

LRB-2021-49
21/01433/IPL – Erection of a dwellinghouse (in principle),
land 80 metres north east of Broomhill Farm Cottage,
Forteviot

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LRB-2021-49

**21/01433/IPL – Erection of a dwellinghouse (in principle),
land 80 metres north east of Broomhill Farm Cottage,
Forteviot**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s) Name MR WILLIAM DRUMMOND Address BROOMHILL FARM FORTEVIST PERTSHIRE Postcode Contact Telephone 1 Contact Telephone 2 Fax No E-mail* 	Agent (if any) Name MR MARK WILLIAMSON Address 34 HERMITAGE DRIVE PERTH Postcode PH1 2SY Contact Telephone 1 0761 908656 Contact Telephone 2 Fax No E-mail* mark.williamson@virginmedia.com
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Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☒ No ☐

Planning authority	PERTH & KINROSS COUNCIL
Planning authority's application reference number	21/01433/IPA
Site address	BROOMHILL FARM, FORTEVIST, PERTH PH2 9BU
Description of proposed development	ERECTION OF SINGLE DWELLINGHOUSE IN PRINCIPLE

Date of application 12 AUG 2021	Date of decision (if any) 20 OCT 2021 19TH
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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 <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|--|---|-----------------------------|
| 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.

* SEE ATTACHED STATEMENT

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

Yes ☐ No ☒

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

List of documents and evidence

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

DOC 1. DECISION NOTICE 21/01433/IPL 29/10/21
 DOC 2. BROOMHILL RESIDENTIAL PATTERN
 DOC 3. EXTRACT FROM HOUSING IN THE COUNTRYSIDE SUPPLEMENTARY GUIDANCE
 DOC 4. LRB DECISION NOTICE (LRB-2020-11) APPLICATION REF 19/01819/FUL

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

29/11/21

Statement

Notice of Review

Erection of a dwellinghouse (in principle) on land 80 metres north east of Broomhill Farm Cottage, Forteviot.

21/01433/IPL

Introduction

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 19 October 2021 for the erection of a dwellinghouse in principle on land at Broomhill Farm, Forteviot. (Doc 1)

The reason for refusal is outlined below relating to Policy 19 of the adopted local development plan – Housing in the Countryside:-

The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the site does not comply with Category 1 Building Groups and Category 2 Infill Sites as the area of the site does not relate to the overall character of development in the area and the proposal would create ribbon development linking a group to an existing dwelling which is not supported.

The Review site is a 0.35 ha area of land situated between Broomhill Farmhouse and a more recently built dwellinghouse and garden ground at Burnfield. The site is bounded to the northwest by a new dwellinghouse and garden ground, to the north east by Burnfield, Broomhill Burn and trees, to the east by the B934 Dunning to Forteviot public road and to the south by Broomhill Farmhouse. The Review site is bounded on 3 sides by residential properties and their garden ground.

The pattern of built development in the area has grown between the 2 farms – Gateside of Broomhill Farm and Broomhill Farm on the north side of the B934 and to the south of the railway.

Since the early 1900s there has been sporadic development on the north side of the road between the 2 farms. In more recent years the dwellinghouse at Burnfield to the

east of Broomhill Burn was built and in general a linear pattern has emerged over the years between the 2 farms. More recently there has been new dwellinghouses consented directly adjacent to the Review site to the north on Broomhill Farm (17/01739/FLL) and also for a new dwellinghouse on the south side of the B934 at Gateside Cottage opposite Gateside of Broomhill Farm (19/01870/FLL).

Doc 2 – Broomhill Residential Pattern, indicates the curtilages of the dwellinghouses around and within the vicinity of the Review site along the public road which is a mixed pattern of large and small dwellings with some of the dwellings fronting the public road and some set back off the road with accesses serving more than one house, constituting backland development.

In this Review it will be demonstrated that:-

- The Review proposal does represent a satisfactory infill site
- the Review proposal in terms of scale will not have a detrimental impact on the character of the area or the wider countryside and
- does not create ribbon development as defined in the Council's Housing in the Countryside Supplementary Guidance.

Material considerations in the determination of the review proposal

It is important to consider the main purpose and context of the review application. Under Section 25 the Town and Country Planning (Scotland) Act 1997 it states that:-

“where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”

In this case it is considered that recent planning history is relevant where a dwellinghouse was approved at the Local Review Body in the vicinity of the Review application site which had less containment to the wider countryside and was significantly larger in site area. (19/01870/FLL)(Doc 4)

Furthermore, the existing pattern of development in the vicinity of the Review site is linear in character. The Review proposal will not have a detrimental impact on this existing pattern of development at Broomhill.

Current Planning Policy Context

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

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 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 19: Housing in the Countryside

Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 53E: Water Environment and Drainage: Water Supply

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Housing in the Countryside Supplementary Guidance

Placemaking Supplementary Guidance

Developer Contributions Supplementary Guidance

Reason for Refusal and Grounds of the Review

The reasons for the review and matters to be taken into account in the determination of the review refer to the reason for refusal, which state that the proposal is contrary to the Perth and Kinross Local Development Plan 2019 policy 19 Housing in the Countryside and that *it does not comply with Category 1 Building Groups and Category 2 Infill 2 Infill Sites as the area of the site does not relate to the overall character of development in the area and the proposal would create ribbon development linking a group to an existing dwelling which is not supported.*

The above issues will be considered below in the applicant's statement and argument against the reasons for refusal in support of the Review

Complies with Infill site criteria of the Housing in the Countryside Policy

It is considered in this case that the Review proposal between Broomhill Farmhouse and Burnfield is an infill site. In the Council's guidance an infill site is described as 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 and 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)

In this case the proposed plot is no larger than the neighbouring plot at Burnfield and it is smaller than a recently approved plot at Gateside of Broomhill which was 4350 sq m in area. It will also have a similar length of road frontage and rear boundary line as Burnfield. The Review proposal is in principle and the proposed building to plot ratio or density of the proposed dwellinghouse on the site will not be out of character with the existing pattern of development and no greater than the neighbouring property at Burnfield or at Gateside of Broomhill. There is enough

room on the proposed site to comfortably accommodate a dwellinghouse without compromising the amenity of the proposed dwellinghouse or the existing dwellinghouses.

The scale and detailed design of the proposed dwellinghouse will be considered at the detailed planning stage and will look to complement the character and appearance of the existing dwellinghouses and will not have any detrimental visual impact on the wider countryside. The full extent of the gap is included within the proposed plot.

The Review proposal as an infill development will be framed satisfactorily and enclosed by the long-standing boundaries and dwellings situated on the existing neighbouring plots. It is an identifiable site and will not extend outwith the existing boundaries or building lines of Broomhill Farm or Burnfield. The Review site does not occupy a prominent skyline or top of a slope location.

It is considered that the Review proposal for a dwellinghouse in principle is in accordance with the infill section of the Housing in the Countryside Supplementary Guidance and that the principle of residential use at this site is acceptable in accordance with Policy 19 of the adopted local development plan.

It will not create ribbon development and this is explained below.

Creation of ribbon development

For the purposes of the Council's Housing in the Countryside Supplementary Guidance ribbon development is defined as:-

“a line of houses built along an existing road each served by an individual access. Each case will require to be assessed on its own merits, and it will depend on whether linear development is a character of the area, but in general terms proposals which will result in a continuous line of 5 or more houses will be considered as creating ribbon development and will not be supported.”

Doc 3 is an extract from PKC's Housing in the Countryside Supplementary Guidance page 11, which provides an acceptable example of an infill site where 5 dwellinghouses in a continuous line is considered to be acceptable. This is contrary to the written guidance on page 11 of the guide which states 5 or more houses in a continuous line will not be supported. There is therefore contradictory guidance given here in the supporting policy.

The existing morphology/pattern or character of housing development at Broomhill is linear in character and random with no uniform building line along the public road as indicated in Doc 2.

The housing curtilages/plots vary in size and there is a mixture of single-storey and 2 storey dwellings. Some of the houses are set well back from the road, some are closer and there is existing backland development where a single access from the

main road serves more than one dwelling. There is an existing dwelling and curtilage of a similar size adjacent and to the north of the Review site. More recently a much larger house plot has been consented at Gateside of Broomhill and the house constructed.

The existing curtilages/plot boundaries are not contiguous and are separated by accesses, open ground and a watercourse. For these reasons, the existing morphology does not constitute ribbon development as defined in the Council's Housing in the Countryside policy guidance as outlined above, as the existing dwellings do not consist of a continuous line of houses and each house is not served by an individual access. It is considered however that a linear pattern of development is evident and is a characteristic of the immediate area.

For the same reason then, the Review proposal will not lead to or create ribbon development as it will not/cannot lead to a continuous line of 5 or more houses which are served by a single access and it is also physically separated from Burnfield by the Broomhill Burn.

Impact on the character of the area

As indicated above the character of the existing residential development at Broomhill is a mixture of house types and plot sizes in the vicinity of and between Gateside of Broomhill Farm and Broomhill Farm, along the B934 in a linear pattern.

The Review site is not out of character with the existing plots in terms of scale or area as stated in the reason for refusal, as there are similarly scaled curtilages adjacent to the Review site. Furthermore, at Gateside of Broomhill there has been a recent consent for a single dwellinghouse on a site with an area of 4350 sqm (19/01870/FLL) which is significantly bigger than the Review site, which is 3500 sqm.

In terms of the appearance and design of the Review proposal as this is an application in principle, the detailed design will be implemented to complement the existing scale and character of built development in the area.

One of the main aims of the Housing in the Countryside Supplementary Policy Guidance is to ensure that there is containment of new housing development or that it replaces an existing built presence on the site in order to minimise the overall impact on the character and appearance of the wider countryside.

It is considered that the Review proposal will be satisfactorily contained to the wider countryside and that a dwellinghouse on this site will not have a detrimental impact on the overall character of built development in the vicinity of Broomhill, in accordance with Housing in the Countryside Supplementary Guidance.

Conclusions

It is considered that the Review proposal is a satisfactory example of infill development in accordance with the Housing in the Countryside Supplementary Guidance criteria and local development plan Policy 19 Housing in the Countryside.

The development of the Review site will not create ribbon development as stated in the refusal notice, as the pattern of development at Broomhill does not constitute “ribbon development” as it is defined by the Housing in the Countryside Supplementary Guidance where there is a continuous line of 5 dwellings with contiguous boundaries and single accesses.

A linear pattern of development however is already characteristic of the area along the B934. The Review proposal will not be detrimental to this existing pattern of linear development and will not be detrimental to the character or appearance of the wider countryside.

The Review site area is not out of character with existing plot sizes within the vicinity, with larger plots at Burnfield and Gateside of Broomhill. The adjacent plot to the north west has a similarly scaled curtilage and wider garden ground.

For the reasons outlined above it is considered that the Review proposal for a single dwellinghouse is acceptable and it is respectfully requested that the Review is upheld.

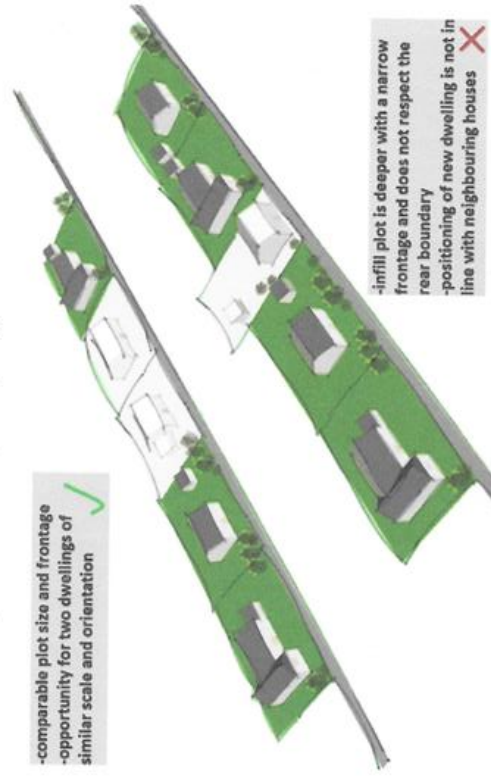
Category 2 - Infill Sites

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 or plots created are comparable in size to the neighbouring plots and have a similar size of road frontage.
- The proportion of each plot occupied by the infill house or houses is no greater than that of the neighbouring plots.
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the infill house or houses, and the amenity of any existing neighbouring house is maintained.
- The size and design of the infill house or houses is sympathetic to the neighbouring buildings.
- The full extent of the gap is included within the infill plot or plots – for the avoidance of doubt, the retention of a field access within the infill plot or plots will not be permitted.

Each case will require to be assessed on its own merits, and it will depend on whether linear development is a character of the area, but in general terms proposals which will result in a continuous line of 5 or more houses will be considered as creating ribbon development and will not be supported.

For the avoidance of doubt, proposals adjacent to and outwith a settlement which has an identified boundary in Local Development Plan 2 will be assessed under Policy 6: Settlement Boundaries and not the Housing in the Countryside policy.



Examples of infill sites

Doc 4

Our Ref: LRB-2020-11

REVIEW DECISION NOTICE

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Land 40 metres south west of Gateside Cottage, Forteviot

Description: Erection of a dwellinghouse and garage

Application for Review by Mr and Mrs Mitchell against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 19/01870/FLL

Application Drawings: 19/01870/1 to 19/01870/5

Date of Review Decision Notice – 25 November 2020

Decision

The PKLRB overturned the decision to refuse planning permission for the reasons given below and allowed the review, subject to the imposition of appropriate conditions.

1 Introduction

1.1 The above application for planning permission was considered by the PKLRB at a meeting held on 18 August 2020. The Review Body comprised Councillor H Anderson, Councillor T Gray and Councillor C Purves.

1.2 The following persons were also present at the meeting:
C Elliott, Legal Adviser; D Harrison, Planning Adviser; and D Williams, Committee Officer.

Also attending:
A Brown, B Parker, A McMeekin and C Wright (all Corporate and Democratic Services).

2 Proposal

2.1 The proposal is for the erection of a dwellinghouse and garage on land 40 metres south west of Gateside Cottage, Forteviot. The application was refused consent in terms of a decision letter dated 22 January 2020.

Doc 4

Our Ref: LRB-2020-11

3 **Preliminaries**

- 3.1 The PKLRB was provided with copies of the following documents:
- (i) the drawings specified above;
 - (ii) the Appointed Officer's Report of Handling;
 - (iii) the refusal notice dated 22 January 2020; (iv) the Notice of Review and supporting documents; (v) consultation responses to planning application.
- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

4 **Findings and Conclusions**

- 4.1 The PKLRB, by majority decision, decided that whilst accepting that the proposal was contrary to Policy 50 of the Local Development Plan, it was considered that this deviation from policy, and by extension the proposal, was justified as the proposal was considered to accord with Local Development Plan Policies 1A, 1B, 19 and 39.
- 4.2 The minority opinion of Councillor Anderson was that whilst he considered that the proposal would extend an existing Building Group, he did not consider that the proposal was in accord with other policies of the Local Development Plan, and therefore considered that the Appointed Officer's decision should be upheld and the Application for Review refused.
- 4.2 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB determined to uphold the application and grant planning permission subject to the following conditions:
- (1) The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

Doc 4

Our Ref: LRB-2020-11

- (2) Prior to the bringing into use of the development hereby approved, the roof shall be finished in natural slate.

Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- (3) 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 C Figure 5.7 access detail, of Type C Road construction detail.

Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- (4) No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Classes 1A, 1B, 1D, 3A, 3B, 3C and 3D of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby approved.

Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- (5) Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason – To ensure the provision of effective drainage for the site.

- (6) Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the boundaries of the site shall be submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall include full details of the species, height, size and density of trees and shrubs to be planted. The scheme, as subsequently approved, shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the proposed house, whichever is the earlier, or such alternative phasing which has the prior written agreement of the Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of the size and species and number as previously approved.

Doc 4

Our Ref: LRB-2020-11

Reason – In the interests of the visual and environmental amenity of the proposed house; to provide a setting for the development as seen from the adjoining section of public road and in the wider landscape.

Justification

Whilst accepting that the proposal was contrary to Policy 50 of the Local Development Plan, it was considered that this deviation from policy, and by extension the proposal, was justified as the proposal was considered to accord with Local Development Plan Policies 1A, 1B, 19 and 39.

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.
5. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they 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

Doc 4

Our Ref: LRB-2020-11

must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk
9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

Lisa Simpson Clerk to the Local Review Body

Doc 4

Our Ref: LRB-2020-11

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

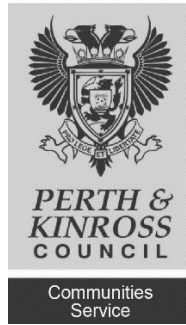
- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

LRB-2021-49
21/01433/IPL – Erection of a dwellinghouse (in principle),
land 80 metres north east of Broomhill Farm Cottage,
Forteviot

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS



Mr William Drummond
c/o Mark Williamson
34 Hermitage Drive
Perth
PH1 2SY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice : **19th October 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/01433/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 25th August 2021 for permission for **Erection of a dwellinghouse (in principle) Land 80 Metres North East Of Broomhill Farm Cottage Forteviot** for the reasons undernoted.

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the site does not comply with Category 1 Building Groups and Category 2 Infill Sites as the area of the site does not relate to the overall character of development in the area and the proposal would create ribbon development linking a group to an existing dwelling which is not supported.

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 and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

01

02

03

04

05

REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/01433/IPL	
Ward No	P7- Strathallan	
Due Determination Date	24th October 2021	
Draft Report Date	18th October 2021	
Report Issued by	JF	Date 19/10/2021

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 80 Metres North East Of Broomhill Farm
Cottage Forteviot

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.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is located to the east of Dunning adjacent to a small grouping of buildings. The site is bound by a dwelling to the southwest, paddock to the northwest, a burn forms the boundary to the northeast with a dwelling beyond and

the public road lies to the southeast. The proposal is for the erection of a dwelling in principle.

SITE HISTORY

N/A

PRE-APPLICATION CONSULTATION

Pre application Reference: 18/00451/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 2 (2019).

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 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 19: Housing in the Countryside

Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strateg

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 53E: Water Environment and Drainage: Water Supply

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Housing in the Countryside Supplementary Guidance
Placemaking Supplementary Guidance
Developer Contributions Supplementary Guidance

CONSULTATION RESPONSES

Development Contributions Officer	Condition would be required
Transport Planning	No objection
Scottish Water	No objection
Environmental Health (Contaminated Land)	Contaminated Land condition required
Biodiversity/Tree Officer	Conditions recommended
Structures And Flooding	No comments received within time

REPRESENTATIONS

No letters of representation received

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations AA 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 and the adopted LDP2.

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 not located within a settlement boundary and the principle of development is therefore considered under Policy 19 Housing in the Countryside and the associated supplementary guidance.

The proposal is considered in turn against the categories in the policy/guide;

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
6. Development on rural brownfield land

The site is adjacent to a building group and is also located between two dwellings. The supporting statement makes reference to the site complying with Category 2 Infill Sites. It details that the site is similar in area and frontage to Burnfield which lies to the east. Burnfield is a large plot which is not reflective of the general plot size in the area and hence why it has been highlighted by the agent. Generally the character of dwellings in the area and in particular the building group feature smaller plots. This is perhaps also why the agent has highlighted the infill category rather than Category 1 Building Groups which also applies.

The site lies adjacent to a building group and is a defined site however the area of the site is 4000sqm which does not respect the character, scale and form of the existing group. The site also by virtue of being located to the east of the group and there being a dwelling to the west would create ribbon development. The site would join Burnfield creating a continuous line of 5 or more houses which is not supported. The proposal is therefore not considered to comply with Category 1 Building Groups.

Category 2 Infill Sites states that the development of up to 2 new houses will be supported in gaps between houses where the criteria noted is met. The criteria states that the plot should be comparable in size to neighbouring plots and have a similar frontage. The proportion of each plot occupied shall be no greater than the neighbouring plots. That there are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity/that existing amenity is retained. The size and design is sympathetic to neighbouring buildings. That the full extent of the gap is included.

Burnfield which lies to the east occupies a large plot and currently sits separated from the grouping at Broomhill. This plot has been developed over time with outbuildings, extensions approved to the dwelling and the amenity space. This plot does not represent the general size of neighbouring plots, 6 plots at Broomhill range from 450sqm to 1700sqm, the plot proposed is 4000sqm as has been submitted as such because this is the area within defined boundaries required by the policy. It is therefore considered that this site does not meet the policy requirements furthermore as stated previously the site would create ribbon development which is also not supported under Category 2.

The proposal by virtue of the area of the site does not relate to the overall character of development in the area and the proposal would create ribbon development linking a group to an existing dwelling plot contrary to the Housing the Countryside Policy and Supplementary Guidance.

Design and Layout

The application is in principle and no information has been submitted to show the site layout or proposed dwelling.

Residential Amenity

The site is large and it is considered, if the principle of development was supported, that a dwelling could be accommodated with adequate amenity and privacy.

Contaminated Land

The proposed development is on land that is part of a farm steading. Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. In addition there is a sheep wash and petroleum tank adjacent to the proposed development site. If the application was to be supported a contaminated land condition would be required.

Roads and Access

Transport Planning have no objection to the principle of forming an access at this location.

Drainage and Flooding

The Flood Team have been consulted due to the presence of a small burn along the east of the site. They did not respond within the consultation period and considering the flood map there are local flooding issues but this site is not directly at risk. It is likely that had the principle been accepted further information in relation to the burn/site levels would have been required at the detailed stage.

Natural Heritage and Biodiversity

No tree survey was submitted alongside this application, and there are several small trees and hedgerows along the site boundary.

No ecological survey of the proposed development area or assessment of the likely effects from this development on habitats and species was submitted alongside this application. This may be required to progress as part of any full planning application if the principle had been accepted.

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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of Dunning Primary School.

Transport Infrastructure

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition would have been required should the development been acceptable.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is refused on the grounds identified below:

Conditions and Reasons

1 The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular the site does not comply with Category 1 Building Groups and Category 2 Infill Sites as the area of the site does not relate to the overall character of development in the area and the proposal would create ribbon development linking a group to an existing dwelling which is not supported.

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

01
02
03
04
05

SITE LOCATION PLAN
AREA 5 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 304219, 717274



Supplied by Streetwise Maps Ltd
www.streetwise.net
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 29/07/2021 09:17:03

SITE/BLOCK PLAN



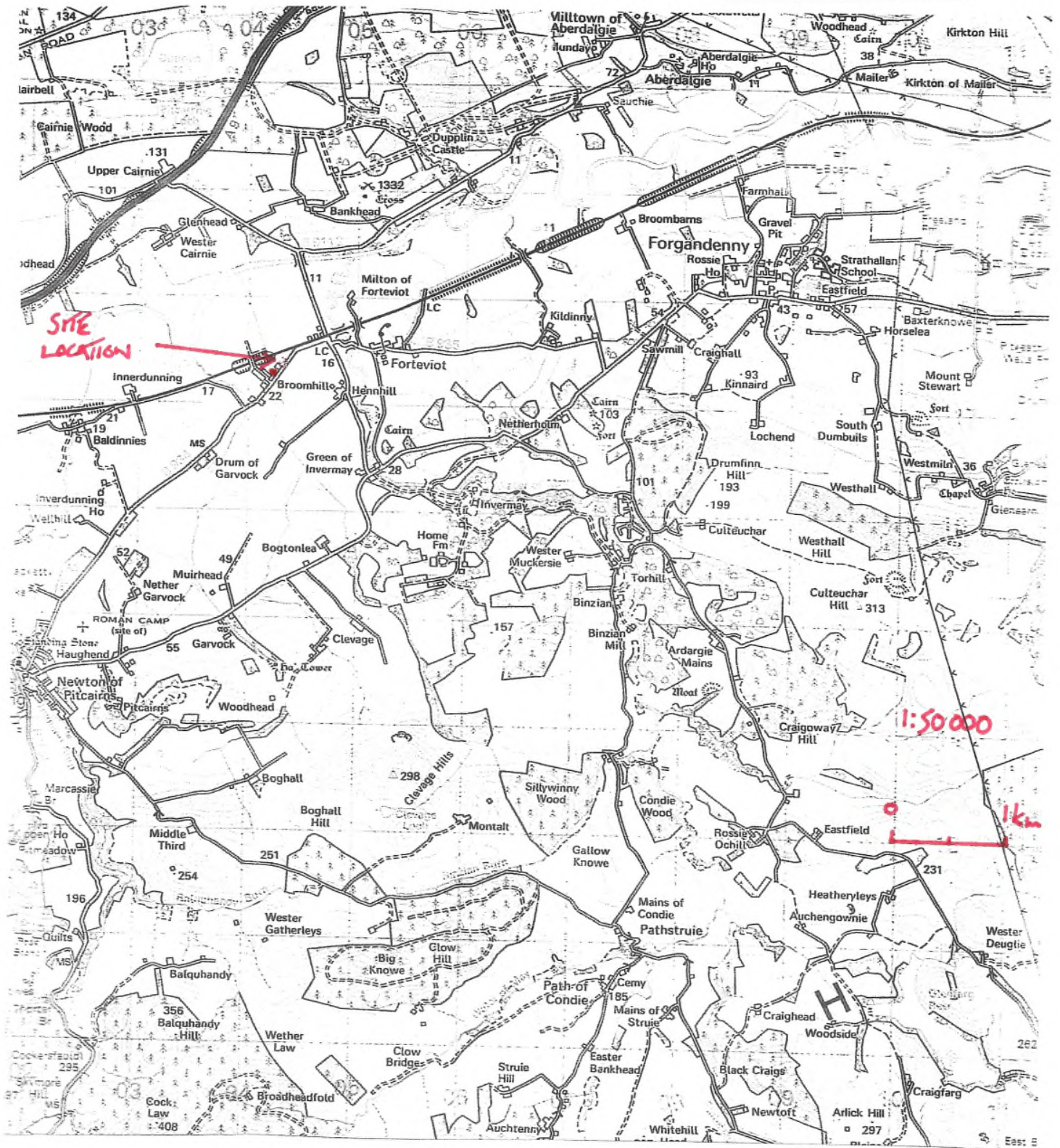
Broomhill

0 15m

1:500

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LOCATION PLAN



Supporting Statement

Erection of a dwellinghouse in principle on land at Broomhill Farm, Forteviot

Applicant: Mr William Drummond

Introduction & Description of the proposal

This is an application in principle for the erection of a single dwellinghouse on an area of land at Broomhill Farm, Forteviot. The application site consists of a 0.35ha area of gently sloping land which is currently grazing land, situated 3km north east of Dunning and 1km to the west of Forteviot.

The site is bounded to the north west by a field boundary and tree belt, to the north east by Burnfield, Broomhill Burn and trees, to the east by the B934 Dunning to Forteviot public road and to the south by Broomhill Farmhouse.

The application site can be accessed directly off the B934.

Development Plan Policy

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2019.

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 2019

The application site falls within the designated countryside in the adopted Perth and Kinross Local Development Plan 2019 where the relevant policies for residential development are summarised below :-

Policy 1: Placemaking.

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.

Policy 5: 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 19: Housing in the Countryside

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

- (1) building groups;
- (2) infill sites;
- (3) new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance;
- (4) renovation or replacement of houses;
- (5) conversion or replacement of redundant non-domestic buildings;
- (6) development on rural brownfield land.

Policy 39: Landscape

Development and land use change, including the creation of new hill tracks, should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes; which requires reference to the Tayside Landscape Character Assessment. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

Policy 40B: Trees, Woodland and Development

The Council will follow the principles of the Scottish Government Policy on Control of Woodland Removal and developers are expected to fully accord with its requirements. 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.

Policy 41: Biodiversity

The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area. The Council will apply the principles of the Planning for Nature: Development Management and Wildlife Guide and will take account of the Tayside Local Biodiversity Action Plan (LBAP) and relevant national and European legislation relating to protected species when making decisions about applications for development.

Other policies

Housing in the Countryside Supplementary Guidance 2020

New Housing in the Countryside Supplementary Guidance was adopted by the Council in March 2020. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. 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.

Along with affordable housing guidance this includes guidance on education provision and transport infrastructure.

Principle of Development

The proposed site is within the designated countryside in the adopted Perth and Kinross Local Development Plan 2019 where residential development needs to be assessed under the Council's Housing in the Countryside Supplementary Guidance 2020.

Under this policy guidance there is a presumption in favour of housing development in the countryside under the following circumstances:-

- (1) Building Groups.
- (2) Infill sites.
- (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (4) Renovation or replacement of houses.
- (5) Conversion or replacement of redundant non-domestic buildings.
- (6) Development on rural brownfield land.

It is considered in this case that the proposed development between Broomhill Farmhouse and Burnfield is an infill site. In the Council's guidance an infill site is described as 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 and 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)

In this case the proposed plot is no larger than the neighbouring plot at Burnfield. It will also have a similar length of road frontage and rear boundary line as Burnfield. This is an application in principle and the proposed building to plot ratio or density of the proposed dwellinghouse on the site will not be out of character with the existing pattern of development and no greater than the neighbouring property at Burnfield. There is enough room on the proposed site to comfortably accommodate a dwellinghouse without compromising the amenity of the proposed dwellinghouse or the existing dwellinghouses.

This is an application in principle and it is stated here that the scale and detailed design of the proposed dwellinghouse will complement the character and appearance of the existing dwellinghouses and will not have any detrimental visual impact on the wider countryside. The full extent of the gap is included within the proposed plot.

The policy guidance also states that proposals for a new house falling within category 3 above will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following siting criteria:-

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

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

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

The proposed development site as an infill site will be framed satisfactorily and enclosed by the long-standing boundaries and dwellings situated on the existing neighbouring plots and is an identifiable site and will not extend outwith the existing boundaries or building lines of Broomhill Farm or Burnfield. The proposed application site does not occupy a prominent skyline or top of a slope location.

It is considered that this in principle application for a single dwellinghouse is in accordance with the infill section of the Housing in the Countryside Supplementary Guidance and that the principle of residential use at this site is acceptable.

Scale, Design and Layout

This is an application in principle and the detailed design of the dwellinghouse will be determined at the detailed planning stage where it will be designed appropriately so that it will complement the existing dwellinghouses and will not therefore have any adverse impact on the character or appearance of the area. There will be no loss of any significant mature trees as a result of the proposed development.

Residential Amenity

The application site is of sufficient size to comfortably accommodate a dwellinghouse without impacting on the amenity of neighbouring properties with regard to privacy, overlooking or overshadowing.

Landscape and Visual Amenity

The application site is well contained by existing dwellings and natural boundaries and the proposed residential plot will not have any adverse impact on the landscape character or visual amenity of the countryside around it. There are trees on the application site beside the burn, however they will not be affected by the proposed development and their landscape quality will not be impacted upon.

Trees and Biodiversity

There will be no impact on the trees on the application site and their habitat and biodiversity value will be conserved and maintained.

Access and parking

A new vehicular access is proposed towards the northern half of the site. The road is straight in both directions to provide suitable visibility splays. There is also sufficient space within the plot for car parking and turning facilities, in accordance with the Council's road design standards.

Drainage and Hydrology

The Broomhill Burn forms part of the northern boundary of the site, however the majority of the site is not indicated as being within the SEPA 1:200 flood risk area according to the SEPA flood risk maps and there is no history of flooding on the site.

Conclusions

The proposal for a dwellinghouse on the application site is considered to be acceptable in principle as the site is a suitable infill site in accordance with the relevant housing in the countryside planning policy guidance.

A dwellinghouse on this site will not be detrimental to the residential amenity of existing dwellings and will not have any adverse impact on the existing landscape character, visual appearance or biodiversity of the area. It is considered that the vehicular access for the proposal is satisfactory in terms of road safety standards. The proposal is considered to be in accordance with the relevant local plan policies.

For the above reasons it is requested that the proposal is approved.





LRB-2021-49
21/01433/IPL – Erection of a dwellinghouse (in principle),
land 80 metres north east of Broomhill Farm Cottage,
Forteviot

REPRESENTATIONS

Tuesday, 31 August 2021



Local Planner
Planning and Development
Perth and Kinross Council
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 Customer,

Land 80 Metres North East, Broomhill Farm Cottage, Forteviot, PH2 9BU
Planning Ref: 21/01433/IPL
Our Ref: DSCAS-0047550-HLZ
Proposal: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

Audit of Proposal

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- ▶ 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.

Please Note

- ▶ 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 accept any surface water connections into our combined sewer system.

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ 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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01433/IPL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 80 Metres North East Of Broomhill Farm Cottage Forteviot		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Dunning Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p> <p>Transport Infrastructure</p>		

	<p>CO00 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to transport infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>
Recommended informative(s) for applicant	N/A
Date comments returned	09 September 2021

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK21/01433/IPL	Our ref	KIP
Date	13 September 2021	Tel No	(4)76554

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 80 Metres North East Of Broomhill Farm Cottage Forteviot for Mr William Drummond

I refer to your letter dated 30 August 2021 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 13/09/2021)

Recommendation

The proposed development is on land that is part of a farm steading. Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. In addition there is a sheep wash and petroleum tank adjacent to the proposed development site.

I therefore recommend the following condition be applied to the application.

Condition

Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with the contamination to include:

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the planning authority.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01433/IPL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 80 Metres North East Of Broomhill Farm Cottage, Forteviot		
Comments on the proposal	Insofar as the Roads matters are concerned, I have no objections to this proposal on the following condition.		
Recommended planning condition(s)	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. All matters regarding: access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they 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.		
Date comments returned	24 September 2021		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01443/IPL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 80 Metres North East Of Broomhill Farm Cottage Forteviot		
Comments on the proposal	<p>Policy 40: Forestry, Woodland and Trees The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>No tree survey was submitted alongside this application, but it appears there are several small trees and hedgerows along the site boundary and these be retained.</p> <p>Hedgerows are listed as a priority habitat under the UK Biodiversity Action Plan. Hedgerows are very important in providing corridors of semi-natural and structurally and floristically varied habitat within extensive lowland farmland areas which are otherwise of very limited ecological value. The existing hedge on site should be retained. Planting a hedge of native species such as hawthorn, guelder rose and hazel would increase the biodiversity value of the site.</p> <p>Policy 41: Biodiversity The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>No ecological survey of the proposed development area or assessment of the likely effects from this development on habitats and species was submitted alongside this application. This is required to progress as part of any full planning application.</p> <p>Enhancement for biodiversity should be an objective of all planning projects and can be realised in several ways depending on location, surrounding habitats and landscape character. Measures may include:</p> <ul style="list-style-type: none"> • Planting native trees, orchards, hedgerows and wildflowers. • Providing nesting boxes, bricks or tubes for swallow, house martin and tree sparrows. • Providing nesting boxes for kestrel and owls in woodland. 		

	<p>Tree and house sparrows are red listed as birds of conservation concern and providing nest bricks or boxes for these species would enhance the biodiversity value of the site and is encouraged alongside any full application.</p> <p>Guidance is available on the Tayside Biodiversity Partnership website: http://www.taysidebiodiversity.co.uk/information/information-guides-manuals/</p>
Recommended planning condition(s)	<p>If you are minded to approve this application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> • Ecological surveys including an assessment of all trees hedgerows and watercourses is required as part of any full planning application. • The existing hedgerow shall be retained. • Provision of nesting boxes for tree and house sparrows shall be included in any full planning application.
Recommended informative(s) for applicant	
Date comments returned	27 September 2021