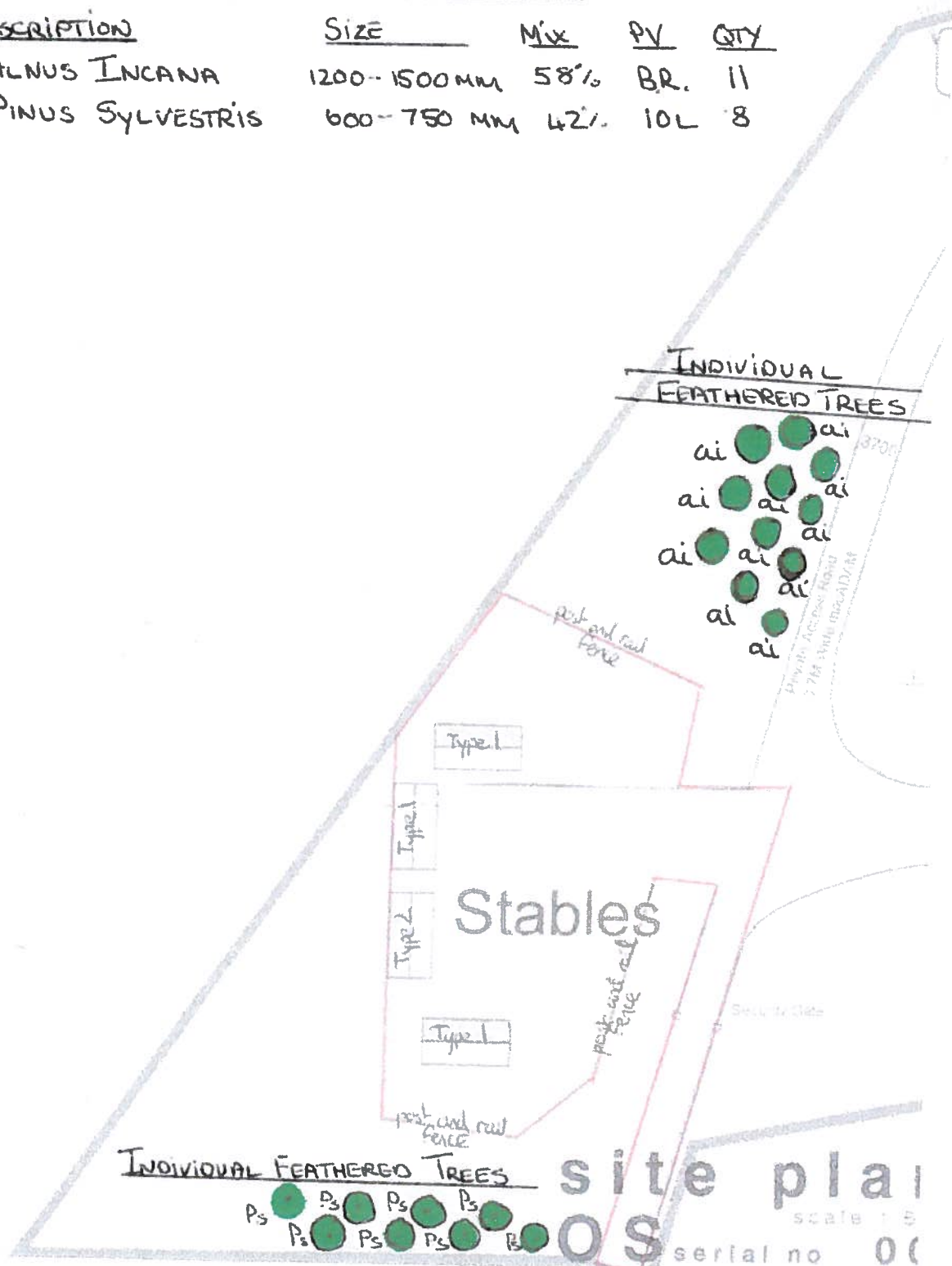
Scale Bar

## PLANTING SCHEDULE:

MIXED FEATHERED TREES PLUS SHELTER AND STAKEPLANTED INDIVIDUALLY AS DETAILED

## PLANTING METHOD 8

| DESCRIPTION         | SIZE        | MIX | PV  | QTY |
|---------------------|-------------|-----|-----|-----|
| ai ALNUS INCANA     | 1200-1500MM | 58% | BR. | 11  |
| ps PINUS SYLVESTRIS | 600-750MM   | 42% | 10L | 8   |



## **CHARLIE FLEMING ASSOCIATES LIMITED**

5 Saltpans, Charlestown, Fife KY11 3EB

Registration Number 477555

[REDACTED]

[REDACTED]

[REDACTED]

<http://www.charriefleming.co.uk>

Eur Ing Charlie Fleming BSc MSc CEng FIOA MCIBSE MIET



**TCP/11/16(501) – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Dollar Equestrian  
c/o RT Hutton Planning Consultant  
The Malt Kin  
2 Factors Brae  
Limekilns  
Fife  
KY11 3HG

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 9th October 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01337/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 7th August 2017 for permission for **Erection of stable buildings (in retrospect)** Dollar Equestrian Blairingone Dollar FK14 7ND for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy EP8 'Noise Pollution' of the adopted Perth and Kinross Local Development Plan 2014 as the permanent retention of the timber stables does not provide a satisfactory residential environment for the neighbouring house plot due to the proximity of the existing equestrian use and stables where there is the potential for future residents at this site to suffer annoyance from noise and odour.
2. The proposal is contrary to Policy PM1 'Placemaking' of the adopted Perth and Kinross Local Development Plan 2014 as the permanent retention of the timber stable buildings would not contribute positively to the quality of the surrounding area in terms of character or amenity, particularly in relation to the residential amenity of the neighbouring house plot immediately to the east.

## **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

17/01337/1

17/01337/2

17/01337/3

17/01337/4

17/01337/5

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                   |      |
|------------------------|-------------------|------|
| Ref No                 | 17/01337/FLL      |      |
| Ward No                | P8- Kinross-shire |      |
| Due Determination Date | 06.10.2017        |      |
| Case Officer           | Persephone Beer   |      |
| Report Issued by       |                   | Date |
| Countersigned by       |                   | Date |

**PROPOSAL:**      Erection of stable buildings (in retrospect)

**LOCATION:**      Dollar Equestrian Blairingone Dollar FK14 7ND

### 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:** 5 October 2017

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application relates to the recently constructed equestrian development known as 'Dollar Equestrian' on land to the north of Cairnfold Farm. In March 2012 the Development Control Committee granted planning permission for the development of a commercial equestrian centre on the site (Ref: 11/01839/FLL). The permission comprised of the erection of a large steel portal framed building containing 24 stables and an indoor riding arena. The permission also included the erection of a large dwellinghouse with a detached double garage which was justified on the basis of operational need.

To date the applicant has completed the construction of the building containing the stables and arena. However, whilst the applicant did initially operate an equestrian business for a brief period, unfortunately due to personal circumstances the applicant has ceased operating the equestrian facility and this is now leased to a third party.

In July 2014 the applicant was granted consent for the removal of the occupancy condition (Ref: 14/00705/FLL) that tied the house to the equestrian business. The justification for the removal of the occupancy condition was based on the difficulty in obtaining the funding from banks due to the occupancy restriction. The applicant has since sold the house plot to a third party who is not associated or connected in any way to the operation of the equestrian facility or the timber stables. This house is currently under construction.

In 2011, prior to gaining planning permission for the equestrian centre, the applicant constructed four timber buildings containing 7 stables and storage space for hay and tack on an area of land close to the entrance of the site. These stables were initially constructed as a temporary measure for housing

the applicants own horses in advance of the equestrian centre becoming operation. At that time the applicant was not aware that the stables required planning permission and they advised that it was their intention to remove the stable upon completion of the equestrian centre.

In 2014 the applicant was granted planning consent to retain the stable buildings for a temporary period of two years (Ref: 14/00278/FLL). The justification for the timber stables was largely based of the use being restricted to the applicants own horses and given that the original permission envisaged that the applicant would be developing the house plot, this seemed reasonable.

The conditions of the consent restricted the use of the stables to the applicants own personal use and the two year period was to enable the Council to review the traffic situation once the applicant's main equestrian business was fully operational. Unfortunately, as outlined above, the equestrian business is no longer operating and the house plot has been sold to a third party.

In 2016 an application was made to retain the timber stables on a permanent basis (16/01743/FLL). This application was refused in January 2017. The applicant chose not seek a review of the decision.

This current application is very similar to the 2016 application and again seeks to retain the stable buildings.

## **SITE HISTORY**

14/00278/FLL Erection of stable building (temporary for two years) (in retrospect) 27 June 2014 Application Permitted

14/00705/FLL Removal of condition 3 (occupancy) of permission  
11/01839/FLL (Erection of an indoor horse arena building for equestrian business and erection of a dwellinghouse and garage) 18 July 2014  
Application Permitted

16/00878/FLL Renewal of permission 14/00278/FLL (erection of stable building) (for a temporary period) (in retrospect) for a further temporary period  
30 June 2016 Application Withdrawn

16/01743/FLL Erection of stable buildings (in retrospect) 31 January 2017  
Application Refused

## **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 2012-2032 and the Perth and Kinross Local Development Plan 2014.

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

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

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

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy EP8 - Noise Pollution**

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## **OTHER POLICIES**

None.

## **CONSULTATION RESPONSES**

Internal

Environmental Health (private water)

No objection but recommend informative note relating provision of an adequate and consistently wholesome water supply.

Environmental Health

No objection but recommend that conditions with regard to noise and odour are attached to any consent.

Transport Planning

No objection.

External

Fossway Community Council

Object to application. Concerns, as before, with increased traffic and road safety on the shared access road. No new information to support the application. The stables were always meant to be temporary and should remain temporary.

The Coal Authority

Not within a High Risk Area in terms of Coal Authority consultation.

BP Consultations

No impact on pipeline. No comment.

## **REPRESENTATIONS**

9 representations, including one from Fossway Community Council, have been received and include the following concerns:

- Previously refused and nothing has changed
- Increase in traffic / impact on road safety
- Lack of justification / requirement for timber stables
- Unclear as to relationship to the equestrian centre
- Visual impact
- Lack of proper waste management
- Landscaping not completed in accordance with 2011 consent
- No parking for the stables

The above points are addressed 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               | Supporting statement submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required                   |

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

The main relevant policies of the local development plan are placemaking policies PM1A and PM1B and policy EP8 'Noise Pollution'.

Policies PM1A & B seek to ensure that all development respects the character and amenity of the place and contributes positively to the quality of the surrounding built environment.

Policy EP8 outlines that there is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

The information submitted as part of the application seeks to respond to some of the reasons for refusal previously given however the nature of the proposal has not changed and it is still considered that the retention of the existing stable buildings cannot be supported due to the impact on neighbouring residential amenity which has arisen primarily due to the site being broken up into separate plots creating irreconcilable issues. The position of the stable buildings also impacts on the approved landscaping scheme for the wider site, approved under the 2011 consent and creates issues with visual amenity. This is discussed in greater detail below.

### **Design and Layout**

The application relates to four existing stable buildings that were constructed as temporary buildings. The buildings are constructed in timber and measure 3 metres to the top of the ridge. Three of the buildings (Type 1 stable) contains two stalls. One building (Type 2 stable) contains one stall plus space for straw. Both types of design measures around 7.5 metres in length by around 3.6 metres wide. They are enclosed by timber post and wire fencing. Land around the site is not within this application site but is used for parking horse boxes and cars associated with the stables.

### **Residential Amenity**

As noted above, the neighbouring house plot was granted on the basis of operational need associated with the development and ongoing operation of the equestrian facility which has been completed and is fully functional, albeit presently vacant. Had it not been for the operational requirements associated with the equestrian use the house plot would not have been granted consent due to the inherent issues in relation to residential amenity given its proximity to the main stable and arena building.

The same issue also applies to the temporary stable buildings that were only approved for the use of the applicants own horses, which during the assessment of the 2014 application seemed reasonable and did not raise any concerns in relation to residential amenity given that the applicant was intending on the living the proposed house.

The decision to sell this house to a third party raises some substantial concerns in relation to the residential amenity of the occupants. The proposed house plot has been purchased by the third party who will have no involvement in the operation of the stables and I have quite significant concerns regarding the living environment for the occupants should the equestrian centre become fully operation given that the stables and arena building will be just 9 metres from the proposed house. That said there is little that can be done to prevent this as the occupancy condition has been removed but in my view the temporary timber stables located directly opposite the entrance to the site further compounds matters. If these stables were approved on a permanent basis the occupants of the proposed house would not only be affected by the noise and odours from the operation of the main equestrian centre but also from the 7 stables sited just 60 metres to the west. It is also noted that concerns have been raised by objectors regarding the handling and disposal of manure and the fact that the equestrian centre and timber stables will be run by different parties also further exacerbates matters.

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the neighbouring house plot is required and in this case cognisance of the surrounding land uses has to be taken into account. As such it is considered that whilst the original intention of the timber stables may have initially been supported the substantial change in circumstance, namely the sale of the adjacent house plot to a third party, means that the retention of the stables on

a permanent basis would not be acceptable due to the impact that it will have on the amenity of the neighbouring plot.

### **Visual Amenity / Landscaping**

A number of concerns have been expressed regarding the visual impact of the timber stables and the lack of structured landscaping as per the approved plans for wider site.

The stables were initially constructed as a temporary measure for housing the applicants own horses in advance of the equestrian centre becoming operational. The applicants were then granted a temporary consent with a view to becoming permanent once the business was established and house completed.

Unfortunately the stables have been erected within an area of the site which under the approved landscaping scheme for the wider site is to be planted with trees. Whilst the applicant is yet to fully implement the landscaping for the site it still forms a critical part of the approved plans given the exposed nature of the site and the Council would not be supportive of any proposals which reduce or impact on the approved landscaping strategy for the site. This point has been raised with the applicant who has suggested that it is their intention to alter the landscaping plans for the site to take account of the timber stables but in the absence of any revised planting scheme concerns still remain regarding the impact that the permanent retention of the stable could have on structured landscaping for the wider site.

In regards to the outward appearance of the stables I note concerns were previously expressed about the condition of the stables. However at the time of my site visit the stables appeared to be in a reasonable condition. However the area round the site was unkempt with long grass and weeds. The numerous parked horse boxes around the stables also added to the general clutter around the site detracting from the wider visual amenity of the area.

### **Roads and Access**

A number of objections have been received which raise concerns that the existing road is not suitable for the type of traffic generated by the equestrian business and that the retention of the timber stables will further increase traffic on the road.

As per the conditions of the consent for the main commercial equestrian business, the applicant has formed three passing places along public road on the western approach to the site. In addition, Perth & Kinross Council has also undertaken improvement works on the local road network to add a further three passing places on the western approach to the site. It is also noted that a further single passing place has been formed on the public road to the east of the site which is within the Fife Council boundaries. This passing place was

required as part of a separate application for private stables on neighbouring land at Cairnfold House (Ref: 13/00117/FLL).

As such, a total of seven passing places have been formed along the public road that the serves the application site. The Transport Planning Officer has been consulted and has no objections to this application. However the stables were originally approved on a temporary basis in order to assess the situation once the equestrian centre was fully operational. As the equestrian use has never really become fully established it has not been possible to draw any conclusions in terms of traffic generation. Furthermore, now that the applicant is no longer going to operate the equestrian centre or live on site it is only reasonable to conclude the traffic will increase to some extent given that they will need to travel to tend to their horses.

Another matter relates to the multiple parties now sharing the existing access onto the public road. The original consent intended that the site would be used solely for the purposes of serving the equestrian centre and the associated accommodation. Now there will effectively be three different parties using the same access which could potentially create issues in future and certainly was not a scenario that had been envisaged when the original consent was granted in 2011.

### **Drainage and Flooding**

There are no known issues in relation to drainage or flooding associated with this site.

### **Developer Contributions**

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

### **Economic Impact**

The refusal of this application will not result in any significant economic impact.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal does not comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. 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 EP8 'Noise Pollution' of the adopted Perth and Kinross Local Development Plan 2014 as the permanent retention of the timber stables does not provide a satisfactory residential environment for the neighbouring house plot due to the proximity of the existing equestrian use and stables where there is the potential for future residents at this site to suffer annoyance from noise and odour.

2 The proposal is contrary to Policy PM1 'Placemaking' of the adopted Perth and Kinross Local Development Plan 2014 as the permanent retention of the timber stable buildings would not contribute positively to the quality of the surrounding area in terms of character or amenity, particularly in relation to the residential amenity of the neighbouring house plot immediately to the east.

### **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**



17/01337/1

17/01337/2

17/01337/3

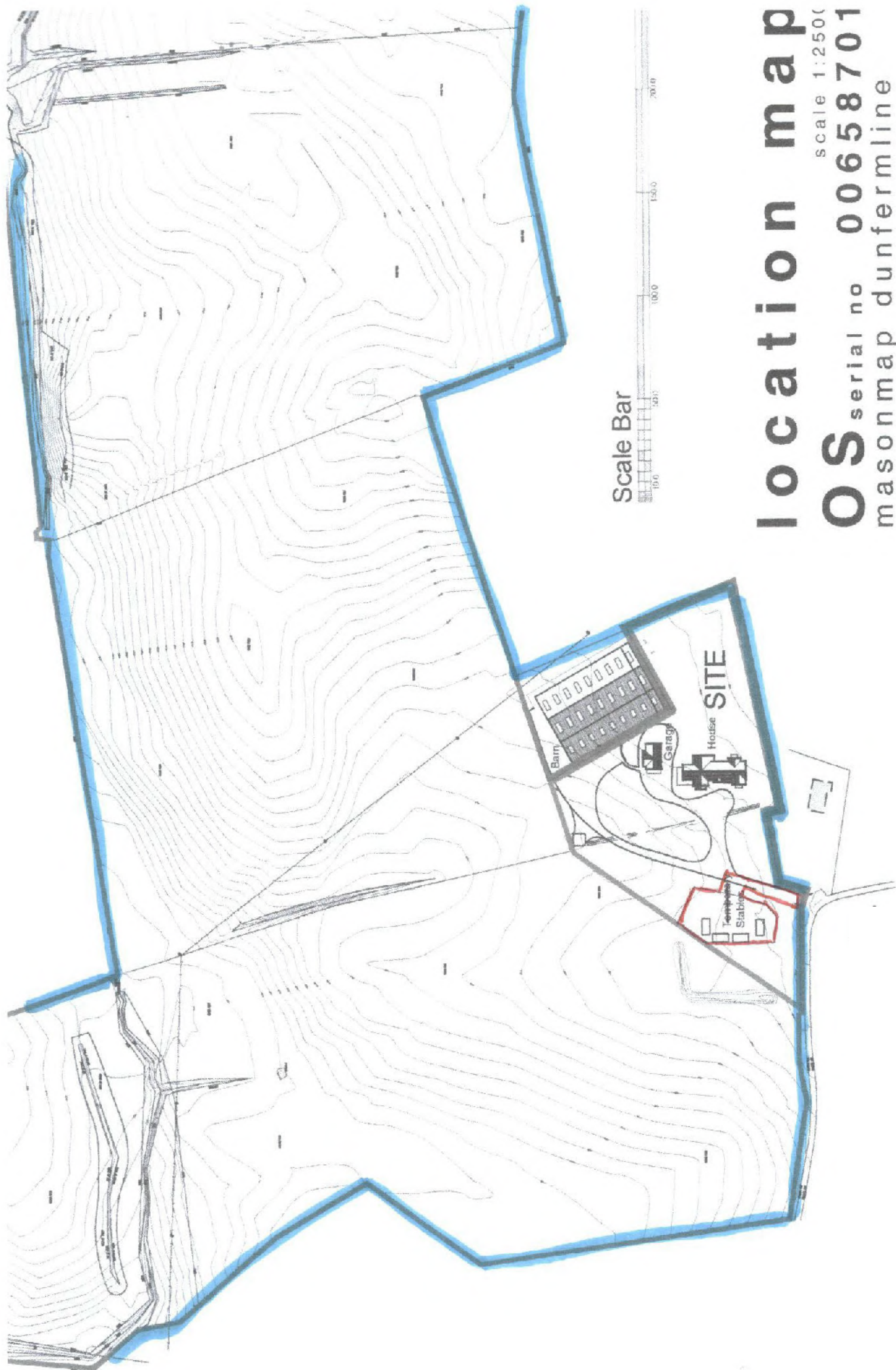
17/01337/4

17/01337/5

**Date of Report**

6 October 2017





Scale Bar

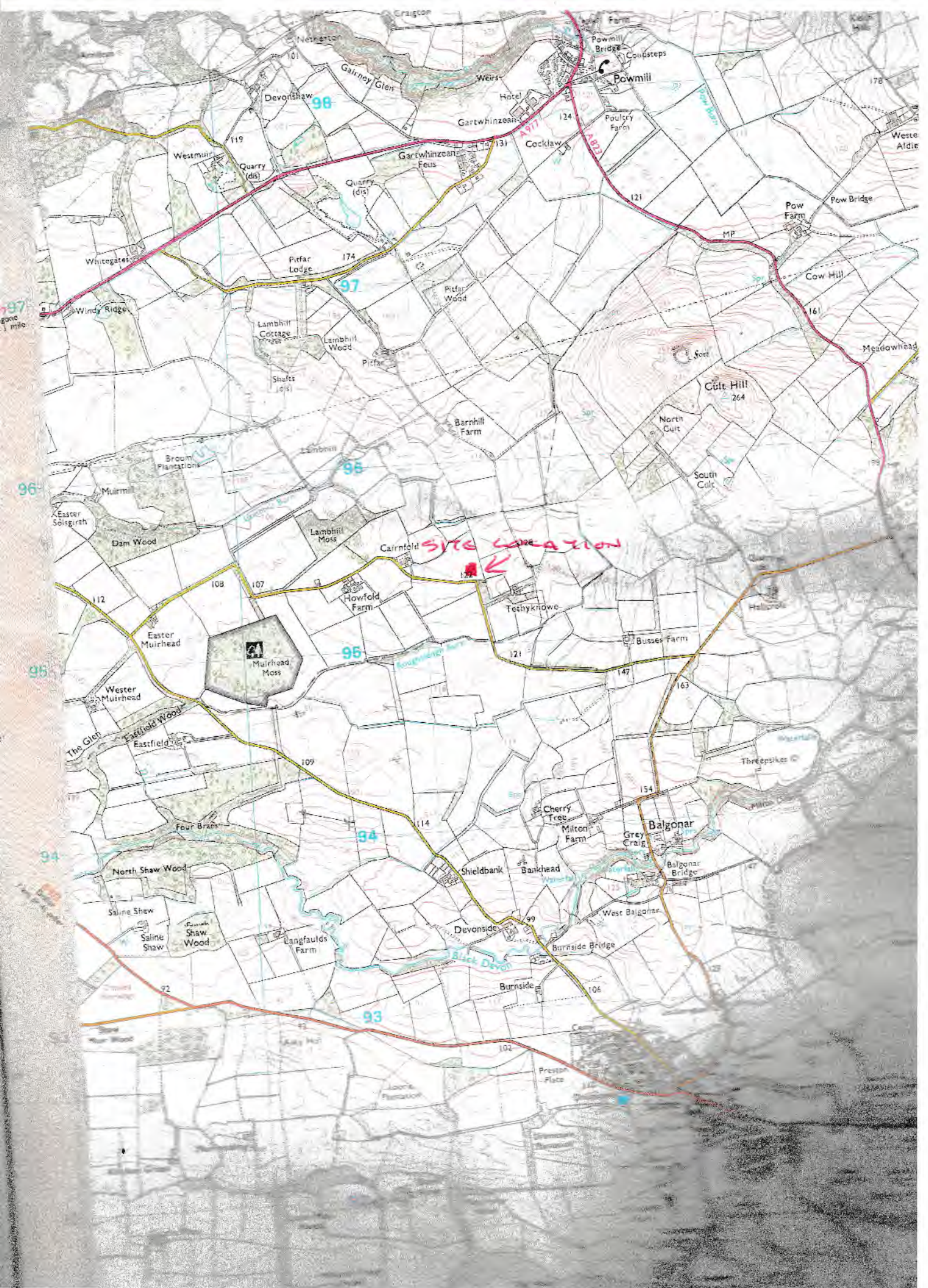
location map

OS serial no 00658701 scale 1:2500

mason map dunfermline

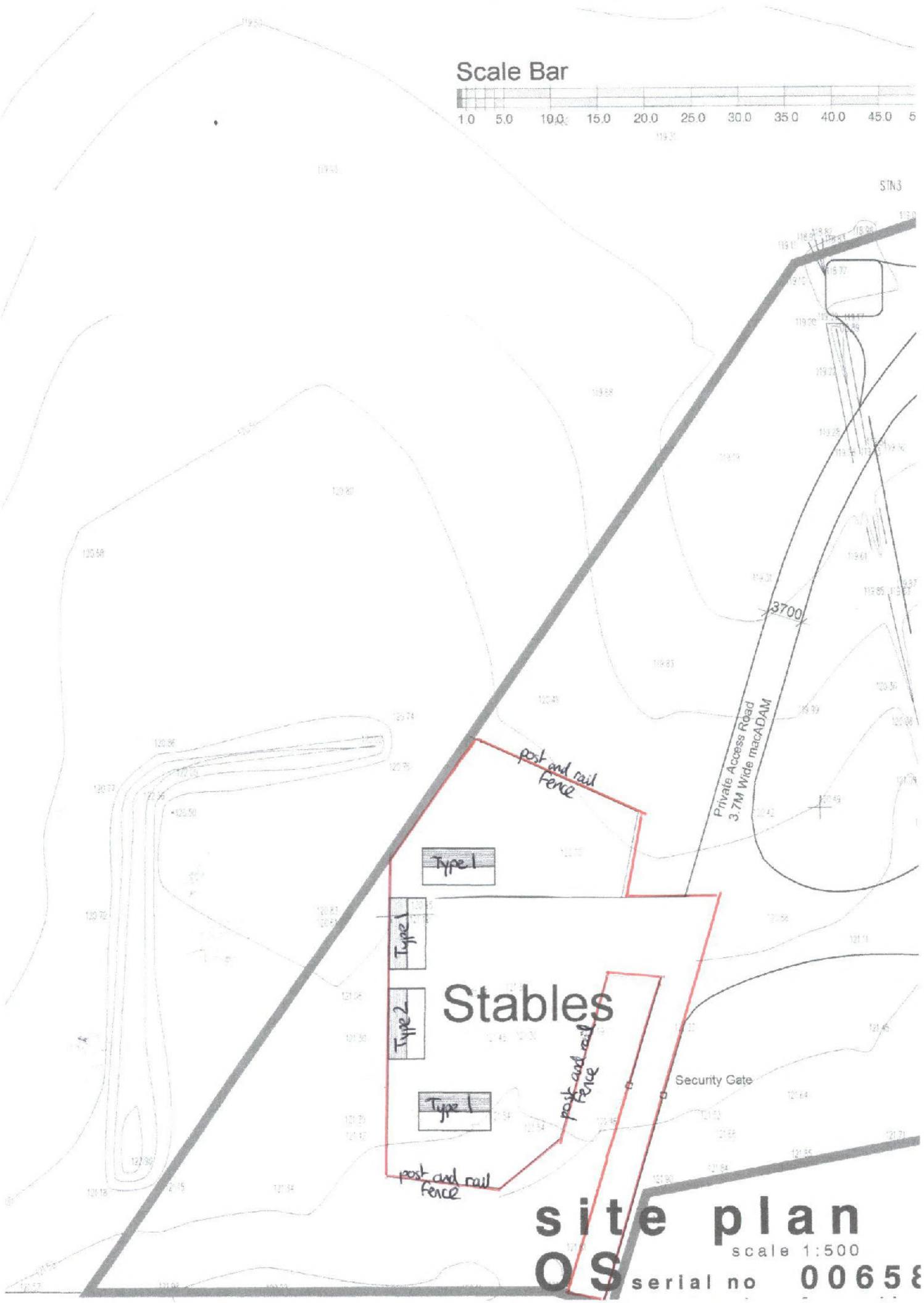
12 Apr 2013 © Crown Copyright 2013







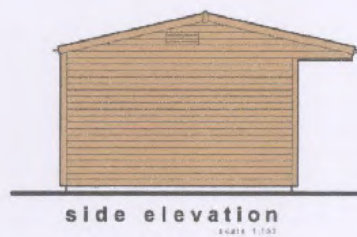
Scale Bar



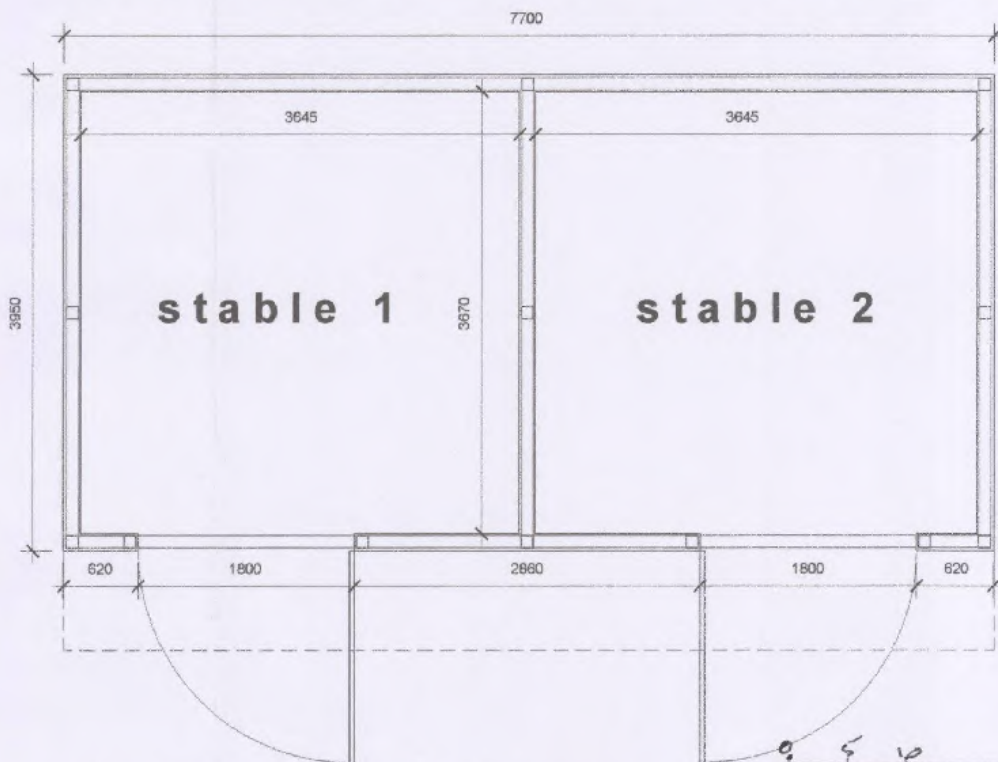
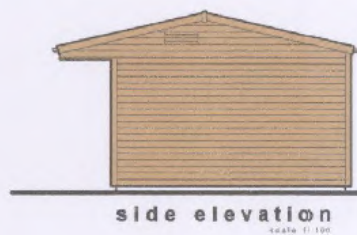
site plan

scale 1:500

OS serial no 00658



**NOTES**  
 This drawing is copyright protected and remains the property of FINE DESIGNS ARCHITECTURE.  
 All levels and dimensions to be checked on site prior to construction / fabrication; report discrepancies immediately to the Architect.  
 Use only figured dimensions.



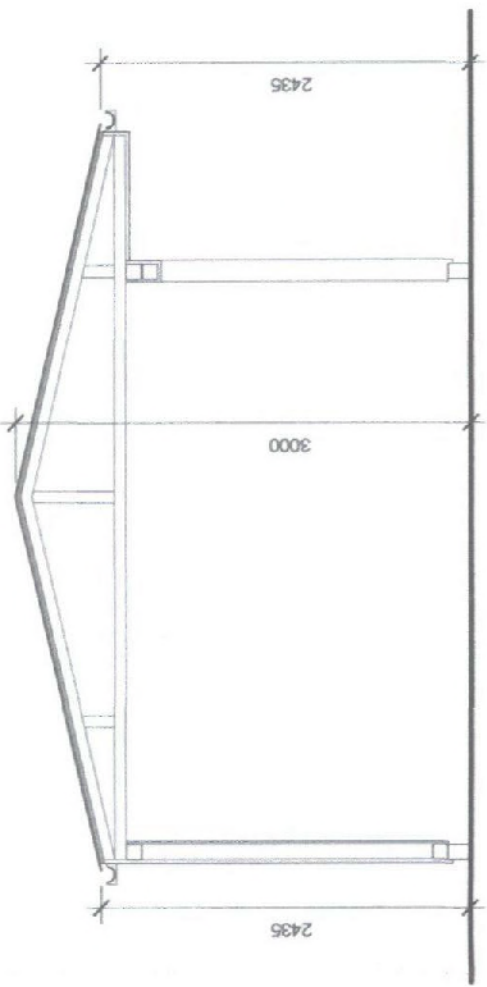
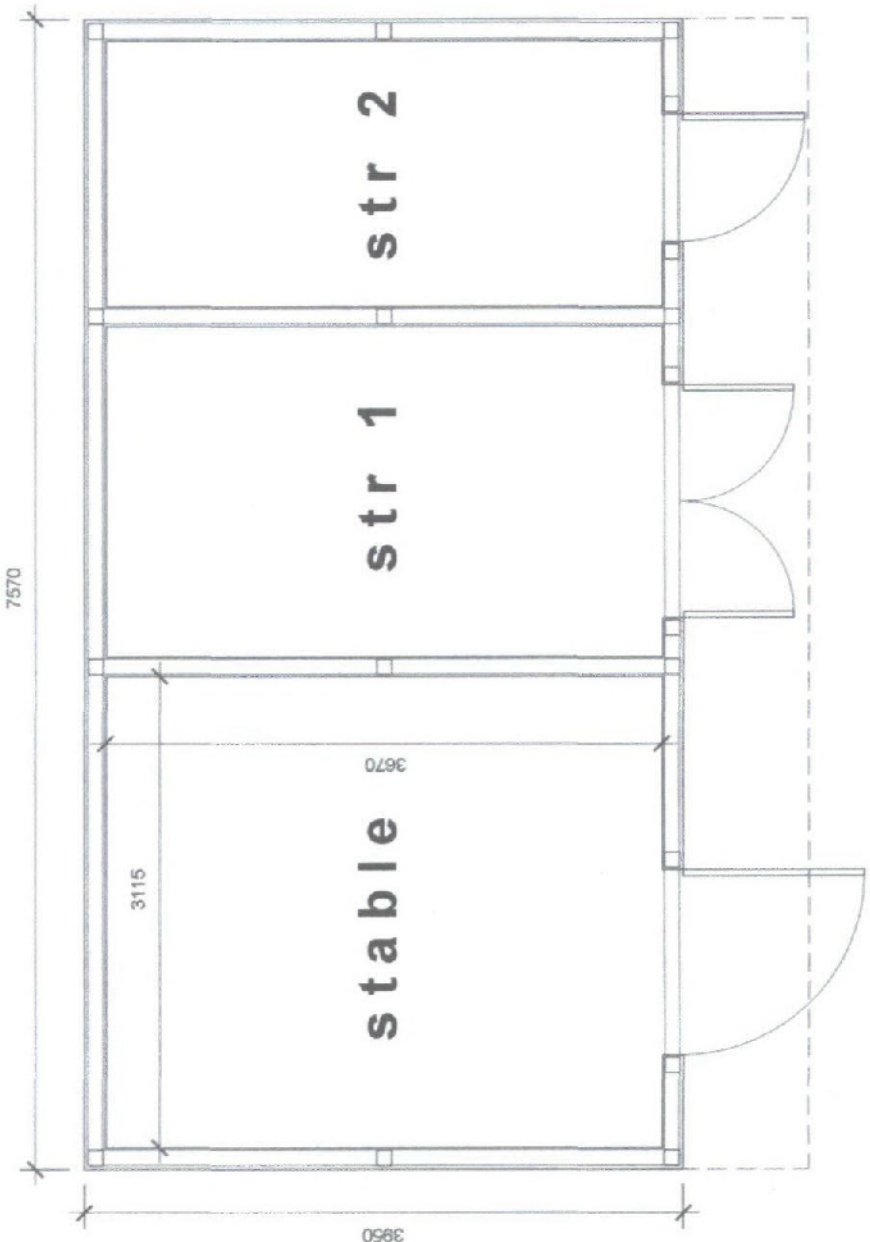
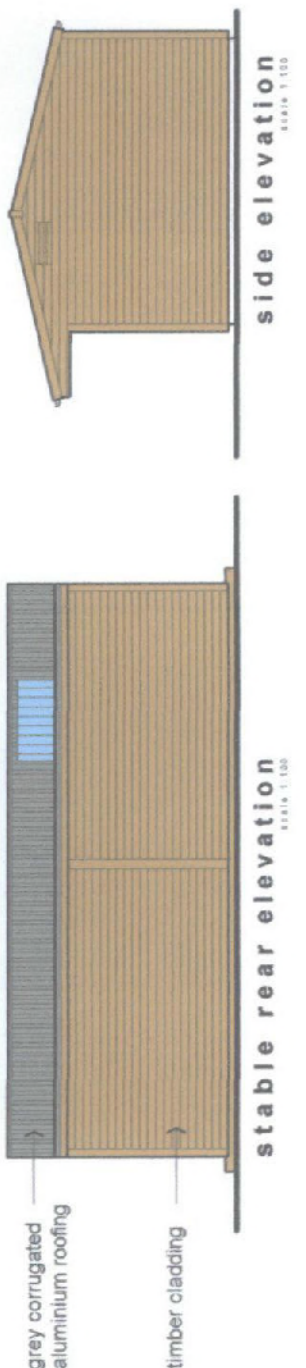
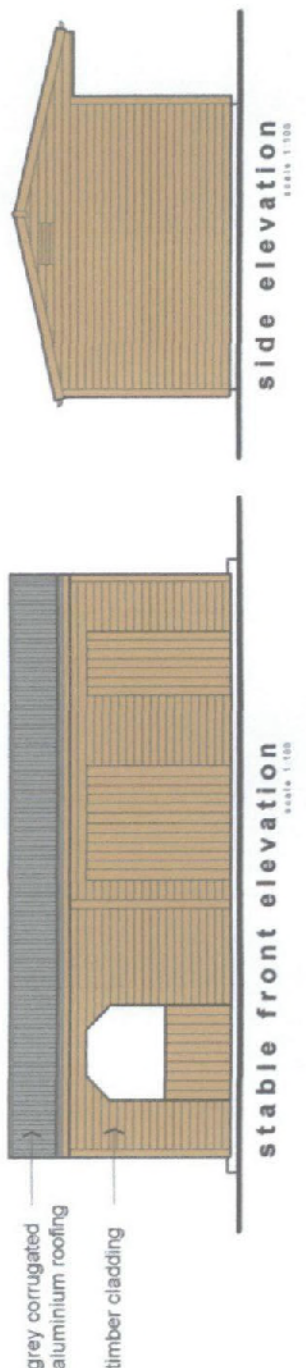
**stable block type 1 - layout plan**  
 scale 1:50



|                                                                                                                                                                         |                                                                                |                |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------|-------|
| job no                                                                                                                                                                  | 1103 Stab                                                                      | drawing number | ts 01 |
| date                                                                                                                                                                    | Feb 14                                                                         |                |       |
| project                                                                                                                                                                 | temporary stables at<br>Cairnfold Farm, by Blairingone<br>for Mr & Mrs McLeish |                |       |
| drawing                                                                                                                                                                 | <del>temporary</del> stables                                                   |                |       |
| 13 park avenue, dunfermline, fife, ky12 7hx<br>tel + fax: 01383 720320 mob: 07811129889<br>e-mail : info@finedesignsarchitecture.com<br>www.finedesignsarchitecture.com |                                                                                |                |       |



**NOTES**  
 This drawing is copyright protected and remains the property of FINE DESIGNS ARCHITECTURE.  
 All levels and dimensions to be checked on site prior to construction / fabrication; report discrepancies immediately to the Architect.  
 Use only figured dimensions.



**cross section**  
 scale 1:50

**SCALE BAR**  
 0 5 10 25 40m

|                                  |  |                                                                                                                                                                       |                             |
|----------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <b>FINE DESIGNS ARCHITECTURE</b> |  | job no<br><b>1103 Stab ts</b>                                                                                                                                         | drawing number<br><b>02</b> |
|                                  |  | date<br><b>Feb 14</b>                                                                                                                                                 |                             |
|                                  |  | project<br><b>temporary stables at Cairnfold Farm, by Blairingone for Mr &amp; Mrs McLeish</b>                                                                        |                             |
|                                  |  | drawing<br><b>temporary stables</b>                                                                                                                                   |                             |
|                                  |  | 13 park avenue, dunfermline, fife, ky12 7hx<br>tel + fax: 01383 720320 mob: 0781129089<br>e-mail: info@finedesignsarchitecture.com<br>www.finedesignsarchitecture.com |                             |





**TCP/11/16(501) – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND**

## **REPRESENTATIONS**



C R Johnson

Wayleaves Team Leader  
Midstream



BP Exploration Operating Company Ltd  
Antonine House  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

Tuesday, 08 August 2017

Nick Brian  
Development Quality Manager  
Perth & Kinross Council

Direct +44 1324 320258  
Mobile +4407511532524  
Christopher.johnso@uk.bp.com  
www.bp.com

Dear Mr. Brian

**Application Ref. APP/2017/1402 - Erection of stable buildings (in retrospect)**  
**Address: Dollar Equestrian Blairingone Dollar, FK14 7ND**  
**Grid Reference: 301371. 695448**

Thank you for your email of 8<sup>th</sup> August, 2017 from Perth & Kinross Council in connection with the application above.

We advise you that our position remains the same as outlined in our response to the previous related consultation, ref: 16/01743/FLL, whereby as the safety and engineering integrity of our BP Forties Pipeline will not be affected by the proposed development, we have no comment to make on the application.

Yours sincerely,



**C R Johnson C. Eng, MChemE**  
Wayleaves Team Leader  
Midstream

BP Exploration Operating Company Ltd  
Registered in England & Wales No. 305943  
Registered Office: Chertsey Road,  
Sunbury on Thames, Middlesex TW16 7BP

Amoco (U.K.) Exploration Company, LLC  
a company formed with limited liability under  
the laws of the State of Delaware, USA  
and registered as an overseas company in  
Scotland under Registered No. BR005086 and  
its registered branch office at 1 Wellheads  
Avenue, Dyce, Aberdeen AB21 7PB

ARCO British Limited, LLC  
Inc. with limited liability in  
Delaware, USA, No. 722013007  
Branch Reg. In England No. BR001713  
Branch Address: Chertsey Road,,  
Sunbury on Thames, Middlesex TW16 7BP



C R Johnson  
Wayleaves Team Leader  
Midstream

BP Exploration Operating  
Company Limited  
Antonine House  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

Direct: +44 1324 320258  
Mobile: +4407511532524  
christopher.johnson@uk.bp.com  
Web: www.bp.com

Monday, 05 December 2016

Nick Brian  
Development Quality Manager – Perth & Kinross Council

Reference: **16/01743/FLL**

Dear Mr Brian

**Proposal: Erection of stable buildings (in retrospect)**  
**Address: Dollar Equestrian, Blairingone, Dollar, FK14 7ND**  
**Grid Reference: 301371 695448**

We thank you for your recent consultation regarding the above planning application and advise you that, as the safety and engineering integrity of our BP Forties Pipeline will not be affected, we have no comment to make on the proposal.

Please note that your letter states that the proximity of this development to the BP Forties Pipeline is approx. 23m. Examination of the documents available via [www.pkc.gov.uk/publicaccess](http://www.pkc.gov.uk/publicaccess), shows that the development is actually approx. 470m to the west of the BP Forties Pipeline.

The Developer should ensure that access and operations during construction and the routes for any services for the site take account of the BP Forties Pipeline servitude.

Sincerely,



C R Johnson C. Eng, MChemE  
Wayleaves Team Leader  
Midstream



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) ]

17 August 2017

Dear Ms Persephone Beer

**PLANNING APPLICATION: 17/01337/FLL**

**Erection of stable buildings (in retrospect); DOLLAR EQUESTRIAN,  
BLAIRINGONE, DOLLAR, FK14 7ND**

Thank you for your consultation notification of the 08 August 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**





# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 17/01337/FLL

Our ref ALS

Date 11/08/2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of stable buildings (in retrospect) Dollar Equestrian Blairingone Dollar FK14 7ND for Dollar Equestrian**

I refer to your letter dated 8 August 2017 in connection with the above application and have the following comments to make.

**Water** (assessment date – 11/08/17)

### Recommendation

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

### Comments

The development is for stables in a rural area with private water supplies known to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water for any human consumption please note the following informative. No public objections relating to the water supply were noted at the date above.

### Informative

The applicant shall ensure the private water supply used for human consumption for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.





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

|                                                 |                                                                                    |                             |                                          |
|-------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------|------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01337/FLL                                                                       | <b>Comments provided by</b> | Tony Maric<br>Transport Planning Officer |
| <b>Service/Section</b>                          | Transport Planning                                                                 | <b>Contact Details</b>      | [REDACTED]                               |
| <b>Description of Proposal</b>                  | Erection of stable buildings (in retrospect)                                       |                             |                                          |
| <b>Address of site</b>                          | Dollar Equestrian<br>Blairingone<br>Dollar<br>FK14 7ND                             |                             |                                          |
| <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>                   | 23 August 2017                                                                     |                             |                                          |



# Comments for Planning Application 17/01337/FLL

## Application Summary

Application Number: 17/01337/FLL

Address: Dollar Equestrian Blairingone Dollar FK14 7ND

Proposal: Erection of stable buildings (in retrospect)

Case Officer: Persephone Beer

## Customer Details

Name: Mrs Sheila Travers

Address: The Millhouse, Eastfield, Saline, Dunfermline KY12 9LW

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Road Safety Concerns

Comment: This application was refused by P&K before. Nothing has changed, no tree planting as stated by P&K has been done. The applicants have not abided by any of the conditions laid down and there is no reason to now reverse P&K's earlier decision. I object. Sheila Travers



**Tracy McManamon**

**From:** John Anderson [REDACTED]  
**Sent:** 28 August 2017 10:02  
**To:** Development Management - Generic Email Account  
**Subject:** Fwd: Planning application 17/01337/FLL

Sent from my iPad

Begin forwarded message:

**From:** John Anderson <[REDACTED]>  
**Date:** 24 August 2017 at 15:40:51 BST  
**To:** development planning  
**Subject:** Planning application 17/01337/FLL

Sheila Anderson  
 Wester Cairnfold  
 Blairingone  
 Dollar  
 FK147ND

Dear Sir,

I object to the above application on the following grounds.  
 Planting, para.4.

Mr. Sutton says: " this approved plan included tree planting to give an element of screening, planting has been carried out in accordance with this condition."

This is not correct. A few trees were planted on the south boundary, many of which have died otherwise the site is still wide open.

Exposure, para.5.

In the original application 11/01839/FLL for Dollar Equestrian the planning officer acknowledged (para 66)" the site is located within an open field and is quite exposed within the immediate landscape." To this day the site lies exposed and an eyesore in this locale, the shelter belt still unplanted after 5 years, the wooden stables in full view.

Policy PM1, para 12.

The new owner of the building plot on this site had every right to expect the removal of the wooden stables at his entrance their status being "temporary for 2 years". Expired.

Are the stables essential? The applicant owns the adjacent huge barn with stabling for 20 plus horses. This has recently been let. Perhaps the applicant should have retained space in the barn complex for their own use knowing the non permanence of the wooden stables permission.

In the final paragraph of the cover letter Mr. Hutton says " this application is similar to one refused within 12 months." Surely that sums up this reapplication. It is the same as the previously refused one. Nothing has changed.

Yours faithfully,  
 Sheila Anderson.

Sent from my iPad







From: Diana Johnson <[REDACTED]>  
Sent: 28 August 2017 16:50  
To: Development Management - Generic Email Account  
Subject: pl application 17/01337/FLL

ENTERED IN COMPUTER

29 AUG 2017

Dear Sir,

Planning Application 17/01337/FLL

I object to the above application for the following reasons:-

1. These stables were granted permission on a "temporary basis" for two years only.
2. The very narrow unclassified road with inadequate passing places has now become very difficult for the local residents and farming traffic to use as a result of the increase in traffic generated by the Equestrian centre. If these wooden stables are allowed to remain they will generate yet more associated traffic. Many local riders do not now use this road as it has become too dangerous due to the volume of traffic.
3. Fife Council roads department originally objected to a large Equestrian business on this unclassified narrow road unless full sized passing places were installed on the Fife side of the boundary to cope with the increase in horse lorries and trailers and associated traffic. There are still no passing places on the Fife side and we as local residents are now greatly inconvenienced when using this road.
4. The original conditions for the Equestrian shed stated that trees were to be planted to screen the site as it was so highly visible for miles around. No trees have been planted to screen the site where the stables are or to screen the very large equestrian shed. We now have to look at an eyesore.
5. In the original application for the Equestrian shed on this site the area where the wooden stables now stand was drawn as a Parking Area. Where

- is the parking area now to be for the trailers and horse boxes associated with the wooden stables?

Yours faithfully,

David and Diana Johnson

Cults Farm

Saline

Fife

KY12 9TB

# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/01337/FLL

Our ref LRE

Date 29 August 2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

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

**PK17/01337/FLL RE: Erection of stable buildings (in retrospect) Dollar Equestrian Blairingone Dollar FK14 7ND for Dollar Equestrian**

I refer to your letter dated 16 August 2017 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –29/08/17)

### **Recommendation**

**I have no objection in principle to the application but recommend that the under noted condition be included on any given consent.**

### **Comments**

Previous application 14/00278/FLL for the erection of stable buildings (in retrospect) was approved for a temporary two year period after which time the buildings were to be removed. This Service made comment with regards to noise and odour in memorandum dated 17 March 2014.

A further application 16/01743/FLL for the stable buildings to be retained on a permanent basis at the application site; the application was refused. This Service made comment at the time with regards to Private Water in memorandum dated 8 December 2016.

This application is for the permanent siting of the 4 stable buildings (in retrospect), which will have seven stables in total and storage space.

The application site is in a rural area and there is a dwellinghouse CairnKnowe approximately 65 metres to the closest stable block to the east of this application site. Also to the North East there is a large agricultural building 11/01839/FLL approved for an equestrian with stables and arena building approximately 99 metres away.

To the south east within approximately 62 metres from the closest stable is another residential property Cairnfold bungalow.

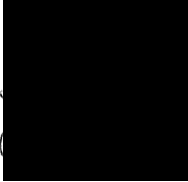
Both these properties are within close proximity to both the stables and the equestrian centre and it is my contention that there is the potential for these existing properties to be affected by odour from the stables and equestrian building which are both owned by the applicant.

Therefore I recommend and reiterate some of the conditions set in previous application 14/00278/FLL

There are three letters of representation at the time of writing this memorandum.

**Condition**

- An effective waste management plan for the stable building will be in place for the storage and removal of manure, to ensure that odour is kept to a minimum
- The stables shall be restricted to personal use only.
- The delivery and collection of goods and horses at the premises shall take place between 0700 and 2100 Monday to Saturday and 0900 and 1900 on Sunday and at no other time.



# Comments for Planning Application 17/01337/FLL

## Application Summary

Application Number: 17/01337/FLL

Address: Dollar Equestrian Blairingone Dollar FK14 7ND

Proposal: Erection of stable buildings (in retrospect)

Case Officer: Persephone Beer

## Customer Details

Name: Mrs Judith Murray

Address: Cairnfold House, Blairingone, Perth And Kinross FK14 7ND

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Lack or loss Of Car parking
- Road Safety Concerns

Comment: We wish to object to this planning application for the erection of wooden stables in retrospect.

1) Planning Permission was previously granted on this site for the erection of an equestrian centre, garage/ gym and a large residential property. As part of this planning application the area where the wooden stables are erected was to be used for parking. Adequate parking would have been in place if the factors considered by planning in granting planning permission for the equestrian centre.

2) The nature of this application and the future use of the stables is unclear. The application is being made by the company who own the equestrian centre but the supporting letter from the agent infers they would be used for personal use.

As the equestrian centre is currently leased to a third party and at full capacity, will these stables subsequently be leased to the third party if planning permission is granted.

The concerns of local residents on the effects on the local infrastructure of an increase in the capacity of the equestrian centre are well documented. There is a potential increase of circa 30% if another 7 stables are leased to the equestrian centre.

3) The garage/ gym had been sold to a third party not connected with the equestrian centre and is currently being converted into a private dwelling. In purchasing this plot, the buyers would have been expecting the wooden stables to be removed as temporary planning permission had been granted while the main equestrian centre business was developed.

Yours faithfully,

John and Judith Murray



Development Quality Manager  
The Environment Service  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH 1 5GD

5 Tethyknowe Steading  
Blairingone  
Dollar  
FK14 7ND

August 29<sup>th</sup> 2017

Dear Sir,

**Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)**

We object to the above planning application.

Taken in isolation this application does not actually read as a planning application because it contains no information on why these stables should be allowed to remain. Instead it reads as a submission of an appeal against the previous application 16/01743/FLL. The time for an appeal to be submitted was within three months of the original refusal i.e. by April 30<sup>th</sup> 2017. The applicant's agent has stated that an appeal was not submitted because information was requested from the council which was not provided. This is a weak excuse. If information was requested and not forthcoming then an appeal could have been submitted including details of any vigorous attempts to obtain information from the council.

It has also been stated that information was requested about any action the council intended to take. The approval of application 14/00278 was clear on this matter. The decision notice stated *"Consent is hereby granted for a period of 2 years only from the date of this decision notice. Upon the expiry of the 2 years, the stables shall be removed and the land reinstated to the satisfaction of the Council as Planning Authority."* The applicant employs a planning consultant to manage this application on his behalf and he would be well aware that once the next application to retain the stables was refused the council would in due course issue an enforcement notice if the stables were not removed voluntarily, which they have not been.

In the absence of any justification for the stables provided with this application we restate our objections submitted to the last application with further updates.

The documents associated with application 16/01743 contained a significant contradiction:

The application was submitted in the business name of Dollar Equestrian, and the letter dated May 11<sup>th</sup> 2016 stated that the intention is to lease the business premises to a third party and that *"to have the wooden stables available as part of any lease would be beneficial, and make the development more attractive to potential lessees"*.

However, the applicant's letter of October 11<sup>th</sup> 2016 stated that the wooden stables are to be used by the applicants for only their own horses. We were advised by PKC planning that this letter describes the situation to which we should respond.

Was this change because they believed that it would be easier to obtain permission to retain them this way rather than a true change of intention?

The applicant made the previous application in the name of their business, rather than their personal names, which seems to contradict with the stated intention to use these stables for their



own horses. In addition the land on which the stables stand is owned by the business and not the applicant personally. The current application is also in the name of Dollar Equestrian so confusion about the intentions of the applicant remains.

Planning permission was granted for an equestrian business on this site in 2012. At this time these wooden stables had already been erected without planning permission. The single site was to include an indoor riding arena and stables and a house for occupation by the applicants in order to run the equestrian business. Since then this site has effectively been divided into three sites:

- The house site has been sold to a third party
- The equestrian buildings have been leased to another third party
- The applicants wish to retain these wooden stables for keeping their own horses

One of the key issues relating to the original application was the impact such a business would have on the very small, narrow road on which it is sited. The construction of some small passing places has not improved the issue of additional traffic, as can be seen from the destruction of the verges.

What was originally one site has now become three sites, which will undoubtedly increase the traffic on this small road even more. The applicant has stated that these stables have caused no problems but this arrangement cannot fail to increase traffic as the applicant needs to visit the site every day together with hay and feed deliveries, vet and farrier visits.

Since the equestrian building has been let, and is now in full occupation, we have seen a significant increase in traffic on the road and there have been a number of incidents caused by cars with horse trailers trying to pass each other. By their own admission PKC Transport Planning only allowed for cars to pass each other when determining the sizes of the passing places. This increase is despite the fact that not all the stables are occupied by client livery as the lessee has her own horses and rescue horses stabled there. Whilst this is in theory a long term let the previous lessee stayed less than three months so the potential for more traffic still exists should a future lessee have more horses in livery.

Associated with this site there is a history of statements by the applicant which have subsequently changed. Therefore this application cannot be considered in isolation of that history.

In the original application for the equestrian business the wooden stables were not mentioned, and that area on the site plan was shown as a parking area. However as soon as the business's website went live advertising their livery business, it specifically included the wooden stables as part of their facilities. In addition the original business plan included costings for 31 horses at livery (24 in the main building plus 7 wooden stables). So there is a wealth of evidence that the applicant always intended using these stables as part of the business, despite their not having planning permission.

If this application is approved there is still nothing to stop the site of the wooden stables and the main equestrian centre being combined again, either for the applicants, a lessee or purchaser. In the original application for the equestrian business it was stated that their own horses would be kept in the equestrian building, as a justification at that time for a limit on the business capacity and hence on the increased road traffic. Retention of the wooden stables, even if only for personal and not business use, would allow an effective increase in the business capacity by the back door and this should be taken into consideration with this application.



These stables have not been built on a solid foundation but simply on compacted ground. We also note that the applicant has stated that there will be no parking spaces. Is it the intention that cars will be parked on our small road?

The application states that agreement has now been reached on the landscaping that was a condition of the original equestrian centre application. This is five years overdue and it is unlikely that this would have been carried out at all without intervention by PKC planning enforcement. Irrespective of this application the planting specified in the original consent should now be carried out immediately, with larger trees to compensate for the missing years of growth, in order to provide the required screening around this site.

The applicant was also required to produce a waste management plan for the equestrian centre but five years on this has still not been implemented. They have equally done nothing about waste management around the wooden stables and this waste simply runs off into the ground. There is no mention in the application or the site plan of a water supply for the wooden stables but there must be such a supply as it would not be possible to look after horses adequately without water. The roadway that was built for creating drainage for the main site has not been reinstated as it should have been. In summary it is clear that PKC cannot have confidence that any conditions that they might apply to this application would be complied with by the applicant.

This site is an eyesore and contrary to what has been stated these stables can be seen from various houses, not just the new house site. If the new owner of the house site had looked at the planning history he would have seen that those stables only had temporary planning permission which had probably expired by the time he bought the plot so his expectation would have been of an uninterrupted view.

This application puts forward a number of arguments about the need for stabling to be able to use the land that the applicant owns. The simple fact is that the applicant was granted permission for an equestrian centre and in that application they stated explicitly that this would also house their own horses. They were also granted permission to build a house to support that business. Such a house without a business need would not have been allowed under the council's planning policy. They have since chosen to sell the house plot and let the equestrian building so their current situation is of their own making and there is no justification for the council to step outside its own policies in this case.

Yours faithfully

Jason Davey



**For the attention of the Development Quality Manager**

**DATE:** 30/08/17

**Planning Application 17/01337/FLL**

Erection of stable buildings (in retrospect) at Dollar Equestrian Centre, Blairingone, Dollar, FK14 7ND

Fossoway and District Community Council have considered this application by email consultation and the decision taken by Community Councillors is to object. The reasons for this decision are outlined below.

There is a history of planning applications regarding the erection of stables dating back to the original application 11/01839/FLL and then again with 14/00278/FLL whereby Fossoway and District Council objected to the application on the grounds that the application would lead to unacceptable levels of traffic on the shared access road. There have been further planning applications in 2016 and the current application in 2017 and each time FDCC have submitted an objection on the same grounds

There is no justification to differ from the original concerns that were expressed regarding previous applications. The supporting statement from the agent does not bring forward any new information to support the application, rather it argues against the planning departments decision to refuse the last application.

When this application was initially submitted the stables were only ever intended as a temporary solution to the Equestrian Centre's development. We should not lose sight of this; the fact that this was only ever seen as a temporary application should mean they remain temporary.

Fossoway and District Community Council remains opposed to this planning application.

Jennifer Donachie

Fossoway and District Community Council Councillor





Development Quality Manager  
The Environment Service  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH 1 5GD

2 Tethyknowe Steading  
Blairingone  
Dollar  
FK14 7ND

August 29<sup>th</sup> 2017

Dear Sir,

**Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)**

We object to the above planning application.

Taken in isolation this application does not actually read as a planning application because it contains no information on why these stables should be allowed to remain. Instead it reads as a submission of an appeal against the previous application 16/01743/FLL. The time for an appeal to be submitted was within three months of the original refusal i.e. by April 30<sup>th</sup> 2017. The applicant's agent has stated that an appeal was not submitted because information was requested from the council which was not provided. This is a weak excuse. If information was requested and not forthcoming then an appeal could have been submitted including details of any vigorous attempts to obtain information from the council.

It has also been stated that information was requested about any action the council intended to take. The approval of application 14/00278 was clear on this matter. The decision notice stated *"Consent is hereby granted for a period of 2 years only from the date of this decision notice. Upon the expiry of the 2 years, the stables shall be removed and the land reinstated to the satisfaction of the Council as Planning Authority."* The applicant employs a planning consultant to manage this application on his behalf and he would be well aware that once the next application to retain the stables was refused the council would in due course issue an enforcement notice if the stables were not removed voluntarily, which they have not been.

In the absence of any justification for the stables provided with this application we restate our objections submitted to the last application with further updates.

The documents associated with application 16/01743 contained a significant contradiction:

The application was submitted in the business name of Dollar Equestrian, and the letter dated May 11<sup>th</sup> 2016 stated that the intention is to lease the business premises to a third party and that *"to have the wooden stables available as part of any lease would be beneficial, and make the development more attractive to potential lessees"*.

However, the applicant's letter of October 11<sup>th</sup> 2016 stated that the wooden stables are to be used by the applicants for only their own horses. We were advised by PKC planning that this letter describes the situation to which we should respond.

Was this change because they believed that it would be easier to obtain permission to retain them this way rather than a true change of intention?

The applicant made the previous application in the name of their business, rather than their personal names, which seems to contradict with the stated intention to use these stables for their



own horses. In addition the land on which the stables stand is owned by the business and not the applicant personally. The current application is also in the name of Dollar Equestrian so confusion about the intentions of the applicant remains.

Planning permission was granted for an equestrian business on this site in 2012. At this time these wooden stables had already been erected without planning permission. The single site was to include an indoor riding arena and stables and a house for occupation by the applicants in order to run the equestrian business. Since then this site has effectively been divided into three sites:

- The house site has been sold to a third party
- The equestrian buildings have been leased to another third party
- The applicants wish to retain these wooden stables for keeping their own horses

One of the key issues relating to the original application was the impact such a business would have on the very small, narrow road on which it is sited. The construction of some small passing places has not improved the issue of additional traffic, as can be seen from the destruction of the verges.

What was originally one site has now become three sites, which will undoubtedly increase the traffic on this small road even more. The applicant has stated that these stables have caused no problems but this arrangement cannot fail to increase traffic as the applicant needs to visit the site every day together with hay and feed deliveries, vet and farrier visits.

Since the equestrian building has been let, and is now in full occupation, we have seen a significant increase in traffic on the road and there have been a number of incidents caused by cars with horse trailers trying to pass each other. By their own admission PKC Transport Planning only allowed for cars to pass each other when determining the sizes of the passing places. This increase is despite the fact that not all the stables are occupied by client livery as the lessee has her own horses and rescue horses stabled there. Whilst this is in theory a long term let the previous lessee stayed less than three months so the potential for more traffic still exists should a future lessee have more horses in livery.

Associated with this site there is a history of statements by the applicant which have subsequently changed. Therefore this application cannot be considered in isolation of that history.

In the original application for the equestrian business the wooden stables were not mentioned, and that area on the site plan was shown as a parking area. However as soon as the business's website went live advertising their livery business, it specifically included the wooden stables as part of their facilities. In addition the original business plan included costings for 31 horses at livery (24 in the main building plus 7 wooden stables). So there is a wealth of evidence that the applicant always intended using these stables as part of the business, despite their not having planning permission.

If this application is approved there is still nothing to stop the site of the wooden stables and the main equestrian centre being combined again, either for the applicants, a lessee or purchaser. In the original application for the equestrian business it was stated that their own horses would be kept in the equestrian building, as a justification at that time for a limit on the business capacity and hence on the increased road traffic. Retention of the wooden stables, even if only for personal and not business use, would allow an effective increase in the business capacity by the back door and this should be taken into consideration with this application.



These stables have not been built on a solid foundation but simply on compacted ground. We also note that the applicant has stated that there will be no parking spaces. Is it the intention that cars will be parked on our small road?

The application states that agreement has now been reached on the landscaping that was a condition of the original equestrian centre application. This is five years overdue and it is unlikely that this would have been carried out at all without intervention by PKC planning enforcement. Irrespective of this application the planting specified in the original consent should now be carried out immediately, with larger trees to compensate for the missing years of growth, in order to provide the required screening around this site.

The applicant was also required to produce a waste management plan for the equestrian centre but five years on this has still not been implemented. They have equally done nothing about waste management around the wooden stables and this waste simply runs off into the ground. There is no mention in the application or the site plan of a water supply for the wooden stables but there must be such a supply as it would not be possible to look after horses adequately without water. The roadway that was built for creating drainage for the main site has not been reinstated as it should have been. In summary it is clear that PKC cannot have confidence that any conditions that they might apply to this application would be complied with by the applicant.

The applicant states that the stables do not affect the surrounding properties and cannot be seen easily, however, the stables are visible to the houses to the west, in full view of properties at Tethyknowe Steading and also in full view of the new property being built on the house plot sandwiched between the stables and the equestrian centre which the applicant sold off. Also to state that the new owners of the house plot were aware that the stables would be there after they built their house is incorrect because at the time the plot was being advertised, the stables were only there under temporary permission and the applicant only submitted an application to keep the stables permanently after the sale of the house plot was concluded. Any prospective buyer for the house plot would have been under the assumption from the temporary planning approval (that had expired by this point), that the stables would be removed and that they would certainly not be permanently in front of their property. It should also be noted that the applicant keeps referring to the fact that their temporary stables are nowhere near as bad and would not affect the neighbours as much the large equestrian centre does. This site is an eyesore and even though they are renting it out, the equestrian centre is still also their property and by keeping the temporary stables they are in effect surrounding the house plot with both their stables and their equestrian centre which will certainly affect the amenity of the neighbours.

This application puts forward a number of arguments about the need for stabling to be able to use the land that the applicant owns. The simple fact is that the applicant was granted permission for an equestrian centre and in that application stated explicitly that this would also house their own horses. They were also granted permission to build a house to support that business. Such a house without a business need would not have been allowed under the council's planning policy. They have since chosen to sell the house plot and let the equestrian building so their current situation is of their own making and there is no justification for the council to step outside its own policies in this case.

Yours faithfully

Jan and Graham Pye





Development Quality Manager  
The Environment Service  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH 1 5GD

6 Tethyknowe Steading  
Blairingone  
Dollar  
FK14 7ND

September 1<sup>st</sup> 2017

Dear Sirs,

**Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)**

I object to the above planning application.

The application is little different from previous applications which have been rejected.

The objections from the previous application remain.

- There is some confusion about who has applied and why. As lessees or individuals.
- Planning permission was granted for an equestrian business on this site in 2012. At this time these wooden stables had already been erected without planning permission.

Planning permission was granted for an equestrian business on this site in 2012. At this time these wooden stables had already been erected without planning permission. The single site was to include an indoor riding arena and stables and a house for occupation by the applicants in order to run the equestrian business. Since then this site has effectively been divided into three sites:

- The house site has been sold to a third party!
- The equestrian buildings have been leased to another third party
- The applicants wish to retain these wooden stables for keeping their own horses

One of the biggest issues relating to the original application was the impact such a business would have on the very small, narrow road on which it is sited. The construction of some small passing places has not improved the issue of additional traffic, as can be seen from the destruction of the verges. Since the equestrian building has been let, and is now in full occupation, we have seen a significant increase in traffic on the road and there have been a number of incidents.

The applicant was also required to produce a waste management plan for the equestrian centre but five years on this has still not been implemented.

This site is an eyesore.

Yours faithfully

Mark O'Bryen



## Tracy McManamon

---

**From:** Cathy Kiernan (O'Connell) <oconnell.clan@talk21.com>  
**Sent:** 01 September 2017 08:52  
**To:** Development Management - Generic Email Account  
**Cc:** Home  
**Subject:** Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)



Development Quality Manager

Ochil Lodge

The Environment Service  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH 1 5GD

Blairingone  
Dollar  
FK14 7ND

Sept. 1st 2017

Dear Sir,

### **Planning Application 17/01337/FLL | Erection of stable buildings (in retrospect)**

We object to the above planning application.

1. The wooden stables were erected on a temporary basis (without planning) pending construction, by the applicant, of an equestrian centre & associated residential dwelling. Since then the Equestrian business & residential house have been 'decoupled' & the house sold separately to a third party. The equestrian business has been leased & now rentention sought for the two wooden stables. Essentially what was a contained single unit has now been split into potentially 3 separate entities.
2. This is expansion by stealth & makes a mockery of the planning laws. The concerns of the local community expressed at the outset, specifically the inability of the surrounding road network to support the increase of traffic, remain and the increase in traffic clearly evident as is the significant damage to the verges.
3. The site is very poorly maintained, has been an eyesore from the outset and we have zero confidence that any assurance provided by the applicant can be relied upon.

We respectfully request that you reject this application.

Dan and Cathy O'Connell



Local Review Body  
Corporate and Democratic Services  
Perth and Kinross Council  
2 High Street  
PERTH  
PH1 5PH

2 Tethyknowe Steading  
Blairingone  
Dollar  
FK14 7ND

November 22<sup>nd</sup> 2017

Dear Sirs

**TCP-11-16(501) Review of 17/01337/FLL Wooden Stables (in retrospect)**

Please find below our additional comments on the review requested in relation to the refusal of the above application.

The applicant's agent Mr Hutton has sought to challenge elements of the delegated report which refused permission for these stables. However he should consider elements of his report which are not supported by the facts from the previous history of applications relating to the equestrian centre as a whole.

**Site area**

It is very disingenuous to say that the trailers shown in the photographs in the Report of Handling are not part of the site. That is because the site plan is very restrictive. It is limited to the very small area surrounding the stables. The rest of the land behind/west of the wooden stables belongs to the applicants and is still under their management. They regularly use that area for the horses, presumably when they are cleaning out the stables and they also store hay in that area. Indeed the document goes on to refer to the 27 acres available to the applicants, which are not shown on the site plan but which are necessary to support elements of their proposal and indeed for the overall welfare of the horses. One must assume that it is unlikely that Mrs McLeish owns six trailers and hence they must belong to livery clients at the equestrian centre. Consequently this land is also being used for business purposes and not solely for Mrs McLeish's own use.

**Original intentions for the stables**

Paragraph 2.2 states that it has always been the applicants' intention that the stables should be retained for their own personal use. I would refer Mr Hutton back to the original planning application for the 24 stables equestrian centre and his own letter of December 1<sup>st</sup> 2011 where he said '*with a maximum 24 horses under livery at any one time, (4 of which are owned by Mrs McLeish)*' and if he looks at the site plan submitted with that application he will see that there is no sign of any wooden stables and the area where they are currently located is shown as '*hard core parking and turning area*'. At that time, Mr and Mrs McLeish also advised PKC that they intended removing the wooden stables once the equestrian centre was built. So it may well have been their intention to retain the wooden stables but it was an intent they sought to hide from PKC Planning and the members of the Development Management Committee who considered the original equestrian centre application.

**Traffic**

Mr Hutton states that the equestrian centre has been fully operational since 2013. It may have been operational but under the applicant's management it was never full. The maximum number of horses was 11 (including Mrs McLeish's). The building is now full but not 100% livery because the



current lessee has a number of rescue horses. The increase in traffic has been exacerbated by the applicant splitting up the site for which they received planning permission – which was to run an equestrian centre with a house for themselves on the site in order to manage the business. They have since sold the house site which will generate its own traffic. The equestrian centre is leased but has no permanent living accommodation so that results in additional traffic in addition to that generated by the livery clients. The wooden stables then generate a third traffic element with at least daily visits to look after the horses. As residents we have seen a significant increase in traffic on this small road – from cars, horse transport, delivery lorries and horses being ridden on the road. The latter partly resulting from the applicants not having built the all-weather off road hacking trail that was promised. The passing places are inadequate for the traffic as evidenced by the fact that there are now big drops on either side and behind where vehicles have had to go off the road to allow another vehicle to pass.

## Noise

The report states that horses themselves do not generate noise. In themselves that is correct but it is rather the comings and goings around a stable and the additional traffic which generate noise and disruption. The new owners of the house plot bought the plot knowing that the equestrian centre was there however at that time the wooden stables only had temporary permission and that permission clearly stated that they were to be removed at the end of that period. It was only after the sale of the plot was completed that the applicants applied for permanent permission to retain the wooden stables. There is a significant difference between having stables at one side of one's property to being surrounded by them - which would result from the retention of the wooden stables. Mr Hutton has made reference to other wooden stables such as those of Mr and Mrs Murray. In that situation the stables were built by the owners of the house to which they belong and they are a significant distance from any other house from which they are visible and Mr and Mrs Murray have undertaken significant tree planting on their land. He has also referred to the wooden stables at Easter Muirhead farm but in fact those stables do not actually have planning permission to be there.

## Waste management plan

In paragraph 3.4 Mr Hutton refers to the manure plan which the applicants have commissioned from the Scottish Agricultural College. If he refers back to the original equestrian centre application, 11/01839, he will find that the applicants submitted exactly the same plan in April 2014. A plan which they never implemented, so why should we believe that they would do so now. However, if Mr Hutton would like to look at Mr and Mrs Murray's application for their wooden stables, 13/00117, he will find that in October 2013 (six months before the plan submitted by Mr and Mrs McLeish) they also submitted a waste management plan as required under their planning approval. Mr and Mrs McLeish's plan, relating to bedding, storage and removal, is a word for word copy of the plan written, not by the Scottish Agricultural College, but by Mrs Murray herself. Mr and Mrs Murray have implemented their plan and were able to do so as they do have a bank behind the stables to cut into to act as a 'muck heap, enclosed on three sides to minimise odour'. The equestrian centre has no such bank. Ever since this equestrian centre started operation and to this day all that has ever happened is that the muck is just dumped on the ground in heaps. The plan also contradicts itself – stating that there is an arrangement with a local farmer to remove the muck heap weekly and then says that it will be spread over the 27 acres of land. As Dollar Equestrian never implemented its waste management plan, nor was it offered in either of the two applications to retain the wooden stables, why should we have any expectation that they will do so now.

## Animal welfare

We are somewhat mystified by the section relating to animal welfare. Mr Hutton appears to be suggesting that by refusing to allow Mr and Mrs McLeish permission to convert the garage to living accommodation associated with the business this was in some way inhibiting them from providing appropriate welfare to their horses. He appears to forget that they had received permission to build a large house to enable them to run their business of looking after horses. He then intimates that having sold the house plot and partly completed garage PKC contradicted that decision by allowing the new owner of the house plot to convert the garage into a house. He completely misses the point that this latter planning permission removes the right to build the original separate house. What PKC have ensured is that there is still only one dwelling on this site. Mr and Mrs McLeish were trying to have two separate dwellings.

## Landscaping

Mr Hutton refers to a photograph showing excessive weed growth on the south side. Whilst part of the weeds visible are on the verge it is equally clear that some are on the applicants' side of the fence.

A landscaping plan has been submitted with this appeal. A condition of the original equestrian centre approval (11/01839) was that the landscaping plan that was included should have been implemented within the first planting season following commencement of development. This plan included significant tree planting around the boundary of the whole of the original site area. This landscaping is now five years overdue so yet again, why should any credence be given to a landscape plan being submitted now. Some limited planting was carried out, after pressure from PKC, but what little that was done has failed to thrive and should have been replaced – again a condition of the original planning permission. The boundary planting would have included the area to the south of the wooden stables (referred to above) so had that planting been undertaken there would already be five years of growth. So all that is actually being offered now is an additional 11 trees to the north, which provides no screening benefit to any nearby properties. No planting is proposed to the east, because there is no room to do so, which might in years to come provide screening from the nearest properties such as the new house and the Tethyknowe houses.

## Summary

In summary, these wooden stables were originally built without planning permission. PKC planning decided to take no action in relation to this whilst the equestrian centre planning application was being considered and then whilst the stables were being built. At that point the wooden stables should have been removed. Instead temporary permission was given for two years. Since then a permanent application to retain the stables has been refused twice. These stables have been in place for seven years and for only two of those years have they had (temporary) permission to be there. Their status throughout that time has therefore been temporary and hence no specific comments, other than via the planning process, have been made by local residents about their impact as we have been waiting patiently for their removal.

In previous applications they have contradicted themselves about whether these stables were for personal or business use and the fact that this application is made in their business name only adds to that confusion. Added to all the other contradictory and misleading information as detailed above it is difficult to have faith in this application or the appeal documents.

Mr and Mrs McLeish still own stabling for 24 horses which they have chosen to rent out. That is their choice. Had they not done so they would have adequate space for their own horses. They have created all their own problems by selling the house plot separately from the business as was pointed out to them, in writing, by PKC.

Yours faithfully

Jan and Graham Pye

## CHX Planning Local Review Body - Generic Email Account

---

**From:** John Anderson [REDACTED]  
**Sent:** 26 November 2017 11:06  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Councillor Callum Purves; Councillor Michael Barnacle; Councillor Richard Watters; Councillor William Robertson  
**Subject:** Fwd: LRB reference 17/01337/FLL and TCP-11-16(501) Dollar Equestrian.

Sent from my iPad

Begin forwarded message:

**From:** John Anderson [REDACTED]  
**Date:** 26 November 2017 at 10:53:21 GMT  
**To:** [planninglrp@gov.co.uk](mailto:planninglrp@gov.co.uk)  
**Cc:** Willie Robertson <[wbrobertson@pkc.gov.uk](mailto:wbrobertson@pkc.gov.uk)>, Richard Watters <[RWatters@pkc.gov.uk](mailto:RWatters@pkc.gov.uk)>, Callum Purves <[CPurves@pkc.gov.uk](mailto:CPurves@pkc.gov.uk)>, Mike Barnacle <[mbarnacle@pkc.gov.uk](mailto:mbarnacle@pkc.gov.uk)>  
**Subject:** LRB reference 17/01337/FLL and TCP-11-16(501) Dollar Equestrian.

We objected to this application 17/01337/FLL when it was refused and see no change in the circumstances despite the lengthy submission complete with inaccuracies from the applicants agent. Any hardship here is of the applicants own making. 24 excellent quality loose boxes belonging to the applicant exist right alongside the 3 rather tired stable buildings being considered in this review. The 24 have been let to a tenant. As the status of the 3 stables has always been temporary perhaps the applicant should have looked ahead and retained a portion of the main building for their own use.

There appears to be no coherent policy being applied here. The stables have been let, the house site has been sold off, tree screening should have been planted in the 1st planting season and is still outstanding some years later. Frankly, the site is a mess and should have been landscaped as required by the planning conditions. Removing the 3 stable blocks would be the first step towards improving the situation. I believe the new owner of the house site has every intention of landscaping and screening and it only seems fair to him to tidy the surrounding area. Please support your planning officer and confirm the application refusal. John and Sheila Anderson.

Wester Cairnfold,  
Blairingone,  
FK147ND

Sent from my iPad



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

---

**From:** Diana Johnson [REDACTED]  
**Sent:** 26 November 2017 18:29  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Review of 17?01337/FLL Wooden Stables (in retrospect)

Dear Sir,

TCP-11-16 (501) Review of 17/01337/ FLL Wooden Stables ( in retrospect)

Additional comments to the above application are as follows:-

1. The delegated report Refused permission for these stables.
2. These stables have remained for 7 years despite only ever having been granted "temporary permission" for 2 years.
3. The applicant stated that these stables were for their own private use while the large equestrian shed was built and would be removed upon completion of the shed.
4. If these wooden stables remain it represents a growth in the horse related business in the area which the local access road, already inadequate, cannot support without even more inconvenience to other local residents. All previous debate on this matter assumes that the maximum capacity for equestrian activity was represented solely by the capacity of the 24 stables within the large shed without any additional capacity as is now being proposed.
5. Any increase in traffic on the single track road generated by more traffic from an extra equestrian business will impact on the amenity of all local residents who use this road. The passing places are inadequate in size to cope as it is.
- 6 This appeal has submitted a landscape plan. A condition of the original Equestrian Centre "approval" was that the submitted landscape plan should be implemented within the first year. We are now 5 years on and this has not happened. This large shed has no screening whatsoever and is highly visible and impacting within the landscape to all neighbouring properties.

Diana and David Johnson  
Cults Farm  
Saline  
Fife  
KY12 9TB



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

---

**From:** R HUTTON <hutton874@btinternet.com>  
**Sent:** 06 December 2017 16:26  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Charles McLeish  
**Subject:** Re: TCP/11/16(501)

Thank you for forwarding the third party comments which I have discussed with my clients. Having discussed the matter with Mr and Mrs McLeish we feel that no new issues of any relevance to this application are being raised, and we therefore wish to offer no comment.

I look forward to hearing when the application will be considered by the LRB.

R Hutton



**TCP/11/16(501) – 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND**

## **FURTHER INFORMATION**

- Further information from Development Quality Manager, requested by LRB on 9 January 2018
- Agent's response to further information



# Memorandum

|          |                   |         |                             |
|----------|-------------------|---------|-----------------------------|
| To       | Local Review Body | From    | Development Quality Manager |
| Your ref | TCP/11/16 (501)   | Our ref | 17/01337/FLL /PB            |
| Date     | 14 February 2018  | Tel No  | ████████                    |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Additional Information requested by the Local Review Body Consultation on an Application for Planning Permission**

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

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

**Application Ref: 17/01337/FLL – Erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND – Dollar Equestrian**

I refer to your letter dated 2 February 2018 in connection with the above application and have the following comments to make:

**Revised Landscaping Plan** - I have attached a copy of the landscape plan originally approved in relation to application 11/01839/FLL. The pink edged area is land now outwith the control of Mr McLeish. The blue edged area shows the position of the timber stables. As can be seen from this plan two of the stables buildings are within the approved landscape buffer strip for the 2011 permission. It would not be possible to provide the section of landscaping where these buildings are located unless the buildings were removed. I note that other trees proposed to be planted within the blue edged area would be relocated to the north east of the stables.

**Manure Plan** – see separate comments from Environmental Health Officer

**Acoustic Engineers' email** – see separate comments from Environmental Health Officer



### PLANTING SCHEDULE :

### PLANTING SCHEDULE :

| Year | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035 | 2036 | 2037 | 2038 | 2039 | 2040 | 2041 | 2042 | 2043 | 2044 | 2045 | 2046 | 2047 | 2048 | 2049 | 2050 | 2051 | 2052 | 2053 | 2054 | 2055 | 2056 | 2057 | 2058 | 2059 | 2060 | 2061 | 2062 | 2063 | 2064 | 2065 | 2066 | 2067 | 2068 | 2069 | 2070 | 2071 | 2072 | 2073 | 2074 | 2075 | 2076 | 2077 | 2078 | 2079 | 2080 | 2081 | 2082 | 2083 | 2084 | 2085 | 2086 | 2087 | 2088 | 2089 | 2090 | 2091 | 2092 | 2093 | 2094 | 2095 | 2096 | 2097 | 2098 | 2099 | 2100 |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035 | 2036 | 2037 | 2038 | 2039 | 2040 | 2041 | 2042 | 2043 | 2044 | 2045 | 2046 | 2047 | 2048 | 2049 | 2050 | 2051 | 2052 | 2053 | 2054 | 2055 | 2056 | 2057 | 2058 | 2059 | 2060 | 2061 | 2062 | 2063 | 2064 | 2065 | 2066 | 2067 | 2068 | 2069 | 2070 | 2071 | 2072 | 2073 | 2074 | 2075 | 2076 | 2077 | 2078 | 2079 | 2080 | 2081 | 2082 | 2083 | 2084 | 2085 | 2086 | 2087 | 2088 | 2089 | 2090 | 2091 | 2092 | 2093 | 2094 | 2095 | 2096 | 2097 | 2098 | 2099 | 2100 |      |

## SPECIFICATION NOTES

[illegible]

Two "Punching" items will be printed as specified in the Priority services. These include: 1. Early retirement arrangements; and 2. Jobless aid. These articles will be printed in the first and second editions of this issue and will be printed in the first and second editions of this issue. The Extended Union Time Periods (1970-1971) will be printed in the first and second editions of this issue.

Completed areas  
of the project were  
inspected and found  
to be in accordance  
with the approved  
plans. The project  
was completed on  
time and within  
budget. The project  
was a success and  
the client was  
satisfied with the  
results. The project  
was completed on  
time and within  
budget. The project  
was a success and  
the client was  
satisfied with the  
results.

[illegible]

## PLANNING METHODOLOGY : SUPPORTED

PLANNING METHODOLOGY : SUPPORTED

- [illegible]

## PLANTING METHOD 10A : HEDGES

PLANTING METHOD 10A : HEDGES

- [illegible]

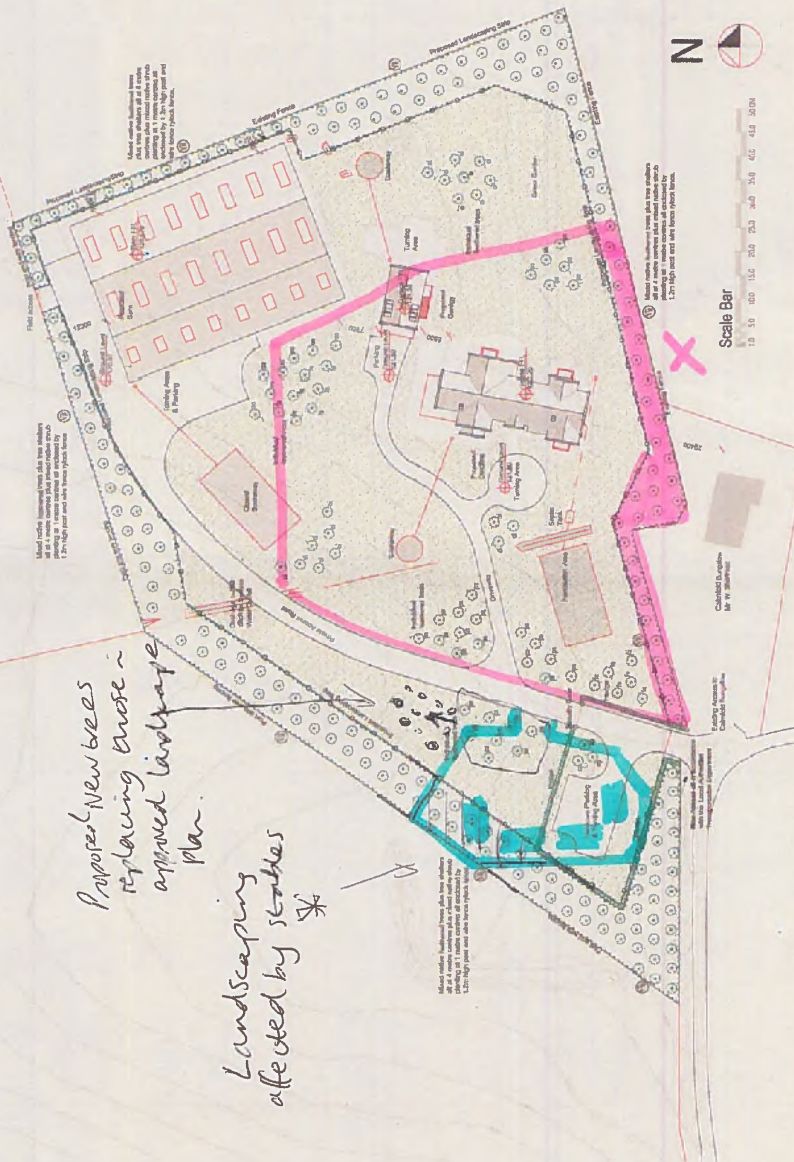
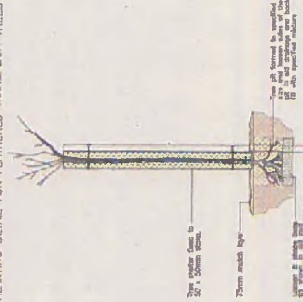
### PLANTING METHOD 9 : UNSUPPORTED

### PLANTING METHOD 9 : UNSUPPORTED

- [illegible]

## PLANTING DETAIL FOR FEATHERED TRANSPLANT TREES

## PLANTING DETAIL FOR FEATHERED TRANSPLANT TREES



Proposed new trees  
replacing those in  
approved landscape  
plan.

|     |      |            |       |
|-----|------|------------|-------|
| 1   | DATE | 16.11.2011 | 12-01 |
| 2   | QTY  | 10         |       |
| 3   | UNIT | 10         |       |
| 4   | DATE | 16.11.2011 | 12-01 |
| 5   | QTY  | 10         |       |
| 6   | UNIT | 10         |       |
| 7   | DATE | 16.11.2011 | 12-01 |
| 8   | QTY  | 10         |       |
| 9   | UNIT | 10         |       |
| 10  | DATE | 16.11.2011 | 12-01 |
| 11  | QTY  | 10         |       |
| 12  | UNIT | 10         |       |
| 13  | DATE | 16.11.2011 | 12-01 |
| 14  | QTY  | 10         |       |
| 15  | UNIT | 10         |       |
| 16  | DATE | 16.11.2011 | 12-01 |
| 17  | QTY  | 10         |       |
| 18  | UNIT | 10         |       |
| 19  | DATE | 16.11.2011 | 12-01 |
| 20  | QTY  | 10         |       |
| 21  | UNIT | 10         |       |
| 22  | DATE | 16.11.2011 | 12-01 |
| 23  | QTY  | 10         |       |
| 24  | UNIT | 10         |       |
| 25  | DATE | 16.11.2011 | 12-01 |
| 26  | QTY  | 10         |       |
| 27  | UNIT | 10         |       |
| 28  | DATE | 16.11.2011 | 12-01 |
| 29  | QTY  | 10         |       |
| 30  | UNIT | 10         |       |
| 31  | DATE | 16.11.2011 | 12-01 |
| 32  | QTY  | 10         |       |
| 33  | UNIT | 10         |       |
| 34  | DATE | 16.11.2011 | 12-01 |
| 35  | QTY  | 10         |       |
| 36  | UNIT | 10         |       |
| 37  | DATE | 16.11.2011 | 12-01 |
| 38  | QTY  | 10         |       |
| 39  | UNIT | 10         |       |
| 40  | DATE | 16.11.2011 | 12-01 |
| 41  | QTY  | 10         |       |
| 42  | UNIT | 10         |       |
| 43  | DATE | 16.11.2011 | 12-01 |
| 44  | QTY  | 10         |       |
| 45  | UNIT | 10         |       |
| 46  | DATE | 16.11.2011 | 12-01 |
| 47  | QTY  | 10         |       |
| 48  | UNIT | 10         |       |
| 49  | DATE | 16.11.2011 | 12-01 |
| 50  | QTY  | 10         |       |
| 51  | UNIT | 10         |       |
| 52  | DATE | 16.11.2011 | 12-01 |
| 53  | QTY  | 10         |       |
| 54  | UNIT | 10         |       |
| 55  | DATE | 16.11.2011 | 12-01 |
| 56  | QTY  | 10         |       |
| 57  | UNIT | 10         |       |
| 58  | DATE | 16.11.2011 | 12-01 |
| 59  | QTY  | 10         |       |
| 60  | UNIT | 10         |       |
| 61  | DATE | 16.11.2011 | 12-01 |
| 62  | QTY  | 10         |       |
| 63  | UNIT | 10         |       |
| 64  | DATE | 16.11.2011 | 12-01 |
| 65  | QTY  | 10         |       |
| 66  | UNIT | 10         |       |
| 67  | DATE | 16.11.2011 | 12-01 |
| 68  | QTY  | 10         |       |
| 69  | UNIT | 10         |       |
| 70  | DATE | 16.11.2011 | 12-01 |
| 71  | QTY  | 10         |       |
| 72  | UNIT | 10         |       |
| 73  | DATE | 16.11.2011 | 12-01 |
| 74  | QTY  | 10         |       |
| 75  | UNIT | 10         |       |
| 76  | DATE | 16.11.2011 | 12-01 |
| 77  | QTY  | 10         |       |
| 78  | UNIT | 10         |       |
| 79  | DATE | 16.11.2011 | 12-01 |
| 80  | QTY  | 10         |       |
| 81  | UNIT | 10         |       |
| 82  | DATE | 16.11.2011 | 12-01 |
| 83  | QTY  | 10         |       |
| 84  | UNIT | 10         |       |
| 85  | DATE | 16.11.2011 | 12-01 |
| 86  | QTY  | 10         |       |
| 87  | UNIT | 10         |       |
| 88  | DATE | 16.11.2011 | 12-01 |
| 89  | QTY  | 10         |       |
| 90  | UNIT | 10         |       |
| 91  | DATE | 16.11.2011 | 12-01 |
| 92  | QTY  | 10         |       |
| 93  | UNIT | 10         |       |
| 94  | DATE | 16.11.2011 | 12-01 |
| 95  | QTY  | 10         |       |
| 96  | UNIT | 10         |       |
| 97  | DATE | 16.11.2011 | 12-01 |
| 98  | QTY  | 10         |       |
| 99  | UNIT | 10         |       |
| 100 | DATE | 16.11.2011 | 12-01 |





# Memorandum

To Local Review Body

From Regulatory Services Manager

Your ref 17/01337/FLL

Our ref LRE

Date 14 February 2018

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission PK17/01337/FLL RE: Erection of stable buildings (in Retrospect) Dollar Equestrian Blairingone Dollar**

I refer to your email dated 7 February 2018 in connection with the above application and have the following comments to make.

### **Environmental Health Comments**

#### **Noise**

The applicant has submitted an email from noise consultant Charlie Fleming Associates dated 19 October 2017, in which he states that:

*"I see no need whatsoever to carry out a noise impact assessment of the sound that might emanate from stables."*

I agree with the consultant in this instance that it is not necessary for a noise impact assessment for four stables which are for private use and are within a rural area.

The consultant is right in saying that the noise concerns are not necessarily from the horses per say, but from the activities associated with an establishment; such as the movement of horse vehicles on and off site, deliveries of feedstock, cleaning out of stables and removal of waste. The aforementioned concerns are more pertinent when the establishment is a commercial equine establishment.

As this application is not for commercial use it is my contention that the noise generated from the aforementioned activities would be of a lesser degree and frequency.

#### **Odour**

The applicant has submitted a Manure Plan which was a recommendation by Environmental Health in memorandum dated 29 August 2017 for the submission of a waste management plan.

The Manure Plan dated November 2017 was prepared by SAC Consulting, Farm Business Services and I have the following comments to make.

The plan states on page 351 under the heading *Storage and Removal* that:

*"There is an agreement with a local farmer to remove the muck heap weekly."*

However on page 353 under the heading *Land Available for Spreading of Slurry, FYM and Silage Effluent* that:

*“ The business owns 27 ha of land before development. As already stated the business does not lie within the NVZ area. Assuming the 70 tons of manure were spread in one application at 50 tons/ha the business would need 1.5 ha of land. In reality the manure would be spread over a bigger area at a lower rate, however the calculation shows that Dollar Equestrain has enough land to dispose of the manure it produces.”*

The above therefore requires clarification with regards to the intentions of the applicant to spread the manure on land owned by the applicant or as previously stated in document removed by a second party (local farmer). Or it could be that the farmer is removing the manure to spread on his own land or contracted to spread on the applicants land; this should be clearly stated in the plan.

The plan submitted even for a small establishment in my opinion is lacking in substance, a waste management plan should give clear guidelines on the procedures to be carried out with regards to best practise for management of manure and other wastes, (urine build –up in stalls can also cause odour), on the site which have the potential to cause odour nuisance conditions.

The plan should state a programme for the cleaning of the intensive horsekeeping areas such as the stables, small yards, any paddocks and any exercise areas (once a day or once a week).

Detail such as:

- Manure should be collected daily and not allowed to accumulate in stalls and yards
- Collected manure should be stored in a dry area straight away
- Manure stored before removal off site should be covered to prevent fly breeding, runoff and discharge to the ground
- Removal and replacing bedding

If the applicant intends to spread manure on their own land I would expect further details on the procedures such as examples below:

- Composting of manure before spreading over paddocks to ensure it is stabilised
- Spreading of manure evenly over paddocks to help reduce odours, fly problems and adverse impacts on water resources
- If manure is to be spread over paddocks this should be mainly carried out during summer months (when rainfall is low)
- Avoid spreading manure over paddocks during wet months and low-lying areas prone to waterlogging as this will increase the risk of nutrient leaching
- Avoid spreading manure late in the day as this might increase odours (instead spread late in the morning)
- Avoid spreading manure on very hot days as this might increase odours
- Avoid spreading manure within 10 metres of waterlogged areas or watercourses
- Manure in paddock areas should be harrowed and spread out frequently to prevent accumulation of manure in piles.

The applicant could also have made reference to a code of good practice such as the PEPFAA - Prevention of Environmental Pollution from Agricultural Activity (2005)

The plan should have more detail with regards to storage on site such as:

- The proposed location of the manure storage areas will be located ...
- Ensure all surface water is diverted from the manure storage area
- The storage area is covered to ensure that the collected manure is kept dry and inhibits the breeding of flies and helps to control their numbers.
- The storage area is located away from residences.
- The storage area should not be sited within 10m of a field drain or within 50m of a well, spring or borehole.

Therefore it is my contention that the Waste Management Plan needs to be more comprehensive with regards to the cleaning/ storage and removal/spreading of manure procedures, with given timescales for each procedure.



R T HUTTON

PLANNING CONSULTANT

The Malt Kiln  
2 Factors Brae  
Limekilns  
Fife KY11 3HG  
01383 872000  
07881097659

[hutton874@btinternet.com](mailto:hutton874@btinternet.com)

Our ref: 11/17/RTH

Your ref: TCP/11/16(501)

Gillian Taylor,  
Clerk to the Local Review Body,  
2 High Street,  
Perth.  
5<sup>th</sup> March 2018.

Dear Ms Taylor,

**Application for review: 17/01337/FLL Erection of stable buildings ( in retrospect) at Dollar Equestrian, Blairingone.**

I thank you for your letter of 19<sup>th</sup> February and the views of your planning and environmental colleagues on the additional information we submitted in connection with the above. There were three matters on which the Review Body wished to have comments from the Council's Environment Service, and these are; the potential noise problem, the changes to the approved landscape plan and the manure plan. We have detailed below our comments on the information submitted by the Development Quality Manager on all three matters.

**The potential noise problem.**

Whilst this was identified as an issue and referred to in the first reason for refusal, following consideration of the views submitted from the applicants' acoustic consultant it seems that the views of Environmental Health have now changed. They now state that, because the stables are not to be used on a commercial basis, those activities which could give rise to noise would be of a lesser degree, and they appear to, accept that noise is not an issue.

**The revised landscape plan.**

When planning permission was granted for the commercial equestrian business, a landscape plan was approved at that time which covered the land around the site. This included the area around where the timber stables are located. A revised proposal was submitted with this application for review, which proposed some additional tree planting to the north east of the stables because it is considered that this is where any new planting would be most effective in screening the stable buildings.

Unfortunately, the Development Quality Manager simply comments that the stables intrude into an area previously identified for tree planting, and gives no view on the revised landscape plan, as was requested by the Review Body. This is regrettable because there are two specific points which the applicants wish to make in connection with the landscaping which the applicants wish to highlight to the Review Body.

Firstly, we would point out that the landscape plan was produced before any work in connection with the equestrian centre was started and does not accurately reflect the actual situation on the ground. The stables are not located as indicated on blue on the plan marked by the planning officer, and do not sit within the area identified for tree planting, and this will be obvious when members of the Review Body visit the site and can be seen on the Ordnance Survey plan submitted with this letter. The approved landscape planting could therefore be carried out with the stables in their present location.

However, in a discussion on the landscaping, the applicant was advised by the Council's planning enforcement officer that the landscaping he has carried out has been done to a high standard. He was also advised that because of planting carried out by his neighbour to the west, there would be no need to plant trees as proposed in the revised landscape plan as the stables were well screened from this direction.

As noted above, it is unfortunate that the planning officer did not seek to address the landscape situation as now exists on the ground and reiterate advice previously given informally to the applicant. Had this been done the question of landscaping could have been resolved, and members of the Review Body advised that it is not a matter of concern in this application for review.

#### **The potential odour issue.**

The final issue relates to the manure plan produced by SAC Consulting. This has retrospectively (not at the planning application stage) drawn criticism from Environmental Health on the grounds that there is lack of clarity and some detail is missing. We would first like to point out the similarity with this Service's view on the noise issue, where they changed their mind when the scale of the operation was taken into account. The 4 horse stables proposed in this application pales in significance when compared with the large equestrian business stabling 24 horses, which is much closer to the house which Environmental Health are seeking to protect.

However, the applicants have taken on board the specific criticisms made of the manure plan and have gone back to the SAC, the authors of the plan. A revised plan is now submitted as a document, and this addresses all of the issues identified as lacking clarity or detail. On the basis of this revised plan we trust that the concerns over a potential odour problem can now be set aside.

#### **Conclusion.**

The case made for refusal of this application shows a significant change in the views of planning officers from the position they adopted to the earlier application for the erection of the stables when they were seen as appropriate and not visually intrusive. It also shows a great inconsistency given the number of timber stables in this area and throughout rural Perth and Kinross, with and without planning permission (as stated in the representation from Jan and Graham Pye dated 22/11.2017). The plans submitted by Council planners in response to this application for review confuse matters further, as the scale of the stables is greatly exaggerated and other features are incorrectly located. Specifically, the position of the equestrian centre is wrong; the garage site has been moved and the new house is attached to this garage structure. These errors are clearly shown when comparing the now submitted OS plan with that



submitted by planning officers. The critical point with regard to all of this inaccurate information is that the landscape planting approved as part of the original equestrian planning application can be carried out as approved with the timber stables located as at present.

Therefore, had a consistent approach been maintained with regard to these stables, and had plans and the situation on the ground been correctly interpreted, there really is no case for refusal of this application. We ask that the Review Body accept this and approve this application for review.

Yours sincerely,

A black rectangular box redacting the signature of R T Hutton.

R T Hutton BSc(Hons) MRTPI



# EQUESTIAN CENTRE, DOLLAR



Ordnance Survey © Crown Copyright 2018. All rights reserved.  
License number 100022432. Plotting Scale - 1:2000

FIRST SCOTTISH GROUP  
St Davids Drive, Dalgety Bay, KY11 9NB  
Tel: 01383 826777



First Scottish  
[www.firstscottish.com](http://www.firstscottish.com)



# **Manure Management Plan**

**For**

## **Dollar Equestrian Limited**

Report prepared by:

James Buchanan

Farm Business Services  
SAC Consulting  
Sandpiper House  
Ruthvenfield Road  
Inveralmond Industrial Estate  
Perth  
PH1 3EE

Tel: 01738 636611

Email: [James.Buchanan@sac.co.uk](mailto:James.Buchanan@sac.co.uk)

Updated: February 2018

*This report has been prepared exclusively for the use of Dollar Equestrian Ltd on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if they do, then they rely upon it at their own risk. No responsibility is accepted for any interpretation which may be made of the contents of the report.*

## **Table of Contents**

1. Waste Management Plan - production, handling and storage
2. Quantities of slurry, FYM and silage effluent produced
3. Land available for spreading of slurry, FYM and silage effluent
4. Odour complaint form

*This is an update to the original Manure Management Plan, following feedback from Environmental Services to ref: PK17/01337/FLL*

## 1. Waste Management Plan

### The nature of odours

This site is very small in scale and the quantities of manure produced minor (see Table 1) but the housing of animals and land spreading of manure does have the potential to be sources of odour. Careful management of these aspects of the operation will help to reduce odours. A high standard of cleanliness and best practice will be maintained on site to ensure any potential impact is minimised and manure managed accordingly.

### Soiled bedding from stables

Bedding is either straw or propriety wood shavings, specifically produced for horses with no plans to change these. Rubber matting will be in place to help minimise bedding usage and as a result also minimise waste. Both types of bedding are biodegradable and suitable for muck spreading after a period of time.

All spreading will be undertaken in compliance with the Prevention of Environmental Pollution from Agricultural Activity (2005) (PEPFAA code) and in accordance with agricultural best practice.

### Storage and removal

An area to the rear of the stables has been cut out of the bank to act as a **temporary** muck heap. This is three sided and although open to the top and front, will help to minimise odour. The top of the heap can be covered to minimise rainfall and exposure to hot sun.

Stables will be mucked out daily to ensure that it is not allowed to accumulate, as is common practice, and removed to the **temporary** storage area to minimise any potential odour issues arising from the stalls themselves. There is an agreement with a local farmer to empty the muck heap weekly and remove from site. Removing the manure weekly will also disrupt the fly breeding cycle, and therefore eliminates this potential nuisance.

The storage area is out with 10 m of any watercourse. Any potential seepage, although minimal as a result of the relatively dry content of the manure, will be contained and will not be allowed to enter nearby drains or watercourses.

All storage and removal will be undertaken in compliance with Section 4 of the PEPFAA code and in accordance with agricultural best practice.



## 2. Quantities of Slurry, FYM and Silage effluent currently produced

The low number of horses housed within the stables ensures that the quantity of manure produced is very low. Dollar Equestrian does not lie within a NVZ area and standard figures used in the NVZ plan have been used to calculate the amount of FYM produced. All manure is collected as FYM. All winter feed is hay, therefore no effluent is produced. Proposed Numbers are shown in Table 1 below:

**Table 1 - FYM Production Calculator, current system**

| Type of livestock | Number<br>(Head) | Body weight<br>(kg) | Days Occupancy | Daily Excreta Production<br>(Tonnes) | Actual Production<br>(Tonnes) | Straw T/ild/6 Months<br>(Tonnes) | Straw Total<br>(Tonnes) | Total Estimated FYM<br>(Tonnes) |
|-------------------|------------------|---------------------|----------------|--------------------------------------|-------------------------------|----------------------------------|-------------------------|---------------------------------|
| Horses            | 5                | 500                 | 365            | 0.03                                 | 54.75                         | 1.5                              | 15.0                    | 70                              |
| Calf              | 0                | 100                 | 0              | 0.0008                               | 0                             | 0.5                              | 0                       | 0                               |
| Finishing Cattle  | 0                | 400                 | 330            | 0.019                                | 0                             | 1                                | 0                       | 0                               |
| Total             |                  |                     |                |                                      |                               |                                  | 15.0                    | 70                              |

### **3. Land available for spreading of slurry, FYM and silage effluent**

As mentioned previously, a local farmer is contracted to remove manure on a weekly basis. This is incorporated into the second party farmers manure plan and spread on land elsewhere, according to crop requirements. The procedures used for spreading of manure will be in full compliance with those listed in Section 4 of the PEPFAA code, in particular section 4.100 and 4.101 to minimise impact on nearby dwellings and sensitive receptors. Composting of manure prior to spreading will not be undertaken as this liberates significant quantities of ammonia to the atmosphere, which should be avoided.

All manure is removed from site on a weekly basis. None of the manure is spread to land owned by Dollar Equestrian Ltd, which is used solely for grazing. As a backup option, should the agreement with a second party fail to exist, the business (Dollar Equestrian Ltd) could utilise the land it owns; 27 ha of land before development. As already stated the business does not lie within a NVZ area. Assuming the 70 tonnes of manure (Table 1) were spread in one application at 50 tonnes/ha the business would require 1.5 ha of land. In reality the manure would be spread over a bigger area at a lower rate, however the calculation shows that if ever required, Dollar Equestrian has enough land to dispose of the manure it produces.

#### 4. Odour Complaint Form

It is not anticipated there will be odour complaints as a result of the activities undertaken on this site, however any complaints will be recorded using the form below and records kept on site.

| Odour Complaint Report Form                                                   |                       |
|-------------------------------------------------------------------------------|-----------------------|
| <b>Dollar Equestrian</b>                                                      | <b>Date recorded:</b> |
| Name and address of caller:                                                   |                       |
| Tel no. of caller:                                                            |                       |
| Location of caller in relation to Dollar Equestrian or manure spreading site: |                       |
| Time and date of complaint:                                                   |                       |
| Date, time and duration of odour:                                             |                       |
| Callers description of odour, e.g. strong/weak, continuous, fluctuating:      |                       |
| Has the caller any other comments about the odour?                            |                       |
| Weather conditions:                                                           |                       |
| Wind strength and direction:                                                  |                       |
| Any other complaints relating to the odour?                                   |                       |
| Any other relevant information:                                               |                       |
| Potential odour sources at the time of complaint:                             |                       |
| Operating conditions and production stage at the time of complaint:           |                       |
| <b>Follow up:</b><br>Date and time caller contacted:                          |                       |
| Action taken:                                                                 |                       |
| Amendments required to management plan:                                       |                       |
| Form completed by:                                                            | Signed:               |

**TCP/11/16(509) – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 583-636***)
- (b) Decision Notice (***Pages 639-640***)
  - Report of Handling (***Pages 641-656***)
  - Reference Documents (***Pages 657-670***)
- (c) Representations (***Pages 671-686***)



**TCP/11/16(509) – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name KAREN LAMER & J MALCOLM

Address WESTMILL BATHY  
AUCHTERARDER

Postcode PH13 1DP

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name ARCHITECTO

Address 43 ARGYLL ST.  
DUNOON

Postcode PA23 7HG

Contact Telephone 1 01369 701 988

Contact Telephone 2

Fax No

E-mail\* contact@architeco.co.uk

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

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

Yes ☒ No ☐

Planning authority

PETH & KINROSS

Planning authority's application reference number

17/01524/FU

Site address

LAND AT UPPER CLON, AUCHTERARDER  
N-711807 E-296616

Description of proposed  
development

ERECTION OF ZERO CARBON DWELLING &  
ASSOCIATED SMALL HOLDING FOR  
SUSTAINABLE LIVING.

Date of application

01/09/17

Date of decision (if any)

19/10/17

**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:

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

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

**Statement**

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

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

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

PLEASE SEE ATTACHED APPEAL 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.

APPEAL STATEMENT & APPENDICES AS ATTACHED.

**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:

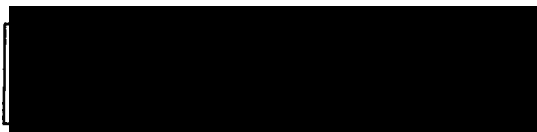
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**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

19/12/17

## **K Laver & D Malcolm, Land at Upper Cloan – 1271**

### **Proposed Zero Carbon Dwelling & Associated Land Management Proposal**

**Planning Application Number: 17/01524/FLL**

#### **Appeal Statement - 19/12/17**

The Local Review Body is requested to consider this application and approve it in for the following 3 reasons each of which are expanded below:

1 - the Report of Handling does not accurately reflect the submitted application which was for a sustainable eco house **and** associated small holding to be run on sustainable grounds: it merely describes it as a 'dwelling house and outbuilding', which clearly does not reflected the intended proposal, particularly in the context of the Housing in the Countryside policy.

2 - the Report of Handling does not fairly assess the application against Part 3.5 of the Council's policy on Housing in the Countryside which gives encouragement to 'pilot projects for eco houses for which a countryside location is necessary' and discriminated against this proposal in contrast to others which have been enthusiastically approved.

3 - the refusal notice attempts to argue that the proposal would have a detrimental impact on the Ochils Special Landscape Area without reasonably making that case and, in particular, in misreading the Tayside Landscape Character Assessment.

#### 1 Nature of the proposal

The proposal as expressed in the planning application is for 'a new zero carbon dwelling and associated smallholding for sustainable living following the principles of permaculture' the accompanying report 'Permaculture Briefing Document' (appendix 1) and Proposed Site Plan (appendix 2) indicate how the smallholding will be laid out and how the eco house will function in the context of this smallholding. In registering the application only as 'the erection of a dwelling house and outbuilding' it is clear that this error has impacted on how the application has been considered since the appraisal does not consider sufficiently the linkages between the house and the operation of the land.

#### 2 Housing in the Countryside Policy

The Report of Handling and the Refusal Notice claim that the proposal is contrary to the Local Development Plan Housing in the Countryside Policy (RD3) and the associated Supplementary Guidance. It is submitted in fact that the proposal does completely comply with Para 3.5 '*Pilot projects creating eco-friendly houses: Such proposals may be supported where a rural setting is required and the project is linked to the management of land or use of land for sustainable living.*' We argue that the proposal is entirely within the letter and spirit of this part of the policy.

Our accompanying planning statement shows that a very similar house and small holding was given consent at Croftness, Aberfeldy in 2014 (13/01386/FLL) (appendix 3 is the Report of Handling for the Croftness Approval). This was an application by the same



Agent and was designed to similar principles. This was enthusiastically supported by the planner officer who gave it consent under delegated powers noting: *It is considered that the Design Statement which includes the detailed house design principles and land management plan and modelling comprises a satisfactory, comprehensive and recognised approach in achieving sustainable living through the adoption and implementation of permaculture principles and is considered to be in accordance with the Council's Housing in the Countryside Guide 2012. The proposal is also generally in accordance with National Planning Policy which encourages sustainable development and renewable energy production.*

The current Report of Handling does concede that precedent is a material consideration but the officer tries to distance the two applications by arguing, firstly, that the passage of time and that housing expectations have developed in the last three years having implications for the pilot project criteria; and, secondly, that the location of the two houses differs in that the Croftness house is within walking distance to a settlement.

Addressing these two points:

Firstly '*implications for the pilot project criteria*' regarding the passing of time are not specified. The Report of Handling stating that technology has advanced over the years between these application, however, the agent has seen little advancement in mainstream building design, with technological advancements being restricted to battery technology. Despite this little advancement in building design, the agent has moved on since planning was granted for the first application, developing and detailing the SIP system to be the most advanced and energy efficient to date. It should be made quite clear that there is no definition of SIP and the construction proposed at this site is extremely advanced.

Secondly, following guidance from Sustrans report, Active Travel, Active Scotland, the Application site is also within walking distance to a settlement, as noted in our application. Furthermore, the Croftness house is in a very sensitive location adjacent to the Birks and highly prominent from across the Tay valley. The 'eco-house' part of the Housing in the Countryside Policy requires the house to be in a 'rural location' for the land management aspects so the Cloan application should not be criticised for being in such a location.

The lack of clarity on the first point, and the incorrectness of the second point, highlights that the precedence should, in fact, have been a material consideration.

The Planning Officers argue that the house and its operation are not groundbreaking enough, nor constitute a pilot project, yet do not advise what would make it acceptable. It is also significant that the Council has never issued any guidance on what constitutes a 'pilot eco house' and officers have been too quick to dismiss this one. They have had to resort to Wikipedia for their definition of 'pilot project', rather than something more profound. It should be noted that this particular aspect of the policy has been in the Housing in the Countryside Policy for many years and in renewing the Policy in 2014 the Council chose to keep this aspect of it. The Report of Handling therefore implies that the period for such pilot projects is over, but that in itself is a change of policy which the Council should take a decision on the next time the policy is reviewed, rather than Officers making policy changes 'on the hoof'.

We submit that the house is to be 'passive', at the cutting edge of sustainability and associated with its own highly sustainable and creative small holding. The house design is the culmination of four years of research and development and, although the proposal is for a SIP house (which the officer notes as common), the detailing of the house is so advanced that there are no thermal bridges within the SIP kit. This has required extensive thermal modelling, looking at every junction, in order to achieve this – this, in itself, is pioneering, required the use of cutting edge software, and took a substantial amount of research, development and testing. The details developed for this house have not been used elsewhere, as yet, but will inform future house designs.

Part of this pioneering proposal is the use of coppicing for wood gasification for the energy production of the house. This only merits a brief note in the Report of Handling but is very pertinent to the pilot project criteria. Wood gasification for heat and electricity on a domestic scale is relatively untested and is, in fact, extremely rare in the UK. The use of this plant requires the 'outbuilding' noted in the application. With a lack of appropriate information on performance, we have no idea of how successful this will be and is directly appropriate for a pilot project. Post Occupancy Evaluation of the energy production will provide an excellent resource for evaluating the efficiency of this system, as well as the suitability for wood gasification plants for dwellings. If successful, this will be taken forward and specified for future projects where suitable woodlands exist for coppicing, thereby expanding the use of zero carbon technology along with providing an excellent mechanism for woodland management. This also reinforces the requirement for a rural location.

Officers are also critical of the sustainable rural living aspects of the proposal, based on the principles of permaculture, as being too vague. Permaculture, in its very nature, is taken over a long period of time. The land needs careful observation over at least four seasons, with every detail noted, to see what naturally grows and works. This information is then developed into a site specific strategy. By noting the briefing document as 'vague' in the Report of Handling misses the whole idea behind permaculture. It is not land management by force but uses a holistic approach to enhance the existing eco-system to provide sustenance. We cannot dictate how the permaculture scheme will look as this is a site specific system of land management developed over years of following permaculture principles.

There is no greater sustainable way of living than Permaculture, derived from the term Permanent Agriculture. The briefing document provides the basis for land management and the energy solution is site specific due to the on-site resources of the woodland. This proposal illustrates how sustainable living can be accomplished at this site.

These same principles were proposed at the Croftness house and there Officers welcomed the proposal without hesitation. In any event, details of land management and cropping etc go beyond the limits of planning control and the application gives enough detail for the LRB to understand what the land management regime will be. The two aspects of the proposal need to be read together, as at the Croftness house.

Interestingly, a second pilot eco house approved under this part of the policy at Chapelhill, Trinity Gask by Committee in 2013 (12/01283/FLL) gave no information at all about rural land management other than that it was a smallholding. Why is this the application of this part of the policy being assessed so diversely by the Council?



Looking at a specific from the Report of Handling, the suitability of the water feature is raised, however, this has been specifically addressed in the Design Statement and appears to have been overlooked by the Planning Officer, as has the information relating to the polytunnel. This has been a result of the Planning Officer copying much of the Report of Handling from the previous application's Report of Handling and, in our opinion, this illustrates that this application has not been given the due consideration it deserves, with many of the arguments for refusal in the original application being addressed but not taken into consideration.

Officers' argument that the passage of time means that such a house and application is no longer radical or a pilot project cannot be supported. The Report of Handling makes reference to the Sullivan Report - 'A Low Carbon Building Standards Strategy for Scotland' and its aspirations to make all Scottish houses sustainable by 2016-7. However, this report dates from 2007 and the supplementary Sullivan report of 2013 (which the Report of Handling does not mention) accepts that these targets have not been achieved and this target and that of the Scottish Government Building Standards will be many years in the future. The Report of Handling has therefore misrepresented this issue and Scotland and Perth and Kinross are still needing pilot projects to help educate the wider public about sustainable housing. As we understand it, very few zero-carbon or passive houses have been erected in Perth and Kinross to date and therefore there is still a need for exemplary developments of this type since the Council is quite rightly committed to encouraging them through its policy on eco houses. This is the second application by Architeco in Perth and Kinross - the former being the Croftness application - and this practice is committed to trialling 'eco houses which don't look like earth ships' and has offered to share this experience with the Council. This is in the spirit of the Council's Sustainable Design and Zero Carbon Development Supplementary Guidance 2014, which, for some reason the Report of Handling does not make reference to.

With the Report of Handling including a statement referring to potential legislation for 2030, and then stating that even if this application had met the future criteria that it would still not be sufficiently ground-breaking, highlights the resistance to proper consideration of approval under this Para 3.5 of the Policy.

Officers also consider that there is no mechanism for ensuring that the house and grounds are managed in a sustainable way. The applicant would have no objections to conditions reflecting these aspirations, but as a 'passive house' in practice it can only operate in such a way. They also make reference to it being connected to the grid, but this is necessary to allow the export of surplus energy. It should be noted that the planning officer who dealt with the Aberfeldy application felt it unnecessary to raise this issue at Croftness, so why is it an issue in this case?

Officers also raise concern about detailed siting issues associated with the siting criteria contained in the Housing in the Countryside Policy. As they concede, the house will be sited against a backdrop of trees which will soften its impact in longer views (there are no near at hand public views of the site). In their wider appraisal of the impact of the proposal they express concern about the effectiveness of the boundary treatment of the wider field. Unfortunately, they have confused the siting criteria between that required for a single house with the boundaries associated with the wider small holding, which do not need to have the same firm boundaries, although in practice the wider sites edges are well defined by being enclosed by trees and a stream.

### 3. Landscape Impact

The third reason for refusal relates to impact on landscape. The Report of Handling makes reference firstly to the Tayside Landscape Character Assessment. The site lies within the category of Igneous Hills - Ochils. The Report of Handling makes particular mention that: 'in the TLCA it is noted that there are a few areas that allow arable cultivation to take place but the TLCA considers that reversion to grassland should be encouraged in some of these areas. In this case the change of the application site from grazing to permaculture use would conflict with the landscape character type.' Whilst that may be true of the Ochils in general, the Report of Handling fails to note that on page 181-2 specific mention is made, in contrast to the above generality about grazing, the impact of the Gleneagles Estate has on the maintenance of the agricultural landscape and this site lies within this Estate. This means that this area is characterised by quite intensive agriculture, with associated estate and agricultural buildings and in this context a new small holding with associated house is quite appropriate.

It is surprising that the Report of Handling does not make reference to the Council's more recent Landscape Supplementary Guidance 2015 adopted to support LDP Policy ER6. This Guidance, which is much more up to date than the TLCA, identifies the Ochils as an Special Landscape Area, significantly, the Forces of Change identified within the Ochils are to do with forestry and tall structures rather than rural housing. There is nothing in this guidance which would argue for refusal of this application and no detailed justification is given to the claim this proposal would impact on the nature of the landscape of the Ochils. In addition to the above, with the site already accommodating a mobile communications mast, the impact of a dwelling and associated land management scheme is negligible. Reference is also made to Placemaking policies PM1A and B in the refusal notice but the justification for the refusal is not well articulated. In particular, reference to PM1B is not very relevant since this policy is surely about urban as opposed to rural placemaking.

### Summary

Through its LDP policies and Supplementary Guidance on Housing in the Countryside and Sustainable Development and Zero Carbon Development the Council clearly wishes to support the development of eco houses combined with sustainable rural living. The application in front of you is an exemplar of this approach and very similar to the one approved under delegated powers 3 years ago which received warm support from planning officers. There are no technical nor policy issues against this development in this location and it is submitted that this innovative proposal should not only be approved, but positively welcomed by Members, despite the misgivings of Officers.

## **Appendix**

**(Page 6)**

**1 – Permaculture Briefing Document**

**Pages 7 - 38**

**2 – Site Plan as Proposed**

**Page 39**

**3 – Croftness Report of Handling**

**Page 40 - 46**

---

## Briefing Document

---

*Project:* Proposed Dwelling and permaculture garden, Auchterarder.

*Client:* Karen Laver & David Malcolm

*Reference number:* 1271

*Date:* 31 August 2017

---

*Note: Permaculture is an on-going learning and adaptation to the natural world. Certain strategies implemented may require observation, review and continued development.*

- 1 Table of Contents**
- 2 Project Overview**
- 3 Permaculture Principles**
- 4 Local Trade and Support**
- 5 Zone and design Strategy**
- 6 Drainage & Pond Design**
- 7 Access**
- 8 Planting Strategy**
- 9 Year Round Food**
- 10 Crop Requirements**
- 11 Livestock**
- 12 Energy Usage and production**
- 13 Silviculture/Coppicing**
- 14 Water management and harvesting**
- 15 Conclusion & Summary**
- 16 Bibliography**



## 2 Project Overview

This proposal is for a new zero carbon dwelling located near Auchterarder as part of a sustainable living proposal. The strategy to achieve this is by the design & construction of a low energy passivhaus, located within a land management area, using permaculture techniques. It looks like a "normal" house. This hides the extensive energy modeling and site-specific optimization that has been carried out. Our goal as architects is mainstream zero carbon homes.

The site lies 1.5km south of the A9 Motorway and 300m East of Nether Cloan. Access to the site is via an existing track opposite Cloan House.

The plot is well defined by woodland to three and a half sides, with a line of mature trees and a stream where there is no woodland. An existing Telecommunication Mast is located in the South corner of the site at the highest point.



The proposal, besides from the dwelling, extends to a land management scheme, following the principles of permaculture, for sustainable living.

There is an existing stable, which will be kept to house the livestock and horse's to work within the permaculture design. Positioned close to the access road is ideal for maintenance by the family. It is directly connected to a grazing area ensuring the animals have ample space and security. Hot composting could be set up to allow heating for the stables.



The site has an existing small rubble wall; it is desirable that it be reinstated. This will define a strong boundary to the site and create a pleasing aesthetic to the proposal. Using traditional dry stonewall techniques further tying the proposal to the site.

This will be annotated on the site plan for reference. We are proposing to locate the house down hill from the existing telecommunication mast (previously approved planning application with reference number: 05/00545/TD). The mast had been previously discussed as coming down. This is why we have updated the house location from our previous application ref No: (17/00329/FLL) The mast is now being proposed to stay where it is.



## **House Design:**

The dwelling has three bedrooms; one on the ground floor and two on the first floor. A full height space for dining and kitchen and a sunroom facing Northwest overlooking the full plot. The house has been designed as a co-generational home with the ground floor bedroom for an elderly relative.

## **Passive House Standard:**

The building uses sympathetic design and materials and it will be super- insulated to Passivhaus standards, including high performance, triple glazed doors and windows.

An extremely high level of air tightness is aimed for. A heat recovery ventilation system will be installed. The house will have coppicing rights to the adjacent woodland, which will provide all of the required heating and hot water energy.

## **Heat Load = 4.5kW:**

Preliminary energy modeling indicates that the design could have a heat load of just 4.5kW. This ensures the coppice will be able to fully meet the requirements for hot water and heating demands.

## **Zero Carbon:**

Further to this the house will be zero carbon as it is proposed that the electricity and heating will all be produced via the coppiced woodland through the wood gasifier and solar panels.

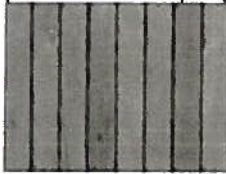
## **Working the Land:**



The design is storey and a half, with the house positioned to run parallel with the contours. The topography rises to the Southeast of the site, ensuring the new building will not break the skyline. Siting the house to the South of the site allows this elevated position to provide good surveillance over the remaining site to allow monitoring of livestock, other animals, and food vegetation.

## Materials:

In keeping with the sustainable living, a simple palette of materials is proposed. Walls will be finished in render to the gables, with timber cladding to the North & South elevations. The roof proposal is for profile metal sheet to be in keeping with the rural context. This material has a high-recycled content and is fully recyclable at the end of its life. Windows require to be high performance triple glazed for energy efficiency and internal comfort.



(Images are indicative of material palate.)

## 3 Permaculture Principles

"Permaculture is about creating sustainable human habitats by following natural patterns." It derives its name from "PERMANent agriCULTURE"

In this case we are designing a full plot, which can continuously, all year round provide for the inhabitants, without reliance on external factors. Everything the family of three will need for food shall be provided for. The surplus product can be used to support other avenues within the plot such as rare breed animals, chickens and sale of produce to local outlets. There are potential local outlets such as:

**Auchterarder**- Corbie & Cheip, Café Kisa, Jon & Fernandas Restaurant.

**Crleff (20mins drive)** - J, L Gill Greengrocer, The Handy Shop fresh fruit & veg and Crieff and Strathearn Country Markets.

One way of seeing permaculture is as a DESIGN SYSTEM, of looking at how elements are placed in relation to each other in order to maximize their efficiency in creating a self-sustaining, low input/high output, non exploiting whole.

This is not only beneficial for inhabitants but ensures a balanced ecosystem where every animal, insect and plant can benefit from each other within a loop cycle.

This will also involve fully understanding the disadvantages and benefits of each aspect of the garden and finding systems to work in place of energy intensive continual maintenance.

## 4 Local Trade and Support

Supporting the local community and industry wherever possible is important for the integration of the design.



The decision to use Structural Insulated Panels (SIPs) construction was thoroughly thought through. Using local knowledge and skill is an important consideration within permaculture principles and linking this to all aspects of this project is desirable.

Looking at the construction industry and local trades within the area, JML Contracts based in Auchterarder, Perthshire offer the perfect mix of locality, energy efficient construction and sustainable materials. SIPs are manufactured and processed under factory controlled conditions and can be fabricated to minimize waste for even complex designs.

The polyurethane (PUR) core of insulation in Structural Insulated Panels is CFC/HCFC-free with zero Ozone Depletion Potential and has a low Global Warming Potential (GWP). The outer skins of SIPs panels are manufactured from Orientated Strand Board (OSB). This is made from young fast growing trees, which are deliberately grown in plantations accredited by the Forest Stewardship Council (FSC). Young trees produce oxygen and remove more carbon dioxide from our atmosphere than mature trees and are renewable, recyclable, biodegradable and non-toxic. Unparalleled thermal efficiency combined with high build-speed and low site wastage makes SIPs a very cost effective, and sustainable way of achieving up to passive house standards.

## 5 Zone and design Strategy

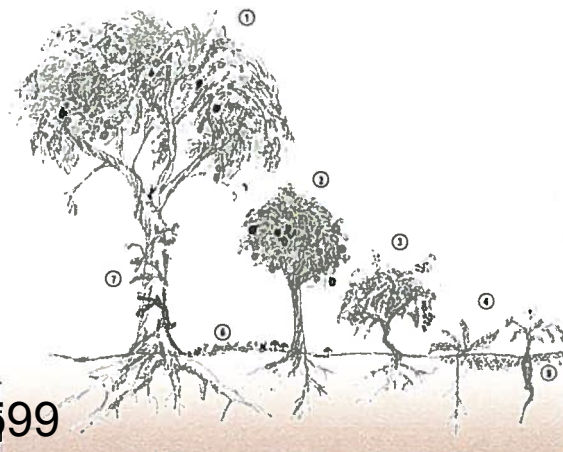
The plot has been divided into zones for organizing the use and requirements of each. Zones closer to the house will be those which require frequent upkeep and observation while those further will be less intensive and frequented less.

Zone 0: The house itself and immediate exterior. The principles that can be observed here have more to do with conservation of heating, energy and water. As we have proposed a highly insulated and airtight design with an estimated heat load of just 4.5kW, it can be seen that a lot can be designed into the fabric itself. The decision to use a wood gasifier to supply the heating, energy and hot water to the property means that the coppiced woodland can support the house and its inhabitant's energy needs. This supplemented with solar panels on the south roof elevation will dramatically reduce the reliance of power from the grid connection, further creating a fully sustaining plot.

With the addition of grey water harvesting feeding into the pond through a filtration system and reed bed, rain water collection from the roof for the plant watering, there will be little input needed from the mains connection for garden maintenance.

Zone1: This zone surrounds the house and will predominantly be planted with herbs and other short growing plants and flowers. Crops such as strawberry or raspberry's can be grown within this area. If a greenhouse is desired it is best suited to being close to the house for maintenance, attention to the surrounding context is important for the placement of a greenhouse as it will require good sunlight.

Zone2: Perennial plants will typically be planted here and if interested would be an ideal spot for placing bee hives, a Polly-tunnel and large compost bins as it is within a central spot with good access to both zone 1, 2 and 3. Current bushes and orchard trees are ideal to be planted here. These should be planted with companion plants, which will help the soil to be maintained yearly and reduce the potential of soil degradation. It would be a good idea to include the seven layers of planting:



Canopy: large fruit & nut trees

Low tree layer: dwarf fruit trees

Shrub layer: currents & berry bushes

Herbaceous: comfrey, beets, herbs

Rhizosphere: root vegetables

Ground cover: strawberry's etc

Vertical layer: climbers & vines

(Modified from: Quercusrobur at the English language Wikipedia, CC BY-SA 3.0,  
<https://commons.wikimedia.org/w/index.php?curid=5965942>)

Crop beds will also be placed here for longer growing fruit and vegetables. A 3-year crop cycle is suggested for this area, which will be based on a three-plot rotation. It is suggested to split the site into 8 plots keeping two asides for specialist planting and have two groups of three. The first year Plot 1- Brassicas, Plot 2- Legumes and salad crops and Plot 3- Root vegetables. Mulching will be the main care and maintenance proposed.

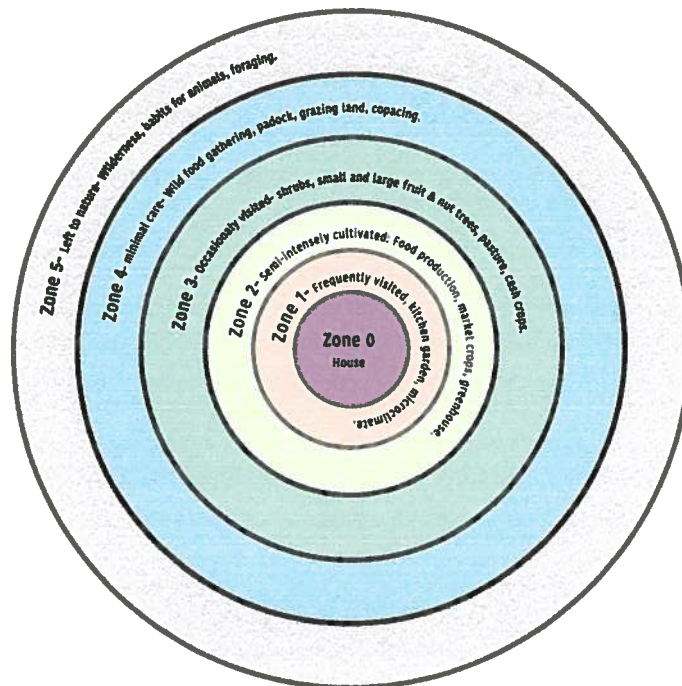
Zone3: Main crops will be planted here. As the area provided will be more than enough to produce crops for a family of three. The surplus can be used for trade purposes. This area will be diverse with a variety of grains, fruit or vegetables again planted with companion plants to aid the maintenance of soil year on year.

There is a paddock located next to the growing area, which would be ideal for chickens. If they are to be kept a chicken tractor can be used to aid the soils maintenance, and keep unwanted pests at bay.

Zone4: This area is to be very low maintenance. It includes a large grazing area for the possibility of horses or other rare breed animals. This includes the bio-diverse pond to encourage a range of animals and insects to inhabit the space. This along with the existing stream will also provide an area for the animals to drink without requiring constant maintenance from the family.

A section of the woodland here will be used for sustainable coppicing to power the wood gassifier providing the house with energy and heat, further ingraining the connection with house and place, offering management of the woodland.

Zone5: This area is not to have any human intervention. It is to be left to nature and enjoyed and appreciated for such. Natural ecosystems will be set up and it will encourage animals to inhabit the area and nurture connections between nature the garden and house. Mushrooms may be able to grow within this area, which can be foraged for.



(Architeco, 2017)

**Sectors:** Considering the energy's (wind, water, sun, shade, etc.) that flow through the site can drastically affect the way we use the land. As the site is on a substantial slope it was necessary to recommend a way to deal with planting on the steepest area. Wind barriers are naturally sited around the site and no hard walls have been used to separate areas as these could lead to frost pockets forming. The house benefits from the southeast orientation for solar heat gain. The Stables are sheltered and close to the access road for ease of access and movement of supplies for the animals. This is also directly next to the grazing area and unmanaged area. Monitoring the site over the first year will give a good basis for how to carry forward any design revisions, which have been noted due to specific monthly energy factors.

## 6 Drainage & Pond Design

The standard drainage test is to dig a square hole one spade deep, fill it with water and note the time to drain away. In a dry period this should not be longer than 1 hour. There is a problem if it takes any longer. Fill the hole a second time to get a more accurate account of soil drainage. On a site basis, a drainage system of pipes below the growing strata can be inserted on an oblique grid or herringbone grid draining to the lowest point, into the site pond. For clay soils the herringbone grid should have a maximum spacing of 4m with up to 8m spacing for other soils. Be careful that any water problems are not transferred to the neighbouring land. It may be advisable to consult SEPA\* about the final run-off/outflow. (Minister's Forward 2013)

The soil for the site is assumed to be compact sandy clay based with local boulder rocks. This is an assessment from the closest British Geological Survey Maps. A soil investigation should still be carried out to fully assess soil condition and inform the best drainage practice.

## 7 Access

The site paths are 1m wide with a material that will allow the use of wheelbarrows and such and allow access to all areas of the site. The paths are arranged to cross the contours at a diagonal to reduce the slope and others follow the contours to cross the site. These paths will have



auxiliary routes to allow access into specific growing areas throughout the site, these paths will be less defined and more on a desire line basis.

It may be desirable to have some paths covered with arched trellis, which vine plants can grow. This allows an otherwise unplanted area to support growth, while also adding a shaded and dry area within the garden.



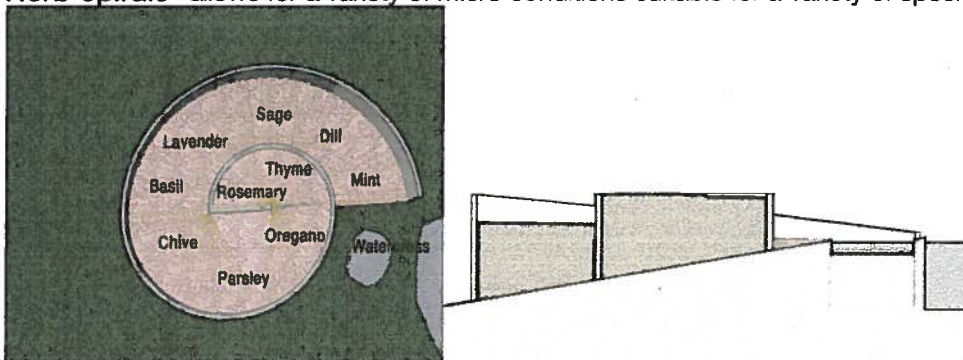
There is a vehicle road right up to the house and one which cuts across the site next to the stables. This route allows for easy harvest and transport of produce from the main growing area. This also separates the animals from the produce further as given the chance they may eat all the crops.

## 8 Planting Strategy

Within each zone different planting techniques can be implemented. Intermittent planting can save whole areas of crop from being hit all at once by any specific disease or invasive bugs or insects.

Issues that do arise can be dealt with implementing a new system to maintain balance rather than more invasive pesticides and chemicals.

**Herb spirals-** allows for a variety of micro conditions suitable for a variety of species.



**Raised beds with mulching and subsequent no-dig planting-** can aid the growth and health of the plants and soil.

**Keyhole beds-** maximizes the edge condition to the planting area providing easy access to all plants while minimizing the compaction of the usable soil, creates a good habitat.

**Agroforestry-** where fruit trees are planted, companion agricultural and horticultural crops to create a diverse mixture of planting that aid and maintain each other.

**Swales-** shallow ditches that collect water, usually dug out along a contour to sink water. Hydrates the soil and prevents water running downhill and eroding the landscape.

**Berms-** raised plots that prevent runoff. Designed along with swales the two can direct water to plant beds. This conserves water and prevents soil erosion.

**Terraces-** layered steps into the sloping hillside to prevent water running downhill, gives a flat area for easy access and planting.

**Composting-** Hot composting can be used. Typically this is done with three boxes one for new material, one with material composting and the last with usable compost. While the materials are composting it radiates heat this can be utilized for other uses such as heating spaces or aiding the growth of seedlings.

## 9 Year Round Food

As being completely self-sustaining is a desire, it is important to ensure the garden is providing crops all year round with surpluses which can be used as an income stream to pay for maintenance. Within the UK we have four seasons and as such requires careful consideration of when we plant what and how we can benefit from that yield for the short and long term.

### Example plots:

"A single person could just about manage with half an acre of rich land"(A & G Bridgewater p11)

"Two people in this day and age would need more like two acres"(A & G Bridgewater p11)

"We could quite comfortably provide for ourselves and our family on 15 acres of reasonable ground. Some people manage very well with a lot less." Dot & Tim North Wales, (Tott, 2015)

"Five acres of medium to good land in a temperate climate, and the knowledge, you could grow all the food necessary for a large family." (Seymour, 2009)

"Five acres of good well-drained land, you could support a family of, say six people and have occasional surpluses to sell" (Seymour, 2009)

From these examples it can be seen that the land available here will be far more than what is required to feed a family of three. This means that there should be a surplus that can be sold or putting back into the garden via livestock or composting.

This table is not exhaustive and only provides examples of potential plants and seeds that can be used each month, dependent on location, soil and climatic conditions.



| Month | Save                                                                                                                    | Plant                                                                                    | Available                                                                                                                                                                                               |
|-------|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jan   | Broad Beans                                                                                                             | Bare rooted fruit trees, bushes, garlic.                                                 | Cabbage, savoy, broccoli, brussels sprouts, kale, leeks, salsify, spinach, lettuce, celeriac, (beets, carrots, onions, parsnips, potatoes, shallots, swedes, tomatoes, garlic, apples, pears)           |
| Feb   | Peppers, Cabbage, leeks, broad beans.                                                                                   | Bare rooted fruit trees, bushes, garlic.                                                 | Cabbage, savoy, broccoli, brussels sprouts, kale, leeks, salsify, spinach, lettuce, celeriac, rhubarb, (beets, carrots, onions, parsnips, potatoes, shallots, swedes, tomatoes, garlic, apples, quinoa) |
| Mar   | Cabbage, tomatoes, leeks, carrots, lettuce, peppers, pears, onions, turnips, broad beans, spinach, celeriac, salads     | Bare rooted fruit trees, bushes, onions & potatoes.                                      | Broccoli, cabbage, kale, salsify, chickweed, (Beets, parsnips, garlic, potatoes, tomatoes, turnips, apples)                                                                                             |
| Apr   | Carrots, brassicas, leeks, radishes, peas, beans, spinach, beets, lettuce, parsnips, swedes, squash, corvettes, salads. | Onions, potatoes, perennial herbs & vegetables.                                          | Broccoli, cabbage, leeks, spring onions, spinach, rhubarb, salsify, herbs, nettles, (beets, onions, tomatoes, garlic, quinoa, potatoes)                                                                 |
| May   | Beets, brassicas, lettuce, runner beans, salads, sweetcorn, spinach, squash, turnips, quinoa.                           | Squashes, sweetcorn, perennial herbs & vegetables.                                       | Broccoli, cabbage, lettuce, spinach, nettles, spring onions, (onions, garlic, potatoes, tomatoes)                                                                                                       |
| Jun   | Beets, brassicas, salads, spinach, peas, turnips.                                                                       | Leeks, tomatoes, sweetcorn, runner beans, squash, peppers, perennial herbs & vegetables. | Broad beans, carrots, cauliflower, cabbage, lettuce, onions, potatoes, peas, radish, spinach, turnips, gooseberries, rhubarb, strawberries, nettles, herbs, edible flowers, (quinoa, tomatoes)          |
| Jul   | Beets, brassicas, carrots, Swedes, spinach, lettuce.                                                                    | Runner beans, sweetcorn, squashes, leeks, perennial herbs & vegetables.                  | Beans, beets, carrots, lettuce, cabbages, lettuce, peas, onions, potatoes, spinach, garlic, radishes,                                                                                                   |

|     |                                    |                                                  |                                                                                                                                                                                                                                                                              |
|-----|------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aug | Brassicas, spring onions, spinach. | Cabbages, perennial herbs & vegetables.          | gooseberries, cherries, plums, blackcurrants, herbs, (tomatoes)<br>Beans, beets, carrots, lettuce, cabbages, lettuce, peas, onions, potatoes, spinach, garlic, radishes, squashes, marrows, gooseberries, raspberries, blackcurrants, vegetables & herbs, (quinoa, tomatoes) |
| Sep | Brassicas, beets, lettuce, salads. | Cabbages, perennial herbs & vegetables.          | Beans, cabbage, beets, carrots, cauliflower, lettuce, squashes, marrows, onions, potatoes, peppers, peas, spinach, tomatoes, plums, apples, blackberries, peaches, vegetables and herbs, quinoa, (garlic)                                                                    |
| Oct | Broad beans, salads.               | Bare rooted fruit trees, bushes, garlic, onions. | Runner beans, cabbage, leeks, beets, lettuce, squashes, onions, potatoes, spinach, tomatoes, pears, apples, blackberries, (quinoa)                                                                                                                                           |
| Nov | Broad beans.                       | Bare rooted fruit trees, bushes, garlic.         | Beets, broccoli, cabbage, carrots, leeks, onions, potatoes, parsnips, spinach, apples, pears, (quinoa, garlic, tomatoes)                                                                                                                                                     |
| Dec | Broad beans.                       | Bare rooted fruit trees, bushes.                 | Broccoli, cabbage, carrots, celeriac, leeks, kale, onions, potatoes, parsnips, salsify, swede, turnip, parsnip, (beets, garlic, tomatoes)                                                                                                                                    |

(Burnett, 2016)

## Companion Planting Chart

The following is a guideline for companion planting vegetables. Keep in mind that companion planting is not the same for everyone, everywhere; it will require experimentation to find what works best in your area.



| Vegetable               | Companion                                                                                                                                  | Antagonist                                                                         | Insight                                                                                              |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>Asparagus</b>        | Basil, Coriander, Dill, Parsley, Carrots, Tomatoes, Marigolds                                                                              | Garlic, Potatoes, Onions                                                           | Marigolds, Parsley, Tomato protect from asparagus beetles                                            |
| <b>Beans</b>            | Beets, Brassicas, Carrot, Cabbage, Cauliflower, Cucumber, Celery, Chards, Corn, Eggplant, Peas, Potatoes                                   | Alliums (chives, garlic, leeks, onions), Peppers, Tomatoes For Broad Beans: Fennel | Corn is a natural trellis, and provides shelter for beans. Beans provide nitrogen to soil.           |
| <b>Beets</b>            | Brassicas (ie. broccoli, Brussels sprouts, cabbage, cauliflower, collard greens, kohlrabi, turnip), Kohlrabi, Garlic, Lettuce, Onion, Sage | Pole and Runner Beans                                                              | The beans and beets compete for growth. Composted beet leaves add magnesium to soil when mixed.      |
| <b>Broccoli</b>         | Basil, Bush Beans, Chamomile, Cucumber, Dill, Garlic, Lettuce, Marigold, Mint, Onion, Potato, Radish, Rosemary, Sage, Thyme, Tomato        | Grapes, Mustard, Oregano, Strawberry, Tomato                                       | Rosemary repels cabbage fly. Dill attracts wasps for pest control.                                   |
| <b>Brussels Sprouts</b> | Dill, Potato, Thyme                                                                                                                        | Strawberry, Tomato                                                                 | --                                                                                                   |
| <b>Cabbage</b>          | Beets, Bush Beans, Celery, Chamomile, Dill, Mint, Onion, Potato, Oregano, Rosemary, Sage                                                   | Beans (Pole and Runner), Mustards, Peppers, Strawberry, Tomato                     | Celery, onion and herbs keep pests away. Rosemary repels cabbage fly.                                |
| <b>Carrots</b>          | Beans (Bush and Pole), Garlic, Lettuce, Onion, Parsley, Peas, Rosemary, Tomato                                                             | Dill, Parsnip                                                                      | Beans provide nitrogen in soil, which carrots need. Onion, parsley and rosemary repel the carrot fly |
| <b>Cauliflower</b>      | Beans, Celery, Oregano, Peas, Tomato                                                                                                       | Strawberries                                                                       | Beans provide the soil with nitrogen, which cauliflower needs.                                       |
| <b>Celery</b>           | Bush Beans, Cabbage, Dill, Leeks, Marjoram, Tomatoes                                                                                       | Parsnip, Potato                                                                    | --                                                                                                   |
| <b>Chives</b>           | Basil, Carrots, Marigold, Parsley, Parsnip, Strawberries, Tomato                                                                           | Beans                                                                              | --                                                                                                   |
| <b>Corn</b>             | Beans, Cucumbers, Marjoram, Parsnip, Peas, Potatoes, Pumpkin, Squash, Zucchini                                                             | Tomato                                                                             | Tomato worm and corn earworm like both plants. Beans and peas supply nitrogen.                       |
| <b>Cucumber</b>         | Beans, Celery, Corn, Dill, Lettuce, Peas, Radish                                                                                           | Potato, Sage, strong aromatic herbs, Tomato                                        | Cucumbers grow poorly around potatoes and sage.                                                      |
| <b>Dill</b>             | Cabbage, Corn, Cucumbers, Dill, Fennel, Lettuce, Onions                                                                                    | Cilantro, Tomato                                                                   | Cross-pollinates with cilantro, ruining both. One only a few plants that grows well with Fennel.     |
| <b>Eggplant</b>         | Beans, Marjoram, Pepper, Potato                                                                                                            | --                                                                                 | --                                                                                                   |
| <b>Kohlrabi</b>         | Beets, Lettuce, Onions                                                                                                                     | Strawberries, Pole                                                                 | Lettuce repels earth flies.                                                                          |

|              |                                                                                              |                                                                |                                                                                                                                          |
|--------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Leek         | Carrots, Celery, Lettuce, Onions                                                             | Beans, Tomato<br>Beans, Peas                                   | Companion attributes are the same as garlic, onion, chives(alliums).                                                                     |
| Lettuce      | Beans, Beets, Carrots, Corn, Marigold, Onions, Peas, Radish, Strawberries                    | Parsley                                                        | Mints repel slugs (which feed on lettuce).                                                                                               |
| Marigold     | Brassicas (broccoli, etc), Cucurbits (cucumber, etc), Peppers, Tomato, and most other plants | --                                                             | It is said that you can plant Marigolds throughout the garden, as they repel insects and root-attacking nematodes (worm-like organisms). |
| Onions       | Beets, Cabbage, Carrots, Lettuce, Marjoram, Rosemary, Savory, Strawberry, Tomato             | Beans, Peas                                                    | Repels aphids, the carrot fly, and other pests.                                                                                          |
| Parsley      | Asparagus, Beans, Radish, Rosemary, Tomato                                                   | Lettuce                                                        | Draws insects away from tomatoes.                                                                                                        |
| Peas         | Beans, Cabbage, Carrots, Celery, Corn, Cucumber, Lettuce, Marjoram, Parsnip, Potato, Sage    | Alliums (Chives, Garlic, Onion, Shallots)                      | --                                                                                                                                       |
| Potato       | Beans, Cabbage, Corn, Eggplant, Horseradish, Marjoram, Parsnip                               | Celery, Cucumber, Pumpkin, Rosemary, Strawberries, Tomato      | Cucumber, tomato and raspberry attract harmful pests to potatoes. Horseradish increases disease resistance.                              |
| Pumpkin      | Beans, Corn, Radish                                                                          | Potato                                                         | --                                                                                                                                       |
| Radish       | Cabbage, Corn, Cucumber, Eggplant, Lettuce, Marjoram, Parsnip                                | --                                                             | Radish is often used as a trap crop against some beetles (flea & cucumber).                                                              |
| Sage         | Beans, Cabbage, Carrots, Peas, Rosemary, Strawberries                                        | --                                                             | Repels cabbage fly, some bean parasites.                                                                                                 |
| Spinach      | Beans, Lettuce, Peas, Strawberries                                                           | --                                                             | Natural shade is provided by beans and peas, for spinach.                                                                                |
| Squash       | Fruit trees, strawberries                                                                    | --                                                             | Similar companion traits to pumpkin.                                                                                                     |
| Strawberries | Borage, Bush Beans, Caraway                                                                  | Broccoli, Cabbages                                             | The herb, Borage, is likely the strongest companion.                                                                                     |
| Tomatoes     | Alliums, Asparagus, Basil, Borage, Broccoli, Carrots, Cauliflower, Celery, Marigold, Peppers | Brassicas, Beets, Corn, Dill, Fennel, Peas, Potatoes, Rosemary | Growing basil about 10 inches from tomatoes increases the yield of the tomato plants.                                                    |
| Turkey       | Peas                                                                                         | --                                                             | --                                                                                                                                       |

(VegetableGardeningLife, 2015)

## 10 Crop Requirements

Human Energy Requirements and growing capacity from the garden.

The number of calories a person needs per day is specific to the individual. Height, weight, gender, age and activity level all affect your requirement. Three main factors are required to calculate how many calories your body needs per day.

1. Basal metabolic rate (BMR) this is the amount of energy your body requires to function at rest.
2. Physical activity that takes into account your daily activities, and inputs such as weight, height etc.
3. The thermic effect of food is also considered which is the energy required to breakdown the food you eat.

For the purpose of this exercise we will average the amount of calories required by the family of three to the basic NHS recommendation of 2500kcal for men and 2000kcal for women. (Choices, 2016)

Taking these figures for the year the family of three will require:

2,372,500 kcal total per year.  $((2500+2000+2000) \times 365 = 2372500 \text{ kcal})$

On average 438kg of fruit and veg of food is required per year for three people. (Hugo, 2017)

Taking 2 kg of produce per square meter (How many m2 you need to cultivate in order to be self-sustainable? 2017) for three people on a diet of 438kg fruit and veg per year would require 219m2 of garden space. This is based on a supplemented diet with nuts and meat, which should be considered. Zone 2 alone has an area of 2383m2 taking 2 kg of produce per square meter would give you roughly 3042kg of food, roughly giving you 6200 calories per day. This supplemented with produce from the animals, zone 1 and the orchard will provide an ample amount of calories for the family of three.

This is all dependent on crop, yield and individual species etc.

The list below demonstrates one account of how many plants a family may require for a years worth of food. This is subjective as to what you may prefer to eat but can be used as a starting point for planting quantities.

**Asparagus:** about 10-15 plants per person

**Beans (Bush):** about 15 plants per person

**Beans (Pole):** 2-4 poles of beans per person

**Beets:** about 36 plants per person.

**Broccoli:** 3-5 plants per person

**Cabbage:** 2-3 plants per person

**Carrots:** about 100 seeds per person (1/4 oz would be plenty for a family of six)

**Cauliflower:** 2-3 plants per person

**Collards:** about 5 plants per person

**Corn:** start out with 1/2 lb. seeds for the family and adjust as needed

**Cucumbers:** 3-6 plants per family

**Eggplant:** 3-6 plants per family

**Lettuce:** 4-5 plants per person

**Okra:** 3-4 plants per person

**Onions:** 12-15 plants per person

**Parsnips:** 12-15 plants per person

**Peas:** about 120 plants per person

**Peppers:** 3-5 plants per person

**Spinach:** about 15 plants per person

**Squash (including Zucchini):** about 10 per family

**Sweet Potatoes:** about 75 plants per family

**Tomatoes:** about 20 plants per family

**Turnips:** about 1/4 lb seeds per family

The Table to the right gives an average of how many kg of produce can be obtained from a hectare of land. This is one account and in practice a variety of factors may affect the outputs however it can be used as a broad estimate of what to expect.

|                          |                                                                 |
|--------------------------|-----------------------------------------------------------------|
| wheat                    | 8,000 kg / ha                                                   |
| barley                   | 7,000 kg / ha                                                   |
| potatoes                 | 45,000 kg / ha                                                  |
| beet                     | 70,000 kg / ha, accounting for approximately 11,000 kg of sugar |
| onion                    | 48,000 kg / ha                                                  |
| winter rape              | 5,000 kg / ha                                                   |
| peas                     | 4,000 kg / ha                                                   |
| beans                    | 3,000 kg / ha                                                   |
| carrots                  | 40,000 kg / ha                                                  |
| tomatoes                 | 5,000 kg / ha                                                   |
| chicory                  | 350,000 kg / ha                                                 |
| leek                     | 30,000 kg / ha                                                  |
| Brussels sprouts         | 20,000 kg / ha                                                  |
| broccoli                 | 8,000 kg / ha                                                   |
| zucchini                 | 3,000 kg / ha                                                   |
| Chinese cabbage          | 30,000 kg / ha                                                  |
| flax                     | 6,600 kg of straw and 900 kg grain / ha                         |
| apples                   | 40,000 kg / ha (13 yrs, from 5th yr)                            |
| pears                    | 25,000 kg / ha (35 yr, from the 7 yr)                           |
| wine in the Netherlands: | 5,000 l or 8,500 bottles / ha                                   |



## 11 Livestock

Rare bread animals can be a beneficial addition to the plot. Looking at the input and outputs of keeping such animals helps to evaluate their success within a plot.

**Inputs:** Time/care, food, water, medicine/vaccines, space, other variants dependent on animal.

**Outputs:** Manure, plot maintenance/grassing, pest control, food, offspring, income, enjoyment, and other variants dependent on animal.

With livestock the possibility of hot composting is very viable. This can aid many other activities within the garden as the compost radiates heat. Seed maturing, heating other areas such as a shed or greenhouse is achievable.

Different animals will require different amounts of space. Within the plan we have set aside 12313m<sup>2</sup> roughly 3 acre for grazing and housing of animals. It would be advantageous to defiantly keep some chickens (six hens is recommended to get started) and one cock if you would like to bead chicks.

Chicken Space- 6m<sup>2</sup> roughly

Ducks- 20m<sup>2</sup> per bird: Will require a lake or pond.

Geese- 20m<sup>2</sup> per bird

Birds will generally be let out over areas of the garden and moved frequently within a bounded area or in a chicken tractor.

Chicken tractors are popularly used as they keep the chickens caged and safe in a designated area while allowing them freedom to move from house to exterior space. Top right is an example of a simple small chicken tractor.

Horses will be kept and will be stay within the existing stables. Annual basis Cost.

Feed cost (£260 - £520).

Hay/Straw £1040 - £1560

Other supplements can vary in price.

Vets fees £70

Insurance £240 - £480

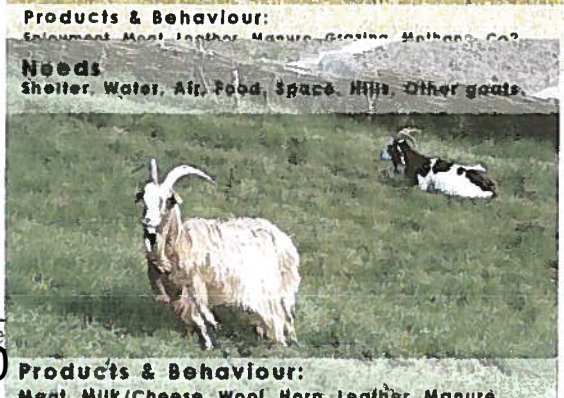
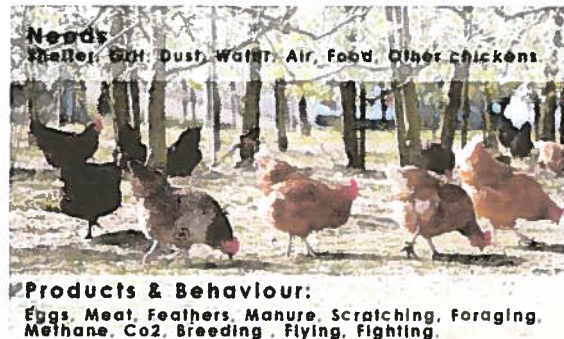
Dentist £50 - £70

Worming £40 - £105

Extras £1000

(Ltd, A.I., ....)

Cows, pigs or goats are all viable options for supporting the plot: these will take up the majority of the livestock rearing area.



Products from these animals will support the family and farm. There are possibilities of selling the products from the animals for added income.

Products like goats cheese could be sold to local product manufacturers setting up a micro business and promoting local produce etc.

## 12 Energy Usage and production

Energy Calculations Draft.

### Energy Performance Evaluation 1271 Laver, Auchterarder

# Preliminary

#### Key Values

##### General Project Data

Project Name: Laver, Auchterarder  
City Location: Auchterarder  
Latitude: 56.29° N  
Longitude: 3.67° W  
Altitude: 131.00 m  
Climate Data Source: Strusoft server  
Evaluation Date: 9 Feb 2017 17:42:51

##### Building Geometry Data

Gross Floor Area: 261.8 m<sup>2</sup>  
Treated Floor Area: 215.3 m<sup>2</sup>  
External Envelope Area: 390.4 m<sup>2</sup>  
Ventilated Volume: 538.79 m<sup>3</sup>  
Glazing Ratio: 9 %

##### Building Shell Performance Data

Infiltration at 50Pa: 0.09 ACH

##### Heat Transfer Coefficients

Building Shell Average: U value [W/m<sup>2</sup>K]  
Floors: 0.32  
External: 0.15 - 0.15  
Underground: 0.13 - 1.71  
Openings: --  
0.70 - 1.33

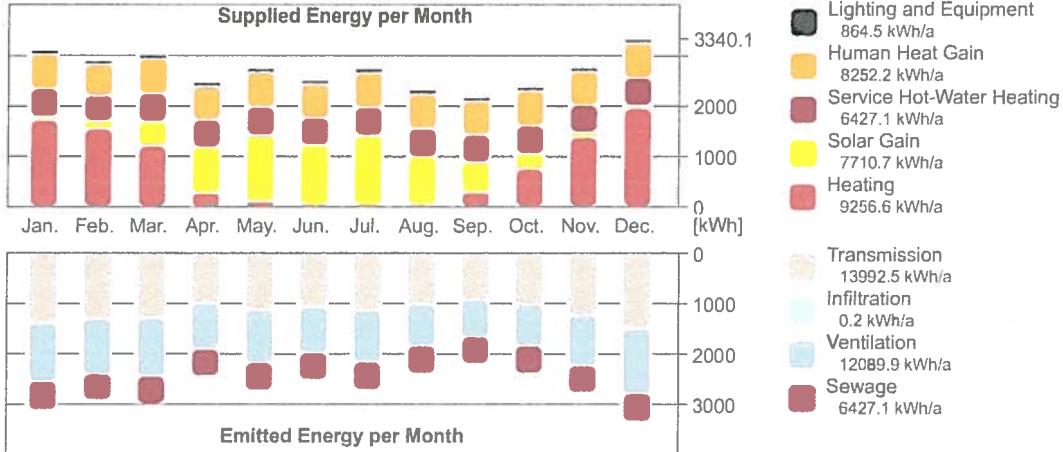
##### Specific Annual Values

Net Heating Energy: 42.99 kWh/m<sup>2</sup>a  
Net Cooling Energy: 0.00 kWh/m<sup>2</sup>a  
Total Net Energy: 42.99 kWh/m<sup>2</sup>a  
Energy Consumption: 49.99 kWh/m<sup>2</sup>a  
Fuel Consumption: 49.56 kWh/m<sup>2</sup>a  
Primary Energy: 66.36 kWh/m<sup>2</sup>a  
Fuel Cost: -- GBP/m<sup>2</sup>a  
CO<sub>2</sub> Emission: 1.20 kg/m<sup>2</sup>a

##### Degree Days

Heating (HDD): 4020.46  
Cooling (CDD): 395.67

#### Project Energy Balance



#### Thermal Blocks

| Thermal Block             | Zones Assigned | Operation Profile | Gross Floor Area m <sup>2</sup> | Volume m <sup>3</sup> |
|---------------------------|----------------|-------------------|---------------------------------|-----------------------|
| 001 GF Thermal Block      | 7              | Residential       | 137.4                           | 317.51                |
| 002 FF Thermal Block      | 5              | Residential       | 109.7                           | 186.67                |
| 003 GF Cold Thermal Block | 3              | Residential       | 13.4                            | 33.48                 |
| 004 FF Cold Thermal Block | 1              | Residential       | 1.2                             | 1.12                  |
| <b>Total:</b>             | <b>16</b>      |                   | <b>261.8</b>                    | <b>538.79</b>         |



# Energy Performance Evaluation

1271 Laver, Auchterarder

# Preliminary

## 001 GF Thermal Block - Key Values

| Geometry Data         |        |                | Heat Transfer Coefficients |             |                      |
|-----------------------|--------|----------------|----------------------------|-------------|----------------------|
| Gross Floor Area:     | 137.4  | m <sup>2</sup> | Floors:                    | U value     | [W/m <sup>2</sup> K] |
| Treated Floor Area:   | 115.5  | m <sup>2</sup> | External:                  | 0.15 - 0.15 |                      |
| Building Shell Area:  | 181.6  | m <sup>2</sup> | Underground:               | 0.13 - 0.23 |                      |
| Ventilated Volume:    | 317.51 | m <sup>3</sup> | Openings:                  | -           |                      |
| Glazing Ratio:        | 14     | %              |                            | 0.88 - 1.33 |                      |
| Internal Temperature  |        |                | Annual Supplies            |             |                      |
| Min. (22:00 Feb. 06): | 20.00  | °C             | Heating:                   | 9256.56     | kWh                  |
| Annual Mean:          | 21.57  | °C             | Cooling:                   | 0.00        | kWh                  |
| Max. (18:00 Jul. 10): | 32.33  | °C             |                            |             |                      |
| Unmet Load Hours      |        |                | Peak Loads                 |             |                      |
| Heating:              | 0      | hrs/a          | Heating (23:00 Dec. 21):   | 4.19        | kW                   |
| Cooling:              | 138    | hrs/a          | Cooling (01:00 Jan. 01):   | 0.00        | kW                   |

## 002 FF Thermal Block - Key Values

| Geometry Data         |        |                | Heat Transfer Coefficients |             |                      |
|-----------------------|--------|----------------|----------------------------|-------------|----------------------|
| Gross Floor Area:     | 109.7  | m <sup>2</sup> | Floors:                    | U value     | [W/m <sup>2</sup> K] |
| Treated Floor Area:   | 88.7   | m <sup>2</sup> | External:                  | -           |                      |
| Building Shell Area:  | 181.0  | m <sup>2</sup> | Underground:               | 0.13 - 1.71 |                      |
| Ventilated Volume:    | 186.67 | m <sup>3</sup> | Openings:                  | -           |                      |
| Glazing Ratio:        | 6      | %              |                            | 1.10 - 1.33 |                      |
| Internal Temperature  |        |                | Annual Supplies            |             |                      |
| Min. (24:00 Dec. 21): | 11.82  | °C             | Heating:                   | 0.00        | kWh                  |
| Annual Mean:          | 22.97  | °C             | Cooling:                   | 0.00        | kWh                  |
| Max. (19:00 Jul. 15): | 46.59  | °C             |                            |             |                      |
| Unmet Load Hours      |        |                | Peak Loads                 |             |                      |
| Heating:              | 3503   | hrs/a          | Heating (01:00 Jan. 01):   | 0.00        | kW                   |
| Cooling:              | 1917   | hrs/a          | Cooling (01:00 Jan. 01):   | 0.00        | kW                   |

## 004 FF Cold Thermal Block - Key Values

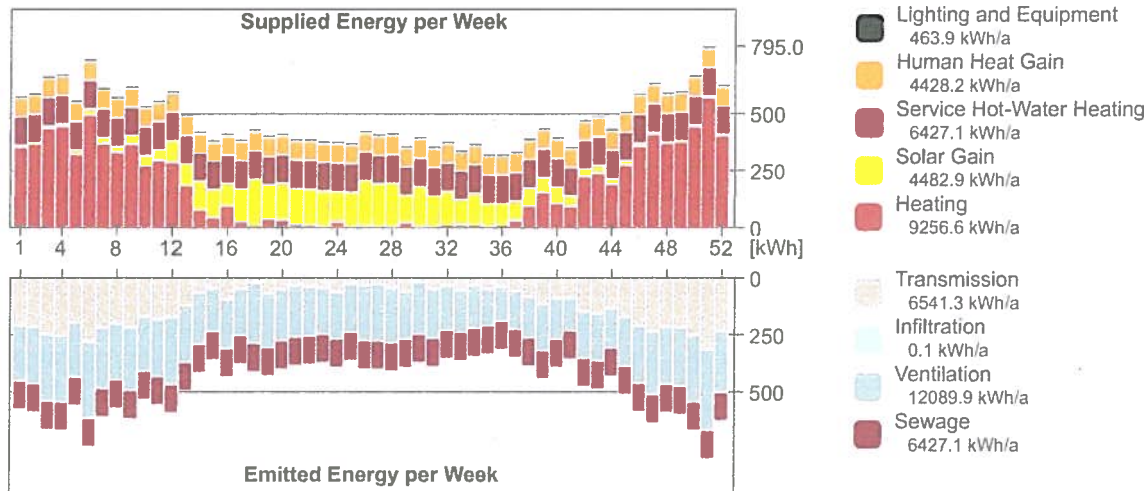
| Geometry Data         |       |                | Heat Transfer Coefficients |             |                      |
|-----------------------|-------|----------------|----------------------------|-------------|----------------------|
| Gross Floor Area:     | 1.2   | m <sup>2</sup> | Floors:                    | U value     | [W/m <sup>2</sup> K] |
| Treated Floor Area:   | 0.8   | m <sup>2</sup> | External:                  | -           |                      |
| Building Shell Area:  | 1.9   | m <sup>2</sup> | Underground:               | 0.13 - 0.14 |                      |
| Ventilated Volume:    | 1.12  | m <sup>3</sup> | Openings:                  | -           |                      |
| Glazing Ratio:        | 0     | %              |                            |             |                      |
| Internal Temperature  |       |                | Annual Supplies            |             |                      |
| Min. (11:00 Dec. 22): | 12.46 | °C             | Heating:                   | 0.00        | kWh                  |
| Annual Mean:          | 23.36 | °C             | Cooling:                   | 0.00        | kWh                  |
| Max. (23:00 Jul. 09): | 41.22 | °C             |                            |             |                      |
| Unmet Load Hours      |       |                | Peak Loads                 |             |                      |
| Heating:              | 3438  | hrs/a          | Heating (01:00 Jan. 01):   | 0.00        | kW                   |
| Cooling:              | 2218  | hrs/a          | Cooling (01:00 Jan. 01):   | 0.00        | kW                   |

## Energy Performance Evaluation

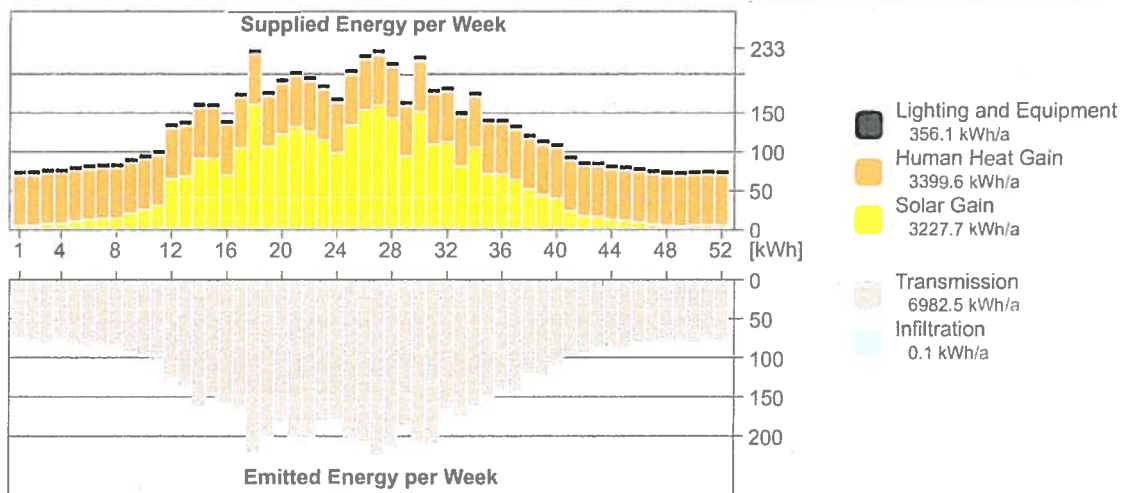
1271 Laver, Auchterarder

# Preliminary

### 001 GF Thermal Block Energy Balance



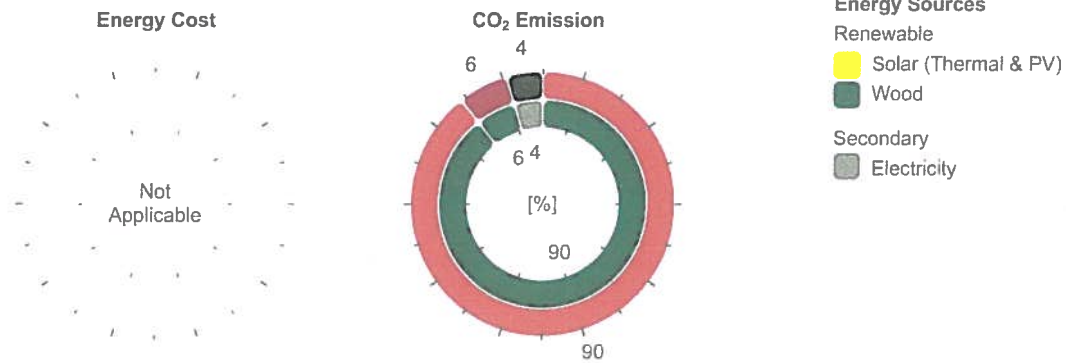
### 002 FF Thermal Block Energy Balance



## Energy Performance Evaluation

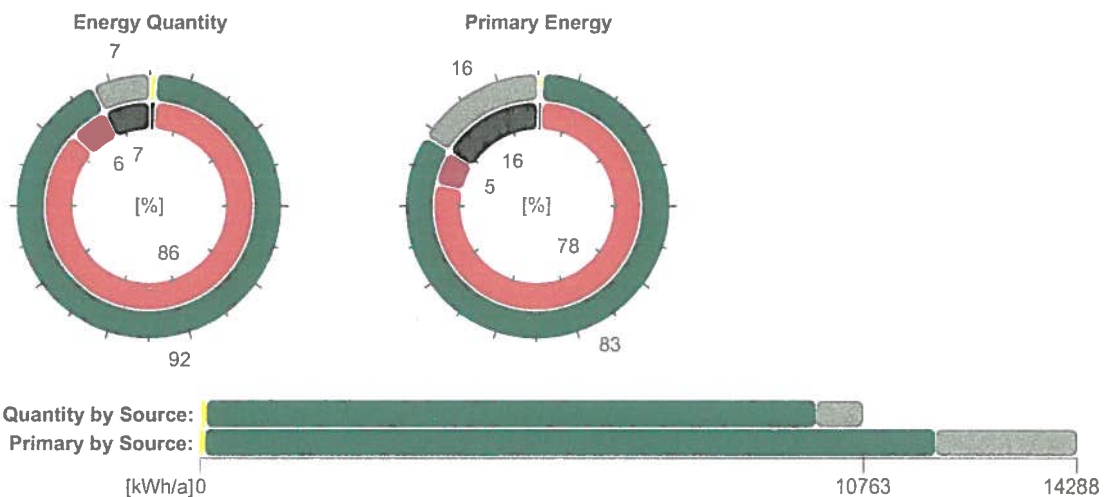
1271 Laver, Auchterarder

# Preliminary



### Energy Consumption by Sources

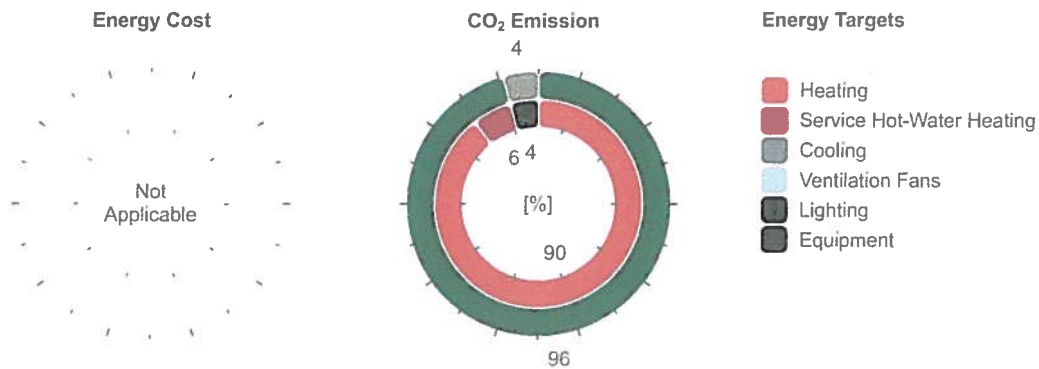
| Source Type | Energy Source Name   | Quantity kWh/a | Primary kWh/a | Cost GBP/a     | CO <sub>2</sub> Emission kg/a |
|-------------|----------------------|----------------|---------------|----------------|-------------------------------|
| Renewable   | Solar (Thermal & PV) | 92             | 92            | NA             | 0                             |
|             | Wood                 | 9899           | 11879         | 0              | 247                           |
| Secondary   | Electricity          | 772            | 2317          | --             | 11                            |
| Total:      |                      | 10763          | 14288         | Not Applicable | 259                           |



## Energy Performance Evaluation

1271 Laver, Auchterarder

# Preliminary



### Environmental Impact

| Source Type | Source Name          | Primary Energy<br>kWh/a | CO <sub>2</sub> emission<br>kg/a |
|-------------|----------------------|-------------------------|----------------------------------|
| Renewable   | Solar (Thermal & PV) | 92                      | 0                                |
|             | Wood                 | 11879                   | 247                              |
| Secondary   | Electricity          | 2317                    | 11                               |
| Total:      |                      | <b>14288</b>            | <b>259</b>                       |

Co2 emissions from Coppice- reabsorbed allowing zero carbon to be achieved.

## Energy Performance Evaluation

1271 Laver, Auchterarder

# Preliminary

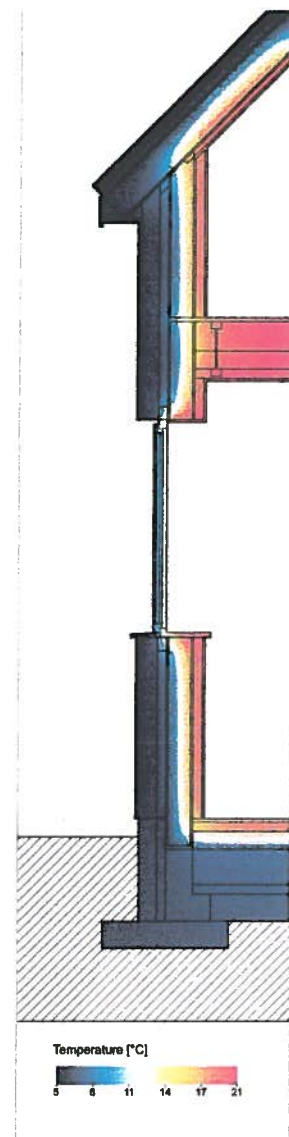
### Renewable Building System Summary

| Building System              | Annual Energy Generated<br>kWh | Renewable Energy Cost<br>GBP |
|------------------------------|--------------------------------|------------------------------|
| ⚡ Photovoltaic System        | 92                             | 0.0                          |
| 🔥 Biofuel-based Heating      | 9899                           | 0.0                          |
| Total LEED Renewable Energy: | 9991                           | 0                            |
| Total:                       | 9991                           | 0                            |

### Thermal bridging:

The design has ensured that thermal bridging is kept to a minimum to ensure no energy is wasted from heat escaping and cold entering the house. Our calculations highlight risk areas, so that the design can resolve any possibility of unnecessary thermal bridges ensuring the building is as efficient as possible.

This also allows us to evaluate whether the wall build chosen is best suited to the chosen site and design. Doing this at an early stage helps us to make more informed decisions to ensure a building that is as sustainable and energy efficient as possible.





**A wood gassifier** is a gasification unit which converts timber or charcoal into wood gas, a syngas consisting of atmospheric nitrogen, carbon monoxide, hydrogen, traces of methane, and other gases, which - after cooling and filtering - can then be used to power an internal combustion engine or for other purposes.

Wood gasification is a very clean way to make biogas. The wood acts as a solar store as wood gas is a form of solar chemistry. It is the perfect complement to solar photovoltaic as you can tap into energy day or night and even during winter, leveling out the issues with peak time energy from solar.

The Gassifier can be used intermittently with the provision of solar panels to ease usage and materials for the gassifier.

Recommended batches run for 2-6 hours dependent on feedstock capacity for the wood. Use in the morning, solar during the day and a fill at night is easy and cost efficient.

**Power output:** 3-20 kilowatts / hr is a realistic output. Each kilowatt-hour requires about 2.5 pounds of dry wood (dependent on machine used).

A 10-kilowatt generator is usually preferred as it is a good blend of power and efficiency.

Below are some examples of gasification units available (others are available, as many gasification units are home made kits, this means they vary on specific technical details)

## L.E.A.F GENERATOR



Here is a simple unit that is cost effective. It can be used to run a 7kW generator.

Size: 7kW

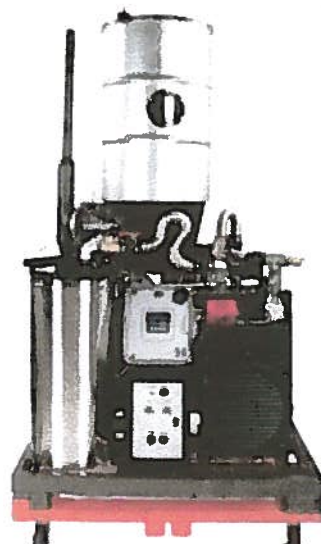
Type: Down Draft Gasifier

Uses: Battery charging, household uses, appliances

Fuel: wood blocks/chips

(Ewings, 2014)

## ALL POWER LABS



Size: 20 kW

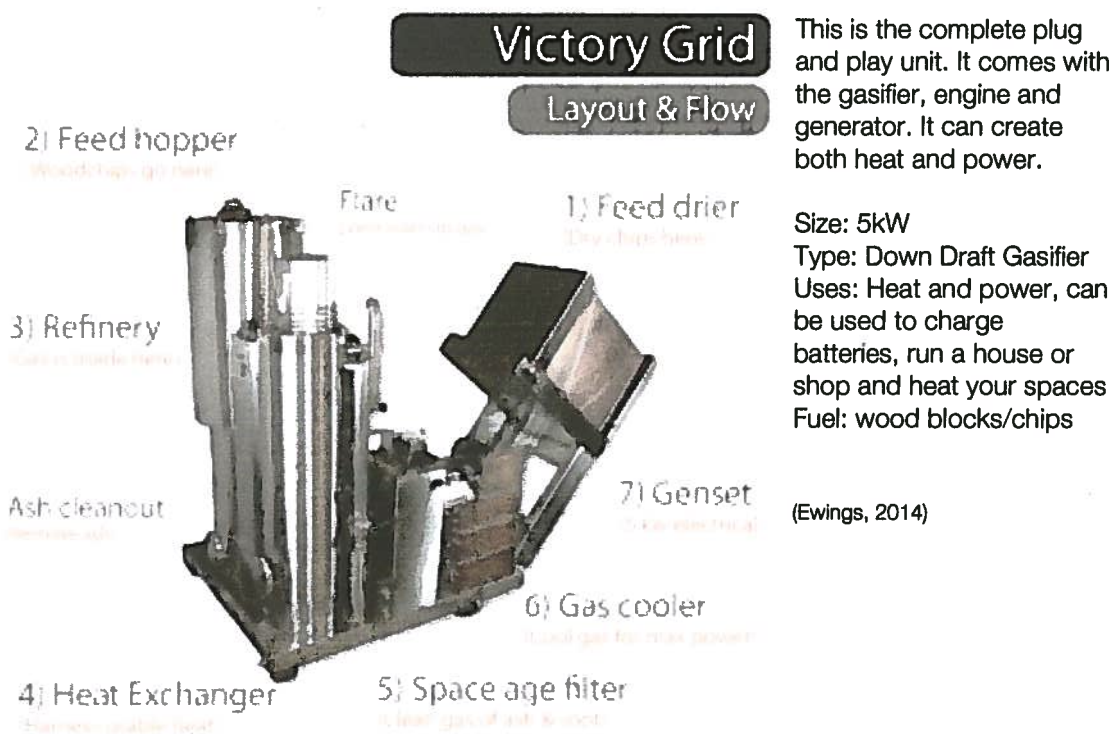
Type: Down Draft Gasifier

Uses: Heat and power, can be used to charge batteries, run a house or shop and heat your spaces

Fuel: wood blocks/chips

(Ewings, 2014)

## VICTORY GASIFIER



## 13 Silviculture/Coppicing

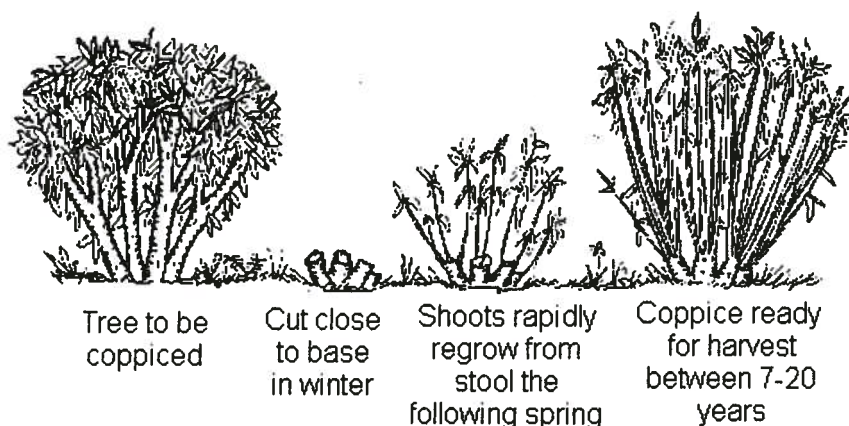
Coppicing is a traditional method of woodland management, which produces a highly efficient fast growing, sustainable timber source, without the need to replant. Implementing this can increase biodiversity as well as keeping a traditional craft alive.



Coppicing takes advantage of the fact that many trees make new growth from the stump or roots, if cut down. In a coppiced wood, young tree stems are repeatedly cut down to near ground level. In subsequent growth years, many new shoots will emerge, and, after a number of years the coppiced tree, or *stool*, is ready to be harvested, and the cycle begins again. Typically coppiced woodland is harvested in sections on a rotation. This ensures there is a crop available each year somewhere in the woodland. Coppicing has the effect of providing a rich variety of habitats, as the woodland always has a range of different-aged coppice growing within it, beneficial for biodiversity. The cycle length depends upon the species cut, the local custom, and the use to which the product is put. (Lawton, 2012)

Alder, Birch coppices poorly, beech coppices better in wetter west.

Most frequently coppiced species are oak, hazel, ash, willow, field maple and sweet chestnut. (Giraffe, 2011)



(Image come from English Wikipedia page: <http://en.wikipedia.org/wiki/Coppice> this is an updated version of [Image: Coppice1.png](#) with clearer text. (del) (cur) 19:31, 27 July 2006)

Some animals can eat the newly growing tree stems before they have matured. This can either be protected or cut higher than the animal can reach to protect the growth.

**Alder:** Opinion varies, works best well seasoned.

**Apple:** Splendid/ It bums slowly and steadily when dry, with little flame, but good heat. Good scent. Must season well

**Ash:** Best burning wood; has both flame and heat, and will burn when green, as it has low moisture content. Will bum even better dry.

**Beech:** Best when well seasoned

**Birch:** The heat is good but it burns quickly with a bright flame. Nice smell, works well when mixed with other woods that burn more slowly.

**Cedar:** Good when dry. It gives little flame but much heat, and the scent is beautiful.

**Cherry:** Burns slowly, with good heat. Wood with the advantage of scent and does not spit.

**Chestnut:** Mediocre. Apt to shoot embers. Small flame and heating power.??

**Cypress:** Burns well but fast when seasoned, and may spit

**Douglas Fir:** Poor. Little flame or heat.

**Elder:** Mediocre. Very smoky. Quick burner, with not much heat.

**Elm:** To burn well it needs to be kept for two years. Even then it will smoke. Very high water content – more water than wood.

**Hawthorne:** burns well

**Hazel:** Good, burns fast without spitting. but has other uses, so you might not want to burn it

**Holly:** Good, will burn when green, but best when kept a season.

**Hornbeam:** Good, burns well

**Horse Chestnut:** Good flame and heating power but spits a lot.

**Laburnum:** Totally poisonous tree, acrid smoke, taints food and best never used.

**Larch:** Crackles and spits, scented, and fairly good for heat. Oily soot in chimneys

**Laurel:** Has brilliant flame.

**Lime:** Poor. Burns with dull flame.

**Maple:** Good.

**Oak:** Dry oak is excellent for heat, burning slowly and steadily with a good heat. Seasoned for 2 - 3 years is best.

**Pear:** Slow and steady, good heat and a good scent.

**Pine:** Burns with a splendid flame, but apt to spit. Needs to be well seasoned. Gives off a large number of resins.

**Plane:** Burns pleasantly, but is apt to throw sparks if very dry.

**Plum:** Good heat and scent.

**Poplar:** Burns slowly with little heat – better for making matchsticks

**Rhododendron:** The thick old stems, being very tough, burn well.

**Robinia (Acacia):** Burns slowly, with good heat, but with acrid smoke.

**Rowan:** Burns well

**Spruce:** Burns too quickly and with too many sparks.

**Sweet chestnut:** burns well when seasoned but sends out sparks. Only for use in a stove with door closed!

**Sycamore:** Burns with a good flame, with moderate heat. Useless green.

**Walnut:** Good, and so is the scent. Aromatic wood.

**Willow:** Poor. It must be dry to use, and then it burns slowly, with little flame. Apt to spark.

**Yew:** Last but among the best. Burns slowly, with fierce heat, and the scent is pleasant.

(Davis, 2012)

| Density (kg/m <sup>3</sup> ) | Softwood Species                 | Hardwood Species                      |
|------------------------------|----------------------------------|---------------------------------------|
| >800                         |                                  | Hawthorn,                             |
| 710-800                      |                                  | Ash, Beach, Apple, Pear               |
| 610-700                      | Yew,                             | Birch, Cherry, Oak, Walnut, Sycamore, |
| 510-600                      | Cedar, Douglas fir, Larch, Pine, | Chestnut, Elm,                        |
| 410-500                      | Hemlock, Spruce,                 |                                       |
| <400                         | Willow, Alder                    |                                       |

## Woods Calorific Value (CV)

There are three factors which affect woods CV or the amount of available heat per unit of fuel:

1. Species Choice
2. Wood Density
3. Moisture Content

General differences in species are that hard woods are denser and soft woods tend to contain more resin. When compared at the same moisture content CV species shows little variation. The main differences between species are moisture content when the timber is green, at the time of felling, and the rate at which this moisture is lost during seasoning.

For the above table it can be seen that the wood density of Hawthorn is twice as much as willow.

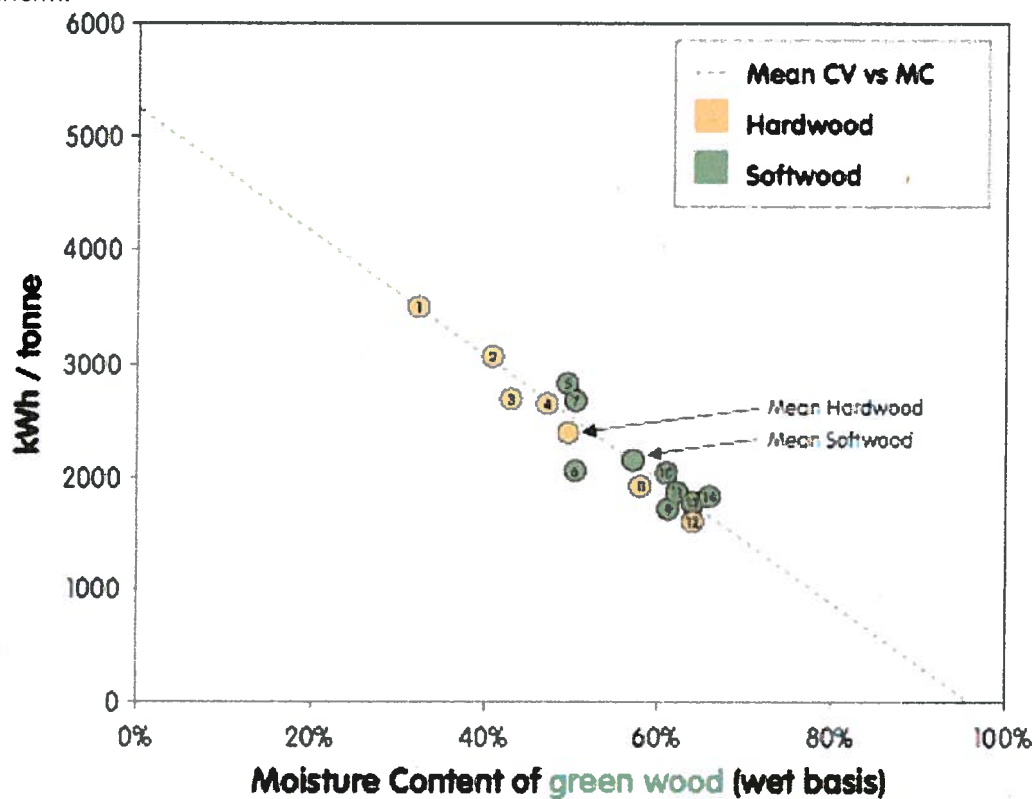
"As hardwood species are generally denser than softwood species, a tonne of hardwood logs will occupy a smaller space than a tonne of softwood logs. Dense woods will burn for longer than a less dense woods, this means you will need fewer top ups to keep a log stove burning. If you measure wood by volume you will generally receive more kilowatt hours (kWh) of heat from a cubic metre (m<sup>3</sup>) of hardwood than softwood. However, softwoods are often cheaper and easier to source." (HM Government, 2010)

Wood Moisture Content is the weight of water in a piece of wood, expressed as a percentage over the dry weight of wood. Fresh cut trees can have wood moisture contents over 200%, while completely dried wood will have wood moisture contents of 0%.

Weight of water in a given sample  $\times 100 = \text{MC\% (wet basis)}$   
Total weight of the sample

For example if a freshly sawn timber weighted 50lbs and once dried weighted 20lbs you would divide 30lbs (weight of water) by 20lbs (dry wood weight)  $\times 100 = 150\% \text{ MC}$

As Calorific value relates to specific batches and drying conditions among others, it can be difficult to compare x to x however the table bellow gives a general concept of how each species can perform.





| Graph Reference No. | Species                      | Green MC (wet basis) | kWh per Green tonne |
|---------------------|------------------------------|----------------------|---------------------|
| 1                   | Ash                          | 32%                  | 3448                |
| 2                   | Sycamore                     | 41%                  | 3044                |
| 3                   | Birch                        | 43%                  | 2668                |
| 4                   | Oak                          | 47%                  | 2635                |
| 5                   | European Larch               | 50%                  | 2722                |
| 6                   | Douglas Fir                  | 51%                  | 2596                |
| 7                   | Japanese & hybrid Larch      | 51%                  | 2653                |
| 8                   | Elm                          | 58%                  | 1915                |
| 9                   | Sitka Spruce                 | 61%                  | 1705                |
| 10                  | Western Hemlock              | 61%                  | 2040                |
| 11                  | Silver Fir                   | 62%                  | 1855                |
| 12                  | Poplar                       | 64%                  | 1610                |
| 13                  | W Red Cedar & Lawson Cypress | 64%                  | 1755                |
| 14                  | Norway Spruce                | 65%                  | 1787                |

(HM Government, 2010)

In general there are some species that have been proven through experience to work better for burning within wood gasification than others.

Most frequently coppiced species are: oak, hazel, ash, willow, field maple and sweet chestnut. (Giraffe, 2011)

"Yields of 20 tonnes of firewood per hectare per year are feasible." (andrews, graham)

The area of woodland coppicing is 5255m<sup>2</sup>. By using a woodland coppicing rotation it can be expected to achieve around 8 tonnes per year from the designated woodland area. This includes time for cut specimen to grow and mature ensuring the woodland is maintained appropriately.

## 14 Water management and harvesting

Water management will be an important factor for the permaculture garden. As the site is on a steady slope with a stream to the east most boundary it is ideal to set up a feed off from, to ensure the soil is well watered. Attention to the details of this setup will be vital as maintaining the right balance for crop diversity is important.

A drip system with a manual close will be perfect as it offers a slow steady exposure of water which is easily turned on and off. This system ensures there is little effect to the stream and lower pond.

Gray water reclamation from the home will be implemented to feed into the pond and stream after filtration. Reducing the waste of water from the home while also adding to the irrigation system to be set up for the crops within the garden.

## 15 Conclusion & Summary

This proposal has great potential to create a special area of well-managed land. An example of how sustainable living can be implemented and well engrained into its location. Every aspect of this plot feeds and supports another all linking back to how the inhabitants work with the land.

- **Design Aesthetic** – A mainstream zero carbon house. Although it may look normal extensive energy modeling and site-specific optimization has gone into ensuring the design achieves zero carbon.

- **Design Detail** – The building uses sympathetic design and materials and will be super- insulated to Passivhaus standards, including high performance, triple glazed doors and windows. Thermal bridging is kept to a minimum dramatically reducing the waste in heat escaping and cold entering the house. An extremely high level of air tightness is aimed for and a heat recovery ventilation system will be installed. Every aspect of the house is designed to be as sustainable and energy efficient as possible.
- **Local Trades** – the project is designed to benefit from the knowledge of local trades and support the businesses within the area. Exemplifying the possibilities of good design and local trades within the area of Perth and Kinross.
- **On site produce** – All the required food for the family can be cultivated from the designated land with ample produce to spare for resale to outlets such as farmers markets. This also provides an additional income for the family.
- **Energy generation** – The coppiced woodland supplemented with solar panels will provide all of the required energy and heating for the house year round. This allows zero carbon to be achieved.
- **Waste Management** – Gray water will be collected and fed into a filtration system and linked to ponds and irrigation for the planting area. Food, animal and garden waste will be composted creating a waste cycle to minimizing the output from the household.
- **Permaculture principles** - will allow the land to be nourished, maintained and build a natural ecosystem for the area.

## 16 Bibliography

### Book resources:

Bell, G., Clarke, J., Bellamy, D. and Mollison, B. (1992) *The Permaculture way: Practical ways to create a self-sustaining world*. London: Thorsons Pub.

Bridgewater, A. and Bridgewater, G. (2007) *The self-sufficiency handbook*. United Kingdom: New Holland Publishers.

Burnett, G. and Strawbridge, B. (2016) *Permaculture: A beginner's guide*. 2nd edn. London, United Kingdom: Spiralseed.

Candlin, A. (2011) *The self sufficiency manual: A complete, practical guide to living off the land*. London: A & C Black Publishers.

Cooke, I. and Ian, C. (2011) *Self-sufficiency: Grow your own fruit and vegetables*. United Kingdom: New Holland Publishers.

Seymour, J. (2009) *The new complete book of self-sufficiency*. London: Dorling Kindersley.

### Web resources:

andrews, graham (no date) *Growing trees for firewood*. Available at: [http://www.grahamandrews.com/growing\\_trees\\_for\\_firewood.html](http://www.grahamandrews.com/growing_trees_for_firewood.html) (Accessed: 22 February 2017).

Davis, S. (2012) *Heating qualities*. Available at: <http://www.firewood.co.uk/heating-qualities/> (Accessed: 30 January 2017).

By the numbers • the urban homestead (no date) Available at: <http://urbanhomestead.org/about/by-the-numbers/> (Accessed: 27 January 2017).

Choices, N. (2016) *what should my daily intake of calories be?* Available at: <http://www.nhs.uk/chnq/pages/1126.aspx?categoryid=51> (Accessed: 27 January 2017).

Ewings, S. (2014) *Build A Gasifier - build a gasifier - power for homes and business*. Available at: <http://www.build-a-gasifier.com> (Accessed: 27 January 2017).

Experts confirm that fruit and vegetable consumption reduces risk of mortality (no date) Available at: <https://www.sciencedaily.com/releases/2013/09/130926102433.htm> (Accessed: 27 January 2017).

GiffordSmFootprintFam, D. (2012) *How much land is needed to be self sufficient*. Available at: <http://www.smallfootprintfamily.com/how-much-land-is-needed-to-be-self-sufficient> (Accessed: 27 January 2017).

Giraffe (2011) *What is coppicing?* Available at: <http://www.coppice.co.uk> (Accessed: 30 January 2017).

HM Government (2010) *Calorific value by species hardwood species softwood species*. Available at: [http://www.forestry.gov.uk/pdf/FR\\_BEC\\_Wood\\_as\\_Fuel\\_Technical\\_Supplement\\_2010.pdf/\\$FILE/FR\\_BEC\\_Wood\\_as\\_Fuel\\_Technical\\_Supplement\\_2010.pdf](http://www.forestry.gov.uk/pdf/FR_BEC_Wood_as_Fuel_Technical_Supplement_2010.pdf/$FILE/FR_BEC_Wood_as_Fuel_Technical_Supplement_2010.pdf) (Accessed: 30 January 2017).



Kendra (2013) how much should I plant to feed my family for a year? Available at: <http://newlifeonahomestead.com/how-much-should-i-plant/> (Accessed: 27 January 2017).

Krajnc, N. and FAO (2015) *Cover photo: Nike Krajnc*. Available at: <http://www.fao.org/3/a-i4441e.pdf> (Accessed: 30 January 2017).

Lawton, G. (2012) *Verge Permaculture – Permaculture for professionals, innovators and entrepreneurs*. Available at: <https://vergepermaculture.ca> (Accessed: 30 January 2017).

Ltd, A.I. (no date) *Cost of owning A horse*. Available at: <http://www.equineworld.co.uk/buying-loaning-selling-horses/buying-a-horse/cost-of-owning-a-horse> (Accessed: 3 February 2017).

Minister's foreword (2013) Available at: <http://www.sags.org.uk/docs/ScotlandAllotmentDesignGuide.pdf> (Accessed: 10 February 2017).

Hugo (2017) how many m2 you need to cultivate in order to be self-sustainable? Available at: <http://survivel.cultu.be/how-many-m2-4-self-sustainable> (Accessed: 27 January 2017).

Roser, M. (no date) *Food per person*. Available at: <https://ourworldindata.org/food-per-person/> (Accessed: 8 February 2017).

Tott, R. (2015) How much land for self-sufficient living? Available at: <https://homefarmer.co.uk/how-much-land-for-self-sufficient-living/> (Accessed: 27 January 2017).

VegetableGardeningLife (2015) Companion planting charts. Available at: <http://www.vegetablegardeninglife.com/companion-planting-charts.html> (Accessed: 27 January 2017).



### 16.1.1.1.1 REPORT OF HANDLING

### 16.1.1.1.2 DELEGATED REPORT

16.1.1.1.3

16.1.1.1.4

|                                         |                             |                  |
|-----------------------------------------|-----------------------------|------------------|
| 16.1.1.1.5 Ref No                       | 16.1.1.1.6 13/01386/FLL     |                  |
| 16.1.1.1.7 Ward No                      | 16.1.1.1.8 N4- Highland     |                  |
| 16.1.1.1.9 Due<br>Determination<br>Date | 16.1.1.1.10 06.10.2013      |                  |
| 16.1.1.1.11 Case Officer                | 16.1.1.1.12 Mark Williamson |                  |
| 16.1.1.1.13 Report<br>Issued by         | 16.1.1.1.14                 | 16.1.1.1.15 Date |
| 16.1.1.1.16 Countersign<br>ed by        | 16.1.1.1.17                 | 16.1.1.1.18 Date |

16.1.1.1.19

16.1.1.1.20

**PROPOSAL:**

16.1.1.1.21 Erection of dwellinghouse

**LOCATION:** Land 130 Metres North East of Croftness, Farmhouse Aberfeldy

### 16.1.1.1.22 SUMMARY:

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

**16.1.1.1.23 DATE OF SITE VISIT:** 25 September 2013

**SITE PHOTOGRAPHS** - attached

### BACKGROUND AND DESCRIPTION OF PROPOSAL

Brief Description

The application site is a 1.9 ha area of grazing land forming part of the agricultural land holding of Mains of Croftness which is situated to the south of Aberfeldy on land between the A826 to the east and the Birks o' Aberfeldy and the Moness Burn to the west. The site is a sloping site and contained within a wooded landscape framework.

This is a detailed proposal for the erection of an eco-house and associated land management proposals based upon a detailed and recognised sustainable living model and concept.

The proposed dwellinghouse is situated to the south east of the application site and comprises a 2 storey traditionally styled dwellinghouse. The proposed dwellinghouse will be "near zero carbon and highly insulated to Passivhaus standards", including high performance triple glazed windows and doors. A high level of air tightness is proposed and a heat recovery ventilation system. Coppicing of woodland will provide all the required heating and hot water energy supplemented by solar thermal energy. Energy modelling has concluded that "coppicing will be able to provide all the hot water and heating". A coppice processing workshop and boiler house is proposed to the east of the dwellinghouse. The land management proposals for sustainable living are based on "permaculture principles" where 6 zones are proposed on the wider site. These are outlined below:-

"Zone 0 - this is the house where aims would be to reduce energy and water needs, harnessing natural resources such as sunlight, and generally creating a harmonious, sustainable environment in which to live and work.

Zone 1 - nearest to the house and including a kitchen garden and herb spiral

Zone 2 - this is a vegetable garden with 2 allotments with crop rotation and chicken coup. 2 rainwater harvesting ponds in this zone allow for irrigation.

Zone 3 - organic mixed fruit orchard with living nitrogen fixing mulch growing between to suppress weeds and feed the trees

Zone 4 - coppicing woodland and ne shelter belt planting area

Zone 5 - is a seeded wildflower meadow with a pond and reed bed for on site water treatment.

The zones are separated by traditional laid hedges and connected by informal paths".

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

A pre-application meeting took place on the 27 November 2012.

## **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

#### 16.1.1.1.24 DEVELOPMENT PLAN

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

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

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

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

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

#### **OTHER POLICIES**

Perth and Kinross Local Development Plan 2014

The application site is within the landward area where the following policy is relevant:-

RD3: Housing in the Countryside

Other Policies:-

Perth and Kinross Council Housing in the Countryside Guide 2012

Perth and Kinross Council Primary Education and New Housing Development 2009

#### 16.1.2

#### 16.1.3 CONSULTATION RESPONSES

Education And Children's Services    No objections

Scottish Water    No objections

Environmental Health    No objections



## REPRESENTATION

None

### Additional Statements Received:

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Environment Statement                                         | Not Required |
| Screening Opinion                                             | Not Required |
| Environmental Impact Assessment                               | Not Required |
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Submitted    |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### Policy Appraisal

The application site is within the landward area of the adopted local plan and falls to be assessed under the Council's Housing in the Countryside Guide 2012. Under this guidance favourable consideration will be given to proposals for the construction of eco-friendly houses in the open countryside where a rural setting is required and that the project is closely linked to the management of land or the use of land for sustainable living. The proposal should also blend sympathetically with the landform and topography and not be detrimental to the surrounding landscape.

It is considered that the Design Statement which includes the detailed house design principles and land management plan and modelling comprises a satisfactory, comprehensive and recognised approach in achieving sustainable living through the adoption and implementation of permaculture principles and is considered to be in accordance with the Council's Housing in the Countryside Guide 2012. The proposal is also generally in accordance with National Planning Policy which encourages sustainable development and renewable energy production. The scale and overall design of the dwellinghouse is acceptable. There will be no adverse impact on the residential amenity of the proposed house or neighbouring houses as a result of the proposal as there is sufficient distances between properties.

The siting of the house to the south east corner of the site allows it to benefit from nearby woodland screening to the east and a rising wooded topography to the south ensuring the ridge does not breach the skyline. Further south on the rising ground there is existing housing at a higher elevation

which provides further favourable context for the siting of the proposed house in terms of 'landscape fit.' There is also existing housing to the west at Croftness at a higher elevation. It is considered therefore that the proposal is acceptable in terms of impact on the surrounding landscape and will blend sympathetically with the existing landform and nearby built development.

### **Roads and Access**

There are no objections to the proposal in terms of access and parking subject to conditions on parking spaces and turning facilities on the site.

The core path AFDY/111 provides access to the application site and a condition is recommended on any consent to protect it's use during building works and on completion.

### **Drainage and Flooding**

The Council's Flooding Section were consulted and have stated that there is a small section in the west corner of the application site that sits within the SEPA 1 in 200 year Fluvial Flood Map and therefore this area is at a medium to high risk of flooding. However, as this area is to be used for paddock/livestock grazing, the impact of flooding is low there are no objections raised.

### **Developer Contributions**

There is currently capacity at Breadalbane Academy Primary School and there is no requirement for an education contribution to be made in relation to this development.

### **Economic Impact**

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

### **Application Processing Time**

24 weeks

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. Having taken account of the material considerations there are none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**



None applicable to this proposal.

## **RECOMMENDATION**

### **Approve the application**

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

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

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

2 Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

3 Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

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

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

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

5 The core path AFDY/111 which provides access to the application site shall not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the house is occupied.

To ensure continued public access along the public paths.

6 Prior to any works starting on site, details shall be submitted to and approved in writing by this Planning Authority of the monitoring equipment and processes to be used in the development to establish levels of energy use. The details agreed shall be fully operational to the satisfaction of this Council as Planning Authority prior to the occupation of the dwellinghouse and shall be maintained thereafter. All information and data collected through this monitoring shall be provided in writing to this Planning Authority on an annual basis unless otherwise agreed in writing by the Planning Authority.

The dwellinghouse has been approved under the Council's Housing in the Countryside Guide 2012 and to ensure that the success of the development can be monitored.

7 Prior to occupation of the dwellinghouse the applicant shall submit for the approval of the Planning Authority a detailed land management plan for the woodland management and horticultural use on the site associated with sustainable living. All information and data collected through this monitoring shall be provided in writing to this Planning Authority on an annual basis unless otherwise agreed in writing by the Planning Authority.

In the interests of sustainability.

### **Justification**

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

### **Informatives**

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

### **Procedural Notes**

Not Applicable.

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

13/01386/1  
13/01386/2  
13/01386/3  
13/01386/4  
13/01386/5  
13/01386/6

**Date of Report 04.03.2014**



**TCP/11/16(509) – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mrs Karen Laver  
c/o Architeco Ltd  
Colin Potter  
43 Argyll Street  
Dunoon  
Argyll  
PA23 7HG

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 19th October 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01524/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 5th September 2017 for permission for **Erection of a dwellinghouse and outbuilding** Land 150 Metres North West Of Upper Cloan Telecommunications Mast Auchterarder for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. Specifically the proposal fails to comply with category 3.5 as it is not a test pilot project or sufficiently ground-breaking to warrant a dwelling house in this countryside location. Furthermore there is no mechanism for ensuring the occupant or prospective purchaser of the site be required to live and operate the site in an ecologically sound and sustainable manner.

3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within the Ochil Special Landscape Area.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of the Ochils.
5. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

### **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

17/01524/1

17/01524/2

17/01524/3

17/01524/4

17/01524/5

17/01524/6

17/01524/7

17/01524/8



# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                 |      |
|------------------------|-----------------|------|
| Ref No                 | 17/01524/FLL    |      |
| Ward No                | P7- Strathallan |      |
| Due Determination Date | 04.11.2017      |      |
| Case Officer           | John Russell    |      |
| Report Issued by       |                 | Date |
| Countersigned by       |                 | Date |

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

**LOCATION:** Land 150 Metres North West Of Upper Cloan  
Telecommunications Mast Auchterarder

### 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:** 21 September 2017

### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The site lies to 1.5km south of the A9 Motorway and 300m East of Nether Cloan. Access to the site is via an existing track opposite Cloan House. The access track passes through a number of gates and fields before entering the main body of the application site, at this point there is an existing stable to the left of the access track, which sits at a lower level than the track. From reviewing the site history there are no records associated with the erection of this structure.

The access track then travels in a southerly direction and climbs up the hill to the existing telecommunication mast in the South corner of the site (application 01/01453/TDPD and 05/00545/TD refer) this represents the highest point in the site. It is worthwhile noting that the planning authority previously received an application to relocate the existing telecommunication infrastructure to a new site however this was refused. The telecoms mast therefore remains on the site and the proposed dwelling associated with this application has been moved northwards below the mast.

It is worth noting that an earlier application 17/00329/FLL for a dwelling house on the site was refused. The agent confirms:-

*We have chosen to resubmit rather than appeal the previous decision since the location of the house has been moved and the nature of the proposal has been clarified to address the reasons for refusal and to respond to some of the comments made in the Report of Handling of the previous application. The previous application was lodged with the assumption that the communications mast on the site was to be relocated. This is no longer the case, with the mast*

*staying in its current location, requiring amendment to the application boundaries.*

## **SITE HISTORY**

01/01453/TDPD Installation of telecommunications equipment on 31 October 2001

03/00566/FOR Mixed workings on 25 April 2003 Application Permitted

05/00545/TD Extension to telecommunications mast, installation of 3 antenna and erection of 2 equipment cabinets 17 May 2005 Application Permitted

17/00329/FLL Erection of a dwellinghouse and outbuilding 27 April 2017 Application Refused

17/00401/FLL Installation of replacement telecommunications mast and associated works 25 May 2017 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 16/00740/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

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

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

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

The principal policies are, in summary:

**Policy PM1A - Placemaking**

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

**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 PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

**Policy RD3 - Housing in the Countryside**

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

**Policy TA1B - Transport Standards and Accessibility Requirements**

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

**Policy NE2A - Forestry, Woodland and Trees**

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

**Policy NE2B - Forestry, Woodland and Trees**

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

Policy 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.

Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy HE1A - Scheduled Monuments and Non Designated A

There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

## OTHER POLICIES

### **Development Contributions**

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

### **Housing in the Countryside Guide**

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

## **CONSULTATION RESPONSES**

Historic Environment Scotland – HES advise the development has the potential to affect Ogle Hill, fort which is recognised as being of national importance and is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 (SM 3073 Ogle Hill, fort).

HES do not have any comments to make on the proposals. They confirm that their decision not to provide comments should not be taken as support for the proposals.

Scottish Water – No objection.

Contributions Officer – The Primary Education and Auchterarder A9 Junction Developer Contributions are applicable to this development.

Transport Planning – Insofar as the Roads matters are concerned I have no objection subject to conditions.

## **REPRESENTATIONS**

The following points were raised in the 1 representation that objects to the proposal.

- Adverse effect on visual amenity.
- Inappropriate landuse.
- Out of character with the area.
- Prominent construction in a highly visible position in open countryside.
- Formation of a pond on a slope without showing the civil works necessary to retain water. Slopes would be a considerable height due to the steep slope.

These matters are covered in the appraisal section of this report.

## **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 | Submitted    |

## 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.

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not relate to:-

- (a) Building Groups.
- (b) Infill sites.
- (d) Replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

The proposal for the new dwelling should be assessed under criterion (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance. I therefore turn to the supplementary guidance that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3.

From my review it does not meet 3.1 Existing Gardens, 3.2 Flood Risk or 3.4 Houses for Local People.

Category 3.3 can provide for housing where there is a clear agricultural need or other rural business justification for key worker accommodation. However there is no existing business on the site that could justify operational need.

Category 3.5 can provide support to pilot projects creating eco-friendly houses where a rural setting is required and the project is linked to the management of land or use of land for sustainable living. It is this criterion that the application should be assessed against.



It is worthwhile noting the agent's criticism of the earlier refused application 17/00329/FLL incorporated into the updated Planning and Design Statement:-

*The design of the house and the proposals for sustainable land management are very similar to those approved enthusiastically as fulfilling the terms of this part of the Housing in the Countryside Policy by the planning officer in relation to PKC13/01386/FLL – Erection of a dwellinghouse 130 m north east of Croftness Farmhouse, Aberfeldy in 2013 and if these proposals were so positively received in a rural location in Aberfeldy it is hard to understand why such similar proposals are not acceptable here. In this former case, the proposal was accepted as a pilot project without hesitation.*

The agent has effectively raised the issue of precedence. This is a material consideration in the determination of an application.

However, every site presents different characteristics. In this case application 13/01386/FLL is located within walking distance to a settlement (Aberfeldy) when this site is not. Furthermore the passage of time between the 2013 application and 2017 application also makes a difference as changes and advances in construction technology will have implications for the pilot project criteria.

In light of this there is not sufficient similarity between the two applications referenced for precedent to be a material consideration of weight in the determination of this application.

Accordingly it is important to drill down on whether this proposal is a pilot project creating an eco-friendly house which requires to be located in this part of the countryside. The assessment then needs to look at how the project is linked to the management of land or use of land for sustainable living.

#### Is the house Design a pilot project creating a eco-friendly house?

The supporting statement confirms that the proposed dwelling will be insulated to Passivhaus Standards. A heat recovery ventilation system will be installed. The house will have coppicing rights to the adjacent woodland, which will provide all of the required heating and hot water energy. They also note that the house will be zero carbon as electricity and heating will all be produced via the coppiced woodland through a wood gasifier and solar panels. The preliminary energy modelling provided by the agent indicates that the design could have a heat load of just 4.5kW and they advise this would ensure the coppice would meet the requirements for hot water and heating demands.

The dwelling has three bedrooms; one on the ground floor and two on the first floor. There is a full height space for dining/kitchen and a sunroom facing North-west overlooking the full plot. Structural Insulated Panel Construction will form the main envelope of the building. Walls will be finished in render to the gables, with timber cladding to the North & South elevations. The roof

proposal is for profile metal sheet to be in keeping with the rural context. The agent confirms these materials have a high-recycled content and at the end of its life is fully recyclable.

A pilot project can be defined as a small scale preliminary study conducted in order to evaluate feasibility, time, cost, adverse events, and effect size (statistical variability) in an attempt to predict an appropriate sample size and improve upon the study design.

In this case I do not consider that the proposal meets this test as a pilot project.

The proposal relates to the construction of a house using a structural insulated panel system (SIPS). SIP kits are a common form of construction and there are a number of companies that manufacture the panels in factory conditions throughout the UK. This is a tried and tested form of construction and is therefore not a pioneering as required by the policy.

While I note the intention is to meet passivhaus standards it should be noted that this is also not a new concept. The passivhaus standard was developed in Germany in the early 1990s and the first dwellings to be completed to the passivhaus Standard were constructed in Darmstadt in 1991. The (BRE) British Research Establishment now confirms that 30,000 buildings are now constructed to the passivhaus standard with Passivhaus buildings constructed in every major European country, Australia, China, Japan, Russia, Canada the USA and South America. The passivhaus standard is therefore well tested and developed.

The agent also notes that the development is to be zero carbon as electricity and heating will be produced via the coppiced woodland through the wood gasifier and solar panels.

A report entitled 'A low carbon building standards strategy for Scotland' (the 'Sullivan Report') makes 56 recommendations to the Scottish government for challenging but realistic targets for housing and non-domestic buildings.

The majority of the recommendations are within the remit of the Scottish government's Building Standards Division, which has responsibility for setting Building Regulations within Scotland. The report recommends that 'net zero carbon' buildings (ie space and water heating, lighting and ventilation) are made a requirement by 2016/2017, if practical. In this case I do not consider that the proposal for carbon zero to be ground breaking enough given the existing requirements that are incorporated into the building regulations. I also note the building will be connected to the Grid.

There is a further recommendation in the Sullivan report for buildings to be 'total life zero carbon' by 2030. This is described as the building's total carbon emissions including those from construction and demolition as well as in use. While the agent has highlighted that the building could be recycled there is no breakdown showing the total life cycle. Even if this was provided I do not

consider that this would be sufficiently ground-breaking in the context of this housing in the countryside policy to warrant approval of the application in this countryside location.

How the project is linked to the management of land or use of land for sustainable living.

My assessment has already confirmed that this proposal is not a pilot project creating an eco-friendly house which requires a location in the countryside. This alone means the proposal cannot be supported under criterion 3.5 of the SPG. However for fullness I will also review the information submitted on land management.

The agent's supporting statement confirms that the area within the applicant's ownership will follow permaculture principles. They note that the site has been divided into zones ranging from Zone 0 to Zone 5 as follows:-

*Zone 0 is the house itself, with the remaining zoning being dependent on input required and frequency of tending.*

*Zone 1 is nearest to the house and includes the kitchen garden with short growing season vegetables. Wild flowers and herbs are spread in front of the house while two rainwater harvesting ponds allow for irrigation of the allotments. A herb spiral created the optimum conditions and aspect, from dry and sunny to shaded and damp, in a small area.*

*Zone 2 consists mainly of two areas: the crop rotation beds of long growing season vegetables and the fruit trees. Between the lines of fruit trees, an organic mixed fruit orchard, living nitrogen fixing mulch grows between to naturally suppress weeds, feed the tree fruit system and provide further food crop. Those two areas should provide the majority of fresh produce for the family using a system of crop rotation to ensure ground fertility is maintained.*

*Zone 3 includes the main farming crops for use or sale and paddock for regularly monitored and attended animals. It also includes the existing stables situated south west of the fence, anew larger paddock close to it and evergreen trees to act as a shelter belt.*

*Zone 4 includes the grazing field for the family's livestock as well as their horses. Zone 4 also includes part of the existing woodland area, which will be coppiced to supply the heat and hot water fuel requirements for the house. The coppicing will manage the woodland for the future. The management of the woodland will use only 10% of coppice annually for the heating requirements. This allows a 10 year regeneration and maintains the woodland ad infinitum. A pond with reed bed acts as the final on-site water treatment is located in the North-West end of the site, fed by an aerating stream and with an uneven edge to promote a variety of water plants and aquatic life. This can provide a sustainable watering hole for the animals*

*Zone 5 is an unmanaged wild natural ecosystem, as it exists in its natural form – an essential area for sustainable living. Beyond the site, a mature forest provides wind protection from the northerly winter winds. The boundaries of this zone extend beyond the plot and connect this undamaged ecosystem to the surrounding forest. The zones are separated by traditional laid hedges and connected by informal paths laid in loops allowing for the whole area to be attended to on a single walk round.*

From reading the agent's design statement and supporting brief associated with the permaculture zoning there are a lot of 'suggestions' or 'possibilities' of what could come forward to comply with the ethical aspirations and spirit of permaculture. However, there is a lack of detail on what will actually be secured. For instance there is no ground investigation on whether the pond in Zone 4 could be formed and there are no details on the extent of land engineering required to form this water feature. There is reference to the potential formation of a pollytunnel but there is no detail on how this will be formed. Furthermore there is no clarity on the mechanism for ensuring the occupant or prospective purchaser of the site be required to live and operate the site in an ecologically sound and sustainable manner.

### Siting Criteria

Proposals for a new house falling within category 3 are required to demonstrate that they meet the siting criteria of the SPG. The proposed dwelling is located within the south-west corner of the field. There is containment to the west and south boundary with the existing trees to the south forming a backdrop. However there is no curtilage definition for the dwelling to the north or east of the site. I do not consider that the boundary treatment associated with the existing field creates an identifiable site for the dwellinghouse to be sited as required by criterion (c). Furthermore I consider that the scheme as proposed will conflict with criterion (d) as it will have a detrimental impact on the surrounding landscape and I explore this further under the landscape heading.

### Overall Sustainability

The council's approach as set out in the new Housing in the Countryside Policy is to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported and the need to travel minimised. This proposal would be sited some distance from the nearest substantial settlement of Auchterarder. Its location would not provide any support for local existing communities or services. Occupants of the new dwelling would substantially or wholly rely on private transport as there is no local bus service in close proximity to the site. This proposal would therefore not meet with the general approach of the council's policy to sustainable rural development.

## Landscape

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. 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 of Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes.

The site is located within the Ochill Hills Special Landscape Area (SLA) which lies between Strathearn and the Loch Leven basin. The northern edge of the Ochils is formed by the Strathallan and Strathearn valleys. The northern boundary is drawn along the A9 from Greenloaning, past Blackford to Gleneagles from where the railway line forms the boundary.

The Ochils are the most significant hill range in central Scotland, cutting dramatically across the lowlands between Forth and Tay. The Ochils form a backdrop to a whole series of communities to north and south, and have a clear identity as a distinct landscape feature, the hill range therefore contributes to the setting of Strathearn and Strathallan.

The site is located on the northern scarp. Here geometric plantations and shelterbelts are prominent in this open, large scale landscape. These features often enclose areas of grazing. This agricultural use is considered to sit comfortably with the Igneous Hills landscape character type. In the Tayside Landscape Character Assessment it is noted that there are a few areas that allow arable cultivation to take place but the TLCA considers that reversion to grassland should be encouraged in some of these areas. In this case the change of the application site from grazing to permaculture use would conflict with the landscape character type.

I note that the Landscape Guidelines for the Ochil Hills Landscape Character Type in the TLCA notes the following:-

- **Encourage new development to reinforce the existing settlement pattern, focused on market towns and smaller villages outwith this landscape type. Discourage development in the open countryside.**
- **Encourage the appropriate conversion of redundant farm buildings. Guidance should be provided on the way buildings should be converted (including the provision of drives, gardens etc.) to prevent the suburbanisation of the countryside**

The proposal does not meet these guidelines. As a consequence I am of the view the proposal will erode local distinctiveness, diversity and quality of this Perth and Kinross landscape character area. It would detract from the character type's visual integrity, identity and scenic quality, thus contrary to Policy ER6.

Policy PM1A confirms that development must contribute positively, to the quality of the surrounding built and natural environment. In this case the siting of the development does not respect the character and amenity of this area of the Ochils and is contrary to policy PM1A.

From my review of Policy PM1B, the proposal also fails to create a sense of identity and erodes the character of the countryside (a).

### **Residential Amenity**

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed properties is required and in this case cognisance of the surrounding landuses has to be taken into account.

I do not consider that this proposal would have any detrimental impact on residential receptors or neighbouring agricultural/woodland uses. An acceptable level of residential amenity would be achieved for the occupants of the proposed dwelling if the existing telecommunications mast is removed or relocated.

Previous consultation with Environmental Health has confirmed that this area is served by private water supplies. To ensure the new development has an adequate and consistently wholesome supply of water and maintain water quality and supply in the interests of residential amenity conditional control is recommended. They also note that the development should take account of existing private water supplies in the vicinity of the site and/or septic drainage systems of neighbour.

### **Roads and Access**

There are no objections to the proposed dwellinghouse on technical roads or access grounds from Transport Planning. Comments on sustainable travel have already been discussed under the policy appraisal section.

### **Drainage and Flooding**

There are no flooding issues at the site. While the agent has highlighted that they intend to install a pond on the site that would comply with the SUDS principles there is not sufficient detail on whether this can be satisfactorily installed a matter that has also been pointed out in the letter of representation on the application.

### **Cultural Heritage**

Based on the consultation response from Historic Environment Scotland I do not consider that the development would significantly impact on Cultural Heritage assets to a level that would warrant refusal of the application. Accordingly given the scale of the development there is no conflict with Policy HE1A.

## **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 Community School of Auchterarder Primary School where there is a capacity issue. An education contribution of £6,460 is required.

### A9 Junction

The Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety. An A9 Junction contribution of £3,450 is 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 identified in the agent's Design Statement and Briefing Document and find none that would justify overriding the adopted Development Plan or Supplementary Planning Guidance. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.



## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

#### **Reasons for Recommendation**

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. Specifically the proposal fails to comply with category 3.5 as it is not a test pilot project or sufficiently ground-breaking to warrant a dwelling house in this countryside location. Furthermore there is no mechanism for ensuring the occupant or prospective purchaser of the site be required to live and operate the site in an ecologically sound and sustainable manner.
- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within the Ochil Special Landscape Area.
- 4 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of the Ochils.
- 5 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

#### **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**

17/01524/1

17/01524/2

17/01524/3

17/01524/4

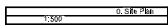
17/01524/5

17/01524/6


17/01524/7

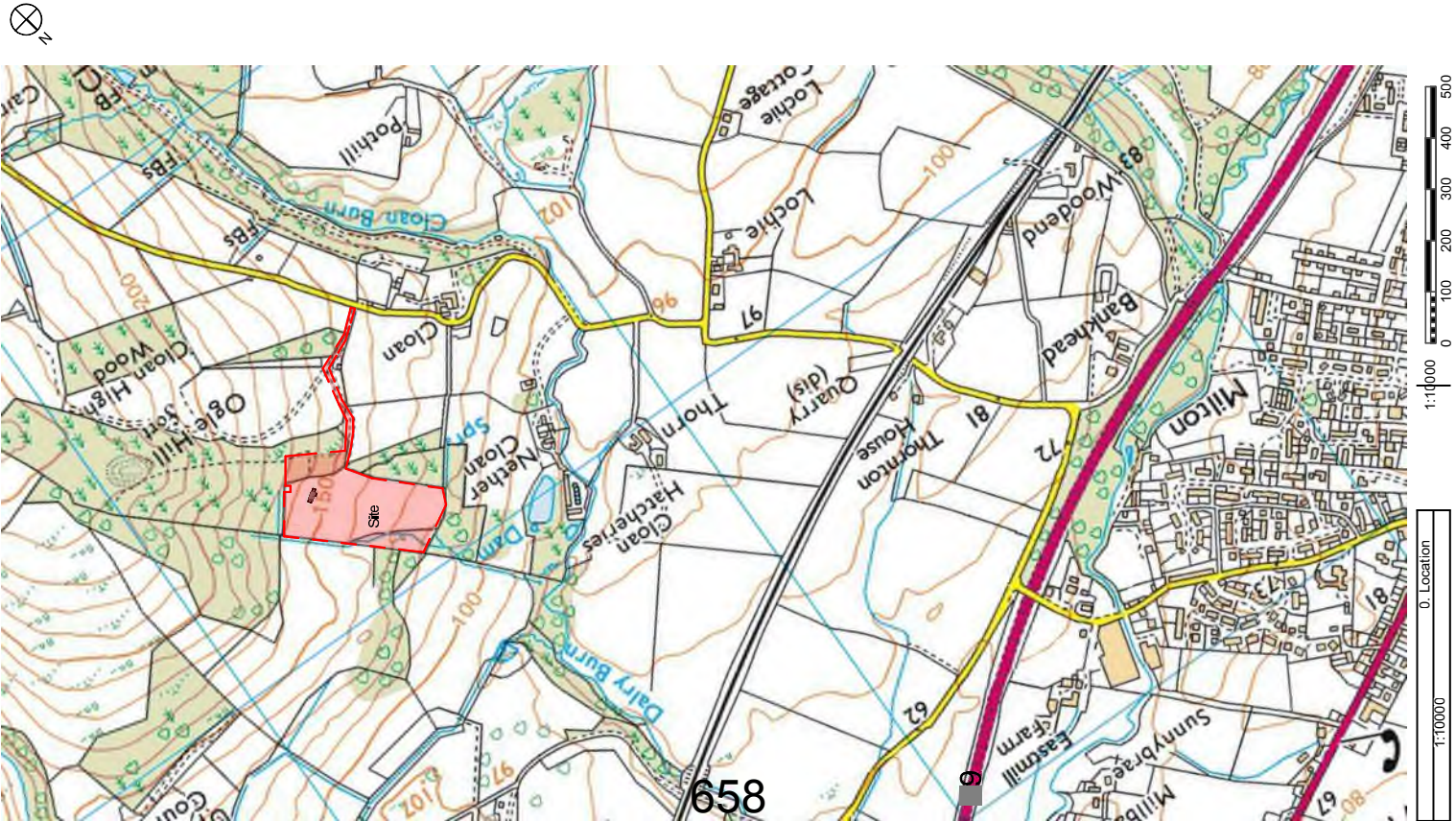
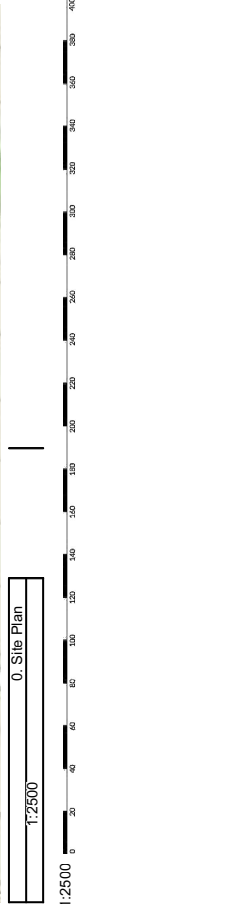
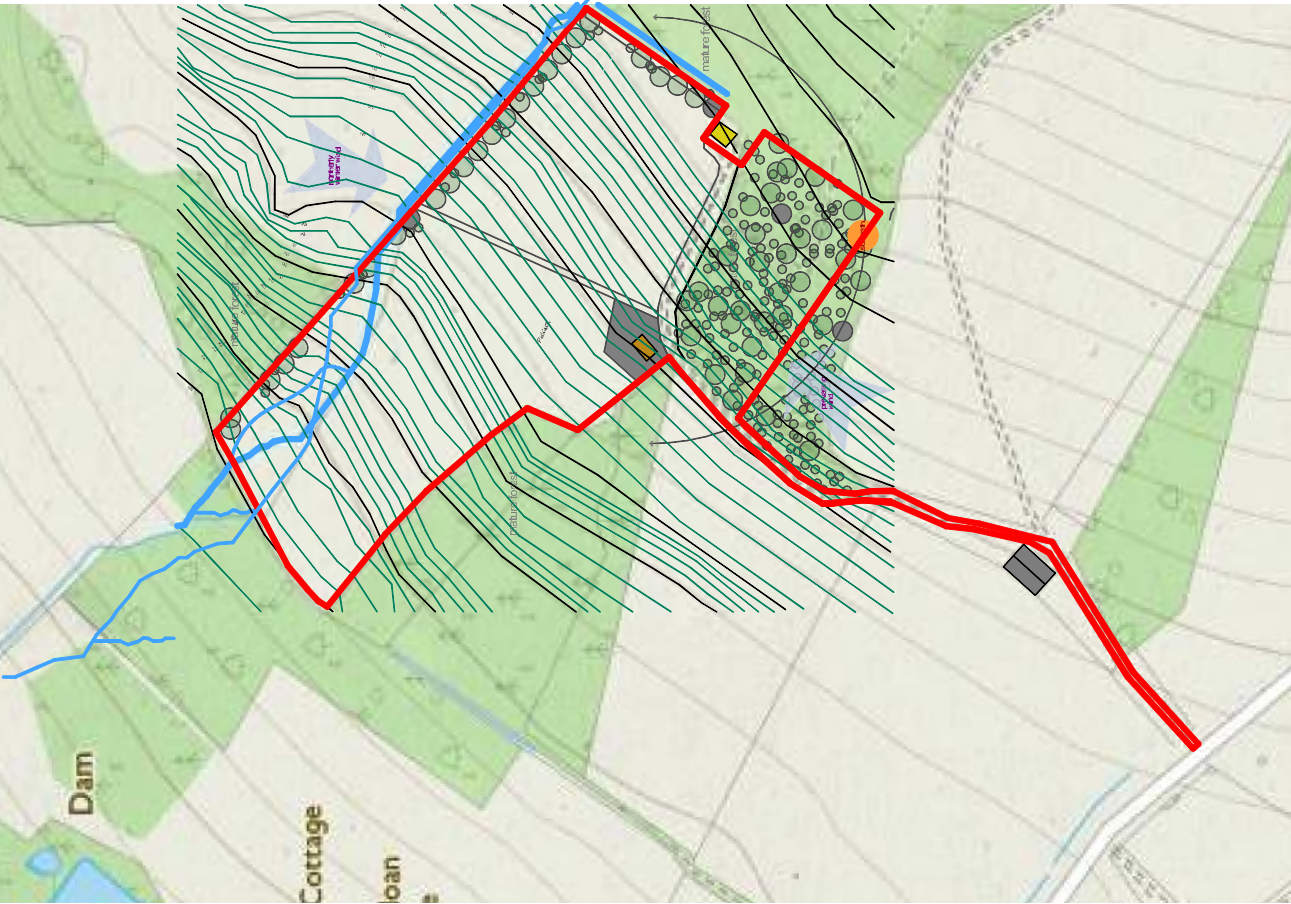
17/01524/8

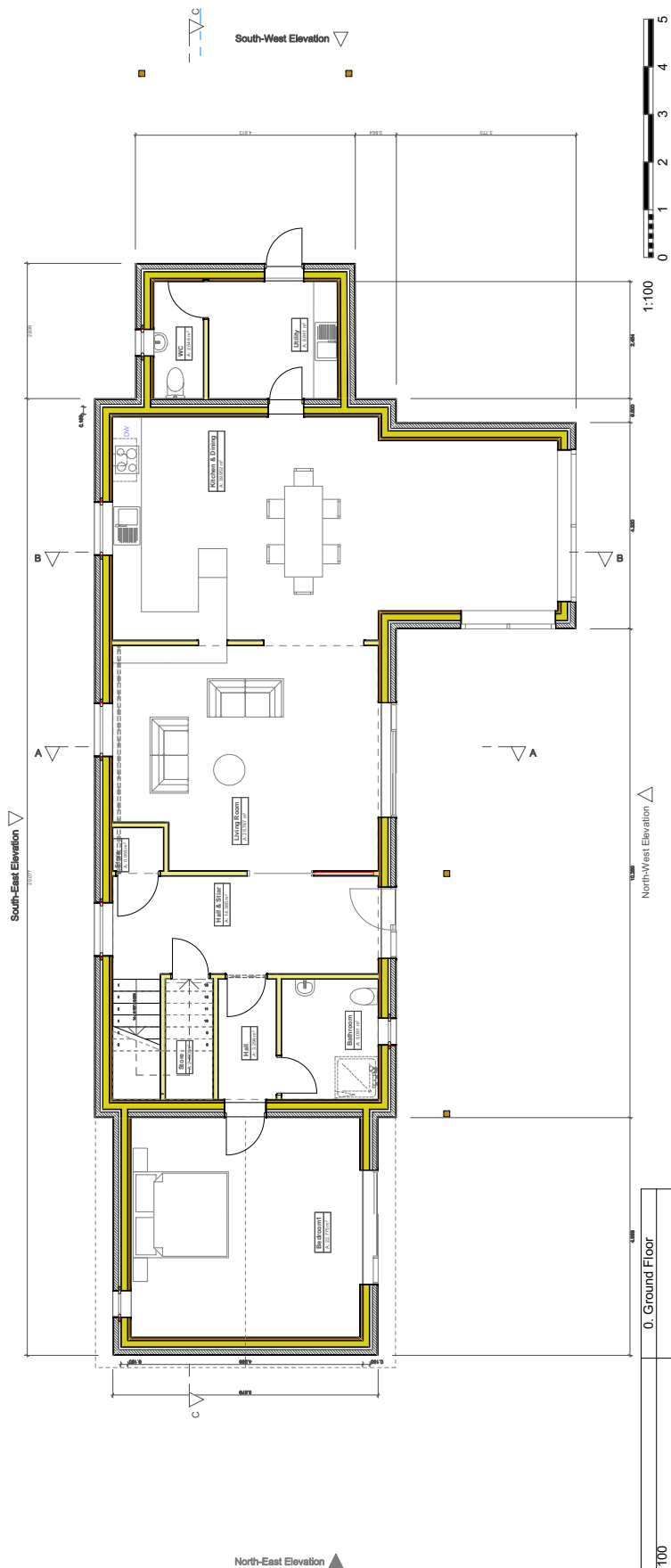
**Date of Report 18.10.17**



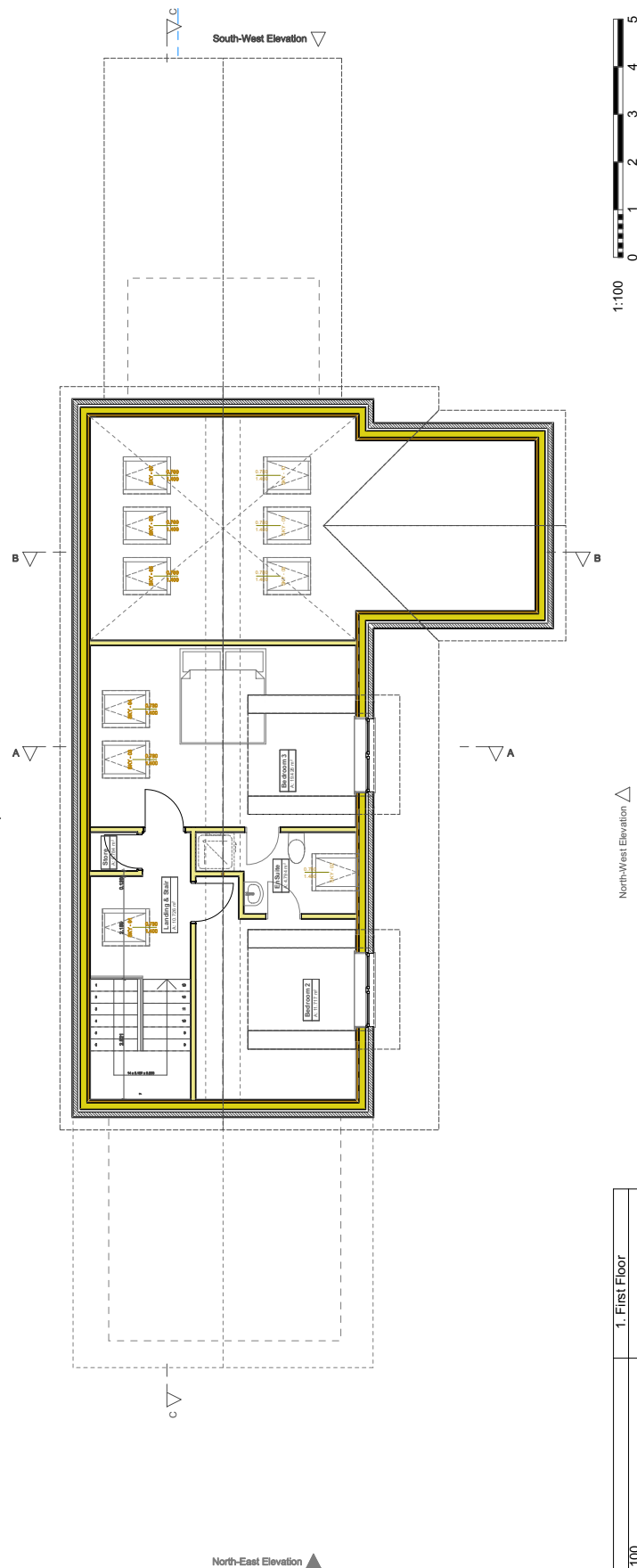


|                                                                                 |  |                                                                                                                                                              |  |                                                                                                                              |  |                                                                                                                                                                                                                                                                                             |  |                                                                                                                                 |  |                                                         |  |                                             |  |                                    |  |                           |  |                                                |  |                                                 |  |                              |  |                                                                                                                                    |  |
|---------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------|--|---------------------------------------------|--|------------------------------------|--|---------------------------|--|------------------------------------------------|--|-------------------------------------------------|--|------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  | <b>Notes</b><br>Copyright ARCHITECO 2017<br>Do not scale construction dimensions from this drawing. All dimensions are to be verified prior to construction. |  | <b>Mapping contents (c) Crown copyright and database rights 2017. Ordnance Survey REPRODUCED UNDER LICENCE No: 100057510</b> |  | <b>Revision History</b><br><b>RevA</b><br>- Location plans updated for accuracy<br>- Field boundary taken to public road<br>- Floor levels shown on elevations<br><b>RevB</b><br>- Design statement updated.<br>- Field boundary amended to exclude mast area.<br>- House location amended. |  | <b>Project</b><br><b>K Laver, &amp; D Malcolm</b><br><b>Upper Cloan, Aulerarder, Perth &amp; Kinross, PH3 1PP, Scotland, UK</b> |  | <b>Drawing Name</b><br><b>Location Plan as Existing</b> |  | <b>Drawing Status</b><br><b>In Progress</b> |  | <b>Modified by</b><br><b>D.W.H</b> |  | <b>Date</b><br>31/08/2017 |  | <b>Drawing Scale</b><br><b>1:2500, 1:10000</b> |  | <b>Drawing Number</b><br><b>1271-02-02-RevB</b> |  | <b>Revision</b><br><b>-B</b> |  | <b>ARCHITECO</b><br>SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS<br>info@architeco.co.uk 01369 701 966 www.architeco.co.uk |  |
|---------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------|--|---------------------------------------------|--|------------------------------------|--|---------------------------|--|------------------------------------------------|--|-------------------------------------------------|--|------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------|--|





659



1:100

## 1. First Floor

North-West Elevation  $\Delta$ 

1:100

## Notes

Copyright ARCHITECO 2017  
Do not scale construction dimensions from this drawing. All dimensions are to be verified prior to construction

### Revision History

## Project

K Laver, & D Malcolm  
Upper Cloan, Auterarder, Perth &  
Kinross, PH3 1PP, Scotland, UK

## Drawing Name

## Ground Floor & First Floor Plans

Drawing Status

## In Progress

Modified by  
D.W.H.

31/08/2017

Checked by

Drawing Scale

**1:100**

Drawing Number

Drawing Number  
1271-02-04

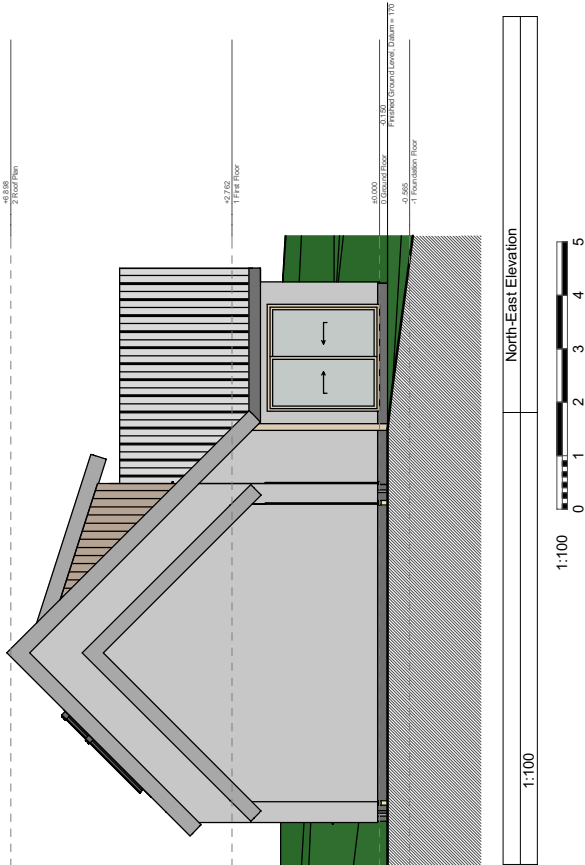
Revision

**ARCHITECO**

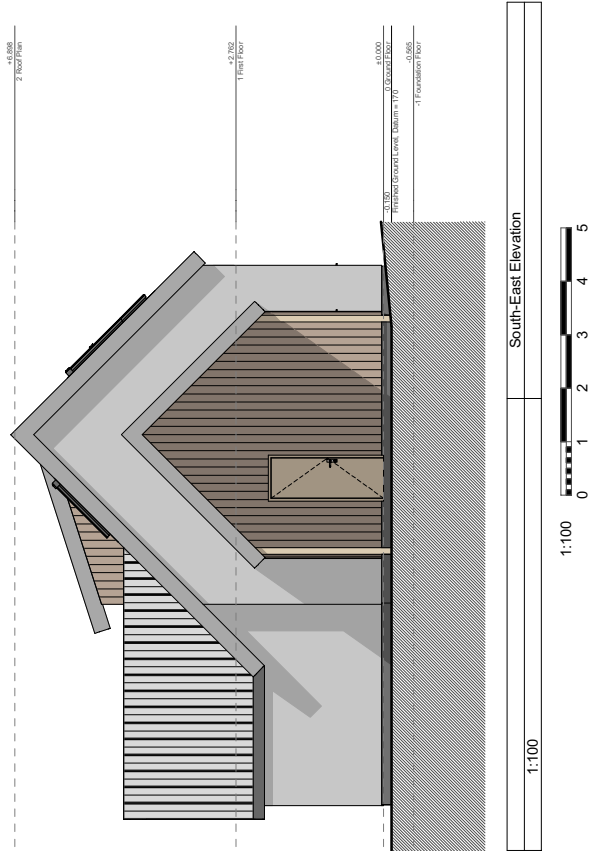
**SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS**

43 Argyll Street, Dunoon PA23 7HG  
info@architeco.co.uk 01369 701 988 www.architeco.co.uk



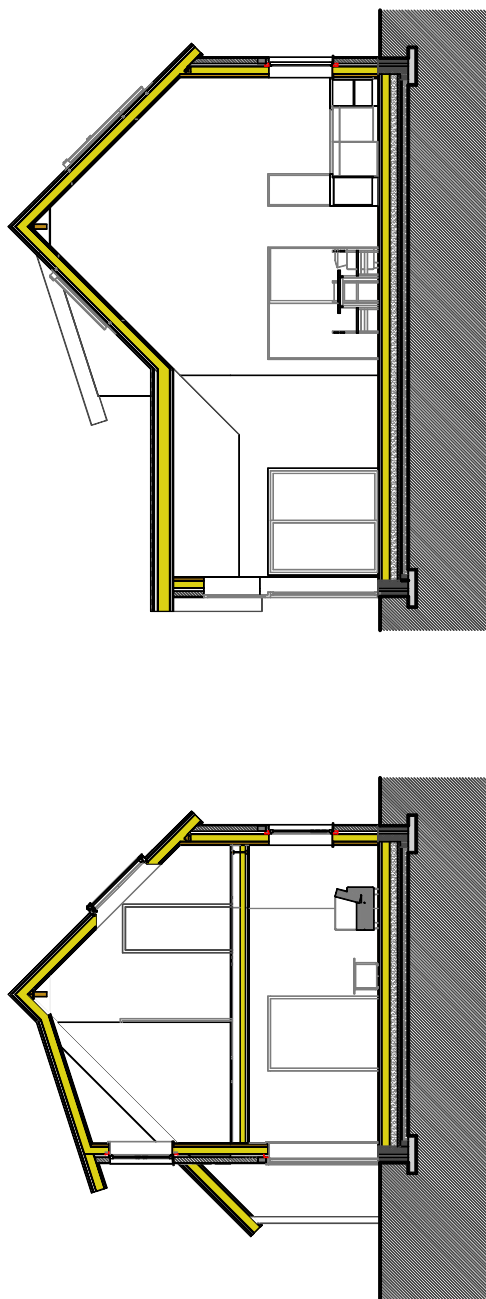


|                                                                                                                                                              |                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>Notes</b><br>Copyright ARCHITECO 2017<br>Do not scale construction dimensions from this drawing. All dimensions are to be verified prior to construction. |                           |
| <b>Revision History</b><br>Rev A-<br>- Location plans updated for accuracy<br>- Red boundary taken to public road<br>- Floor levels shown on elevations      |                           |
| <b>Project</b><br>K Laver, & D Malcolm<br>Upper Cloan, Auterarder, Perth &<br>Kinross, PH3 1PP, Scotland, UK                                                 |                           |
| <b>Drawing Name</b><br>Elevations                                                                                                                            |                           |
| <b>Drawing Status</b><br>In Progress                                                                                                                         |                           |
| <b>Modified by</b><br>D.W.H                                                                                                                                  | <b>Date</b><br>31/08/2017 |
| <b>Checked by</b>                                                                                                                                            |                           |
| <b>Drawing Scale</b><br>1:100                                                                                                                                |                           |
| <b>Drawing Number</b><br>1271-02-05-RevA                                                                                                                     | <b>Revision</b><br>-A     |



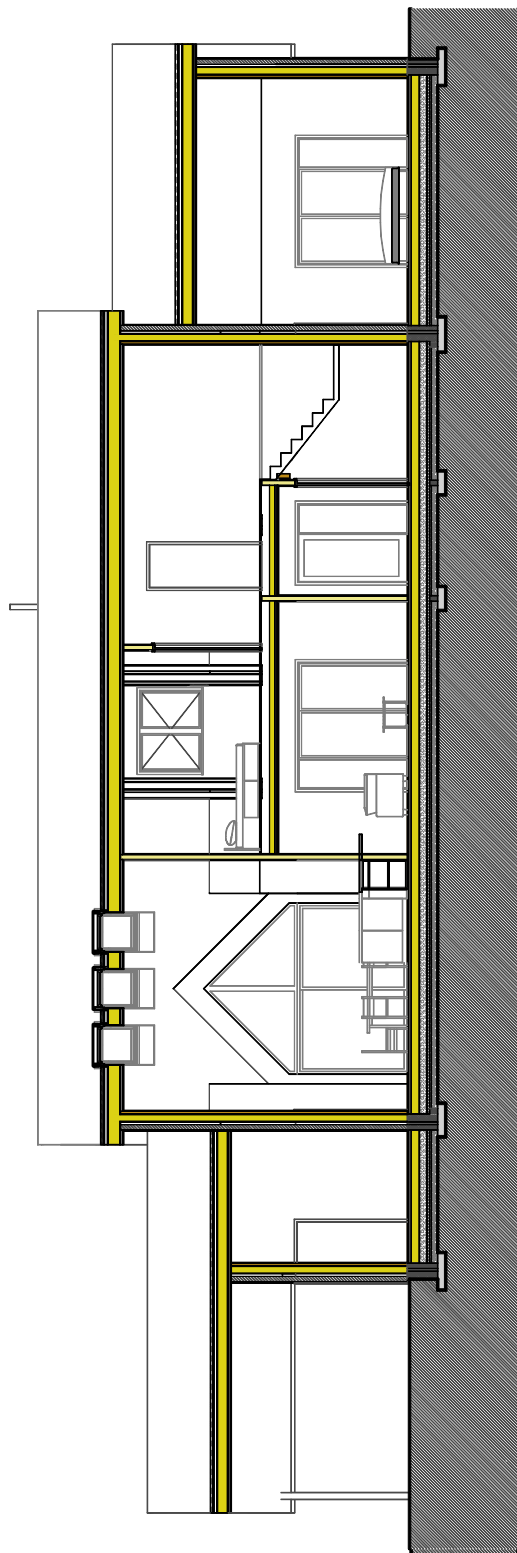
|                                                                                                                                                                  |                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Notes<br>Copyright ARCHITECO 2017<br>Do not scale construction dimensions from this drawing. All dimensions are to be verified prior to construction.            |                    |
| Revision History<br>Rev A-<br>- Location plans updated for accuracy<br>- Red boundary taken to public road<br>- Floor levels shown on elevations                 |                    |
| Project<br>K Laver, & D Malcolm<br>Upper Cloan, Auterarder, Perth &<br>Kinross, PH3 1PP, Scotland, UK                                                            |                    |
| Drawing Name<br>Elevations                                                                                                                                       |                    |
| Drawing Status<br>In Progress                                                                                                                                    |                    |
| Modified by<br>D.W.H                                                                                                                                             | Date<br>31/08/2017 |
| Checked by                                                                                                                                                       |                    |
| Drawing Scale<br>1:100                                                                                                                                           |                    |
| Drawing Number<br>1271-02-06-RevA                                                                                                                                | Revision<br>-A     |
| ARCHITECO<br>SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS<br>43 Argyll Street, Dunoon PA23 7HG<br>info@architeco.co.uk 01389 701 986 www.architeco.co.uk |                    |





|       |           |
|-------|-----------|
| 1:100 | A Section |
|-------|-----------|

|       |           |
|-------|-----------|
|       |           |
|       | B Section |
| 1:100 |           |



|           |  |
|-----------|--|
| C Section |  |
| 1:100     |  |

|           |  |
|-----------|--|
| Roof Plan |  |
| 1:500     |  |

## Notes

Copyright ARCHITECO 2017  
Do not scale construction dimensions from this drawing. All  
dimensions are to be verified prior to construction

## Revision History

Project

K Laver, & D Malcolm  
Upper Cloan, Auterarder, Perth &  
Kinross, PH3 1PP, Scotland, UK

Drawing Name

**Drawing Status**  
**In Progress**

|                             |                    |
|-----------------------------|--------------------|
| Modified by<br><b>D.W.H</b> | Date<br>31/08/2017 |
|-----------------------------|--------------------|

Checked by

Drawing Scale  
**1:100, 1:500**

Drawing Number  
**1271-02-07**

**ARCHITECO**

**SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS**

43 Argyll Street, Dunoon PA23 7HG  
info@architeco.co.uk 01369 701 988 www.architeco.co.uk



|                                                                                                                                                                  |                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Notes                                                                                                                                                            |                    |
| Copyright ARCHITECO 2017<br>Do not scale construction dimensions from this drawing. All dimensions are to be verified prior to construction.                     |                    |
| Revision History                                                                                                                                                 |                    |
| Project<br>K Laver, & D Malcolim<br>Upper Cloan, Auterarder, Perth &<br>Kinross, PH3 1PP, Scotland, UK                                                           |                    |
| Drawing Name<br>Visualisation                                                                                                                                    |                    |
| Drawing Status<br>In Progress                                                                                                                                    |                    |
| Modified by<br>D.W.H                                                                                                                                             | Date<br>22/02/2017 |
| Checked by                                                                                                                                                       |                    |
| Drawing Scale                                                                                                                                                    |                    |
| Drawing Number<br>1271-02-09                                                                                                                                     | Revision<br>-      |
| ARCHITECO<br>SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS<br>43 Argyll Street, Dunoon PA23 7HG<br>info@architeco.co.uk 01389 701 966 www.architeco.co.uk |                    |

Cloan, Auchterarder,  
Perth & Kinross,  
PH3 1PP, Scotland.



## PLANNING AND DESIGN STATEMENT

43 Argyll Street, Dunoon PA23 7HG  
info@architeco.co.uk

01369 701 988  
www.architeco.co.uk

### Introduction

This proposal is for a new zero carbon dwelling and associated smallholding for sustainable living following the principles of permaculture located at Cloan near Auchterarder.

The site lies 1.5km south of the A9 Motorway and 300m East of Nether Cloan. Access to the site is via an existing track opposite Cloan House. An existing telecommunication mast is in the south corner of the site at the highest point.

This application is a resubmission following refusal of application 17/00329/FLL. We have chosen to resubmit rather than appeal the previous decision since the location of the house has been moved and the nature of the proposal has been clarified to address the reasons for refusal and to respond to some of the comments made in the Report of Handling of the previous application. The previous application was lodged with the assumption that the communications mast on the site was to be relocated. This is no longer the case, with the mast staying in its current location, requiring amendment to the application boundaries.

### Planning Policy Context

#### Pilot projects creating eco-friendly houses

The proposal has been specifically developed to fulfill the Council's desire for pilot projects creating eco-friendly houses expressed in Section 3.5 of its Housing in the Countryside Policy by bringing together a zero carbon house with the use of land for sustainable living which requires a rural setting. The Planning Officer in the previous Report of Handling dismissed this proposal as a 'pilot project' by his own definition, but the Housing in the Countryside Policy offers no definition of 'pilot project' and he was wrong to dismiss it out of hand.

The design of the house and the proposals for sustainable land management are very similar to those approved enthusiastically as fulfilling the terms of this part of the Housing in the Countryside Policy by the planning officer in relation to PKC13/01386/FLL – Erection of a dwellinghouse 130 m north east of Croftness Farmhouse, Aberfeldy in 2013 and if these proposals were so positively received in a rural location in Aberfeldy it is hard to understand why such similar proposals are not acceptable here. In this former case, the proposal was accepted as a pilot project without hesitation.

The proposal also fulfill the Siting Criteria for houses in Category 3 by virtue of the way the entire site nestles into the landscape, with trees and the overall slope of the site containing the small holding which sits well below the skyline. The plot is well defined by woodland to three and a half sides, with a line of mature trees and stream where there is no woodland. In assessing this

application, it needs to be borne in mind that the Siting Criteria refer specifically to a house in the countryside, but this proposal under Section 3.5 is for a house and smallholding, so broader consideration needs to apply as to how the whole site fits into the landscape, which this does well.

As indicated above, this proposal fulfills perfectly the Council's desire to encourage eco-houses with associated sustainable rural living in the countryside. With the exception of the Aberfeldy example, which is still only in the course of construction, we are not aware of any similar proposals within Perth and Kinross for this innovative new way of low carbon, sustainable living and the Council should thus be supporting it.

#### Landscape Policy Context

LDP Policy ER6 on managing future landscape change is crucial, supplemented by Landscape Supplementary Guidance 2015. The site lies within the Ochil Hills Special landscape Area, however there is nothing in the Supplementary Guidance on the Ochils, and hence this site, which conflicts with this proposal in terms of either the Statement of Significance, its Special Qualities, its Forces for Change or its Objectives for Future Management. Indeed, this proposal for intensification of rural land use and agriculture within this landscape should be welcomed.

#### Sustainable Design and Zero Carbon Development SG 2014

In terms of the Council's Sustainable Design and Zero Carbon Development SG 2014, this proposal addresses in full the 9 central elements of that guidance and these are addressed in more detail below. It is Council policy that this document be used as a sustainability checklist on applications, but the previous Report of Handling failed to do so.

#### **Zero Carbon Design**

The house design of this current application has been the culmination of four years of developing a zero-carbon, low energy house that looks like mainstream housing. This is to serve the specific purpose of bringing low energy housing to the mainstream market and throwing off the 'earth ship' visual expectations of low impact dwellings. It is noteworthy that there were no objections to the house on design grounds in the previous application.

Architeco are leading the way in low energy design and the house, as designed, has all cold-bridging eliminated, with every junction thermally



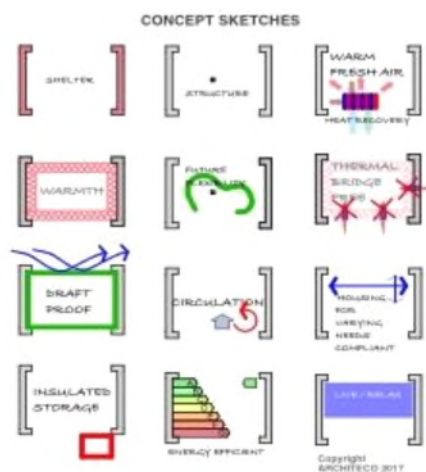


modelled and optimised. The house is, in fact, one of the first houses to be proposed under this rigorously designed solution and is very much a pilot project, with post-occupancy evaluation being proposed to determine exactly how well the house performs in reality which will allow comparison to the extensive energy modeling results, which far surpass the current Regulations' requirements. Furthermore, we are currently using an identical house type in rural locations in four separate regions (including Highland, Moray and the Outer Hebrides) in order to determine that the design is suitable for varying climatic conditions – a prerequisite of the brief in developing this house model, although finishing each house individually to suit the local design context.

This site forms part of this Scotland-wide Pilot Project and the results from the post-occupancy evaluation will be critical in determining the direction of the future model – a zero carbon low cost house suitable for all UK climatic regions. A rural site is required to allow direct comparison with the other dwellings. The applicant and the agent would be delighted to share the results of this post-occupancy evaluation with the planning authority as an input to its sustainable development strategy and in particular to assist the Council in the development of its 'Sustainable Design and Zero Carbon Development Supplementary Guidance' and to fulfill the 'pilot project' objective of the Housing in the Countryside Policy.

This document sets out the considerations required for Sustainable Design & Zero Carbon in Perth & Kinross and this planning application achieves these by:

- Minimizing energy consumption by adopting a fabric first approach
- Realises renewable energy opportunities by including a renewable energy strategy by using wood gasification.
- Encourages the use of passive and inclusive design by using site specific climate data and overshading features in the energy model and locates the house to allow the existing trees to form a shelter belt.
- Promotes efficient use of water and avoids run-off, with all surface and waste water being dealt with on-site as part of a re-oxygenating system.
- Increases the bio-diversity of the site using Permaculture.
- Uses off-site construction to minimise construction waste.
- Implementing on-site composting that feeds directly back into the site.



- Encourages sustainable travel – the site lies less than 2km from Auchterarder Town Centre.

On this last item, Sustrans report, Active Travel, Active Scotland, notes that “the majority of trips less than one mile should be made on foot, however up to 2 miles should be a perfectly acceptable distance for many people to walk. Local journeys between 2 and 5 miles are extremely suitable for cycling.” The site location is therefore within the ideal distance range for encouraging active journeys and reducing car use and also allowing the applicants to enjoy a rural location without the prerequisite of car ownership. With the increasing popularity of electric bicycles, longer and more frequent journeys by cycle are on the increase and these can be charged by the sustainable electrical generation on-site. The permaculture land use also reduces the requirement to travel, with the entire occupants food use being supplied on-site.

The Scottish Government’s Building Regulations Department recommends ‘net zero carbon’ buildings made a requirement by 2016/17, if practical. This is not currently a requirement and the zero carbon target has been repeatedly pushed back. We applaud the recommendation, however, currently it is just that. We are proposing a zero carbon dwelling now, with a building performing, for example, over 16 times better than that required by current regulations on airtightness alone! ([0.6ac/hr@50Pcls](#) to 10). The lack of progress with zero carbon houses at both the Scottish and Perth and Kinross contexts reinforces the need for good pilot projects to demonstrate the feasibility and desirability of this approach.

The house design is one and a half storey, with the house positioned to run parallel with the contours. The topography rises to the South-East of the site, ensuring the skyline will not be broken by the new building. Siting the house to the south of the site allows this elevated position to provide good surveillance over the remaining site to allow monitoring of livestock, other animals, and food vegetation. The dwelling has three bedrooms; one on the ground floor and two in the first floor. A full height dining and kitchen space with a sunroom facing North-West to the planted area of the plot.

The house will be Zero Carbon, the building uses sympathetic design and materials and it will be super-insulated to Passivhaus standards, including high performance, triple glazed doors and windows. An extremely high level of air tightness is aimed for. A heat recovery ventilation system will be installed. The house will have coppicing rights to the adjacent woodland, which will provide all of the required heating and hot water energy. Preliminary energy modeling indicates that the design could have a heat load of just 4.5kW. This ensures the coppice will be able to fully meet the requirements for hot water and heating demand.

In keeping with the sustainable living, a simple palette of materials is proposed. Walls will be finished in render to the gables, with timber cladding to the North & South elevations. The roof proposal is for profile metal sheet to be in keeping with the rural context. This material has a high recycled content and is fully recyclable at the end of its life.

## **Land Management**

This is not just an application for a zero carbon house, but for a small holding proposing sustainable rural living and land management for which a rural location is essential. The site has an area of 3.8 ha. The land will all be used for sustainable rural living, including the growing of food crops and animal husbandry. The site has been zoned using Permaculture principles. It is divided into 5 zones, which reflect the frequency of maintenance of the areas with the highest intensity areas being in closer proximity to the dwelling. By situating the most often used or serviced elements in a design closest to the home, it makes it easier to access them. This means less energy is expended to access them, making for a more energy efficient design. The irrigation uses water from ponds linked to the existing stream. The diversity of the trees and plants aims to maintain the composition of the soil and return it to its natural levels. Being based on forest gardening, the overall visual impact of permaculture is an increase in tree canopies, which will compliment this site with it being surrounded by woodland.

Permaculture, in its very nature, is taken over a long period of time. The land needs careful observation over at least four seasons, with every detail noted, to see what naturally grows and works. This information is then developed into a site-specific strategy. The permaculture brief was noted as 'vague' in the Report of Handling from the previous application; however, the whole idea behind permaculture is not land management by force but by using a holistic approach to enhance the existing eco-system to provide sustenance. The management plan which forms part of this application nonetheless indicates broadly how the various parts of the small holding will be used in land use terms and is sufficiently detailed to grant a planning consent. In any event, details of crops etc are not a matter to be dealt with by a planning permission. We cannot dictate how the permaculture scheme will look as this is a site-specific system of land management developed over years of following permaculture principles. The suitability of the water feature, for example, is sited where it is as the area is already waterlogged and there is a stream passing the area. The proposal enhances what is already there, rather than requiring extensive "land engineering". We have not provided detail on the polytunnel as this is a very straightforward way of extending the growing season.

Zone 0 is the house itself, with the remaining zoning being dependent on input required and frequency of tending.

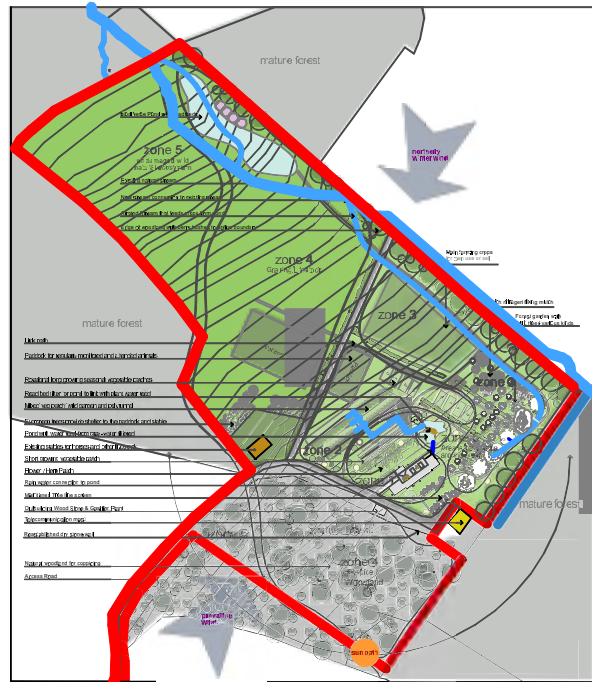
Zone 1 is nearest to the house and includes the kitchen garden with short growing season vegetables. Wild flowers and herbs are spread in front of the house while two rainwater-harvesting ponds allow for irrigation of the allotments. A herb spiral creates the optimum conditions and aspect, from dry and sunny to shaded and damp, in a small area.

Zone 2 consists mainly of two areas: the crop rotation beds of long growing season vegetables and the fruit trees. Between the lines of fruit trees, an organic mixed fruit orchard, living nitrogen-fixing mulch grows between to

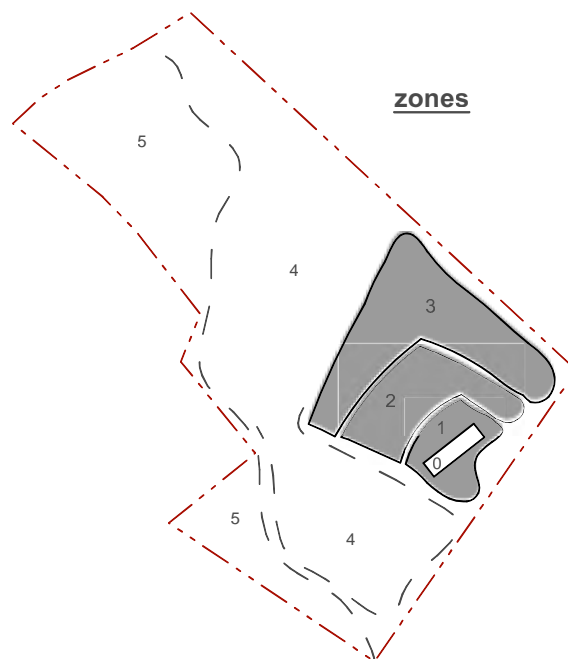


naturally suppress weeds, feed the tree fruit system and provide further food crop. Those two areas should provide the majority of fresh produce for the family using a system of crop rotation to ensure ground fertility is maintained.

Zone 3 includes the main farming crops for use or sale and a paddock for regularly monitored and attended animals. It also includes the existing stables situated south west of the fence, a new larger paddock close to it and evergreen trees to act as a shelterbelt.



Zone 4 includes the grazing field for the family's livestock as well as their horses. Zone 4 also includes part of the existing woodland area, which will be coppiced to supply the heat and hot water fuel requirements for the house. The coppicing will manage the woodland for the future. The management of the woodland will use only 10% of coppice annually for the heating requirements. This allows a 10-year regeneration and maintains the woodland ad infinitum.



A pond with reed bed acts as the final on-site water treatment is located in the North-West end of the site, fed by an aerating stream and with an uneven edge to promote a variety of water plants and aquatic life. This can provide a sustainable watering hole for the animals.

Zone 5 is an unmanaged wild natural ecosystem, as it exists in its natural form – an essential area for sustainable living. Beyond the site, a mature forest provides wind protection from the northerly winter winds. The boundaries of this zone extend beyond the plot and connect this undamaged ecosystem to the surrounding forest.

The zones are separated by traditional laid hedges and connected by informal paths laid in loops, allowing for the whole area to be attended on a single walk round.

One of the reasons for refusal of the previous application was to do with the lack of a mechanism for ensuring that the site was occupied and operated in an ecologically sustainable manner. This is not accepted as a legitimate reason for refusal since the Council's policy on such pilot projects clearly assumes this is not an issue and it is merely necessary to grant consent for both the house and the small holding as an integrated package.

### **Summary**

It is submitted that this proposal for a zero carbon house and associated small holding allowing sustainable rural living is in accordance with Section 3.5 of the Council's housing in the Countryside Policy and is an entirely appropriate pilot project for both a zero carbon house and sustainable rural living which the Council supports in policy terms, but where there few if any examples within Perth and Kinross. The proposal should therefore be supported as the planning authority supported the similar Croftness proposal in 2013.



**TCP/11/16(509) – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder**

## **REPRESENTATIONS**



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

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>         | 17/01524/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                   | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse and outbuilding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                                                           |
| <b>Address of site</b>                   | Land 150 Metres North West Of Upper Cloan Telecommunications Mast Auchterarder                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                                                           |
| <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 Community School of Auchterarder Primary School.</p> <p><b>Auchterarder A9 Junction</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b> | <p><b>Summary of Requirements</b></p> <p>Education: £6,460<br/>A9 Junction: £3,450</p> <p><b>Total: £9,910</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                                                           |

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Recommended informative(s) for applicant</b></p> | <p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date</p> |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <p>of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:<br/> Perth and Kinross Council<br/> Pullar House<br/> 35 Kinnoull Street<br/> Perth<br/> PH15GD</p> <p><b>Bank Transfers</b><br/> All Bank Transfers should use the following account details;<br/> <b>Sort Code:</b> 834700<br/> <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b><br/> The Council operate an electronic direct debit system whereby payments may be made over the phone.<br/> To make such a payment please call 01738 475300 in the first instance.<br/> When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Education Contributions</b><br/> For Education contributions please quote the following ledger code:<br/> 1-30-0060-0001-859136</p> <p><b>A9 Junction</b><br/> For A9 Junction contributions please quote the following ledger code:<br/> 1-30-0060-0002-859136</p> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p> |
| <b>Date comments returned</b> | 07 September 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |







**By email to:**

[Developmentmanagement@pkc.gov.uk](mailto:Developmentmanagement@pkc.gov.uk)

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

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our ref: AMH/3073/10  
Our case ID: 300023250  
Your ref: 17/01524/FLL

08 September 2017

Dear Sir/Madam

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

Land 150 Metres North West Of Upper Cloan Telecommunications Mast Auchterarder -  
Erection of a dwellinghouse and outbuilding

Thank you for your consultation which we received on 05 September 2017. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

| Ref    | Name           | Designation Type   |
|--------|----------------|--------------------|
| SM3073 | Ogle Hill,fort | Scheduled Monument |

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

### Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

### Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-)



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

[historic-environment-guidance-notes/](https://www.historic-environment-scotland.gov.uk/historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.englished.org](http://www.englished.org).

Please contact us if you have any questions about this response. The officer managing this case is Mary Macleod who can be contacted by phone on 0131 668 8688 or by email on [mary.macleod@hes.scot](mailto:mary.macleod@hes.scot).

Yours faithfully

**Historic Environment Scotland**

# Comments for Planning Application 17/01524/FLL

## Application Summary

Application Number: 17/01524/FLL

Address: Land 150 Metres North West Of Upper Cloan Telecommunications Mast Auchterarder

Proposal: Erection of a dwellinghouse and outbuilding

Case Officer: John Russell

## Customer Details

Name: Mr robert sinclair

Address: 49 Athollbank Drive, Perth, Perth And Kinross PH1 1NF

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Inappropriate Land Use
- Out of Character with the Area

Comment: This is a prominent construction in a highly visible position in open countryside and should therefore be denied permission.

The proposed layout drawing shows the formation of a pond on a slope without showing the civil works necessary to retain water. These would require to be of considerable height due to the steep slope.



18/09/2017

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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**PH3 Auchterarder Upper Cloan Ld 150 Mt Nth West of**  
**PLANNING APPLICATION NUMBER: 17/01524/FLL**  
**OUR REFERENCE: 750478**  
**PROPOSAL: Erection of a dwellinghouse and outbuilding**

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

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

#### **Water**

- There is currently sufficient capacity in the Turret Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. The nearest main is approx. 800m from the proposed site.

#### **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.

**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>                | 17/01524/FLL                                                                                                                                                                                                            | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                      | <b>Contact Details</b>      | ██████████<br>████████████████████  |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse and outbuilding                                                                                                                                                                             |                             |                                     |
| <b>Address of site</b>                          | Land 150 Metres North West Of Upper Cloan Telecommunications Mast, Auchterarder                                                                                                                                         |                             |                                     |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.                                                                                                            |                             |                                     |
| <b>Recommended planning condition(s)</b>        | Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B access detail Figure 5.6. |                             |                                     |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                         |                             |                                     |
| <b>Date comments returned</b>                   | 18 September 2017                                                                                                                                                                                                       |                             |                                     |

