

TCP/11/16(348)**Planning Application 14/01859/IPL – Demolition of building and erection of dwellinghouse, Laggan Dhu, Ballintuim, Blairgowrie, PH10 7NG**

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TCP/11/16(348)
Planning Application 14/01859/IPL – Demolition of building
and erection of dwellinghouse, Laggan Dhu, Ballintuim,
Blairgowrie, PH10 7NG

**PAPERS SUBMITTED
BY THE
APPLICANT**

16 MAR 2015

RECEIVED

NOTICE OF REVIEWUnder Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local DevelopmentsThe Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

| 1. Applicant's Details | | 2. Agent's Details (if any) | |
|------------------------|-------------|-----------------------------|-------------------|
| Title | MR | Ref No. | |
| Forename | B | Forename | NORMAN |
| Surname | NOONAN | Surname | MACLEOD |
| Company Name | | Company Name | |
| Building No./Name | LAGGAN DHU | Building No./Name | 18 |
| Address Line 1 | BALLINTUIM | Address Line 1 | WALNUT GROVE |
| Address Line 2 | | Address Line 2 | |
| Town/City | BLAIRGOWRIE | Town/City | BLAIRGOWRIE |
| Postcode | PH10 7NG | Postcode | PH10 6TH |
| Telephone | | Telephone | |
| Mobile | | Mobile | 07884177328 |
| Fax | | Fax | |
| Email | | Email | namacleod@aol.com |

| 3. Application Details | |
|---|---|
| Planning authority | PERTH AND KINROSS COUNCIL |
| Planning authority's application reference number | 14/01859/IPL |
| Site address | LAGGAN DHU BALLINTUIM BLAIRGOWRIE PH10 7NG |
| Description of proposed development | DEMOLITION OF FARM BUILDINGS AND ERECTION OF A DWELLING HOUSE |

Date of application **23 OCTOBER 2014**

Date of decision (if any) **19 DECEMBER 2015**

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

4. Nature of Application

Application for planning permission (including householder application) ☐

Application for planning permission in principle ☒

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐

Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

Refusal of application by appointed officer ☒

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

Conditions imposed on consent by appointed officer ☐

6. Review procedure

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

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

Further written submissions ☐

One or more hearing sessions ☐

Site inspection ☒

Assessment of review documents only, with no further procedure ☒

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

7. Site inspection

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

Can the site be viewed entirely from public land? ☒

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

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

8. Statement

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

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

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

SEE ATTACHED DOCUMENTS

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

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

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

STATEMENT
SET OF PLANS ETC SUBMITTED

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

10. Checklist

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

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

NORMAN MACLEOD

Date:

06/03/2015

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

REVIEW STATEMENT

Please find enclosed the design statement which was submitted with the planning application.

The reason for refusal is that the site is not part of an existing group of buildings and involves the replacement of non-traditional, non-domestic existing buildings.

The fact is the main farm building is in a derelict condition.

The buildings have been classed as non-traditional in the refusal notice. Presumably this is because it is built of materials other than stone walls and a slate roof.

It may be that a refusal is justified simply because it doesn't comply with the terminology of a preferred building definition, however, in the broader sense would the built environment not be improved if a derelict building is removed and the site developed to form a useable building with a site that is maintained.

For further information please refer to the design statement and the plans.

DESIGN STATEMENT FOR PLANNING PERMISSION IN PRINCIPLE FOR A NEW HOUSE AT LAGAN DHU, BALLINTUIM, BLAIRGOWRIE PH10 7NG

Introduction

The site lies in the open countryside approximately 11km north of Blairgowrie and 3km north of Bridge of Cally.

The site is in an area of rough mixed deciduous woodland, mainly silver birch trees, and extends to 3640 square metres and is fenced and gated with an hard-bottomed access track leading to the buildings from the public road.

There are 3 buildings on the site, 2 are steel frame with profile metal sheeting and the remaining building is constructed of blockwork walls with an asbestos sheet roof.

The last use of the site and buildings was as a Cattle Court with storage facilities for feed and straw. The agricultural use had been operational for 23 years and closed 6 years ago.

Housing in the Countryside Guide

It has clearly been previously developed in the sense of section 26(1) of the principle Act and therefore accords with category 6 of the Council's Housing in the Countryside Guide 2012 for rural brownfield land.

However to be successful the development would have to result in the removal of dereliction or result in a significant environmental improvement and also demonstrate that there are no pressing requirements for other uses such as business or tourism on the site as well as fitting satisfactorily with the landscape.

Dereliction

The main farm building is in a very poor state of repair as well as having a roof finish comprising of asbestos sheets. The gable end has a severe crack with inward movement and is nearly at the point of being in a dangerous condition. The intention is to remove this building completely.

The 2No steel frame buildings aren't in a poor condition, but although they are at best of ancillary use to the existing main building their retention alone doesn't offer any value to the site. It is intended that the hay store be retained for use as a domestic garage/carport.

Environmental improvement

White asbestos sheeting doesn't in itself produce a significant concern unless it is broken and the dust particles are released into the atmosphere and inhaled. However, a Licensed Contractor would require to be employed to safely remove and dispose of the asbestos sheets along with the remainder of the buildings.

Additionally, a full environmental assessment would be carried out to assess the possibility of ground contamination from the previous use along with any remediation requirements.

Business or tourism uses

The site is in a rural area with no commercial uses nearby. It is not anticipated that there are any other uses that would be a viable option for this location.

Landscape

Category 6 of the Council's Housing in the Countryside Guide allows favourable consideration to be given to the reuse of brownfield sites in the countryside for residential uses that fit satisfactorily with the landscape. The site is surrounded by trees and as the new house will sit in a similar location to the existing buildings it is intended that the trees on the perimeter to the site shall remain and for the removal of any trees to be minimal. Additionally, the backdrop to the site is filled with woodland rising steeply up the embankment of the Hill of Cally some 250 metres higher. The site is therefore secluded and would not appear prominent or unnatural within the local environment.

PERTH AND KINROSS COUNCIL

Mr B Noonan
c/o Norman MacLeod
18 Walnut Grove
Blairgowrie
PH10 6TH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 19th December 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01859/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 23rd October 2014 for permission for **Demolition of building and erection of dwellinghouse Laggan Dhu Ballintuim Blairgowrie PH10 7NG** for the reasons undernoted.



PP Development Quality Manager

Reasons for Refusal

1. As the site is not part of an existing group of buildings and involves the replacement of a non-traditional, non-domestic existing building, the proposal is contrary to Policy RD1 of the Local Development Plan 2014 the Council's Housing in the Countryside Guide 2012 both of which seek to ensure that all proposals for new housing in the open countryside meet with specific criteria.

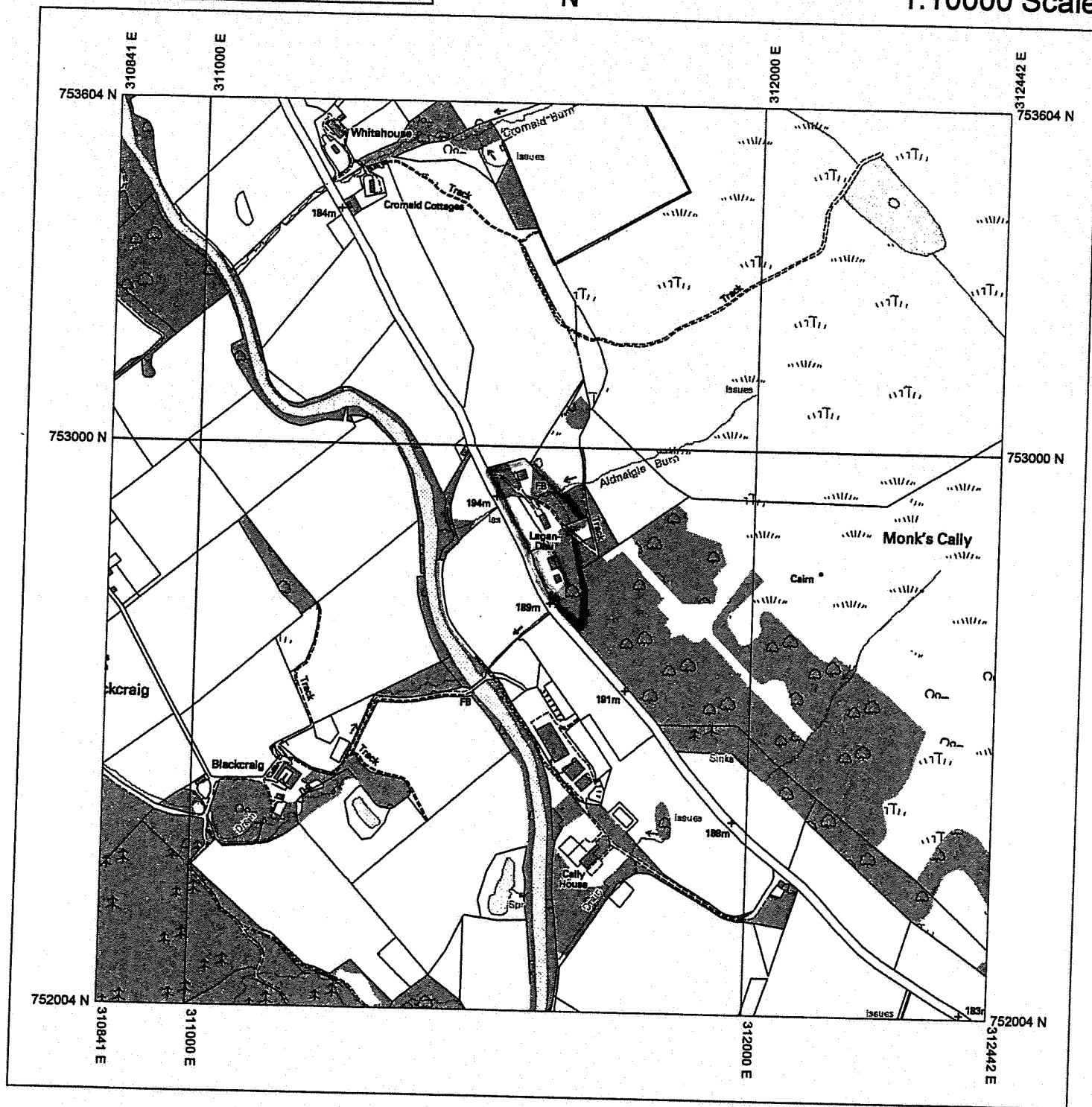
Justification

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

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

Plan Reference

14/01859/1 to 14/01859/6 inclusive



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The representation of a road, track or path is no
evidence of a right of way.

The representation of features as lines is no evidence
of a property boundary.



Scale 1:10000

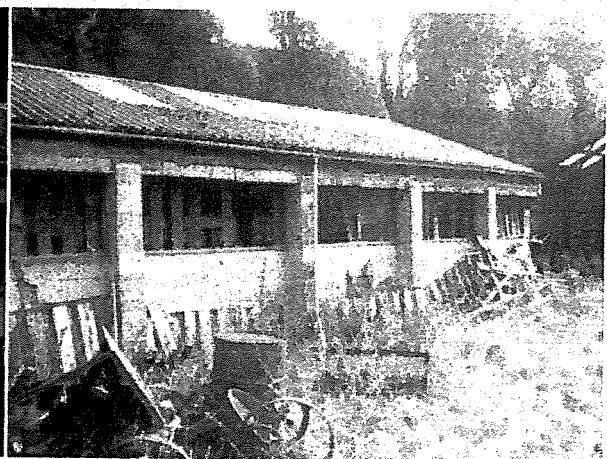
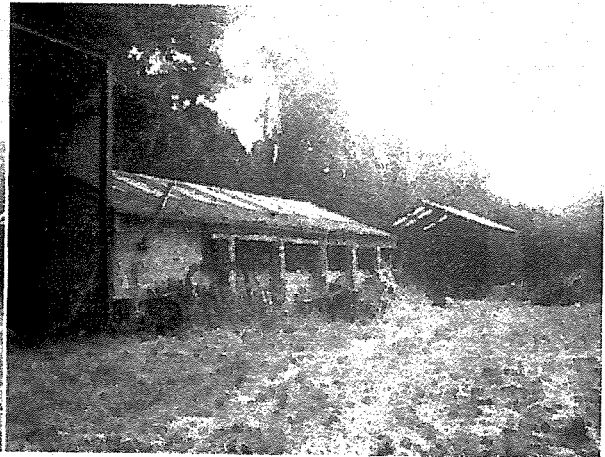
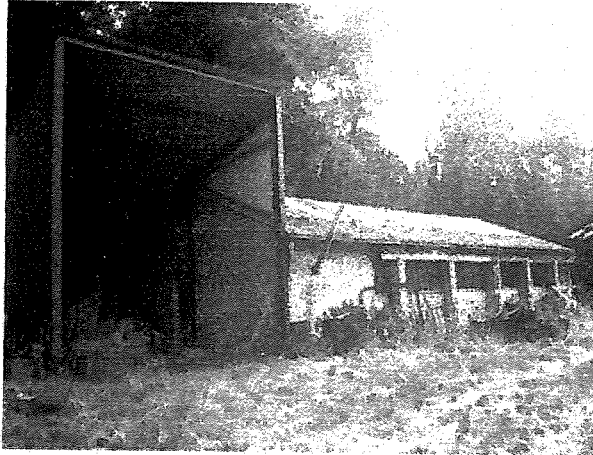
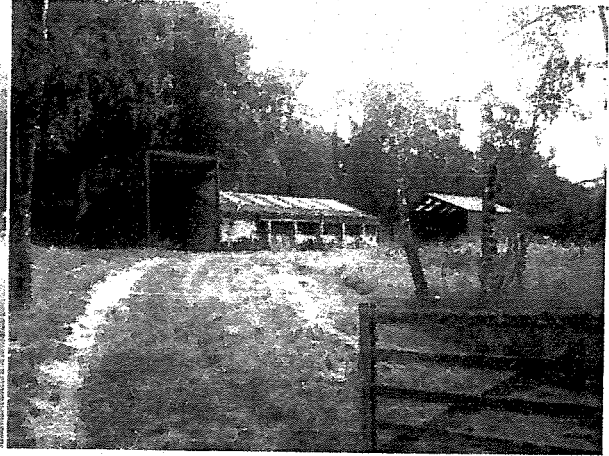
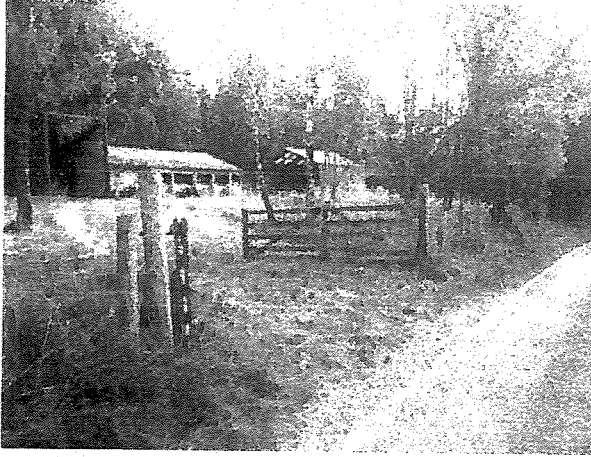
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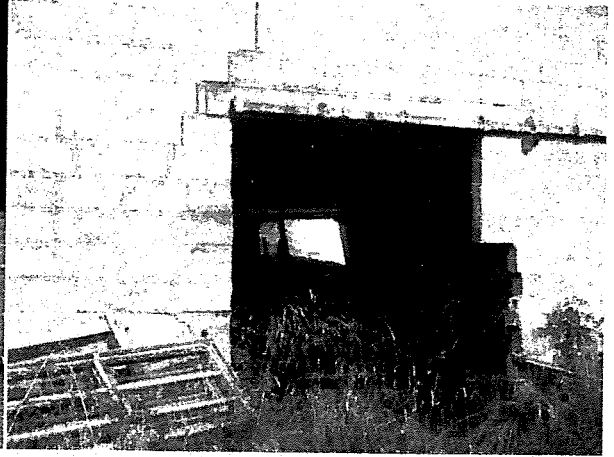
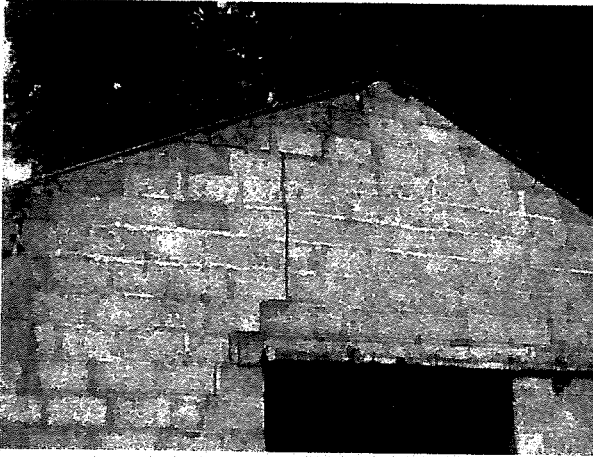
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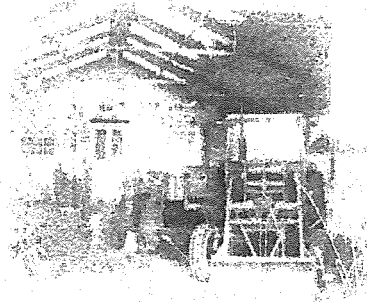
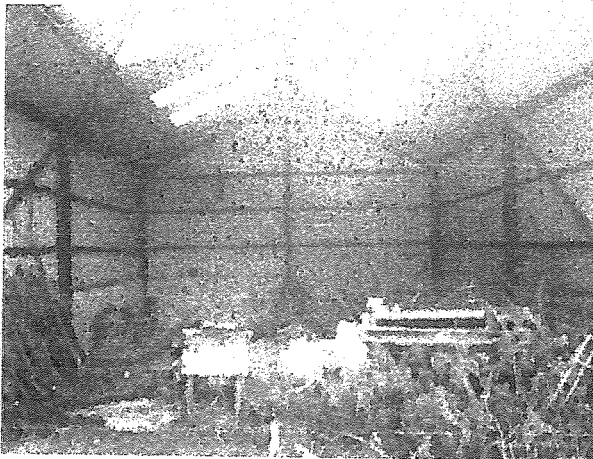
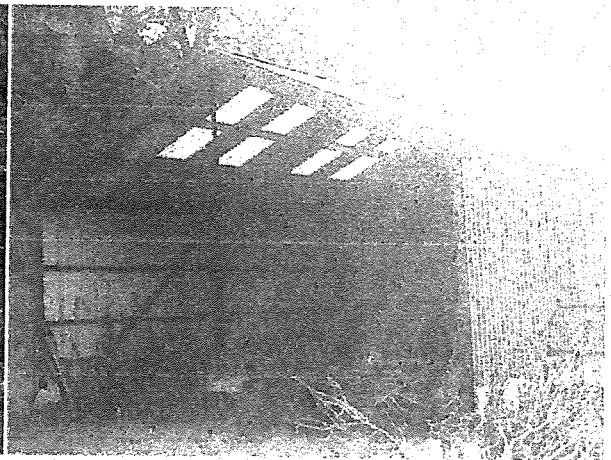
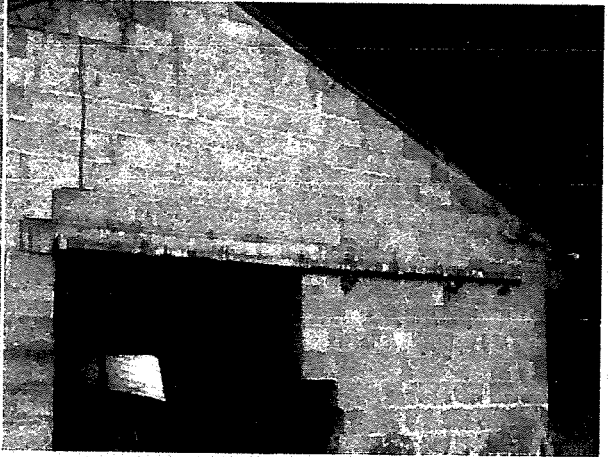
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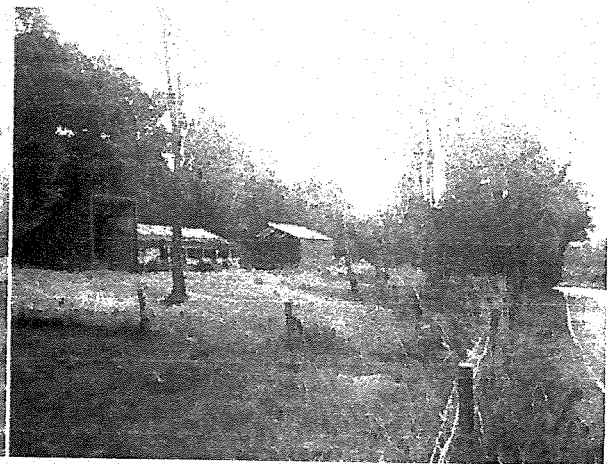
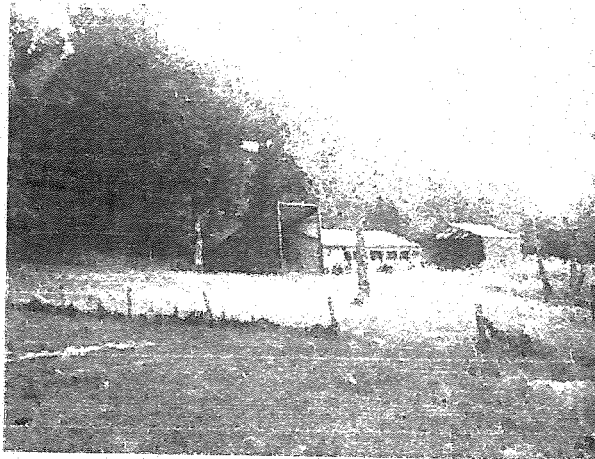
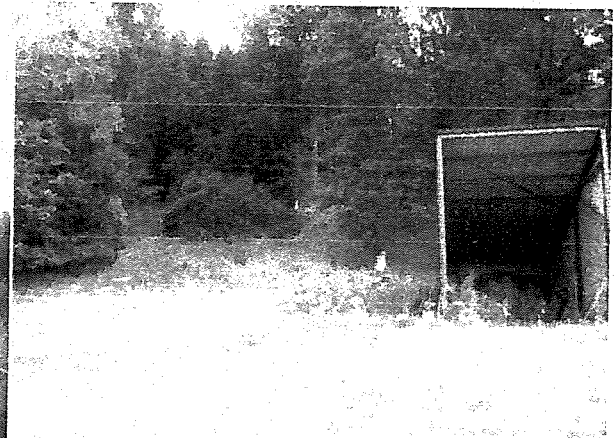
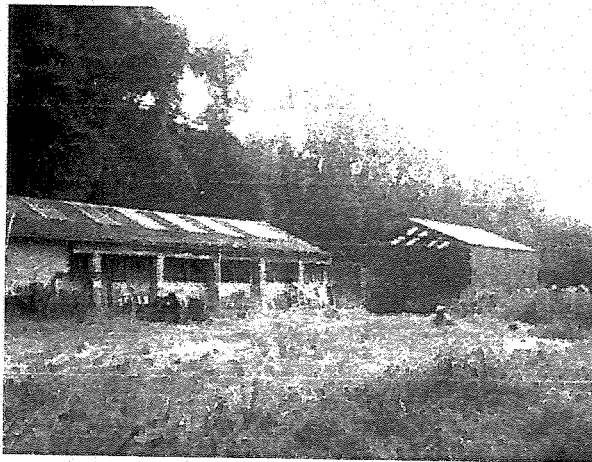
Site at Lagan Dhu, Ballintuim, Blairgowrie PH10 7NG

A selection of photographs illustrating the site, the existing buildings, access trees and landscape





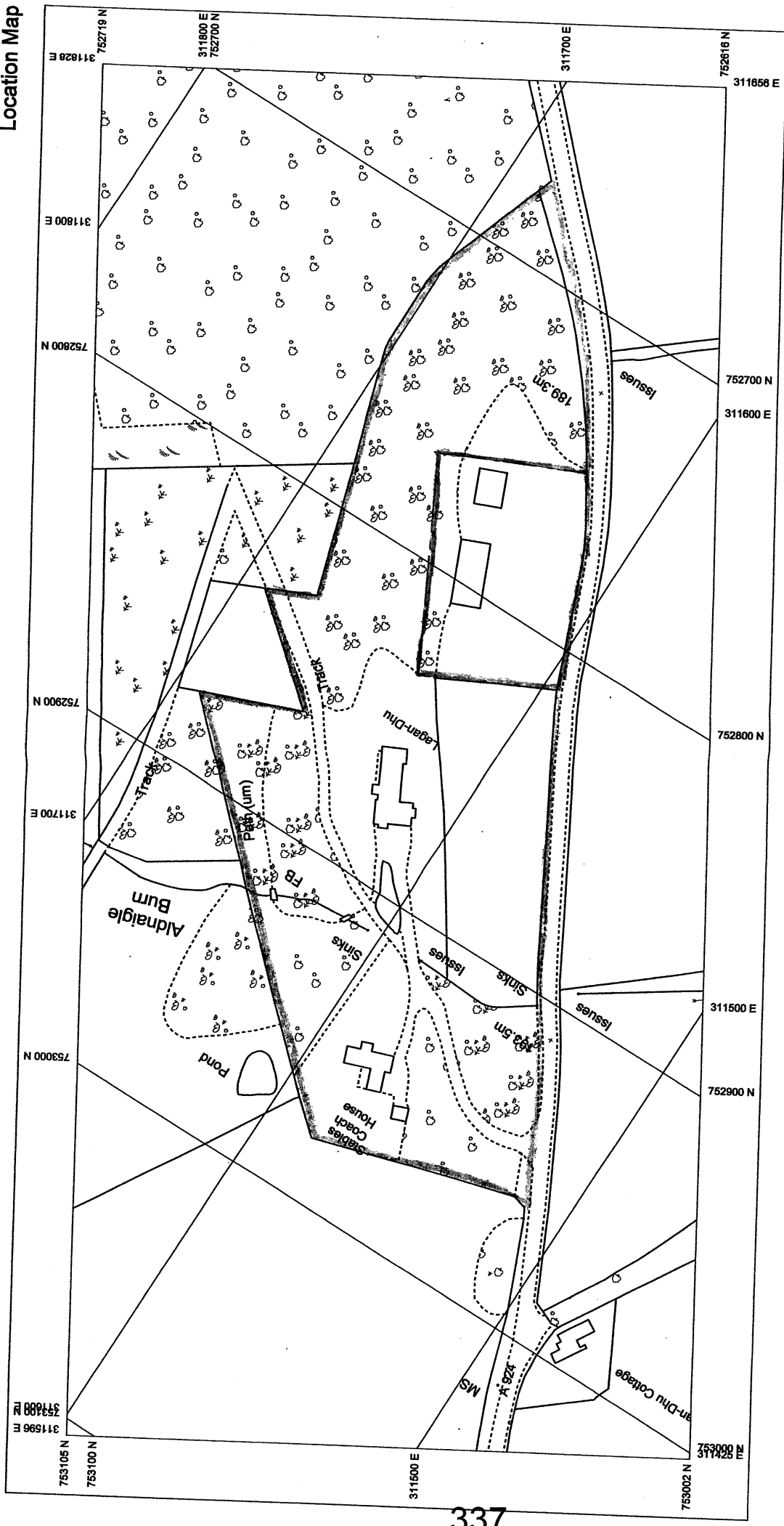




Ground levels for New Plot at Lagan Dhu, Ballintuim, Blairgowrie PH10 7NG

| BS | IS | FS | RISE | FALL | RED. LEVEL (m) | REMARKS | | | | | | | | | | | | | | | | | | | | | |
|---|------|------|-------|------|----------------------|--|------|--|------|------|------|--------|--|--------|--|--|-------|--|----------|--|------|--|--|------|--|------|--|
| 0.3 | | | | | 193.50 | 1 Benchmark at entrance to Lagan Dhu House | | | | | | | | | | | | | | | | | | | | | |
| | 1.83 | | | 1.53 | 191.97 | 2 | | | | | | | | | | | | | | | | | | | | | |
| | 1.19 | | 0.64 | | 192.61 | 3 | | | | | | | | | | | | | | | | | | | | | |
| 4.06 | | 0.09 | 1.10 | | 193.71 | 4 | | | | | | | | | | | | | | | | | | | | | |
| | 0.55 | | 3.51 | | 197.22 | 5 | | | | | | | | | | | | | | | | | | | | | |
| | 2.78 | | | 2.23 | 194.99 | 6 | | | | | | | | | | | | | | | | | | | | | |
| 0.57 | | 4.08 | | 1.3 | 193.69 | 7 | | | | | | | | | | | | | | | | | | | | | |
| | 2.11 | | | 1.54 | 192.15 | 8 | | | | | | | | | | | | | | | | | | | | | |
| | 3.39 | | | 1.28 | 190.87 | 9 | | | | | | | | | | | | | | | | | | | | | |
| 2.51 | | 0.63 | 2.76 | | 193.63 | 10 | | | | | | | | | | | | | | | | | | | | | |
| | 1.88 | | 0.63 | | 194.26 | 11 | | | | | | | | | | | | | | | | | | | | | |
| | 2.48 | | | 0.6 | 193.66 | 12 Floor of garage | | | | | | | | | | | | | | | | | | | | | |
| | 1.71 | | 0.77 | | 194.43 | 13 Floor of middle building | | | | | | | | | | | | | | | | | | | | | |
| | | 1.21 | 0.50 | | 194.93 | 14 Floor of Northmost building | | | | | | | | | | | | | | | | | | | | | |
| <table> <tr> <td>7.44</td><td></td><td>6.01</td><td>9.91</td><td>8.48</td><td>194.93</td><td></td></tr> <tr> <td>- 6.01</td><td></td><td></td><td>-8.48</td><td></td><td>- 193.50</td><td></td></tr> <tr> <td>1.43</td><td></td><td></td><td>1.43</td><td></td><td>1.43</td><td></td></tr> </table> | | | | | | | 7.44 | | 6.01 | 9.91 | 8.48 | 194.93 | | - 6.01 | | | -8.48 | | - 193.50 | | 1.43 | | | 1.43 | | 1.43 | |
| 7.44 | | 6.01 | 9.91 | 8.48 | 194.93 | | | | | | | | | | | | | | | | | | | | | | |
| - 6.01 | | | -8.48 | | - 193.50 | | | | | | | | | | | | | | | | | | | | | | |
| 1.43 | | | 1.43 | | 1.43 | | | | | | | | | | | | | | | | | | | | | | |

Location Map



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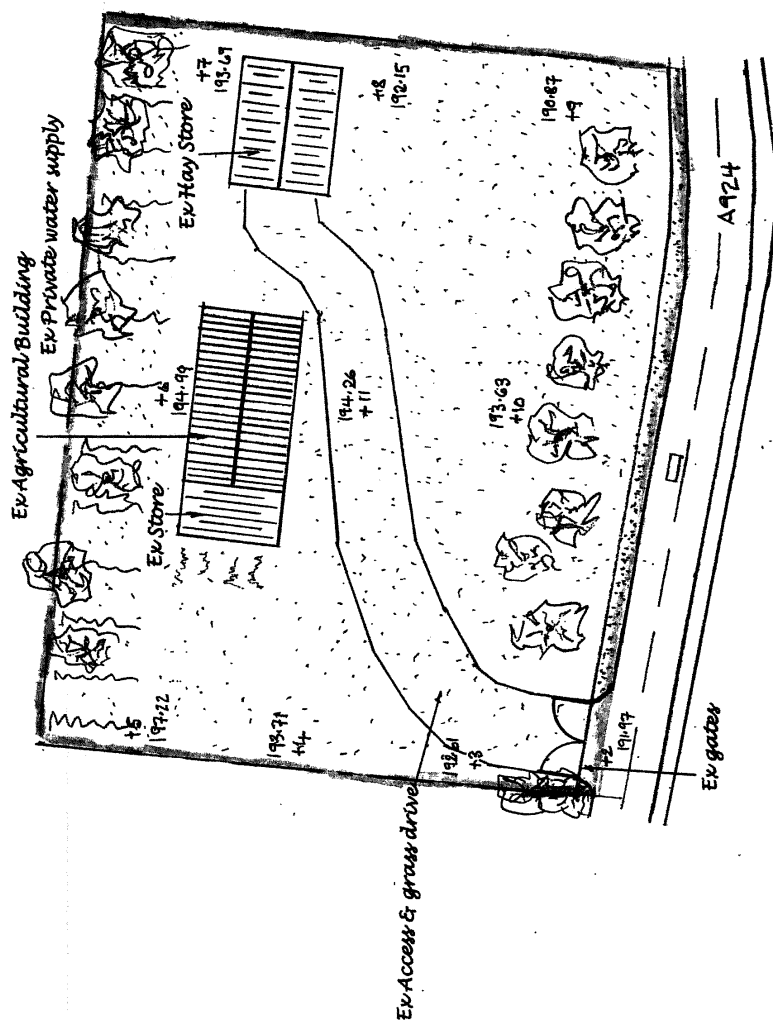
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The representation of features as lines is no evidence of a property boundary.

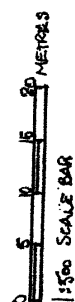


Scale 1:1250

Supplied By: Danscot Perth
 Serial number: 001109915
 Plot Centre Coordinates: 311826, 752960



Existing Block Plan 1:500



Norman A MacLeod

Tel: 07884177328

www.namsurveying.co.uk

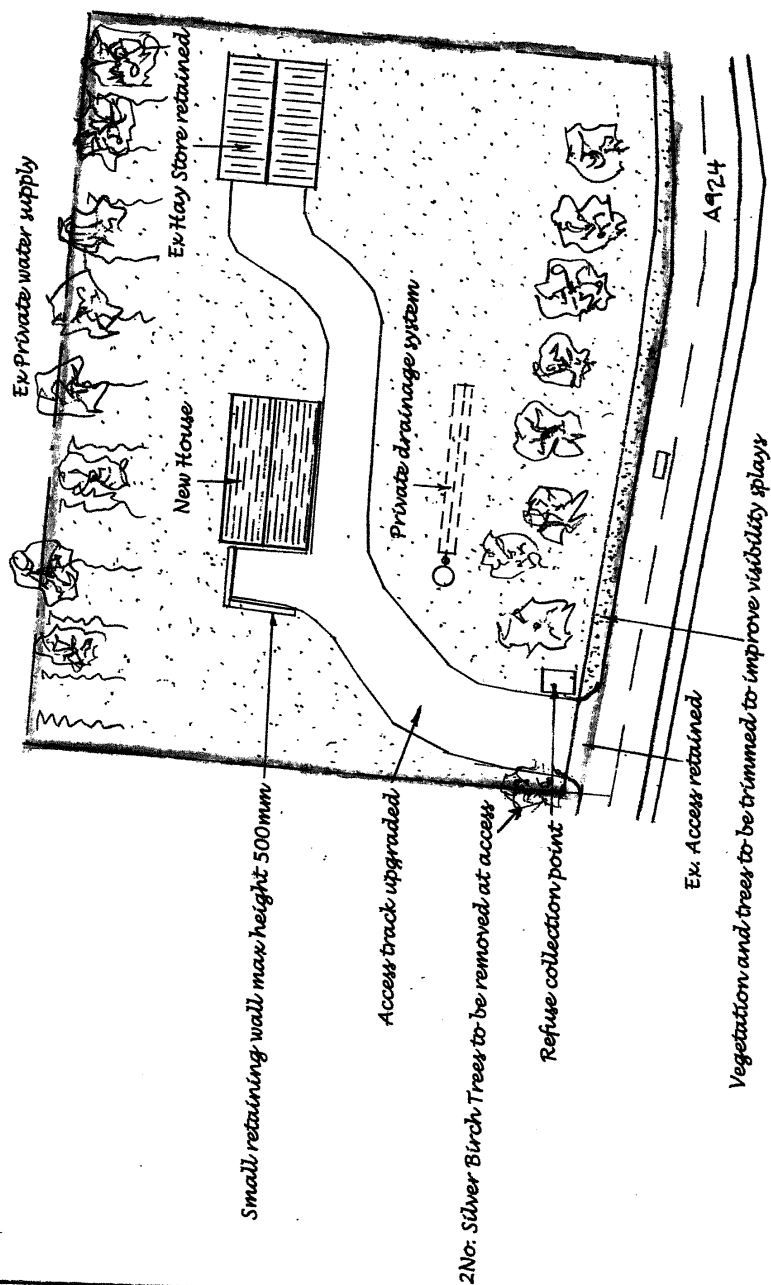
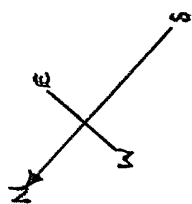
e-mail: namacleod@aol.com

Project: Demolition of existing buildings and erection of a new house at Lagan Dhu, Ballinturny, Blairgowrie PH10 7NG

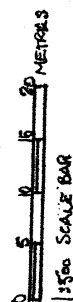
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Drawing ref: Existing Block Plan

Date: August 2013



Proposed Block Plan 1:500



Norman A MacLeod

Tel: 07884177328

www.namsurveying.co.uk

e-mail: namacleod@aol.com

Project: Demolition of existing buildings and
erection of a new house at Lagan Dhu,
Ballinturn, Blairgowrie PH10 7NG

Scale: 1:500

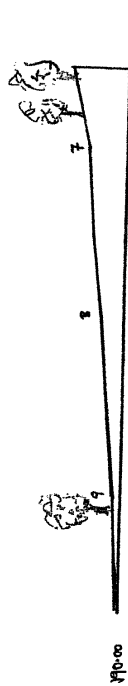
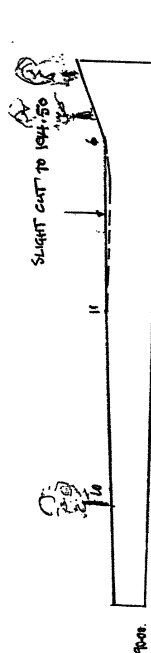
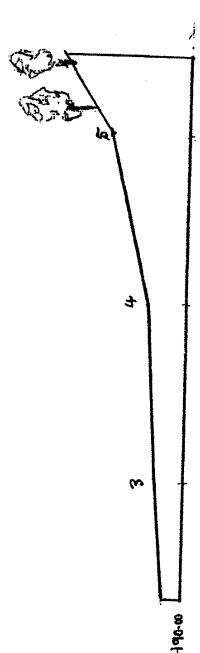
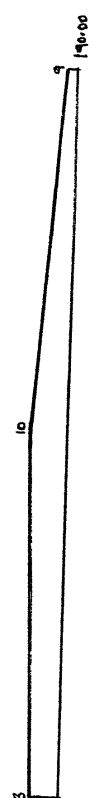
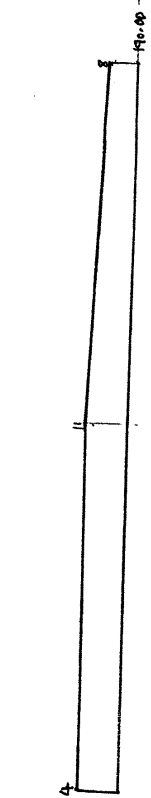
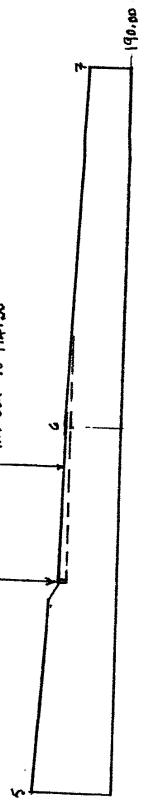
Drawing No: 3

Drawing ref: Proposed Block Plan

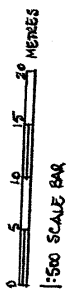
Date: August 2013

RETAINING WALL 500mm MAX HEIGHT

SLIGHT CUT TO 194.50



Proposed Cross-Sections through the Site 1:500



Norman A MacLeod

Tel: 07884177328

www.namsurveying.co.uk

e-mail: namacleod@aol.com

Project: Demolition of existing buildings and erection of a new house at Lagan/Dhu, Ballintuin, Blairgowrie PH10 7NG

Scale: 1:500

Drawing ref: Proposed Cross-Sections through the site

Date: August 2013

Drawing No: 4

| |
|---|
| <p>TCP/11/16(348) Planning Application 14/01859/IPL – Demolition of building and erection of dwellinghouse, Laggan Dhu, Ballintuim, Blairgowrie, PH10 7NG</p> |
|---|

PLANNING DECISION NOTICE *(included in applicant's submission, see page 327)*

REPORT OF HANDLING

REFERENCE DOCUMENT *(included in applicant's submission, see pages 329 and 337-341)*

REPORT OF HANDLING

DELEGATED REPORT

| | | |
|------------------------|-------------------------|------|
| Ref No | 14/01859/IPL | |
| Ward No | N3- Blairgowrie & Glens | |
| Due Determination Date | 22.12.2014 | |
| Case Officer | Andy Baxter | |
| Report Issued by | | Date |
| Countersigned by | | Date |

PROPOSAL: Demolition of building and erection of dwellinghouse

LOCATION: Laggan Dhu, Ballintuim, Blairgowrie, PH10 7NG

SUMMARY:

This report recommends **refusal** of a planning in principle application for the erection of a new dwelling at Ballintum as the development is considered not to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 14 November 2014

SITE PHOTOGRAPHS



*Left, Panoramic view of the site
Right, Direct view of the site looking from the public road*

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a regular shaped site measuring approx. 74m in its length (north to south) and 48m in its width (east to west) that is located west of Bridge of Cally, outwith the settlement boundary. On the site at the moment are two fairly small, existing modern agricultural buildings and associated land which surrounds the buildings.

The site is bounded by the public road to the west and by trees along the boundaries. The site sits higher than the public road and generally slopes upwards to the rear of the site (east).

The site is accessed via an existing private access which adjoins the public road to the west.

This planning application seeks to obtain a planning in principle consent for the erection of a single dwelling, on the site of the larger (northern) existing shed. It is proposed that the smaller shed will be retained for future use.

SITE HISTORY

A similar planning application seeking a planning in principle consent (13/01663/IPL) for the demolition of existing buildings and erection of dwellinghouse on the site was refused consent last year.

PRE-APPLICATION CONSULTATION

None 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.

Of relevance to this planning application is,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are Paragraphs 74 - 83, which relate to Promoting Rural Development and also Paragraphs 109-134, which relates to enabling delivery of new homes.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

In terms of the Local Development Plan, the site lies within the landward area of the plan where the following policies are directly applicable,

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 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.

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This supplementary guidance is the most recent guidance on Housing in the Countryside and should be read in conjunction with Policy RD3 of the Local Development Plan 2014.

Developer Contributions 2014

This supplementary guidance seeks to secure financial contributions for both A9 junction improvements and for primary education in certain circumstances. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

Developer Contributions, Transport Infrastructure 2014

This supplementary guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

CONSULTATION RESPONSES

Scottish Water have commented on the planning application and raised no objections to the proposal.

INTERNAL CONSULTATION RESPONSES

Transport Planning have raised no objection to the proposal.

Education And Children's Services have indicated that the Developer Contribution 2014 document should be applied to the proposal.

Contributions Officer has commented on the proposal and raised no objection to the proposal.

Environmental Health have commented on the proposal and raised no objection subject to conditions.

REPRESENTATIONS

None received.

ADDITIONAL STATEMENTS RECEIVED

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

APPRAISAL

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

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

Policy Appraisal

The principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted Local Development Plan. Within that Plan, the site lies within the landward area where *Policies PM1A (general development) and RD3 (HITCP)* are directly applicable.

Policy PM1A seeks to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the existing area, whilst *Policy RD3* relates to new Housing in the Countryside and states that the supplementary guidance will be applicable to new proposals in the landward area. The most recent SPG on housing in the countryside is the 2012 version.

For reasons stated below, I consider the proposal to be contrary to the Council's Housing in the Countryside Guide 2012 and the Local Development Plan 2014.

Land Use Acceptability

The acceptability of the proposal in land use terms is ultimately an assessment of the proposal the Housing in the Countryside Guide 2012 which is the most recent expression of Council policy towards new housing in the open countryside.

The HITCG 2012 offers support in principle for new residential development on former 'brownfield sites', where dereliction will be removed and where there will be an environmental improvement. Although the Council does not have a specific definition of what a 'brownfield site' is, it is generally accepted that a 'brownfield site' is often defined as a site which has had a former use which is now redundant or extinct.

However, in terms of the implementation of the HITCG 2012 policy, the first paragraph of the policy specifically relates to sites which were 'formerly occupied' by buildings. At the moment, the site is occupied by two buildings, and to this end, (and regardless of the redundancy argument) the proposal does not meet the requirements of the HITCG 2012 as the site is still occupied by an existing building(s) - which still appear to be in use to some degree.

To this end, I consider the proposal to be contrary the Housing in the Countryside Guide 2012 and the associated Local Development Plan policy (*Policy RD3*)

Landscape Framework

The site itself is, in my opinion relatively well defined and has a good existing landscaping framework which is based around the road to the west and the mature trees along the sites other boundaries. To this end, I consider the site to have a suitable landscape framework which is capable of absorbing the development proposed.

Compatibility with Existing Land Uses

In terms of the compatibility with surrounding, existing land uses, I have no particular concerns. Although there are non-residential uses in the immediate area these existing uses are perfectly compatible with a residential use.

Residential Amenity

In terms of the impact on any existing residential amenity, due to the sites isolated location, the siting of a dwelling on the site will have no adverse impact on the residential amenity of any existing properties. In terms of providing a suitable level of residential amenity for future occupiers, subject to appropriate siting of the new dwelling I have no concerns.

Visual Amenity

Subject to an appropriately designed dwelling being brought forward at the detailed stage, I have no concerns regarding the visual impact that the proposal will have.

Roads and Access

In terms road and pedestrian safety, subject to appropriate conditions I note my Transport Planning colleagues have raised no particular issue with the proposal, and I have no reason to offer a different view.

Drainage and Flooding

The proposal raised no issues in terms of drainage and flooding matters.

Developer Contributions

Primary Education

In terms of the approved Developer Contributions document, financial contributions are presently being sought for new housing within the school catchment of areas operating at over 80% capacity. As this is a planning in principle application, full consideration of the need for an education contribution will be made at the time when a detailed planning application is submitted.

Transport Contributions

The application site is located outwith the catchment area for Transport Contributions and therefore there is no requirement for any contributions in relation to Transport Infrastructure.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan and as there are no material considerations which would justify overriding the Development Plan, 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 based on the following reason,

As the site is not part of an existing group of buildings and involves the replacement of a non-traditional, non-domestic existing building, the proposal is contrary to Policy RD1 of the Local Development Plan 2014 the Council's Housing in the Countryside Guide 2012 both of which seek to ensure that all proposals for new housing in the open countryside meet with specific criteria.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

14/01859/1- 14/01859/6 (*inclusive*)

Date of Report 18.12.2014

TCP/11/16(348)

Planning Application 14/01859/IPL – Demolition of building and erection of dwellinghouse, Laggan Dhu, Ballintuim, Blairgowrie, PH10 7NG

REPRESENTATIONS

- Representation from Development Negotiations Officer, dated 30 October 2014
- Representation from Education and Children's Services, dated 3 November 2014
- Representation from Regulatory Service Manager, dated 12 November 2014

INTERNAL CONSULTATION ON PLANNING APPLICATION



To: Development Management
From: Euan McLaughlin
Date: 30 October 2014
Planning Reference: 14/01859/IPL
Description of Proposal: Demolition of building and erection of dwellinghouse Laggan Dhu Ballintuim Blairgowrie PH10 7NG for Mr B Noonan

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.

Primary Education

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

This proposal is within the catchment of Kirkmichael Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Contacts

The main point of contact for enquiries relating to the interpretation of developer contributions will be the Development Negotiations Officer:

Euan McLaughlin
Tel: 01738 475381
Email: emclaughlin@pkc.gov.uk

If your query specifically relates to the provision of affordable housing please contact the Council's Affordable Housing Enabler:

Stuart McLaren
Tel: 01738 476405
Email: sjmcclaren@pkc.gov.uk

Memorandum

| | | | |
|----------|---|---------|--|
| To | Nick Brian Development Quality Manager | From | Maureen Watt Assistant Asset Management Officer |
| Your ref | 14/01859/IPL | Our ref | GR/CW |
| Date | 03 November 2014 | Tel No | (4) 76308 |

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 14/01859/IPL

This development falls within the Kirkmichael Primary School catchment area.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact ecssupportservices@pkc.gov.uk

http://livedrms:8080/IDOXSoftware/IG_display/671737.doc?docid=671737&appid=1002&location=VOLUME1&ext=doc&page=0&size=1&version=0&ftrString=&displayTextAsIs=false&code=OPCFSDBIJW

Memorandum

| | | | |
|----------|-----------------------------|---------|----------------------------|
| To | Development Quality Manager | From | Regulatory Service Manager |
| Your ref | PK14/01859/IPL | Our ref | LJA/MA |
| Date | 12 November 2014 | Tel No | (4)75248 |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Consultation on an Application for Planning Permission

PK14/01859/IPL RE: Demolition of building and erection of dwellinghouse Laggan Dhu Ballintuim Blairgowrie PH10 7NG for Mr B Noonan

I refer to your letter dated 4 November 2014 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 12/11/2014)

Recommendation

I refer to the above application and have the following comments to make in respect of the proposed development.

A previous land use that has led to the contamination of a site is generally identifiable from historical records. However consideration needs to be given to situations where this is not so apparent and there is the potential for contamination to cause a constraint in the redevelopment of specific sites. A good example of this is where there is a proposed use change from agricultural to residential.

Under the contaminated land research programme administered by the Department of the Environment, Food and Rural Affairs, Science Reports 2, 3, and 7 set out the framework for deriving Soil Guideline Values or SGV's for proposed changes in land use and sets targets based on the sensitivity of receptors and the land use function. Originally these soil guideline values were restricted to what was considered to be "priority pollutants" but the research programme has now been extended to include other contaminants and respective toxicological data. These soil guideline values are based on risk evaluation in specific circumstances which are a standard function of land use i.e. residential with plant uptake, residential without plant uptake and commercial and industrial.

The most sensitive land use recognised by the soil guideline values is "residential with gardens", where there is likely to be a greater contact between those at risk, in this case the residents and any contaminants contained within the soil. SGV's for this land use type are therefore at their most conservative and the potential for contaminants to be present and cause a constraint to development are greater.

Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. Photos submitted with the application show old vehicles and chemical drums in and around the outbuildings to be demolished. The risks associated with this remain difficult to quantify until there has been some form of sampling and chemical analysis of the soils contained within the development area. This will help determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified.

Therefore if planning permission is granted in respect of this development I would recommend that the following condition is applied within the consent.

Condition

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Water (assessment date – 12/11/2014)

Recommendation

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

Comments

The development is for a dwelling house in a rural area with both private and public water supplies believed to serve properties in the vicinity. We have been unable to ascertain whether a public or private water supply will be used for the development. Should a private water supply be used cognisance must be taken of Informative 2 below. To ensure the new development has an adequate and consistently wholesome supply of water and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following informatives. No public objections relating to the water supply were noted at the date above.

Informative 1

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

Informative 2

The following should be noted if a private water supply is utilised.

The applicant shall ensure the private water supply for the house /development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks / pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.



