

**TCP/11/16(612) – 19/00483/FLL – Erection of a replacement dwellinghouse, Rintoul, Milnathort**

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**TCP/11/16(612) – 19/00483/FLL – Erection of a replacement dwellinghouse, Rintoul, Milnathort**

**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)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**Review procedure**

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

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

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input checked="" type="checkbox"/> |
| 3. Site inspection  | <input type="checkbox"/>            |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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

Need to review planning decision with the addition evidence provided
--

**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 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:

A site inspection can be carried out in the general area but to enter the building in question would be to unsafe
---

## 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 attached documents

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.

A Report regarding the Economic viability of the restoration of the building in question has now been included as evidence. As we have stated in our supporting document for the review, this report should have been requested by the Planning Officer during the consulting period before the determination date.

## 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.

Supporting statement  
 Report by Arc Architects  
 Report by Alan Corsie  
 Appendix 1 correspondence with Planning Officer  
 Appendix 2  
 Design and access statement  
 Elevations and plans of existing house  
 Elevations and plans of proposed house

**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

06/08/19

## **Appeal to the Local Review Body for Planning application 19/00483/FLL**

To whom it may concern,

The above application was determined on the 07 May 2019, due to the outcome we wish to appeal against the Delegated Officer's decision to refuse the application.

### **The Delegated Report stated:**

1. "The existing dwelling house is considered to be of architectural merit whilst making a positive contribution to the landscape character of this sensitive area".
2. "The application does not justify that the building is beyond a condition that can be restored at a reasonable cost. It has not been demonstrated that the building is beyond economic repair."
3. "Perth & Kinross Heritage Trust (PKHT) objected to the proposed development stating " the site is archaeologically sensitive as it includes a historic vernacular building which predates the 1860 first edition Ordnance survey of the area. The PKHT believe that wherever possible historic buildings should be retained and re-used in order to retain the character of the local rural landscape."

### **In addition:**

4. Due process has not been followed by the Development Management team, Planning and Development.
5. Although point 1 supports the restoration of the existing dwelling, the Delegated Report also recognises the positives within the proposed layout and design.

### **Response to Delegated Report:**

#### **Point 1.**

Whilst the existing dwelling is considered to be of architectural merit as well as making a positive contribution to the landscape. Within the delegated report the summary concludes "the scale of the proposed dwelling house is appropriate for the site and does not dominate the landscape framework in which it is located. The materials are sensitive to the surrounding landscape and will not appear out of place."

Additionally within the delegated report it states " the contemporary design is also similar to the existing neighbouring buildings and thus the design will not be alien to the immediate locale."

This point supports Policy PM1A – Placemaking, which states "development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place."

## **Point 2**

Alan D Corsie, Consultant Structural Engineer, report in April 2017 which accompanied the original planning application states in its conclusion “Taking all these factors into account, there is very little of the existing building that is adequate for re-use and therefore it is not capable of renovation at an economic cost.”

We have now commissioned a report (see attached) by Paul Higginson from Arc Architect, a well-respected and award winning, conservation Architect. Paul Higginson was recommended by Clare Henderson of PKHT. Regarding the attached report detailing the financial costs involved, the report outlines the cost of restoring and modernizing the existing house for use as a home.

Also, modernizing the existing house with sufficient insulation, provides only 82m<sup>2</sup> of gross internal space over two levels. The cost of the restoration does not include the costs of extending the dwelling in order to meet the needs of our family and businesses. The cost of restoring the existing house would equate (ex VAT) to £3670.00 per m<sup>2</sup> compared to £1400 per m<sup>2</sup> for an average new build cost in central Scotland. The proposed house is estimated at £950 per m<sup>2</sup>. Also consider that new builds are zero rated for VAT.

With reference to the approved planning application of Rintoul 2003 – 2008 (now expired), this was a speculative proposal by the previous owner, with no intention to build, but solely for marketing purposes. The floor plan design and extended wall area of this house would lead to very expensive and inefficient use of materials. No Engineer’s report or Economic Cost appraisal was carried out.

In effect, the restoration of this structure is not capable of rehabilitation at an economic cost (see 2c ii the Housing in the Countryside Guide Perth & Kinross Council). These reports demonstrate that the cost expressed per square metre of gross internal space, makes the present building prohibitive to restore to modern living standards.

As a family we are not in a financial position to be able to implement significant resources to a home that will not be fit for purpose and with future environmental changes which may risk the financial viability of our farm and associated rural businesses. It is an essential requirement that the replacement home is of a scale and design to fit and service our current family’s needs now and for future generations.

## **Point 3.**

The Planning Officer states that the present derelict building is of “high amenity value.” The existing house has not been occupied for at least 50 years and has been dangerous to enter for the last 20 years. We question his opinion on this observation.

We fully support what policy HE1 states and we welcome PKHT in the event, to recover and record anything they wish.

## **Point 4.**

We received communication from the Planning Officer on April 23rd via e mail outlining the proposed reasons for a refusal. In response, we requested a second opinion on whether the existing house could be restored at “Economic cost” on April 26th (see appendix 1). The Planning officer acknowledged receipt of the correspondence (see appendix 2) and the next contact we received was

a letter from planning dept, refusing the application. (As the determination date was the 30<sup>th</sup> May, this should have allowed ample time for an independent feasibility report to be completed.) This demonstrates that the Development Management team have not followed point 4 2 c ii of the Renovation or Replacement of Houses within the Housing in the Countryside Guide . “Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:”

“Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction an independent expert opinion will be commissioned by the Council, at the applicant's expense, to evaluate the costs of alternative options.”

**Point 5.**

The Delegated Report states “with regards to layout, as the proposed dwelling house is in a similar location to the existing building, I have no adverse concerns” and “The design of the proposed dwelling house is considered to be of high quality “

Overall, the ‘Lands of Rintoul’ deserve a well-constructed and considered house of unique design that increases the present amenity and value. It shall be integrated sympathetically and sensitively with the local landscape, admired and enjoyed for generations, that will become the built heritage of the future.

Given that it is uneconomic to restore and renovate the existing structure, it would be a great shame if Rintoul was just to become another ruin in the landscape with no amenity value whatsoever. This seems like a very sad outcome for a site that has so much potential.

Can you please consider the aforementioned and attached evidence. Taking into account the evidence provided, we feel, there are materials considerations now apparent that justify overriding the adopted Development Plan. We look forward to a favourable response.

Kind regards

Ally Dawson and family





# Rintoul Kinross



## CONDITION REPORT

2019.08.01  
Arc Ref: 19023 1.31



This report was prepared by Arc Architects Ltd. on behalf of A.W. Dawson of Touchie Farm.

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V.1	DRAFT	2019.07.17	RA Ogg	HW&PH
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*Previous page: Rintoul, South elevation, 2019*

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*Fig 2: Aerial view of location above Touchie Farm*

## SUMMARY

Dating from the 19<sup>th</sup> century and possibly earlier, Rintoul is a stone built slated roof former farmhouse which is in a poor condition.

The condition of the building has been assessed in detail. Inspections were carried out by a Conservation Architect and costs estimated by an experienced Quantity Surveyor.

The building requires an extensive range of repairs to arrest natural decay processes and bring the house to a modern living standard.

The range of suggested repairs depends to some extent on the nature of the re-use of the buildings.

A range of prioritised repairs have been costed, amounting to:

Urgent repairs:	£141,309.37
Necessary repairs	£152,753.18
Desirable repairs	£7,253.22
Total	£301,305.77

These figures include scaffolding, contingencies and professional fees, but not VAT.

Our recommendation is that the Urgent and Necessary repairs are done together, due to scaffolding costs, within the next 2-3 years. The desirable works could be added at the client's discretion.

# 1 INTRODUCTION

## 1.1 Description of building

The house is depicted on the first edition Ordnance Survey Map and therefore dates from at least the OS survey of 1854. It is an example of vernacular architecture of the period, with whin rubble masonry with sandstone margins, skews and chimney stack, Scots slate roof with carved skewputs. A cement render has latterly been applied to the gable wall. The main north and south faces are lime harled. Rainwater goods, where present are of pvc, but there are indications of cast iron formerly. Window openings are of sandstone ashlar whilst no glazing is present, metal protective doors have been installed to prevent ingress in most locations. The interior comprises 4 principal rooms, with 2 open hearths downstairs, wooden floors, lath and plaster walls. The building has not been occupied for some time and is in an advanced state of decay.

## 1.2 Location

Rintoul Farmhouse is located on Touchie Farm, Dalqueich, Kinross, KY13 0RS.  
NGR: NO 07262 055445



Fig. 3: Ordnance Survey First Edition 1854

## 1.3 Statutory Designations

There are no statutory designations.



#### 1.4 Ownership

The building is in the ownership of Mr A.W. Dawson of Touchie Farm.

#### 1.5 Alterations & Repairs

Rintoul has had little modern intervention, with the exception of applied cement render, which is now failing, and the addition of metal security doors and window protection. There are no known services to the property.

#### 1.6 This report

This report was commissioned by Alastair Dawson to inform decisions about the building's future.

The building was inspected by Paul Higginson, RIAS accredited Conservation Architect, on 12<sup>th</sup> June 2019 during good weather conditions, with access to all areas. However, it should be noted that access was in fact restricted due to concerns over the strength of the existing upper floors. Externally the building was examined by telephoto lens. The inspection was visual and non-invasive.

Cost estimates for the work were prepared by Ralph Ogg & Partners, based on experience of similar work.



*Fig. 4: North Elevation.*



## 2 CONDITION REPORT

The building is in very poor condition. The condition of the timber floor is highly suspect due to the large areas of rot and collapse visible on the ground floor. A large hole in the roof and the lack of windows allows the weather to enter interior spaces. The defects identified in the building's fabric generally relate to years of wear and tear with minimal corrective maintenance having taken place.

No evidence of bats or other protected species was observed during the survey, but species may be present owing to the accessible attic via a hole in the roof and wild undisturbed nature of the building.

### 2.1 Structural Condition

No evidence was seen of significant structural movement in the masonry. One crack was noted on the gable caused by an associated dislodged stone. This stone movement may be to do with the large hole in the roof and failed timbers in that area. Further inspection is required to establish the cause.

The roof has failed on the north side and a 1.5m<sup>2</sup> hole now admits the weather. Timbers in this region and to the floor below are thus highly suspect and may be subject to collapse through rot and decay. Should the roof collapse further and the floor be substantially compromised, the stability of the structure could be threatened.

### 2.2 Lightning Protection

There is no lightning conductor and none is deemed necessary owing to the relatively low height of the structure.

### 2.3 Flora

There are numerous plants growing out of the rubble masonry, which should be removed to prevent further instability in the stonework.

### 2.4 Fauna

There is evidence of historic birds nesting in the chimney stacks, whether this is current activity remains to be confirmed.

No evidence of bats or other protected species was observed during the survey, but species may be present owing to the accessible attic via a hole in the roof and care should be taken to establish their presence or otherwise before any works take place.

## 2.5 Exterior Masonry

### 2.5.1 Harling

The gables have been coated with a cement render, which has cracks and is poorly bonded to the underlying masonry. Damp will be retained behind this inappropriate coating and it should be removed both to help preserve the masonry and to remove the risk of falling pieces of cement render, which could cause injury.

The main facades are lime harled which appears to be original and considering its age, is in good condition.



*Fig. 5: Gable Elevation with cement render failure.*



*Fig. 6: Failing render and vegetation.*



*Fig. 7: Lime harling on south facade*

*Recommended repairs:*

- *Remove cement render from both gables, approx. 88m<sup>2</sup>*
- *Fully repoint with lime and consolidate rubble gables, allow for 50% repoint.*
- *Fully reharl gables but leave ashlar dressings exposed.*
- *Check for boss sections of existing harling to main facades, allow for 5m<sup>2</sup> of removal, then reharl façades, approx. 100m<sup>2</sup>.*

### 2.5.2 Stonework

The walls are comprised of rubble stone with dressed ashlar quoins. Window and door openings are dressed ashlar in mostly fair condition with minimal wear, however some damage has been caused by the installation of the steel shutters. Cracking on the gable and stone movement needs to be investigated and made good, as such it is expected that the skew in this location will need to be re-bedded. Internally a large cracked lintel above the main fireplace was noted and should be replaced. Stone ridge and thackstones are present and appear to be in good condition.



*Fig. 8: Damaged stonework from shutter fixings*

*Recommended repairs:*

- Allow for re-bedding 10m of skews on consolidated wall head and new code 6 lead DPC with bitumen coating.
- Allow for 0.25m<sup>2</sup> of masonry rebuilding at skew to make good structural movement.
- Allow for renewal of 3 stones to southern windows approx. 300 x 280 x 180mm
- Allow for new stone lintol approx. 2200 x 220 x 300mm.
- Allow for repointing ridge with lime, approx. 11.5m length.

### 2.5.3 Chimneys

There are two ashlar chimney stacks, one at either end of the farmhouse built into gable walls. One chimney shows sign of movement. Two pottery chimney pots survive in situ.



*Fig. 9: Loose stones in chimney.*



*Fig. 10: Chimney to be repointed.*

*Recommended repairs:*

- Fully repoint chimney with lime mortar, approx. 2.5m<sup>2</sup> of ashlar in total.
- Fully rebuild one chimney (approx. 0.75m ht.) 2.5m<sup>2</sup> of ashlar, allow for new feathers to.
- Install 2 missing pots (reclaimed), re-haunch 4 pots having removed cement work.



## 2.6 Metalwork

Some decorative metal air grill can be seen in the south façade. Redundant CI brackets which suggest an original unified 'Y' shaped gable arrangement at each end of building. Solid steel hinged panels are located over most of the doors and windows securing the building from entry.



*Fig. 11: Broken & Missing PVC rainwater goods.*



*Fig. 12: Missing rainwater goods, original bracket.*

### *Recommended repairs:*

- *Allow for supply and install of new cast iron heritage guttering to both north and south elevations. Approx. 24m length.*
- *Allow for 24m length of downpipes to form the Y shaped arrangement at gables.*
- *All CI to be fully decorated and installed on new brackets.*
- *Allow for full decoration of 2no. air grills approx. 300x200mm.*
- *Remove metal door and window grills together with all lock and hinge fixings and make good holes with coloured lime mortar.*

## 2.7 Windows

There are 5 window openings on the south elevation and a small window to the west on the ground floor. Many of the frames, sashes and glazing appear to be absent and/or heavily worn and weathered and require replacement.



*Fig. 13: Protective metal shuttering to south facade*



*Fig. 14: Small opening in gable wall.*

### *Recommended repairs:*

- *Remove existing frames where present. (3x?)*
- *Supply and install 5 large sash and case (6/6) double glazed hardwood frame units and decorate to agreed colour scheme with full weights and brass ironmongery to suit. Each approx. 1200 x 840mm.*
- *Supply and install 1 small sash and case (3/3) matching unit, approx. 650 x 450mm.*
- *Form new internal sills to all windows.*

## 2.8 Doors

There is one central door opening on the south elevation, the door is missing and the opening is covered with a metal shutter.

*Recommended repairs:*

- *Install new hardwood ledged and braced double glazed door and frame including threshold to approved design all fully decorated to agreed colour scheme.*
- *Allow for supply and install of 5no. new ledged and braced 28mm solid timber doors to suit internal openings complete with frames and simple thumb latch lever. Approx. size 1980 x 750mm.*

## 2.9 Roof

The roof is largely comprised of traditional scots slate with stone ridge, skews and ashlar skewputs. There is a large hole in the roof on the rear elevation and signs that timbers are rotten and failing.

The slates on the north elevation appear to have been augmented with more modern uniform slates at the lower level.



*Fig. 15: North elevation showing hole in roof.*





*Fig. 16: North elevation showing hole in roof.*

*Recommended repairs:*

- Allow for removal of cement haunch at skews. Approx. 20m length.
- Allow for careful removal of all slate and set aside for reuse. Approx. 120m<sup>2</sup>
- Allow for removal of all sarking.
- Allow for renewal of 100% of all rafters and ties and 100% of wall plates, approx. 24m in length. Install new to match on new DPM with new wall straps.
- Allow for install of 18mm timber sarking and new breather membrane to all areas.
- Allow for reinstall of all slate work with 60% make up to match and to repair hole.
- Allow for install of soakers in code 6 leadwork dressed into new rhones.
- Allow for new skew lead flashing in code 6 and raggle into stone located below copes to allow install.
- New insulation 300mm to roof space
- Redo haunch with lithomix.

## **2.10 Ground Floor Interior**

The ground floor is only partially accessible due to an array of assorted items and debris obstructing the view.

There are two principal rooms and a central timber stair. Both rooms are in a derelict condition with substantial propping installed in the western one.

The walls are of lath and plaster, which is deteriorating. The lath and plaster ceilings are in a similar poor condition and require complete replacement.

Both rooms contain open hearths, one has a formed fireplace whilst the other is open with a sandstone ashlar lintol. The stairs are timber and worn. The ground floor appears to be timber boards on joists.



*Fig. 17: Fireplace 1, note presence of birds.*



*Fig. 18: Interior of inaccessible room, note ceiling damage.*

*Recommended repairs:*

- *Remove all rubbish and debris.*
- *Remove all loose ceiling and wall plaster finishes but retain lath where possible. Approx. 100m<sup>2</sup>*
- *Remove all areas of flooring and timber joists below, assume 50m<sup>2</sup>.*
- *Allow for new timber joists laid on consolidated wall head.*
- *100% New DPM and dwangs as required.*
- *Install new 28mm pine T&G plank flooring to all areas.*
- *Allow for renewal of internal stud walls as required.*
- *Allow for 120m<sup>2</sup> of new plaster finishes with 30m<sup>2</sup> of new lath.*
- *Decorate ceiling and all wall areas with waterbased paint to approved colour scheme. Allow for 45m<sup>2</sup> of ceilings and 110m<sup>2</sup> of walls.*

## 2.11 Stair

The stair was accessible but potentially rotten and looking in poor health.

*Recommended repairs:*

- Allow for replacement with new matching timber dogleg stair.

## 2.12 First Floor Interiors

Access was limited due to safety concerns.

However, the floor in the western end was heavily propped and significant historic water ingress via the roof opening was apparent.



*Fig. 19: Interior showing fireplace 2 and deteriorating linings.*

*Recommended repairs:*

- Allow for renewal of the first-floor timber boarding and joists. Assume 28mm T&G on 200 x 47mm joists with 4.2m span, approx. 30m<sup>2</sup>. New joists and dwangs laid on DPM in existing pockets.
- Allow for further 5m<sup>2</sup> of new flooring to the eastern room.
- Remove all loose ceiling and wall plaster finishes but retain lath where possible, assume 90m<sup>2</sup>
- Allow for renewal of internal stud walls as required.
- Allow for 120m<sup>2</sup> of new plaster finishes with 30m<sup>2</sup> of new lath.
- Decorate ceiling and all wall areas with waterbased paint to approved colour scheme. Allow for 50m<sup>2</sup> of ceilings and 110m<sup>2</sup> of walls.
- Allow for refurbishment of 4 hearths and associated flue works.

### 2.13 Electrical Services

A minimal electrical provision is present in the building, this is thought to be old and in need of replacement.

*Recommended repairs:*

- *Fully remove limited electrical installation.*
- *Install new compliant system in to house including adequate power supply for cooking in kitchen.*

### 2.14 Water Services

It is not known whether water services are present but may be brought from nearby dwellings.

*Recommended repairs:*

- *Allow for installation of mains water supply to property.*

### 3 RECOMMENDED REPAIRS

A range of repairs is recommended to bring the building into good order. These are described on a prioritised basis, with estimated costs.

#### 3.1 Prioritisation

The proposed repairs will be categorized using the British Standard 'BS 7913: 1998 the Guide to The Principles of the Conservation of Historic Buildings'. This system divides the proposed repair works into the following four categories –

**Immediate (I):** Work, which should be put in hand without delay for public safety or health and safety reasons, to prevent imminent damage or to arrest rapid deterioration. This can include immediate further investigative survey work.

**Urgent (U):** Work which should be put in hand within weeks, months, or within a year at the most. Failure to do so would be likely to result in significant further damage or deterioration and increased costs.

**Necessary (N):** Work which should be carried out before the next five-yearly inspection, for which there is time to plan, and which can be integrated with other work. This is work, which is due in order to keep the building in a state of good repair.

**Desirable (D):** Work which is desirable, if not strictly necessary, but which may improve the functioning or performance of the building or enhance its architectural or aesthetic qualities. Alternatively, work which is not due, but likely to become due, before the next five-yearly inspection or which can sensibly be incorporated with other work.

#### 3.2 Indicative Costs

Budget costs have been calculated by the Quantity Surveyor assuming that works might be undertaken to different degrees. Scaffolding costs would be needed for all external works and are therefore only shown in the '*Urgent*' total, but allowances for preliminaries, contingencies, professional fees and VAT are all proportional to the extent to work.

Given the cost of scaffolding to give access for repairs, it is recommended that the repairs classed as '*Urgent*' and '*Necessary*' are undertaken together.

Ref.	Item	Immediate	Urgent	Necessary	Desirable
<b>2.5</b>	<b>Exterior Masonry</b>				
<b>2.5.1</b>	<b>Harling</b>				
	· Remove cement render from both gables, approx. 88m <sup>2</sup>			£2,200.00	
	· Fully repoint with lime and consolidate rubble gables, allow for 50% repoint.		£7,920.00		
	· Fully reharl gables but leave ashlar dressings exposed. In lime.			£13,200.00	
	· Check for boss sections of existing harling to main facades, allow for 5m <sup>2</sup> of removal, then reharl facades, approx. 100m <sup>2</sup> .			£15,900.00	
<b>2.5.2</b>	<b>Stonework</b>				
	· Allow for re-bedding 10m of skews on consolidated wall head and new code 6 lead DPC with bitumen coating.			£2,500.00	
	· Allow for 0.25m <sup>2</sup> of masonry rebuilding at skew to make good structural movement.		£350.00		
	· Allow for renewal of 3 stones to southern windows approx. 300 x 280 x 180mm			£690.00	
	· Allow for new stone lintol approx. 2200 x 220 x 300mm.			£550.00	
	· Allow for repointing ridge with lime, approx. 11.5m length. Take down, rebed and point			£890.00	
<b>2.5.3</b>	<b>Chimneys</b>				
	· Fully repoint chimney with lime mortar, approx. 2.5m <sup>2</sup> of ashlar in total.			£225.00	

	· Fully rebuild one chimney (approx. 0.75m ht.) 2.5m <sup>2</sup> of ashlar, allow for new feathers to.		£3,000.00		
	· Install 2 missing pots (reclaimed), re-haunch 4 pots having removed cement work.		£700.00		
<b>2.6</b>	<b>Metalwork</b>				
	· Allow for supply and install of new cast iron heritage guttering to both north and south elevations. Approx. 24m length.		£1,900.00		
	· Allow for 24m length of downpipes to form the Y shaped arrangement at gables.			£2,800.00	
	· All CI to be fully decorated and installed on new brackets.			£600.00	
	· Allow for fully decoration of 2x air grills approx. 300x200mm			£30.00	
	· Remove metal door and window grills together with all lock and hinge fixings and make good holes with coloured lime mortar.			£700.00	
<b>2.7</b>	<b>Windows</b>				
	· Remove existing frames where present. (3x?)		£50.00		
	· Supply and install 5 large sash and case (6/6) double glazed hardwood frame units and decorate to agreed colour scheme with full weights and brass ironmongery to suit. Each approx. 1200 x 840mm.		£10,000.00		
	· Supply and install 1 small sash and case (3/3) matching unit, approx. 650 x 450mm.		£1,200.00		
	· Form new internal sills to all windows.		£600.00		

<b>2.8</b>	<b>Doors</b>				
	· <i>Install new hardwood ledged and braced double glazed door and frame including threshold to approved design all fully decorated to agreed colour scheme.</i>		£1,600.00		
	· <i>Allow for supply and install of 5no. new ledged and braced 28mm solid timber doors to suit internal openings complete with frames and simple thumb latch lever. Approx. size 1980 x 750mm.</i>		£3,000.00		
<b>2.9</b>	<b>Roof</b>				
	· <i>Allow for removal of cement haunch at skews. Approx. 20m length.</i>		£400.00		
	· <i>Allow for careful removal of all slate and set aside for reuse. Approx. 120m<sup>2</sup></i>		£2,200.00		
	· <i>Allow for removal of all sarking.</i>		£700.00		
	· <i>Allow for renewal of 100% of all rafters and ties and 100% of wall plates, approx. 24m in length. Install new to match on new DPM with new wall straps.</i>		£10,000.00		
	· <i>Allow for install of 18mm timber sarking and new breather membrane to all areas.</i>		£3,400.00		
	· <i>Allow for reinstall of all slate work with 60% make up to match and to repair hole.</i>		£12,000.00		
	· <i>Allow for install of soakers in code 6 leadwork dressed into new rhones.</i>		£1,600.00		
	· <i>Allow for new skew lead flashing in code 6 and raggle into stone located below copes to allow install.</i>		£3,000.00		



	· New insulation 300mm to roof space			£800.00	
	· Redo haunch with lithomix.		£900.00		
<b>2.1</b>	<b>Ground Floor Interior</b>				
	· Remove all rubbish and debris.			£2,000.00	
	· Remove all loose ceiling and wall plaster finishes but retain lath where possible. Approx. 100m <sup>2</sup>		£1,200.00		
	· Remove all areas of flooring and timber joists below, assume 50m <sup>2</sup> .		£1,250.00		
	· Allow for new timber joists laid on consolidated wall head.		£5,000.00		
	· 100% New DPM and dwangs as required.		Incl		
	· Install new 28mm pine T&G plank flooring to all areas.		£3,000.00		
	· Allow for renewal of internal stud walls as required.			£2,500.00	
	· Allow for 120m <sup>2</sup> of new plaster finishes with 30m <sup>2</sup> of new lath. Plus skirtings			£12,800.00	
	· Decorate ceiling and all wall areas with waterbased paint to approved colour scheme. Allow for 45m <sup>2</sup> of ceilings and 110m <sup>2</sup> of walls.				£2,480.00
<b>2.11</b>	<b>Stair</b>				
	· Allow for replacement with new matching timber dogleg stair.		£3,000.00		
<b>2.12</b>	<b>First Floor Interiors</b>				
	· Allow for renewal of the first-floor timber boarding and joists. Assume 28mm T&G on 200 x 47mm joists with 4.2m span, approx. 30m <sup>2</sup> . New joists and dwangs laid on DPM in existing pockets.		£6,000.00		

	· Allow for further 5m <sup>2</sup> of new flooring to the eastern room.		£400.00		
	· Remove all loose ceiling and wall plaster finishes but retain lath where possible, assume 90m <sup>2</sup>		£1,100.00		
	· Allow for renewal of internal stud walls as required.			£2,500.00	
	· Allow for 120m <sup>2</sup> of new plaster finishes with 30m <sup>2</sup> of new lath. Plus skirtings			£12,800.00	
	· Decorate ceiling and all wall areas with waterbased paint to approved colour scheme. Allow for 50m <sup>2</sup> of ceilings and 110m <sup>2</sup> of walls.				£2,600.00
	· Allow for refurbishment of 4 hearths and associated flue works			£8,000.00	
<b>2.13</b>	<b>Electrical Services</b>				
	· Fully remove limited electrical installation.			£300.00	
	· Install new compliant system in to house including adequate power supply for cooking in kitchen.		£6,500.00		
<b>2.14</b>	<b>Water Services</b>				
	· Allow for installation of mains water supply to property.			£5,000.00	
	· New kitchen			£5,000.00	
	· New bathroom			£3,000.00	
	· Heating and hot water system			£12,000.00	
	· Scaffolding		£7,000.00		

	<b>Totals</b>	<b>£0.00</b>	<b>£98,970.00</b>	<b>£106,985.00</b>	<b>£5,080.00</b>
	Prelims @ 10%	£0.00	£9,897.00	£10,698.50	£508.00
		£0.00	£108,867.00	£117,683.50	£5,588.00
	Contingencies @ 10%	£0.00	£10,886.70	£11,768.35	£558.80
		£0.00	£119,753.70	£129,451.85	£6,146.80
	Professional Fees & Expenses @ 18%	£0.00	£21,555.67	£23,301.33	£1,106.42
	<b>NET TOTAL</b>	<b>£0.00</b>	<b>£141,309.37</b>	<b>£152,753.18</b>	<b>£7,253.22</b>
	VAT @ 20%	£0.00	£28,261.87	£30,550.64	£1,450.64
	<b>GROSS TOTAL</b>	<b>£0.00</b>	<b>£169,571.24</b>	<b>£183,303.82</b>	<b>£8,703.87</b>



**Structural Report  
Rintoul house  
Dalqueich  
Kinross-shire**

## **List of Contents**

1.0 Introduction

2.0 Location and Type of Building

3.0 Structural Condition

4.0 Conclusions and Recommendations

## **Appendix A**

Location Plan

## 1.0 Introduction

I have been instructed by Mr Alastair Dawson to provide a structural report on Rintoul, an abandoned countryside property near Kinross, which is to be the subject of a new planning application.

The report was carried out by undertaking a visual inspection of readily accessible parts of the building on 21<sup>st</sup> April 2017. No existing finishes were removed to inspect hidden structural elements, although due to the state of disrepair, many of the original timbers were visible. Although evidence of timber decay was visible, a detailed timber inspection and report has not been carried out and if necessary, this should be obtained from a specialist preservation company. No access was gained to the roof, and all external observations were noted from ground level.

This report covers the structural condition of the property only, and no comment is made on ground conditions or any environmental factors, unless pertinent to the condition of the building.

## 2.0 Location and Type of Building

The site is located approximately 3 miles north west of Kinross, just north of the small hamlet of Dalqueich, as shown on the plan in Appendix A. The house is reached by driving half a mile up a gravel track and apart from electricity, there are no public utilities nearby.



According to Mr Dawson, the house was built in the mid 19<sup>th</sup> century, and was last occupied in 1938. Since then it has been used sporadically as a workshop and store, and as can be seen from the above photograph, is currently boarded up and disused.

## Structural Condition

The house is of traditional construction of the period with thick stone external walls with a chimney at each gable. The first floor consists of timber joists spanning front and rear with the joist ends built into the external walls. The roof has a slate finish over site built timber trusses, and the ground floor consists of rough concrete which may not be original.

### 2.1 Internal Condition

The timber roof is built from old half round rafters with square cut timber ceiling ties and mid-height ties. Most of these are still intact and there has been no substantial horizontal spread or vertical deflection to date. However due to holes in the roof and the condition of the slate there has been significant rain penetration and there are signs of water damage to most of the sarking and roof timbers. The roof area has also been used by nesting birds, and large areas of the plasterboard ceiling are damaged and/or sagging (as can be seen in the photographs below)



The above photograph also shows a large crack in the west facing gable wall which runs the full height of the building, and there are other less visible cracks and areas of poor pointing where internal stonework is visible.

The first floor is in very poor condition with large sagging areas in the centre of each floor. This is partly due to undersized timbers, and also decay at joist ends where they have been built into external walls without any damp proofing. A large area of plasterboard ceiling has collapsed and some propping has been installed at ground floor level to prevent further collapse. Signs of woodworm were also noted in various timbers (as shown in the photograph of a window cill below)





## 2.2 External Condition

Externally the stone walls are quite plumb with most windows reasonably square and there is no sign of settlement, indicating good ground conditions. However, both gables have large areas of spalled render revealing poor quality random rubble stonework with large gaps and missing mortar (as in the photograph below). There are several areas of cracked render and it is not clear whether these are superficial or continue through stonework.

Both chimneys are in need of repointing and on the east gable there is large gap between cope stones and roof slates allowing water penetration (as shown in the photograph below). The slates are in general need of refurbishment and there also sections of guttering missing.



Lower down, at the bottom of the external walls, foundation stones are visible, particularly along the front and west elevations. This was traditional construction practice at the time, but does not comply with current foundation requirements



There is also no sign of a damp- proof course to prevent rising damp from ground moisture.

### 3.0 Conclusions and Recommendations

As described, there are numerous structural defects present in this property.

- The existing roof is in poor condition with missing slates, guttering and pointing and there has been considerable water penetration
- This has resulted in decay and damage to roof timbers, floor timbers and existing ceilings
- The stonework is made from poor quality random rubble with large areas of poor and missing mortar
- There is a large crack in west gable walls and other noticeable cracks in the stonework and render.
- The walls have been built off high level foundations stones which do not give adequate ground cover
- There is no damp- proof course to stonework or damp proofing to timber joist ends.

In order to renovate this property significant stonework repairs would be required including large scale repointing and replacement of existing render. All existing timber would also need to be replaced, along with a new roof. However, the main cause for concern in re-using these walls as loadbearing elements is the lack of adequate foundations, with foundation stones visible on two elevations. As current Building Regulations recommend a minimum depth 450mm to the top of foundations, it is possible that a significant amount of underpinning will be required. Finally, there is no adequate damp proofing to any structural elements.

Taking all these factors into account, there is very little of the existing building that is adequate for re-use and therefore it is not capable of renovation at an economic cost.

Alan D. Corsie  
C.Eng.,M.I.Struct.E.

26<sup>th</sup> April 2017

## Appendix 1

Dear Sean,

Thank you, for the comments regarding the proposal, abide not what we were hoping for.

If I may respond to the concerns highlighted:

The mitigation required from SEPA, I think these have been resolved with the modifications provided.

Regarding the proposed located out with a settlement boundary Policy PM4; We understand that Rintoul is stand alone and doesn't constitute a Settlement.

As you mentioned, Policy RD3 with the addition of PKC Housing in the countryside guild of 2012 being relevant. Maybe among the other policies that may apply are PM1A, ED3, NE3. With Policy RD3 we feel that Categories (d) and (f) are applicable.

With regard to the requirement for the retention of the existing house; we fully appreciate the opinion of your consultees. Their perspective is from the conservation point of view and it is without contrary that they would come to this opinion.

However, in order to retain and extend the existing house; this would only be possible with extensive funds which we do not have. Many have underestimated the cost and financial viability of such an undertaking. As a result, most, if not all, of the building principles set out in our design statement would be very difficult and expensive to achieve.

In addition, we feel the structural engineers report that we commissioned has not been given due consideration. **Is it possible to request a third opinion? Can we ask for someone to provide an additional independent trusted view point?**

The Design and Access statement provides a comprehensive explanation of our goals and aspirations for the property at Rintoul. Conservation and preservation are at the heart of the farm and the diversified businesses within it. In an unstable and ever-changing environment and economic landscape, we are trying to build a sustainable and prosperous future for ourselves, our two children as well as future generations to come.

With regard to the future, the proposed design was very carefully considered and extensive experience was drawn from constructing our two Earthship Lodges. As you may be aware, my family and I are recently living in one of the lodges and the other is booked out with guests. We have been very pleased with the response and are hoping to let out our lodge, once we have alternative provisions for shelter.

We have received interest from a number of media sources; we were featured in the Scots magazine in the Spring of 2017 and we are to be featured in the lifestyle section of the Scotsman this Autumn. In addition, we received a response of interest from the producers of Grand Designs, tying the new build in with the existing Earthship Lodges.

Overall, the 'Lands of Rintoul' deserve a well; constructed and considered house of unique design that increases the present amenity and value. It shall be integrated sympathetically and sensitively with the local landscape, admired and enjoyed for generations, that will become the built heritage of the future.

Can you please consider the aforementioned, as you are aware, planning policy has 'grey' areas that are subject to different interpretations and one's opinion weighted, one way or another.

Many thanks for your time and help

All the best

King regards

Ally, Lisa and family



**Appendix 2**

Dear Mr Dawson,

Many thanks for sending this through. I will review this and revert back to you accordingly.

Kind Regards,

**Sean Panton,**

Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

*Comhairle Pheairt is Cheann Rois*



## DESIGN and ACCESS STATEMENT

Replacement of House and Development of Brownfield Land  
at Rintoul, by Dalquiech, Milnathort

Applicant: Mr & Mrs A. Dawson

This document has been collated and presented to support the foregoing planning application to Perth and Kinross Council for the replacement of house and development of rural brownfield land at Rintoul, Dalquiech, by Kinross.

### Contributors

Structural Surveyor

- Mr A. Corsie C.Eng. M.I.Struct.E.

Ecologist

- Mr A. Fitchet MCIEEM

Architectural Consultant

- Miss J. Robertson M arch

Alastair Dawson

- Applicant

## CONTENT

### 1.0 SITE

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### 2.0 PROPOSAL

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## 1.0 SITE

### 1.1 Site History

The site has been established since at least 1642 (figure 1). The 1775 map shows a cluster of buildings (figure 2). The 1854 map (figure 3) shows two distinct buildings, the position of the larger makes it appear to be the current house on the site. It has been uninhabited since 1938.

Historic Environment Scotland have been aware of the existing house and bothy since 1999 but have not assigned it with a listing.

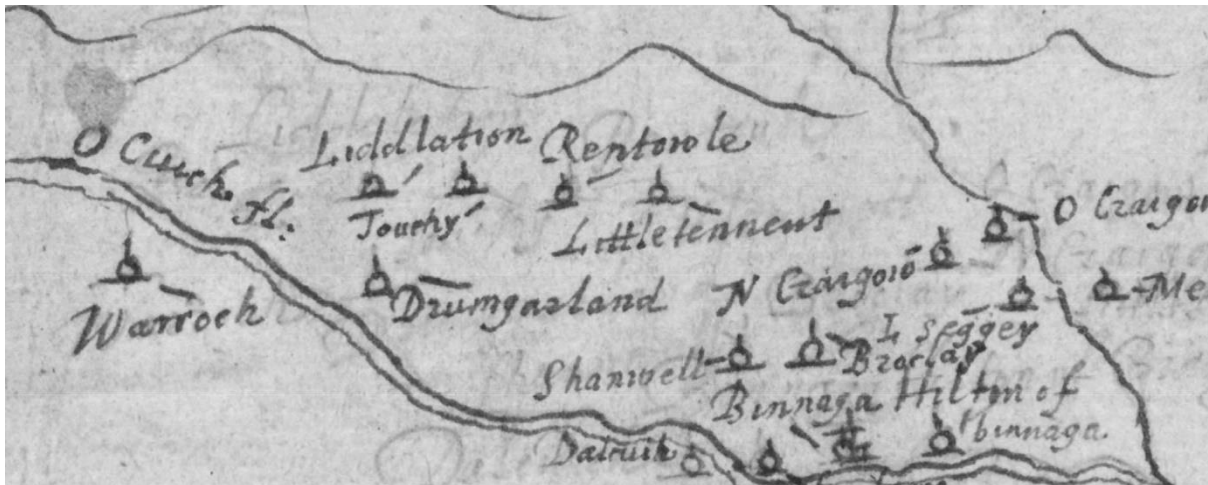


Figure 1 - 1642 Survey by Gordon James. Source: National Library of Scotland



Figure 2 – 1775 Survey by John Ainslie. Source: National Library of Scotland



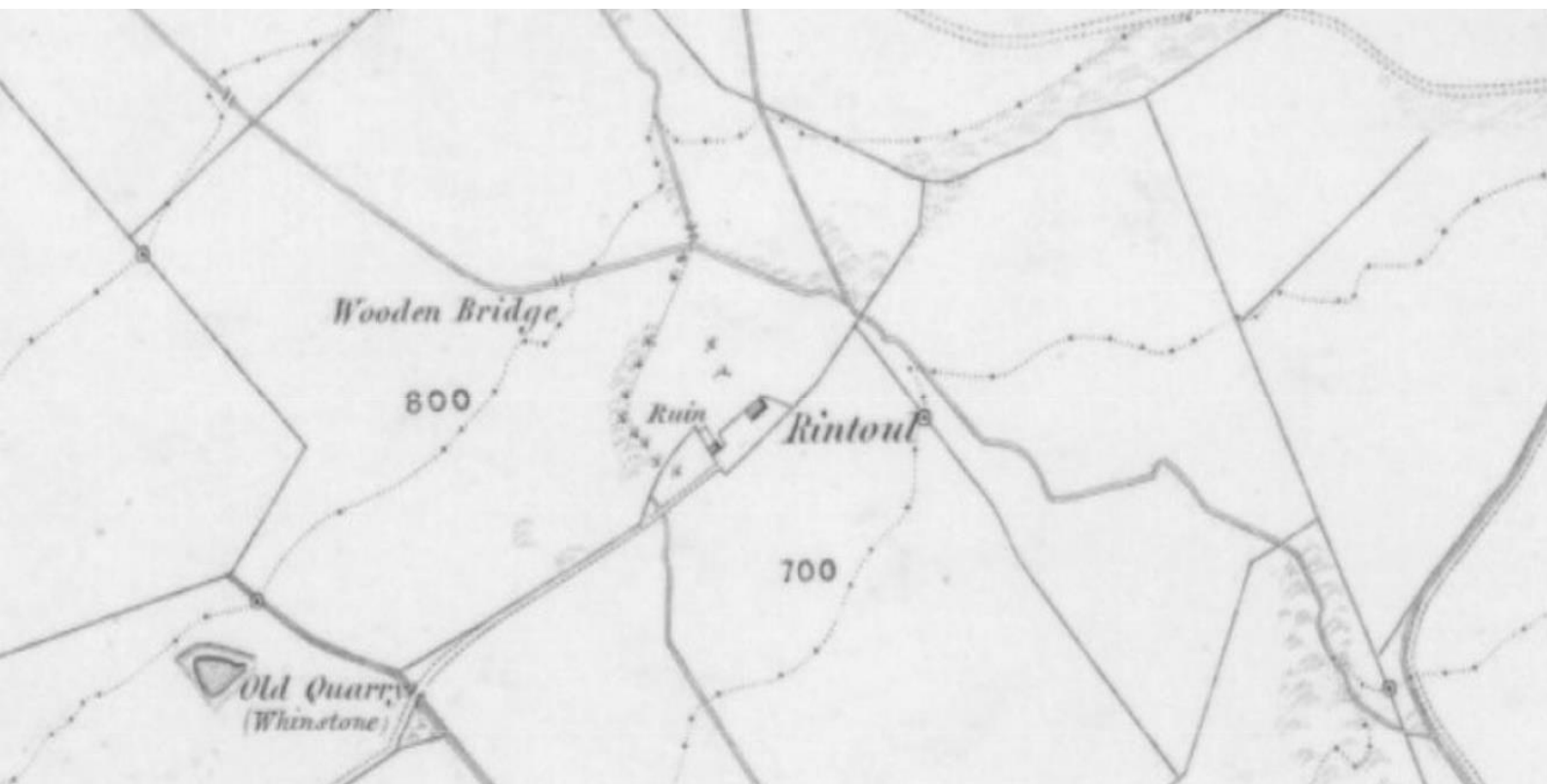


Figure 3 – 1854 OS Map. Source: National Library of Scotland

## 1.2 Planning History

A full planning application for Rintoul was approved in 2003 and renewed in 2008 03/01110/FUL (08/00663/MOD – renewal)

1.3 Existing Access and Landscape Screening from the nearest public road  
Planning consent (05/01702/PN) was approved in 2005 for the upgrade of farm track with the construction of a Tarmac bell mouth entrance way, from the public road.



Existing access



View towards the east of access





View towards the west of access



Well-established existing main access track (SE of house)

#### 1.4 Applicant's Approach to Land Management

The Farm land owned by the applicant is permanent pasture and is mostly unsuitable for cultivation. Its principal use is for rearing organic Livestock. To allow this method of agriculture and land management to be economically sustainable, the applicant has diversified to provide two "Earthship" holiday lodges. The building principles used for these lodges include, Passive solar, Thermal mass with an insulated external envelope. Materials are Rammed Earth, Reclaimed stone, Brick and Timber, old tyres, and are insulated with sheep's wool and strawbale. They are an excellent demonstration of a truly sustainable approach to construction in this context.

The design and construction for the proposed house follows the same ethos and design theme and will allow the applicant to maintain their low-impact approach to Agriculture and Tourism.

In order to improve biodiversity on the wider site, the applicant has formed a series of small attenuation ponds, proposes a Semi-Extensive green roof to the replacement house and will plant a new native species hedge. In addition, they will plant native trees around the site with the establishment of an apple and plum orchard to the north of the site, located on more sheltered fertile ground. These implemented measures will enhance the biodiversity, improving the habitat for a wide variety of species, negating any adverse impact from the proposed.

The Bat report indicates that the down-taking of the existing house poses little risk to the Bat population as it is "unsuitable as a hibernation location for bats".

Furthermore, the site surrounds are 'considered to be of low value for foraging bats'.

The survey also notes that there were no sightings nor evidence of owls, nor any terrestrial protected mammal species.

The applicant has taken the view that, Bat habitat can be improved significantly, to include, purpose-built Bat homes, located around the site. along with the other measures mentioned.



## 2.0 PROPOSAL

### 2.1 Precedent – Applicant’s “Earthship” Holiday Lets (West of site - 08/00992/FUL)



Low-profile, for integration with the topography. Use of reclaimed stone and timber, Rammed earth load bearing walls, Tyre Bales (18000 tyres) and a Turf roof.





A number of recently constructed houses, within 3 miles from the proposed have been accepted by Perth & Kinross planning namely 14/02014/FLL north-west of Tannerhall, Middleton, 08/01143/FLL Nether Tillirie, Milnathort,

Permission was granted (10/00908/AML) for a house, nearby, with the scale and design very similar to the proposed.

## 2.2 Case for Replacement House and Development on Brownfield Land

The site is a former farmhouse and yard and now serves no useful purpose. The existing house is not worthy of, nor suitable for retention; it has been structurally condemned, is of little to no architectural merit and is not economically nor practically viable for repair. The Bothy situated 15 metres to the west of the main house has recently collapsed, with the ruin stone and rotten timber in evidence. A stone dyke which forms a boundary around the site is also evident.

The applicant's low-impact approach to agriculture and land management (as noted in section 1.4) is indicative of the approach taken to the replacement house design. The replacement house will serve to support this environmentally-friendly approach and will sustain their way of living. The applicant proposes to use their existing wind turbines to provide power for a ground -source heat pump, with a recently upgraded farm spring water supply, servicing the proposed.

Mr and Mrs Dawson plan to manage the farm business and holidays lets from the house and as Mrs Dawson is a High school teacher and part time artist, the footprint allows for an office space and a separate studio/workshop space. Three of the four bedrooms are to accommodate Mr and Mrs Dawson and their two young children and the fourth is to be used to provide a traditional farmhouse bed and breakfast service, where they have identified a local need, along with growing their holiday let business.

The floor layout can be flexible, with potential use for three generation. Mr & Mrs Dawson's parents are reaching their elderly years and this design will allow for their accommodation if required.

The footprint is slightly larger than the cumulative of the existing house and bothy however, it remains relatively small at approximately 200m<sup>2</sup>. Furthermore, the footprint is within 15m<sup>2</sup> of the proposal approved in the application referred to in Section 1.2. Given the cumulative strength in argument of above (the applicant's genuinely sustainable approach to land use and living, requirement to accommodate modern space standards and the symbiotic nature of the design) it is felt that leeway should be granted with regards to the policy that stipulates for no more than 25% increase in floor area when applying for a replacement house.

### 2.3 Design of Proposal

The proposal's form is faithful to the landscape rather than the existing ruinous house. This language is much more appropriate in the context as it responds to, and integrates with the site, and is derived of a true understanding of the land, rather than simply replicating an ill-considered design that is stark to the backdrop of hill ground and forestry (see below). The nature of the site means it is subject to strong winds, so bunding the house into the ground is a response to the climatic restraints as well as the topography. Built to Passive-Haus/ Mineirgy-P standards, which are well beyond present British building standards, the proposed will be very energy efficient, and will adapt well to environmental and climatic changes in the future.

- Compact building form
- Airtight construction of the building shell
- Insulated to a very high standard
- Triple glazed windows
- Mechanical Heat recovery ventilation (MHRV)
- Water base heating or cooling
- Renewable forms of energy (Ground Source Heat Pump, Wind, Solar thermal)
- The storage and use of waste heat.
- Careful selection of materials of low toxicity, both indoor and outdoors.
- Household appliances and lighting minimum A+ rated

The proposal's ridge and eaves height sit below the respective heights of the existing house (as shown on drawing P02, South Elevation). The vertical timber cladding is to be a board on board profile with a Black/grey Charred local Larch board at the back and lighter reclaimed oak to the front. Giving a soft two tone vertical orientated effect. This language is derived from the landscape backdrop of forest and gorse and as the building ages will ensure an integration to its surroundings. Reclaimed stone from the ruined steading and down taking of the house along with used Whin/Granit cobbles, Setts, and Kerbs will be used to form the principal elevation. The turf for the roof will be harvested immediate to the site, blending sympathetically with the surrounding rough landscape. The applicant also proposes to use Rammed Earth internally, minimising the proposal's use of concrete and thus its environmental impact.





House to be replaced (salvageable stone and slate to be reclaimed)

### 3.0 Planning Policy

#### **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.

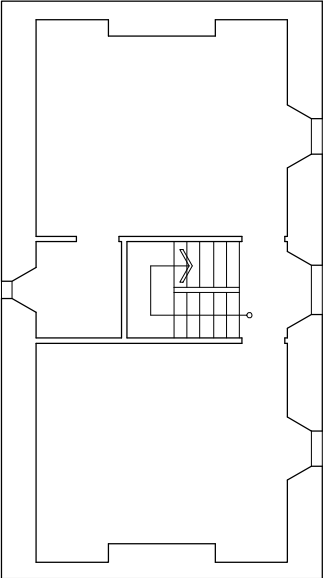
##### **Policy RD3 - Housing in the Countryside**

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.

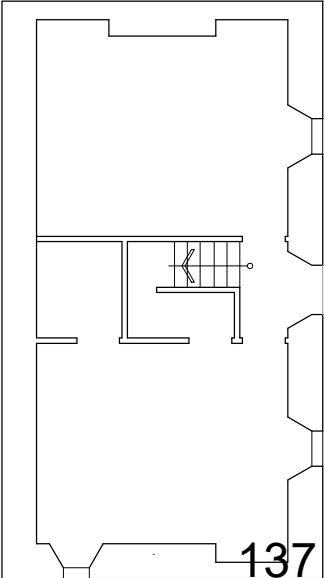
Policy EP7C - Drainage within the Loch Leven Catchment

Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

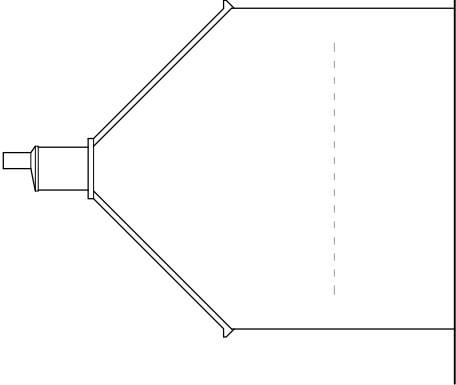
We feel the proposed, satisfies criteria in the relating Policy's, without departing from The Adopted Development plan TAYplan 2012 and the Local Development plan 2014



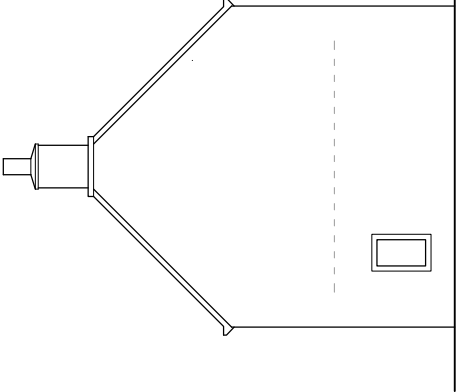
FIRST FLOOR PLAN  
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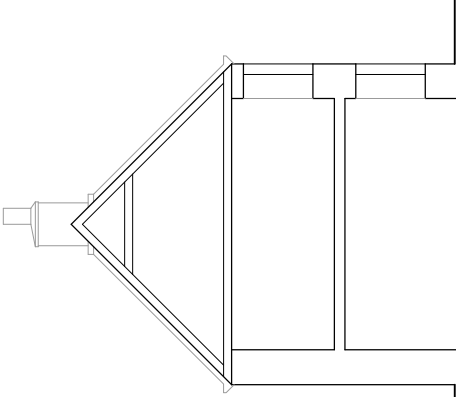
GROUND FLOOR PLAN  
1:100



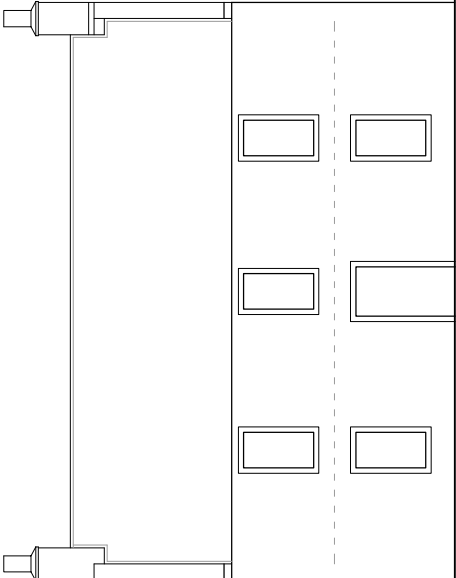
NORTH EAST ELEVATION  
1:100



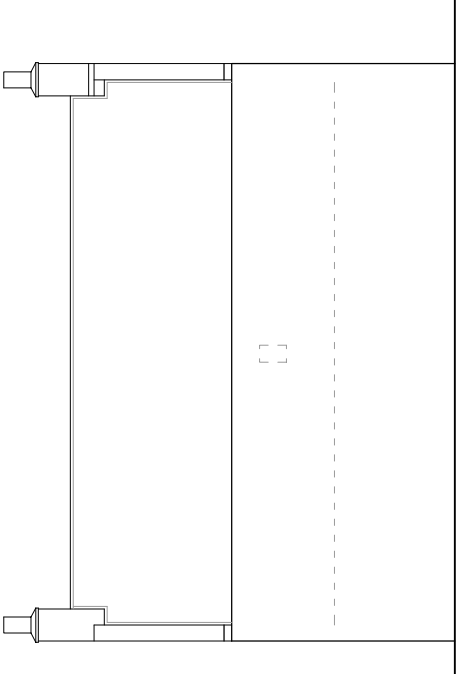
SOUTH WEST ELEVATION  
1:100



SECTION  
1:100



SOUTH EAST ELEVATION  
1:100



NORTH WEST ELEVATION  
1:100

Mr & Mrs. A Dawson  
Replacement House  
Rintoul, by Kinross  
A3  
1:100  
02.03.19

SCALE (METRIC)  
0 2 4 6 8 10M

PROPOSED LEVEL

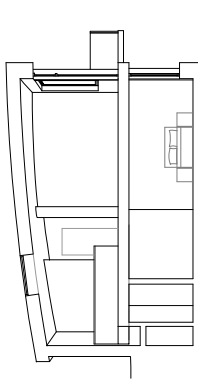
GLASS BALUSTRADE

SEMI-EXTENSIVE GREEN ROOF (built from site)

VERTICAL TIMBER CLADDING (dark brown, reddish)

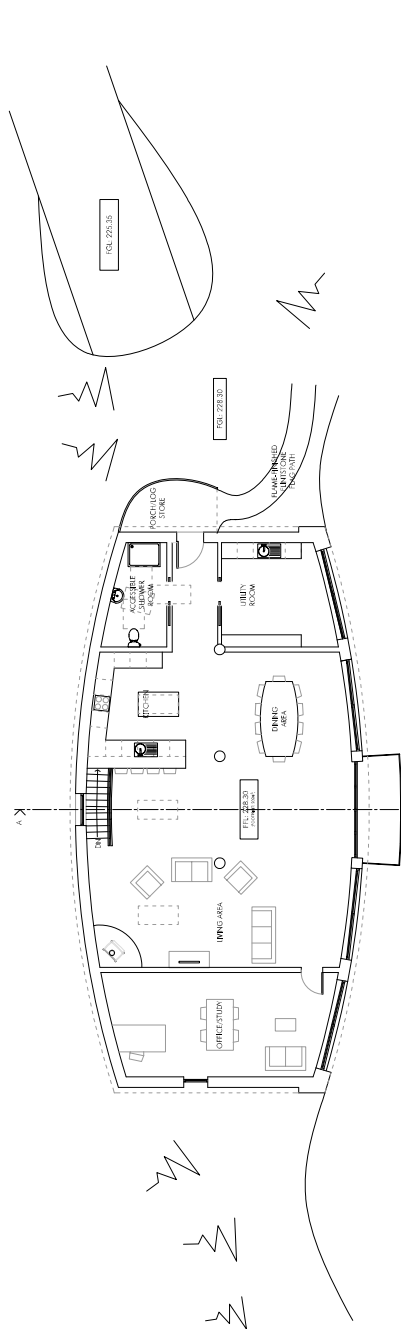
RECLAIMED STONE (blues, greys, light pink)

MATERIAL KEY



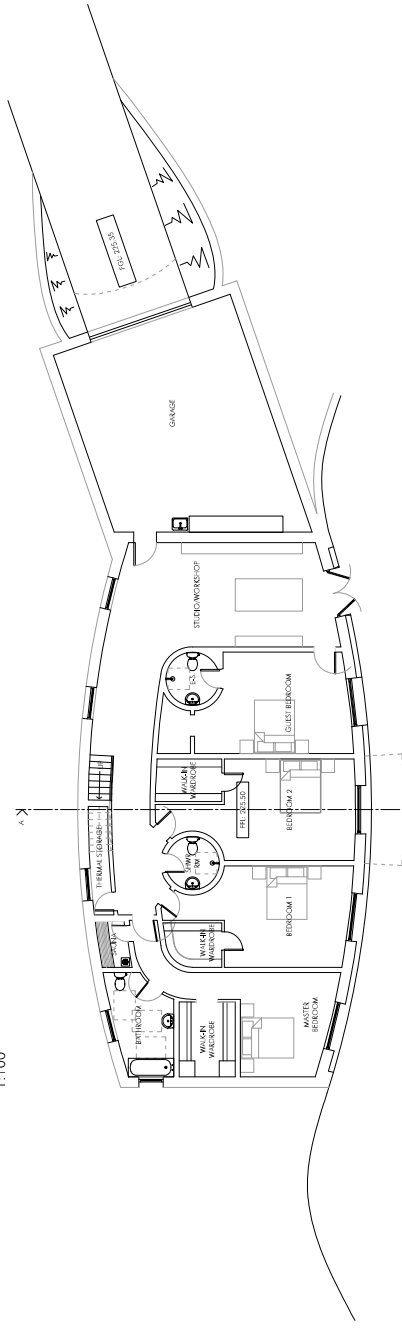
SECTION A-A

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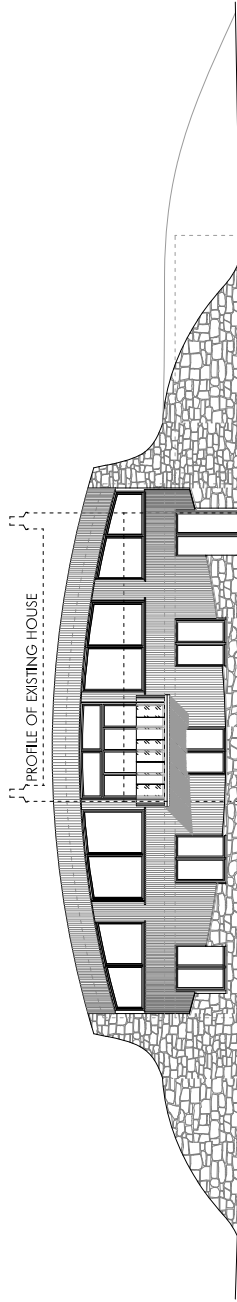
UPPER GROUND FLOOR PLAN

1:100



LOWER GROUND FLOOR PLAN

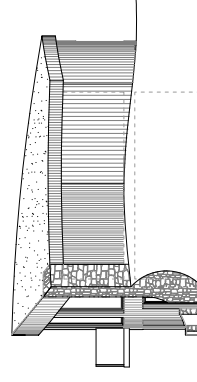
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SOUTH ELEVATION

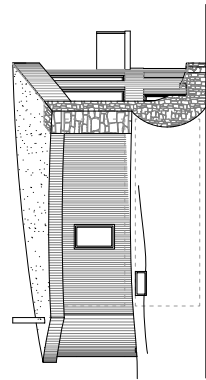
1:100

EXISTING RIDGE HEIGHT	+232.84
PROPOSED EAVE HEIGHT	+229.70
EXISTING EAVE HEIGHT	+229.82
PROPOSED UPPER FFL	+228.30
PROPOSED LOWER FFL (80MM < EXISTING HOUSE FFL)	+225.50



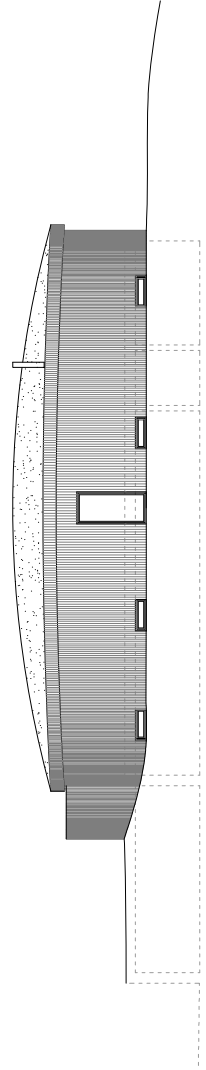
WEST ELEVATION

1:100



EAST ELEVATION

1:100



NORTH ELEVATION

1:100

Mr & Mrs. A Dawson  
Replacement House  
Rintoul, by Kinross

A1  
1:100  
02.03.19

SCALE (METRIC)  
0 2 4 6 8 10M

<b>TCP/11/16(612) – 19/00483/FLL – Erection of a replacement dwellinghouse, Rintoul, Milnathort</b>
---

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(part included in applicant's submission, pages 115-120 and 125-138)*



# PERTH AND KINROSS COUNCIL

A W Dawson  
Mr Alastair Dawson  
Earthship  
1 Touchie Farm  
Kinross  
KY13 0RS

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 7th May 2019

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/00483/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 31st March 2019 for permission for **Erection of a replacement dwellinghouse Rintoul Milnathort** 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, in addition to the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location. The existing building is considered to have architectural and historic merit and contributes positively to the character and amenity of the Ochil Hills Special Landscape Area. Furthermore, no justification has been provided to demonstrate that the building cannot be repaired at a suitable economic cost. Therefore, the proposal cannot be considered under criterion 4 (a) and (c) 'replacement houses'.

### 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](http://www.pkc.gov.uk) "Online Planning Applications" page

**Plan Reference**

**19/00483/1**

**19/00483/2**

**19/00483/3**

**19/00483/4**

**19/00483/5**

**19/00483/6**

**19/00483/7**

**19/00483/8**

**19/00483/9**

**19/00483/10**

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	19/00483/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	30.05.2019	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a replacement dwellinghouse.

**LOCATION:** Rintoul, Milnathort.

### 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<sup>th</sup> April 2019

### SITE PHOTOGRAPHS

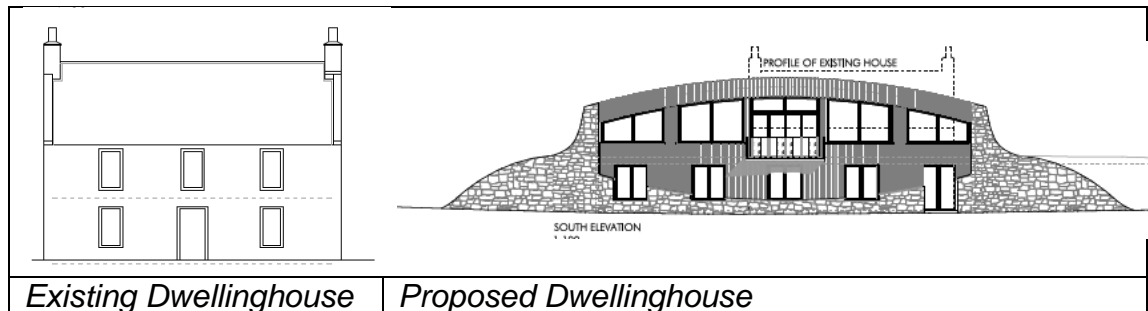


### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is Rintoul, Milnathort and is located within the Ochil Hills Special Landscape Area. The application seeks detailed planning permission for the erection of a replacement dwellinghouse.

The existing dwellinghouse is a derelict farmhouse which dates from the late 18<sup>th</sup> century to the early 19<sup>th</sup> century. The building is a 2 storey unit and has a traditional slate roof with chimneys and raised gable ends.

The proposed dwellinghouse is a detached 2 storey contemporary unit with a large section of the south elevation being glazed. The unit will be built into the hillside (which will be reconfigured) and is largely open plan on the interior with 4 bedrooms on the ground floor. The proposed access and driveway arrangements are to remain largely similar to the existing. The below plans show the principal elevation of the existing house compared to the proposed:



## **SITE HISTORY OF RELEVANCE**

03/01110/FUL - Alterations and extension to house at 11 September 2003:  
Application Approved

08/00663/MOD - Renewal of existing consent (03/01110/FUL) for alterations and extension to house 25 June 2008: Application Approved

## **PRE-APPLICATION CONSULTATION**

No formal pre-application consultation undertaken.

## **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 HE1 – Scheduled Monuments and Non-Designated Archaeology**

The Council will seek to protect areas or sites of known archaeological interest and their setting. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

### **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 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 EP7A - Drainage within the Loch Leven Catchment**

Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

**Policy EP7B - Drainage within the Loch Leven Catchment**

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

**Policy EP7C - Drainage within the Loch Leven Catchment**

Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

**Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent

with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **OTHER POLICIES**

### Development Contributions and Affordable Housing Guide 2016

This document 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 Guide was adopted by the Council in October 2014. The guide 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 guide 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 guide 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**

### Internal

Biodiversity Officer:

No objection to the proposed development, subject to conditional control regarding mitigation.

Transport Planning:

No objection to the proposed development.

Development Negotiations Officer:

£6,460.00 education contribution required.

Environmental Health (Private Water):

No objection to the proposed development, subject to an informative in relation to private water supplies.

## External

Scottish Environment Protection Agency (SEPA):

SEPA initially objected to the proposed development due to a lack of information in relation to phosphorous levels. This information was consequently submitted and SEPA now remove their objection.

Perth & Kinross Heritage Trust (PKHT):

PKHT **object** to the proposed development due to the heritage value associated with the existing building.

## **REPRESENTATIONS**

No letters of representation were received regarding the proposed development.

## **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 (Bat Survey and Structural Report)

## **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. This is

relevant to this proposal as the site is not located within a defined settlement boundary.

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. 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 site
- c) New houses in the 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

In this case, criterion (d) would be directly applicable as it is for a replacement dwellinghouse. The criterion specifically states 'Restoration rather than replacement will be favoured where the building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.'

In this case, unfortunately, the proposal is not considered to comply with Policy RD3 'Housing in the Countryside'. This is because the existing dwellinghouse is considered to be of architectural merit whilst making a positive contribution to the landscape character of this sensitive area. Whilst the structural report submitted is noted, the report does not justify that the building is beyond a condition that can be restored at a reasonable cost. It has therefore not been demonstrated that the building is beyond economic repair.

My colleagues in Perth & Kinross Heritage Trust (PKHT) were consulted as part of this application and **objected** to the proposed development. PKHT consider that the site is archaeologically sensitive as it includes a historic vernacular building (MPK 10985) which pre-dates the 1860 1st Edition Ordnance Survey of the area. PKHT believes that wherever possible historic buildings should be retained and re-used in order to retain the character of the local rural landscape. Furthermore, the Conservation Officer is in agreement with the response from PKHT after conducting an additional site visit.

The applicant was advised of this position on the 23<sup>rd</sup> April 2019. It was indicated to the agent that the preference of the Planning Authority would be to retain the existing building as it is considered to have architectural and historic merit whilst contributing positively to the character and amenity of the Ochil Hills Special Landscape Area. It was highlighted that the principle of an extension on the existing building would be acceptable subject to sensitive



detailing. This would allow for the applicant to enhance the facilities on offer and still permit extensive renovations. In 2003, an application was submitted for extensive alterations and extensions to the existing building. This application was granted and was renewed in 2008. The consent was never implemented and has now lapsed. Nevertheless, the Planning Authority would encourage a similar scheme to be forthcoming. The agent did not wish to withdraw the current application.

In conclusion, the Planning Authority considers that the existing building is of architectural merit and contributes positively to the character and amenity of the Ochil Hills Special Landscape Area. The proposal is in a prominent location when viewed from the surrounding area, which is characterised by similar farm steadings of traditional design. Whilst there are some contemporary designs in the local area, this does not justify the demolition of a traditional building which has a high amenity value.

The application is therefore recommended for refusal for reasons mentioned above.

### **Design and Layout**

The design of the proposed dwellinghouse is considered to be of a high quality. The contemporary approach and the integration of the dwellinghouse into reconfigured ground levels will help the proposal to blend into the landscape. The scale of the proposed dwellinghouse is appropriate for the site and does not dominate the landscape framework in which it is located. The materials are sensitive to the surrounding landscape and will not appear out of place. Whilst I have some concerns in relation to the extensive glazing on the south elevation, which will be largely visible from the surrounding area from sun glare, I do not think this is of adverse concern as the glazing of concern is largely at upper floor level and not the whole extent of the south elevation. The extent of glazing will therefore be similar to some neighbouring buildings.

The contemporary design is also similar to the existing neighbouring holiday accommodation buildings, and thus the design will not be alien to the immediate locale. The below photograph shows Rintoul in location to the existing contemporary buildings:



With regards to layout, as the proposed dwellinghouse is in a similar location to the existing building, I have no adverse concerns.

However, as mentioned above, whilst the design of the replacement dwellinghouse is of a high quality, the existing building is also of a high quality and should be retained to avoid the erosion of the prevailing character of buildings around this area of the Ochil Hills.

### **Ochil Hills Special Landscape Area**

As previously mentioned, the site forms part of the Ochil Hills Special Landscape Area. With regards to buildings within the Special Landscape Area, the majority of buildings are traditional in nature and contribute to the overall character and amenity of the place. In this instance, the existing building is considered to contribute positively to the qualities and character of the Special Landscape Area as the existing building is traditional in nature and is in a prominent location when viewed from the surrounding area. Whilst the site is not widely visible from the main road, it is important to protect the qualities of the area and retain the character where possible.

### **Residential Amenity**

Due to the orientation and siting of the proposed dwellinghouse, it is not considered that there are any implications in relation to residential amenity. Any impacts created will be similar to that of the existing building. I therefore have no concerns in relation to residential amenity.

### **Roads and Access**

The site utilises the existing access arrangements and driveway. A new garage will also be created. This is considered sufficient for the level of traffic likely to be generated by this proposal. Furthermore, my colleagues in Transport Planning were consulted as part of this application and have no comment to make. I therefore have no concerns in relation to roads and access.

### **Loch Leven Catchment**

The site is located within the Loch Leven Catchment. Therefore, the total phosphorus levels from the development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

SEPA were consulted as part of this application and initially objected to the proposed development due to a lack of information in relation to phosphorous levels. This information was consequently submitted and SEPA now remove their objection.

It is therefore considered that, subject to conditional control, the proposal now complies with the relevant provisions required for the Loch Leven Catchment and thus I have no adverse concerns.

### **Biodiversity**

The existing building provides opportunities for roosting bats. As such, a bat survey was submitted to identify the presence of the protected species. The survey recorded a total of 2 bat species. The Biodiversity Officer has reviewed the submitted bat survey and has no objection to the proposed development, subject to suitable conditions being added to any consent granted in relation to appropriate mitigation. I therefore have no adverse concerns in relation to biodiversity as appropriate planning conditions could be added to any consent granted.

### **Drainage and Flooding**

The site is not in an area of known flood risk and the proposals are not considered to create any drainage implications. I therefore have no adverse concerns in relation to drainage and flooding.

### **Developer Contributions**

#### Primary Education

The Council's 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 Milnathort Primary School.

The existing property is in a derelict state. In line with paragraph 3.3 of the Developer Contributions and Affordable Housing Guidance a contribution will be required if the existing property is derelict. £6,460.00 is therefore required as an education contribution as no evidence has been provided that Council Tax has been paid on the property in the last 7 years.

### **Economic Impact**

The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated 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, in addition to the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location. The existing building is considered to have architectural and historic merit and contributes positively to the character and amenity of the Ochil Hills Special Landscape Area. Furthermore, no justification has been provided to demonstrate that the building cannot be repaired at a suitable economic cost. Therefore, the proposal cannot be considered under criterion 4 (a) and (c) 'replacement houses'.

## **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**

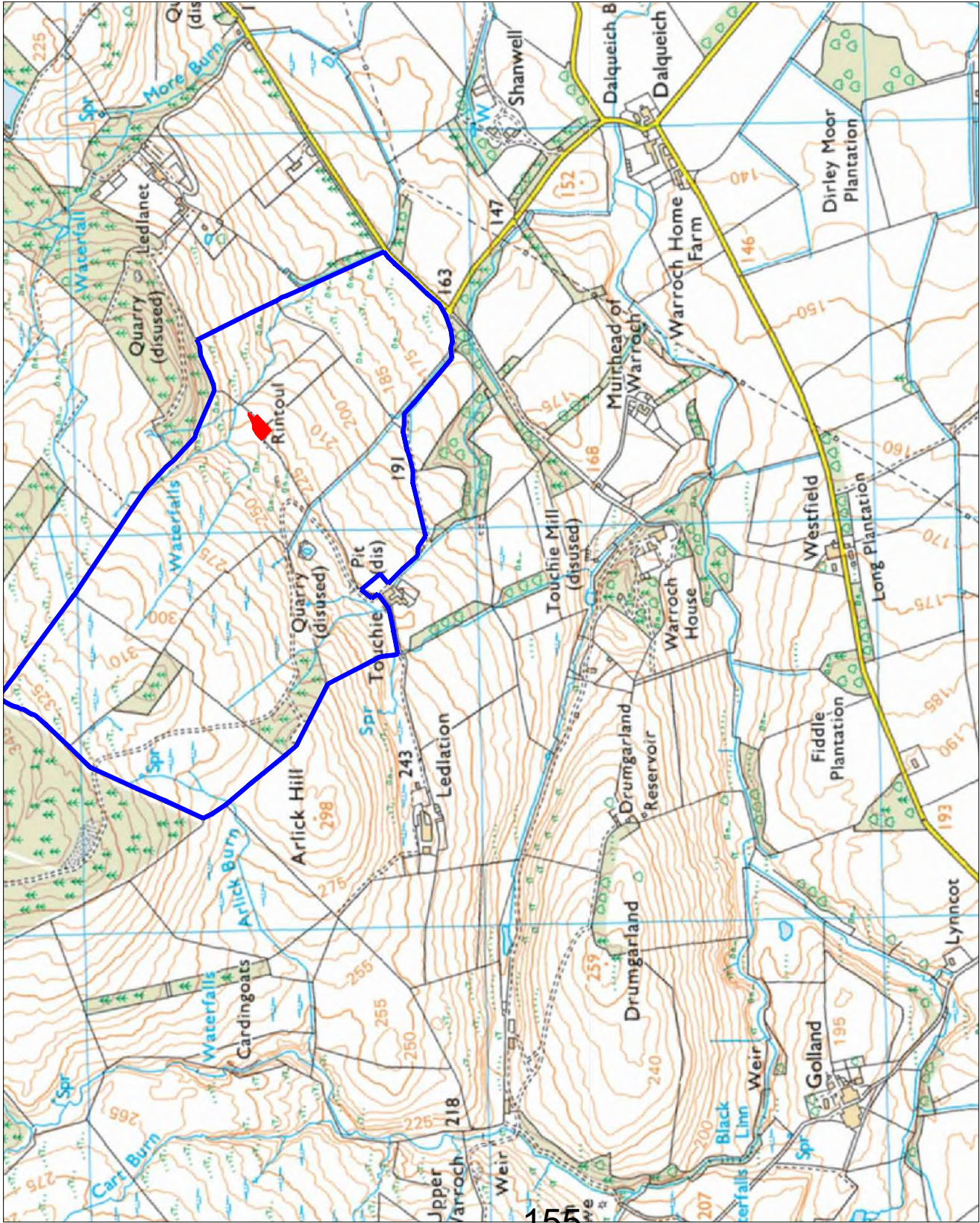
Not Applicable.


**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

19/00483/1  
19/00483/2  
19/00483/3  
19/00483/4  
19/00483/5  
19/00483/6  
19/00483/7  
19/00483/8  
19/00483/9  
19/00483/10

**Date of Report** 7<sup>th</sup> May 2019







NORTH

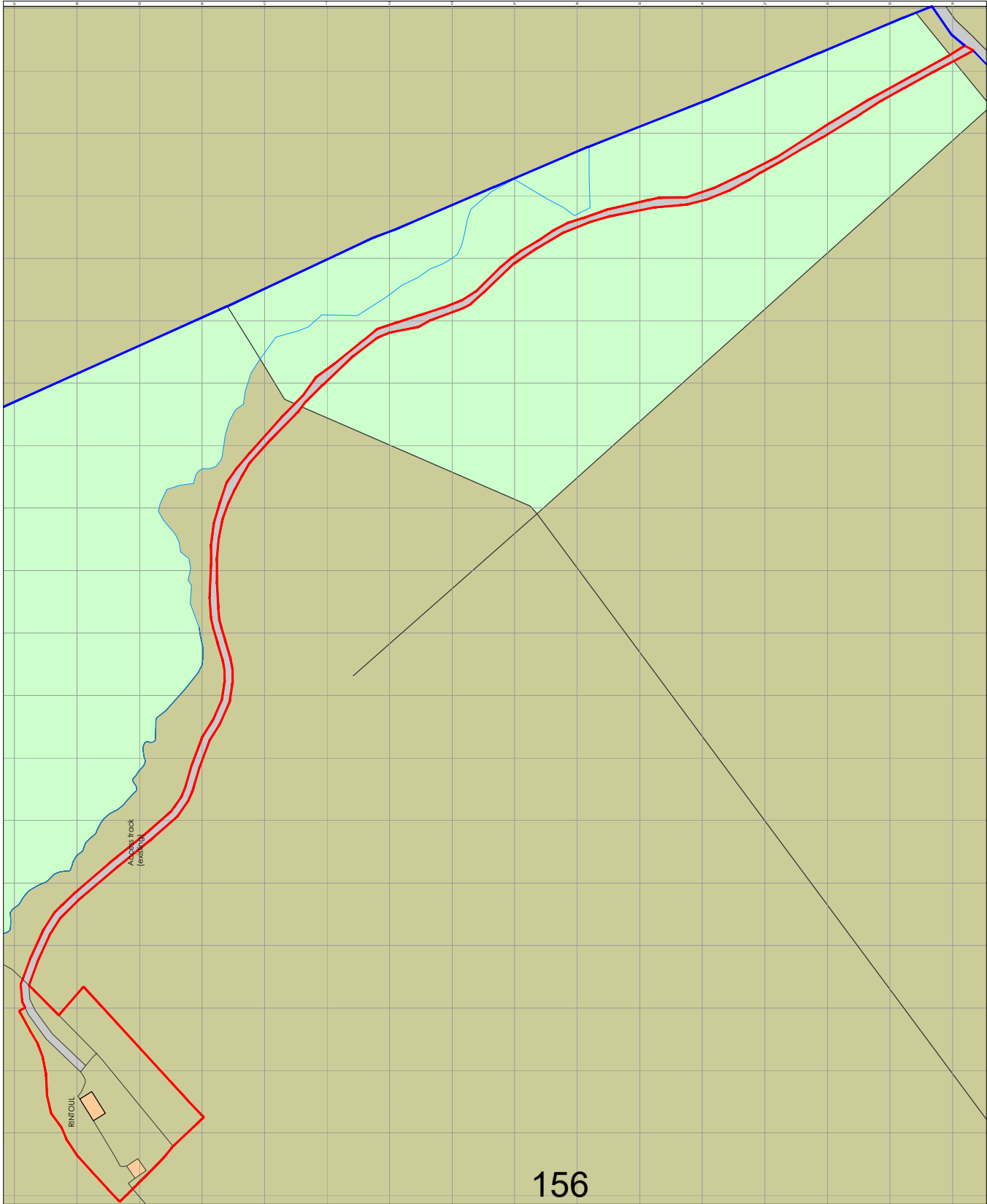
SITE OWNERSHIP

0 0.2 0.4 0.6 0.8 1KM

Replacement of derelict house  
Mr & Mrs A. Dawson  
Rintoul, by Kinross

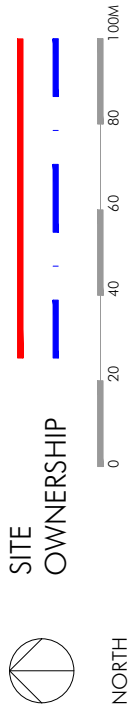
© Crown copyright and database rights 2019  
Ordnance Survey 100048957. The representation of  
road, track or path is no evidence of a boundary or  
right of way. The representation of features as lines is  
no evidence of a property boundary.

LOC 1 - LOCATION PLAN  
A3  
1:10000  
11.02.19



© Crown copyright and database rights 2019  
Ordnance Survey 100048957. The representation of  
road, track or path is no evidence of a boundary or  
right of way. The representation of features as lines is  
no evidence of a property boundary.

LOC 2 - SITELOCATION PLAN



Replacement of derelict house  
Mr & Mrs A. Dawson  
Rintoul, by Kinross

A3  
1:1250  
11.02.19







705580N

705560N

705540N

705520N

307360E

307340E

705500N

705580N

705560N

705540N

705520N

158

SUDLEY STATIONS	
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A W Dawson  
Touchie Farm  
Kinross  
KY13 0RS

SEPA  
Saltire Centre  
Pentland Court  
Glenrothes  
KY6 2DA

15<sup>th</sup> March 2019

**Proposed Waste Water Treatment and Phosphate mitigation measures for a Development at Rintoul House, Dalqueich, Kinross.**

Rintoul house presently has the capacity for two bedrooms (4 P)

The planning proposal is to demolish Rintoul house and build a replacement Farmhouse with the capacity of 4 bedrooms (6 P)

**Background**

Average amount of water per person per day = 150 Litres

Primary treatment (septic tank – standard discharge) = 10 mg P/ Litre

Daily discharge of phosphate per person from primary treatment = 1500 mg P

Secondary treatment (package treatment plant “Graf Klaro E”) 2mg P/litre

Daily discharge of phosphorus from secondary treatment = 300 mg P/ P.E

**Rintoul house existing**

Two bedroom = 4 P.E

Discharge phosphorus  $4 \times 1500 \text{ mg P} = \underline{6000 \text{ mg Phosphorus per day total}}$

**Rintoul; New Proposed replacement house.**

Four Bedroom farm house = 6 P.E

Waste water treatment installation for new house will be a

Graf one2clean Wastewater

Treatment Plant 7 PE with + P

SBR system certified to EN

12566-3

Graf Klaro E professional with Phosphate removal.

This treatment plant is designed and tested to provide a maximum of 2 mg P / litre discharged.

Replacement house discharge = 150 litre /day/person x

300mg P x 6 P.E = 1800 mg Phosphorus per day total

These figures provided, are in excess of the 125 % Mitigation required improvements.

### **Surface Water Drainage**

All surface water runoff and drainage will be treated to sustainable urban drainage standards (SUDS) in line with PAN 61 and 79.

Initial percolation tests have been conducted and are within permissible levels.

The constructed soakaway will be sized accordantly, with Building Control standards applied.

### **Agreements**

Mr Dawson wholly owns the land relating to the proposal at Rintoul, he, in accordance with SEPA requirements, will seek a Licence to Discharge (CAR) before any development commences.



# Rintoul House

BAT SURVEY REPORT

October 2018

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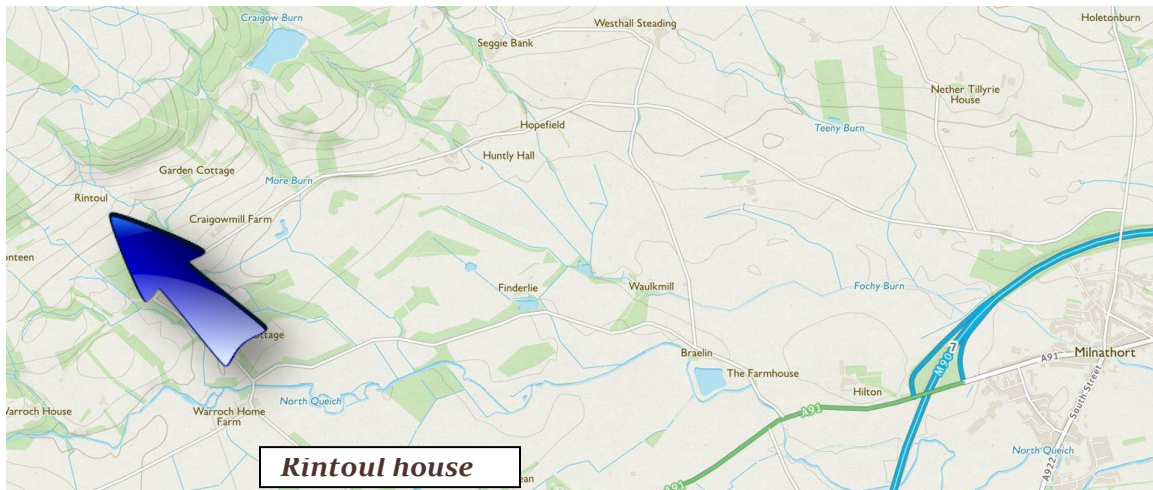
# INTRODUCTION

## BACKGROUND

This report sets out the details of bat surveys undertaken at Rintoul House (the site), Perth & Kinross. These surveys were commissioned by the owner to support a proposed planning application to demolish the existing structure and construction a new dwelling house in its place.

## SITE LOCATION

The site is located at OS grid reference NO 07230 05546, approximately 4.5 km west of the town of Milnathort, Perth and Kinross as shown on Figure 1 below.



## OBJECTIVES

The objectives of the bat surveys were to:

- Identify if bats are present or appear to have been at the site;
- if present, identify the roost type and species present;
- record the level of activity by bat species on site; and
- provide recommendations on mitigation, enhancement or further monitoring of the bats as required.

In order to meet these objectives, a daytime inspection of the building was completed along with two emergence surveys, both completed at dusk.

It provides details of the findings of the survey visits, a discussion of the results, including any potential impacts upon the bat population. It concludes with recommendations for the appropriate next steps.

## Methodology

### DAYTIME BUILDING INSPECTION FOR BATS

An inspection of the site was undertaken on 05<sup>th</sup> September 2018 by Adam Fitchet MCIEEM, a licensed bat worker under SNH bat survey licence 70509 and an experienced bat ecologist.

An inspection of the building at the site was completed from 4 pm until 6 pm. The exterior elevations and all internal rooms of the site's building were visually inspected for evidence of roosting bats including droppings, urine staining, feeding remains and potential roosting points. Where appropriate, an endoscope was used to allow a more detailed inspection of potential roost features.

In accordance with the guidance outlined in Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd edition (Collins, 2016<sup>1</sup>), each building was assessed for its potential to support bats. Each building, structure and tree was classified into a category dependent on the presence of features suitable to support bat roosts. The categories assigned were: Confirmed Roost, High, Moderate, Low and Negligible Potential for use by bats. Table 2.1 provides criteria for each of these categories. In addition, the suitability of the site and the wider area for use by foraging and commuting bats was assessed. A full internal inspection of the building, including the loft spaces, was also completed in accordance with the guidance outlined in Bat Surveys for Professional Ecologists: Good Practice Guidelines<sup>2</sup> (the 'Good Practice Guidelines').

*Table 2.1: Building and Tree Bat Roost Potential Categories*

<b>Roost Suitability</b>	<b>Description or roosting habitats</b>
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions, and surrounding habitat.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to the size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only- the assessments in this table are made irrespective of the species conservation status, which is established after presence is confirmed).
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation).

<sup>1</sup> Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1.

<sup>2</sup> *Ibid*

<b>Roost Suitability</b>	<b>Description or roosting habitats</b>
	A tree of significant size and age to contain potential roost features but with none seen from the ground or features seen with only very limited roosting potential.
Negligible	Negligible potential for roosting and bats very unlikely to be present.

## **BAT ACTIVITY SURVEYS**

Two dusk emergence surveys were conducted, in accordance with the ‘Good Practice Guidelines’.

### **Personnel and Equipment**

Surveys were undertaken by Adam Fitchet MCIEEM, and Gemma Kennedy.

Two surveyors were present on site during the surveys. Each surveyor was equipped with a Batbox duet bat detector attached to Tascam or Edirol digital recorders. Anabat SD2 bat detectors was also used as an additional passive recording device

Subsequent analysis of the echolocation calls was carried out using Analook and Wavesurfer software in order to identify which bat species were recorded on site.

### **Survey Approach and Timing**

Two dusk surveys were completed to determine if bats were using the site for roosting. Following the ‘Good Practice Guidelines’, surveys were undertaken during the active season for bats (April to October). The building is small and rectangular in shape. As such a surveyor was positioned at opposite corners of the building (southeastern and northwestern) and this allowed each surveyor to monitor two elevations of the building and therefore, between the two of them, all possible emergence or entrance points.

Dusk emergence surveys commenced approximately 30 minutes before local sunset and lasted until approximately two hours after sunset. Weather conditions for the surveys were suitable for bat surveying in accordance with the ‘Good Practice Guidelines’, with temperatures between above 10°C and no rain.

Survey details are summarised in Table 2.2.

*Table 2.2: Survey Details*

<b>Date</b>	<b>Survey Type</b>	<b>Start Time</b>	<b>Weather</b>
6 <sup>th</sup> September 2018	Dusk emergence	19:30	13 °C, light wind, and cloudy, one brief shower at beginning of survey
27 <sup>th</sup> September 2018	Dusk emergence	18:35	10°C, dry, light wind, clear



## Results

**DAYTIME INSPECTION: 05<sup>TH</sup> SEPTEMBER 2018**

### External Inspection

Rintoul Farmhouse is a two storey, stone building with a footprint of approximately 85 m<sup>2</sup>. It is situated on a south-facing slope in an exposed location, with limited protection from prevailing south-western winds or rain. The building lies in an area of rank improved grassland with abundant tall ruderals. A small stone wall forms the boundary of the site with pasture fields immediately to the south. To the north of the building are areas of plantation coniferous woodland, a small burn passing through dense bracken and scattered broad-leaved trees of varying ages.



The external walls are harled and the roof is constructed of slates upon a wooden roof framework. All of the windows and doors of the building have long since been removed and replaced by metal shutters. The front (south-facing) roof is largely intact, however a section of the rear roof has collapsed.

Features suitable for bat roosting are present where harling has fallen from the building exposing stonework and mortar below. Loose slates, gaps between slates and stonework and the area of collapsed roof also provide features suitable for bat roosting. The building is considered to have low suitability to support more than occasional roosting bats. No signs of roosting bats were recorded during the external inspection.

### Internal Inspection

The building contains four rooms, two downstairs and two upstairs, with a central stairway connecting floors. No cellar or below ground rooms are present. The interior is generally dry and dusty with internal plasterwork crumbling in many places to expose stone and wood below. The interior is mostly dark at all times due to the presence of the metal shutters. The exception with regards to being dry and dark, is the upstairs room where a metal shutter is missing from the front window and a section of roof has partially collapsed. The interior of the roof is also exposed inside, i.e. no separate loft space is present. No signs of roosting bats were recorded during the internal inspection.

## ACTIVITY SURVEYS

### Dusk Survey 6<sup>th</sup> September 2018

The first dusk emergence survey on 6<sup>th</sup> September 2018 recorded just three bat passes<sup>3</sup> all by soprano pipistrelle *Pipistrellus pygmaeus*. The first bat call was recorded at 19:55. This was of a bat emerging from an area of damaged harling on the western gable end. The bat flew away in a northeasterly direction. A second bat was recorded flying close to the northwestern corner of the building at 20:05 not having been seen to emerge from the building and may have been the same bat seen to emerge at 19:55. The third pass was of a bat emerging from a damaged part of the south facing roof, close to the eastern chimney at 20:12. No other bat activity was recorded during the remainder of the survey.



Photos showing the damaged harling roost on the western gable end and the roost on the south facing roof.

### Dusk Survey 27<sup>th</sup> September 2018

The dusk emergence survey on 27<sup>th</sup> September 2018 recorded a total of 20 distinct bat passes with feeding calls, indicating that bats were using the area to forage. 11 passes were made by soprano pipistrelles, 9 were made by common pipistrelle *Pipistrellus pipistrellus*. The first record of a bat, a soprano pipistrelle was made at 19:18 and was of a bat flying close to the front of the building, but not having been seen to emerge from it. From 19:24 onwards, at which time the first pass by a common pipistrelle was recorded, one or two bats were sporadically present on and around the site until the end of the survey, with occasional chasing behaviour observed between the two bats when they encountered each other near the trees approximately 50 m northwest of the building.

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<sup>3</sup> A bat pass is a single registration of bat echolocation by a detector. A pass does not necessarily equate to an individual bat, it is used as a measure the level of activity at a site by a species.

## **Interpretation and Evaluation of Results**

Generally, bat activity levels were low. Two bat species, soprano and common pipistrelle, were recorded on site over the two survey visits. A maximum of one soprano pipistrelle and one common pipistrelle were seen or heard at any one time on site.

Two bat roost locations on the building were confirmed, both in use by single soprano pipistrelles. No bat was seen to emerge during the second visit, however, as the first bat (another soprano pipistrelle) was first recorded at 19:18 only 13 minutes after local sunset time, it is considered likely to have emerged unseen from the building.

The site does not support high levels of bat foraging activity, with no bats remaining on site to feed during the first visit and just two bats feeding near it during the second visit.

### **IMPORTANCE OF THE SITE FOR BATS**

The building is considered to be of low value to bats, supporting 2-3 bats using non-breeding day roosts. Upon inspection with an endoscope, the roost feature on the western gable end was found to be small and could not support more than a handful of bats. The roost feature on the roof could not be inspected closely due to its position. However, that location is extremely exposed, facing into prevailing wind and rain and would be an atypical location for anything other than a day roost for a very small number of bats. Were that roost in use by more than one bat earlier in the season, e.g. as a breeding roost, it would be unlikely that only one bat would be present at the beginning of September.

The building is considered to be unsuitable as a hibernation location for bats.

The habitats surrounding the site, particularly the trees northwest of the building, are considered to be of low value for foraging bats, supporting only sporadic foraging by two individuals on one of the survey visits.

### **POTENTIAL IMPACTS ON ROOSTING BATS**

Based on the surveys completed, two small day roosts used by individual bats would be lost were the building to be demolished.

No impacts upon the foraging habitat around the building are predicted.

## **Recommendations**

### **LICENCE APPLICATION**

In order for the building to be demolished, a licence from Scottish Natural Heritage (SNH) would be required as all bat roosts are strictly legally protected. A licence, if granted, would allow demolition subject to certain methods and measures which would be set out in a species protection plan (SPP) submitted alongside the licence application.

### **MITIGATION**

#### **Supervision of demolition by licensed bat ecologist.**

All works to demolish those areas of the building around the identified roosts and those areas identified by the licensed bat ecologist as having potential for bat roosting, would be supervised by that bat specialist. Roost locations would be destroyed slowly and carefully with continual observation by the specialist.

#### **Replacement of existing bat roost features**

In order to replace the identified bat roost locations and provide a location for any bats found during the demolition of roosts, a number of artificial bat roosts, e.g. Schwegler woodcrete bat boxes, would be placed in the trees to the northwest of the building.

The new building constructed, replacing the existing farmhouse would include a number of bat roosting features either incorporated into the structure or affixed to it. Those features would be developed as design of the new building progresses.

### **ENHANCEMENT**

#### **Provision of additional roost locations**

As well as taking steps to mitigate the loss of the roosts, efforts would be made to enhance the site for bat species. A simple step would be to increase the roost opportunities for bats on site by installing additional roost features. This might involve placing additional sizes and shapes of artificial roosts elsewhere on proposed building. It might also be possible to include alternative roost types, e.g. ones which might be used by bats for hibernating or ones which might be used by other species.

#### **Enhancement of habitat for bat foraging**

The proposed building will have a living green roof. Seed mixes are available which would enhance the habitat for invertebrates and therefore provide additional prey for bats. Specific mixes for bats are available<sup>4</sup>.

Planting of native broad-leaved trees in the vicinity would similarly attract invertebrate prey species to the site and in time, provide potential roost locations.

Planned creation of a wetland/pond would provide similar benefits for foraging.

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<sup>4</sup> <https://www.phoenixamenity.co.uk/store/products/bat-friendly-wildflower-mix/>

## **MONITORING**

Whatever mitigation and enhancement measures are followed, it would be necessary to monitor their success. This would be achieved through a combination of active and passive surveys to be undertaken, including follow up bat emergence surveys in 2019 and 2020.

## **Conclusion**

### **BAT SPECIES**

A low level of bat roosting and foraging activity by two common species was recorded on site. Effective mitigation is possible and detailed in the report. The provision of enhancement measures suggested would greatly improve the site for bats.

### **OTHER SPECIES**

#### **Observations**

The scope of this survey was to identify bat usage and activity at Rintoul House and this has been detailed in the preceding sections of this report. There are some additional ecological observations made on site which are worth noting here.

Despite the site and surrounding area providing suitable habitat, no owl species were recorded during the surveys. Notably, the building itself which appears suitable for use by barn owl *Tyto alba* contained no signs of that species. A disused swallow *Hirundo rustica* nest was noted within the building.

No signs of any terrestrial protected mammal species were recorded on site.

#### **Recommendations**

As well as the habitat enhancement measures described previously which would benefit many species as well as bats, particular features for other species could be incorporated into the proposed building design, e.g. artificial nest features for swallows and other bird species. Artificial nest features for owl species could also be positioned within existing trees northwest of the building.

**TCP/11/16(612) – 19/00483/FLL – Erection of a replacement dwellinghouse, Rintoul, Milnathort**

## **REPRESENTATIONS**





# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 19/00483/FLL

Our ref ALS

Date 11/04/2019

Tel No

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### RE: Erection of a replacement dwellinghouse Rintoul Milnathort for A W Dawson

I refer to your letter dated 02/04/2019 in connection with the above application and have the following comments to make.

**Water** (assessment date – 11/04/2019)

#### 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 believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water 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 dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. 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>	19/00483/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin
<b>Description of Proposal</b>	Erection of a replacement dwellinghouse		
<b>Address of site</b>	Rintoul, Milnathort		
<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 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 Milnathort Primary School.</p> <p>The existing property is in a derelict state. In line with paragraph 3.3 of the Developer Contributions and Affordable Housing Guidance a contribution will be required if the existing property is derelict.</p> <p>If the applicant can evidence that Council Tax has been paid on the property in the 7 year period prior to the submission of the current planning application then no contribution towards primary education will be required. If the property has been uninhabited for this 7 year period and no Council Tax paid then a contribution towards Primary Education will be required.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £6,460 (If Council Tax paid the contribution requirement will be</p>		

	<p>removed.)</p> <p><b>Total: £6,460</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 prior to occupation.</p>
<b>Recommended informative(s) for applicant</b>	<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 or cheques 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>Bank Transfers</b></p>

	<p>All Bank Transfers should use the following account details;  <b>Sort Code:</b> 834700  <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b>  The Council operate an electronic direct debit system whereby payments may be made over the phone.  To make such a payment please call 01738 475300 in the first instance.  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>  For Education contributions please quote the following ledger code:  1-30-0060-0001-859136</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>	15 April 2019



Our ref: PCS/164763  
Your ref: 19/00483/FLL

If telephoning ask for:  
Silvia Cagnoni-Watt

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

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

18 April 2019

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
PLANNING APPLICATION: 19/00483/FLL  
ERECTION OF A REPLACEMENT DWELLINGHOUSE  
RINTOUL, MILNATHORT**

Thank you for your consultation email which SEPA received on 2 April 2019.

**Advice for the planning authority**

We **object** to this planning application unless the **modifications** in Section 1 can be accommodated. Please also note the advice provided below.

**1. Phosphorous mitigation**

- 1.1 The updated [Loch Leven Special Protection Area and Ramsar site](#) supplementary guidance (SG) was adopted in October 2016. The SG requires that information is submitted with Full or Approval of matters specified by condition (AMM) planning applications for new developments to provide details of proposed 125% phosphorous (P) mitigation.
- 1.2 The reason for this is to ensure that development accords with [Local Development Plan](#) Policy EP7: Drainage around the Loch Leven Catchment Area which requires that total phosphorous from built development must not exceed the current level to ensure there are no adverse impacts on water quality in Loch Leven SPA, due to the fact that the catchment has an issue with elevated nutrient levels. Given that this application does not provide correct details of required P mitigation we **object** to this application due to lack of information.
- 1.3 The P calculations for the existing house (2 bedrooms) are based on 4 PE. This is incorrect, according to Flows and Loads a treatment system for a single house with up to and including 3 bedrooms shall be designed for a PE of 5.



- 1.4 Hence the P calculations need to be revised to 5 x 1500 mg/l P i.e. 7,500 mg/l P. However the dwelling to be replaced is currently un-inhabited, so there is no discharge to upgrade. The applicant needs to upgrade an existing 'active' discharge in order to qualify for phosphorus mitigation.
- 1.5 A CAR Registration will be required, including details of the proposed soakaway and porosity of the soil.

### **Detailed advice for the applicant**

## **2. Phosphorous mitigation**

- 2.1 Relevant information with regards forms of phosphorous mitigation proposals are contained within the SG.
- 2.1 The applicant should be aware that a mitigation property can only be considered for one planning application at a time. Perth and Kinross Council have a list of properties which are already linked to approved developments and are therefore unavailable to be mitigation for this application. Furthermore it should be noted that excess mitigation generated at one full/ AMM planning application cannot be transferred to another application as Policy EP7 identifies that there is a presumption in favour of retaining such gains for the benefit of the ecological recovery of the Loch.

## **3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Fife Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. Conversely it is at the applicant's commercial risk if the CAR license application is progressed in advance of approval of P mitigation details.

### **Regulatory advice for the applicant**

## **4. Regulatory requirements**

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for

a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

SEPA, Pentland Court, The Saltire Centre, Glenrothes, KY6 2DA

Tel. 01592 776910

If you have any queries relating to this letter, please contact me by telephone on 01786 452430 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours faithfully

Silvia Cagnoni-Watt  
Senior Planning Officer  
Planning Service

ECopy to: Alastair Dawson, A W Dawson, Earthship, Touchie Farm, Kinross, KY13 0RS

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

**Perth Strathearn House**

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Lamberkine Drive, Perth, PH1 1RX  
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## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	<b>19/00483/FLL</b>	<b>Comments provided by</b>	Joanna Dick
<b>Service/Section</b>	Strategy and Policy	<b>Contact Details</b>	Phone 75377 Email <a href="mailto:biodiversity@pkc.gov.uk">biodiversity@pkc.gov.uk</a>
<b>Description of Proposal</b>	Erection of a replacement dwelling house.		
<b>Address of site</b>	Rintoul, Milnathort.		
<b>Comments on the proposal</b>	<p><b>Policy NE3: Biodiversity</b></p> <p>Policy NE3 sets out the Council's legislative obligation to further the conservation of biodiversity when carrying out its duties. The Council will seek to protect and enhance all wildlife and wildlife habitats whether formally designated/protected or not taking into account national and international legislation and the Tayside Local Biodiversity Action Plan, and associated guidance. Proposals that have a detrimental impact on the ability to achieve these guidelines and documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>The proposed development includes a living green roof, planting of broadleaf trees, a native species hedge and an orchard. These measures will enhance the biodiversity value of the site and are priorities of the Tayside Local Biodiversity Action Plan. These additions are exemplars of enhancing biodiversity through development.</p> <p><b>European Protected Species</b></p> <p>Planning permission will not be granted for development that would, either individually or cumulatively, be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)) unless the Council as Planning Authority is satisfied that:</p> <p>(a) there is no satisfactory alternative, and</p> <p>(b) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.</p> <p>In no circumstances can a development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.</p> <p>The development proposal is to demolish the original house and replace with a new dwelling. The house contains two non-breeding roosts supporting 2-3 soprano pipistrelle bats. These bat roosts will be destroyed as part of the</p>		

	<p>proposed development.</p> <p>The submitted Bat Survey Report follows best practice throughout and contains sufficient information for the planning authority to be satisfied that all three tests are likely to be met. The same tests need to be passed in order for Scottish Natural Heritage to issue a licence. The proposal to incorporate bat access into the new development is welcomed as it would provide like-for-like mitigation. Monitoring any new bat roost provision would be particularly welcomed.</p> <p><b>Breeding Birds</b></p> <p>The Bat Survey notes a disused swallow nest was found within the building. Artificial nest sites for swallows should be incorporated into the new dwelling.</p>
<b>Recommended planning condition(s)</b>	<p>If you are minded to approve the application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> <li>• A suitable condition specifying mitigation and enhancement measures listed on page 6 are implemented in full.</li> </ul>
<b>Recommended informative(s) for applicant</b>	<ul style="list-style-type: none"> <li>• The applicant is reminded that should any protected species be present, a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.</li> <li>• The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.</li> </ul>
<b>Date comments returned</b>	23 April 2019



To:	Sean Panton, Planning Officer
From:	Clare Henderson, Development Management Archaeologist
Tel:	
Email:	
Date:	25 <sup>th</sup> April 2019

#### **19/00483/FLL | Erection of a replacement dwellinghouse | Rintoul Milnathort**

Thank you for consulting PKHT on the above application. The proposed development site is considered to be archaeologically sensitive as it includes a historic vernacular building (MPK 10985) which pre-dates the 1860 1<sup>st</sup> Edition Ordnance Survey of the area. Indeed, structures are shown in this location on Roy's map of 1747-55 and survey by the RCAHMS mapped unroofed structures in the immediate vicinity as early as the mid 19<sup>th</sup> Century, suggesting a much earlier origin for parts of the settlement. The presence of render covering much of the building proposed for demolition makes phasing and identifying certain diagnostic details difficult, however, the crude nature of the rubble construction and boulder foundations, when considered alongside the map evidence, are taken to be a strong indicator that the building may originate at least in part in the 18<sup>th</sup> or early 19<sup>th</sup> century.

PKHT believes that wherever possible historic buildings should be retained and re-used in order to retain the character of the local rural landscape. As noted in Scottish Planning Policy (paragraph 137) development of historic buildings can positively contribute to a sense of place when appropriately re-purposed.

We recommend that the current proposal be refused as it does not demonstrate either a sound understanding of the heritage value of the asset, nor strong justification for the impact demolition will have on both the building, and the landscape in which it is located. Should the proposal be amended, or the loss of the building be accepted, PKHT should be re-consulted as it is likely a condition will be required for historic building recording, and monitoring of ground breaking works for any new build.





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

<b>Planning Application ref.</b>	19/00483/FLL	<b>Comments provided by</b>	Alexander Low Transport Planning Graduate
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a replacement dwellinghouse		
<b>Address of site</b>	Rintoul Milnathort		
<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>	29/04/2019		

