

TCP/11/16(508) – 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain

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**TCP/11/16(508) – 17/01250/FLL – Erection of a
dwellinghouse, land 400 metres north east of Leepark,
Coldrain**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name MR D S McFADZEAN

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KINROSS, PERTSHIRE

Postcode

Contact Telephone 1

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Name ALASTAIR MITCHELL

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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

PERTH & KINROSS COUNCIL

Planning authority's application reference number

17/01250/FL

Site address

BALADO FARM SOUTH, KINROSS, PERTSHIRE

Description of proposed
development

ERRECTION OF A DWELLING HOUSE ON LAND 400M NORTH
EAST OF LEEPARK COLDRAIN.

Date of application 17TH JULY 2017

Date of decision (if any) 26/10/2017

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

I FEEL A SIT VISIT IS REQUIRED TO UNDERSTAND THE LOCATION OF THE PROPOSED HOUSE AND THE MINIMAL IMPACT THIS WILL HAVE ON THE ADJACENT AREA

Site inspection

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

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

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

IT WOULD BE ADVANTAGOUS TO HAVE SOMEONE ACCOMPANY ANY SITE VISIT DUE TO THE NATURE OF THE BUSINESS ON THE SITE

Statement

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

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

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

PLEASE SEE ATTACHED STATEMENT

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

Yes ☒ No ☐

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

THE CURRENT LABOUR REQUIREMENTS HAVE BEEN UPDATED TO CONFORM
THE CURRENT POSITION AND TO PROVIDE JUSTIFICATION OF THE
1 LABOUR UNIT REQUIRED

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.

PLEASE SEE ATTACHED LIST OF SUPPORTING DOCUMENTATION

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

Supporting Documentation – Balado Farm South – Ref 17/01250/FLL

- Statement of Review
 - Application Form
 - Covering Letter to Accompany Application
 - Design Statement
 - Labour Profile
 - Labour Report
 - Mitigation Calculation
 - Response from SEPA
 - Letter to Planning Officer 22/10/17
 - Decision Notice
-
- PL/50A – Location Plan
 - PL/51A – Location Map
 - PL/52A – Location Plan
 - PL/53A – Site Plan
 - PL/54A – Ground Floor Plan
 - PL/55A – First Floor Plan
 - PL/56A – Roof Plan
 - PL/57A – West Elevation
 - PL/58A – East Elevation
 - PL/59A – South Elevation
 - PL/60A – North Elevation
 - PL/61A – Landscaping Plan

STATEMENT – NOTICE OF REVIEW

ERECTION OF A DWELLINGHOUSE ON LAND 400 METRES NORTH EAST OF LEEPARK COLDRAIN (Ref 17/01250/FLL)

The above application was refused on the 26th October 2017. Following receipt of the refusal Mr D S McFadzean is seeking a review of the application decision.

The proposed new house is an essential requirement for Mr McFadzean, to allow proper business management in meeting animal husbandry and welfare needs. For these reasons alone, a permanent dwelling house is a fundamental requirement on this site.

SITE BACKGROUND AND BUSINESS OVERVIEW

Mr D S McFadzean, currently runs a farming business extending to 240 acres at Balado Farm South, Kinross, Perth & Kinross. Since the inception of the business in 2010, with 100 acres some 7 years ago, the sole intention was to develop the agricultural holding into a fully operational farming business. The business has expanded since 2010 and now operates over 240 acres.

Following the purchase of the land in 2010 an application was submitted to Perth and Kinross Council for the erection of an agricultural building on the farm. This was granted (Ref 10/02117/PN) and the agricultural building was erected shortly after approval was given. This provides a building which is utilised for the storage of agricultural machinery and also the housing of livestock. This clearly demonstrates a further substantial investment and commitment to develop the agricultural business by Mr McFadzean.

Planning for a second agricultural building (Ref 17/01253/FLL) has also been granted, and erection of the shed will take place within the coming months. This also demonstrates that the business has expanded to a degree where additional buildings are required to support the expansion that has already taken place.

Mr McFadzean has also installed sheep and cattle penning facilities to assist with daily management of livestock and to date has also erected 1400 metres of new agricultural fencing for the control of livestock.

Mr McFadzean's agricultural business has been developed, as per the intention described in the Labour Report, with increasing numbers of Pedigree Beef Shorthorn and Luining Cattle along with Ewes for lamb production.

The agricultural business is registered and complies with:

- British Cattle Movement Service
- Scot Eid
- Scot Move and Quality Meat Scotland

All of the above are supported by the UK and Scottish Government Agencies.

Mr McFadzean is also an active member of the

- Beef Shorthorn Cattle Society
- The Luining Cattle Society
- The Royal Highland Agricultural Society.

Over and above the running and development of the agricultural business Mr McFadzean is managing director for McFadzean Ltd.

McFadzean Ltd carries out construction, fabrication and repairs to agricultural & industrial buildings and farm equipment. The business serves the Perth & Kinross Local Area and employs full and part time staff.

BACKGROUND TO PROPOSED DWELLING HOUSE

A planning application was lodged for a new dwelling house with Perth and Kinross Council on the 1st December 2016 Ref 16/01900/FLL, after a pre planning meeting with Mark Williamson, Planning Officer.

A site visit was carried out by the Case Officer following the registration of application 16/01900/FLL where a series of photographs were taken, these photographs clearly indicate business development within the site, with the original agricultural building and yard space already developed along with livestock (sheep) visible on farm as per business intention and as noted in the original Labour Report.

Following further discussion with the Case Officer, John Russell, it was agreed that the application (16/01900/FLL) would be withdrawn, to allow further time to review and consider the comments raised during the initial consultation period.

A further meeting was held between Mr McFadzean and John Russell, Planning Officer on the 30th May 2017. Following this meeting the location of the house was revised and the application for the house was re-submitted in July 2017 (Ref 17/01250/FLL).

As part of the re-submission the SAC Report was updated. The report was updated due to the period of time between the submission of application Ref 16/01900/FLL and 17/01250/FLL. The updated SAC Report demonstrates the business expansion the development that has taken place within the agricultural business and also provides detailed justification for a member of staff to be housed on the agricultural holding on a permanent basis.

Subsequent further development of the business has taken place since application 17/01250/FLL was lodged. The current figures are noted with Point 1 below. These actual figures prove that the one labour unit noted within the Labour Report has been exceeded quite considerably.

Prior to refusal, additional confirmation was also provided to the Planning Officer, detailing the continued expansion since Application: Ref 17/01250/FLL was submitted and before a letter of refusal had been received, along with an opportunity for both the Planning Officer and Planning Officers Line Manager to visit the site to review the current situation, and also to view how the business operates and has developed. This opportunity was not taken by either of the Officers.

The agricultural business has now been operating on the site for a period of over 7 years, primarily by redevelopment of the largely abandoned tract of agricultural land and forestry, to enable business expansion to this current level, while also providing suitable infrastructure for the continuation and growth of this business and in accordance with Scottish Government Policy encouraging forward thinking and future business development throughout the country.

The planning application was refused for the following four reasons:

POINT No.1

The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable at this location.

The Housing in the Countryside supplementary guidance states that

New Houses in the Open Countryside.

Favourable consideration will be given to proposals for the construction of new houses in the open countryside where they fall into at least one of the following categories:

3.3 Economic Activity

a) A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s).

Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business.

It is stated within the handling report that “construction of the house will not be permitted in advance of the development of the business” As the business has now been operating on the site for a period of 7 years, this clearly demonstrates Mr McFadzean’s commitment to develop and maintain the agricultural holding.

It also states that the figures noted within the labour report are based on a forecast.

At this real point in time the farming business meets and exceeds the requirement for one full time labour unit. The current labour profile is shown below.

Area(ha) /Number	Enterprise	Proposed hrs per hectare or head per year		Total Hours
LAND				
34.12 ha	Rotational grass	4		136
12.75 ha	Hay/Silage (1 cut)	20		255
18.15 ha	Rough grazing	0.6		27
20.10 ha	Cereals	20		402
15.00 ha	Other land forestry	1.5		22.5
LIVESTOCK				
27 cattle	Suckler cows/ bull	12		324
6 cattle	Other Cattle	9		54
142	Breeding Ewes	5.2		738.4
165	Other Sheep	2.75		453.8
	Total hours justified			2,412.7
	Standard labour unit (hours per annum)			1,900
	Number of standard labour units justified			1.27

The above information has been provided in accordance with the SAC Consulting Farm Management Handbook, the UK reference for farm business management.

The figures relate to those published in a report of the UK Farm Classification Working Party (February 2004) which recommends that 1900 hours of labour are equivalent to one standard annual labour unit.

The figures represent typical labour requirements under typical conditions for enterprises of average size and performance.

Current annual livestock numbers of 340 are made up of the following:-

- Breeding cattle 27 to produce calves plus
- 6 young stock
- Breeding Sheep 142 to produce lambs
- Finishing Sheep 165 fattened & sold this year.

Evidence of these numbers can be accessed from UK & Scottish Government Bodies – BCMS, Scot Moves & Scot EiD.

These numbers will continue to grow as the agricultural calendar progresses.

Other farming practices carried out to date over and above the management of the livestock in this current business year:-

- 6.88ha of grassland regeneration from last year's harvest stubble with ongoing grazing management.
- 12ha of hay conserved for winter feed.
- 9.72ha of cereal production.
- Ongoing livestock (Cattle and Sheep) fencing.

The business has developed beyond expectations and forecasts demonstrating the need to be on site on a permanent basis. The risk of not having someone permanently on site is highlighted in the SAC report as noted below.

The presence of livestock on a farm is generally accepted as a need for a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock.

During the winter months the cattle will be housed and fed twice per day with the sale cattle exercised and managed with special feeding regimes. All must be inspected at least once per day where continuous care may be required for any sick or injured animals.

Twenty-four hour supervision is required during calving so that any problems can be dealt with swiftly and a vet called if necessary. Breeding ewes also require feeding and care with twenty-four hour supervision during lambing and aftercare of foster lambs and sick ewes where necessary.

As this business continues to develop, and the approval of a second agricultural building Ref: 17/01253/FLL for livestock and storage was granted, the need for a dwelling house becomes even more essential for supervision and welfare as set out in Government Code of Recommendations and supported through QMS Certification.

The presence of livestock on a farm requires a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock and therefore until a dwelling house is erected the proper code of practice would only be partly adhered too with disproportionate cost involved attempting to comply with these recommendations.

Whilst animal welfare primarily is the issue of concern, security and safety has become a very important consideration due to previous incidents. Opportunist theft and vandalism are increasing and livestock, vehicles and equipment must be safeguarded. Currently there are 2 crime numbers pertaining to the farm since purchasing the land, one being theft of materials and equipment, and the other more recently, stray dog attacks on the sheep with one death and two others mauled. All the fertiliser, tools, fuel tanks, machinery and feedstuffs are located at Balado Farm South, and due to the nature of work of McFadzean Ltd, tools and equipment may be stored on site.

There are no neighbours who have a direct line of sight onto the property.

People living on site are a deterrent to this type of crime, and as mentioned above the farm has already been the target by undesirables in recent years, leaving the owners of the land in state of fear and distress with the worry of not being onsite on a permanent basis.

The proposed dwelling house would be sited adjacent to the existing building, which has already been erected, while giving best coverage of views to the majority of the farmland and forestry. From this position vehicle movements can be monitored and attended to whilst also enabling appropriate access to the farm buildings and checking livestock in the surrounding fields.

The positioning of the dwelling house also gives a focal point on arrival to third parties, preventing them from accessing the farm buildings themselves, where their safety could be at risk. Visitors to farms often arrive unannounced and often do not recognise the dangers and approach these with little awareness with the risk of causing harm to themselves or others.

If a permanent presence is created, this would reduce this risk of persons straying onto the farm and cause themselves danger or injury.

The above clearly demonstrates that there is a need for a dwelling house on the agricultural holding.

POINT No.2

The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of development does not respect the character and amenity of the place.

Policy PM1A states that a development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

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

The Housing in the Countryside Policy also states

Siting Criteria Proposals for a new house falling within category 3 above will be required to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:

- a) it blends sympathetically with land form;*
- b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;*
- c) it uses an identifiable site,(except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;*
- d) it does not have a detrimental impact on the surrounding landscape. Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;*
- e) it occupies a prominent, skyline, top of slope/ridge location;*
- f) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and*
- g) is unable to provide a suitable degree of enclosure for a new house in the countryside.*

As noted with the Design Statement submitted as part of the planning application. The intention is to erect the new dwelling house on the Southern side of the access roadway adjacent to the existing farmyard.

The house has been located to allow supervision across the fields to the East and West and also adjacent to the farmyard and agricultural buildings to facilitate the farm operation working as a single unit.

By moving the location of the house some 15m North from the original application Ref 16/01900/FLL to ensure that it sits closer to the farmyard as per the discussions held with the Planning Officer on 30th May 2017 and noted in the handling report that this site would be suitable, allows the house to blend more sympathetically with the existing buildings, trees and landforms using an identifiable site already established.

The location of the house will have a minimal impact on the surrounding landscape and will be concealed by the existing woodland. The house is also located 300m from the public highway, an unclassified road connecting the A977 to the B9097. Due to the positioning of the house it will not be visible from the main A977 Kinross to Crook of Devon road or from the village of Balado. Views of the new house will only be gained from a short stretch of roadway if travelling on the unclassified Balado to Cleish Road.

The existing grass bankings will be retained along the fence line as noted on Architects Drawing 61A. The bankings will screen the ground floor of the new house and will give the impression when viewed from the roadway, some 300 metres away, that the house is of single storey.

This house has been designed with a low sloping curved roof to minimise the influence on the landscape and also to connect with the style of the existing agricultural building adjacent and surrounding topography such as the Lomond Hills.

The suggestion of the design being complicated would be eliminated by the understanding that the broken gutter lines are incorporated to enable a construction of a lesser height, creating a storey and a half, and not a full two storey, therefore reducing the visual impact.

The design of this house is consistent with features displayed nearby, while only being a storey and a half, forming a more sympathetic impact than surrounding dwellings all within close proximity. The dominant features of these being full two storeys concurrently displaying curved elements and a variety of gutter and ridge lines with little or no natural screening, creating a much greater visual impact than this application.

Please see below a series of examples of houses that have been constructed within close proximity, on immediate neighbouring land.

Houses recently constructed adjacent to the applicant site



Please see below neighbouring dwellings, all within close proximity of (A) and constructed in the last few years.

- (A) Marks the proposed house site
- (B) Two and a half storey house with curved features and round house annex
- (C) A variety of round structures and split gutter lines all one and a half or two storey dwellings
- (D) Two storey farmhouse with changing ridge line

House at position B

A two and a half storey house, with round house to the East and curved annex to the North

East Elevation



West Elevation



Houses at position C viewed from the site at A.

Selection of round structures and split gutter lines, demonstrating complex design.

All within very close proximity to the public highway



House at position D

Clearly visible two storey farmhouse, with changing ridge lines in prominent position



A site visit as part of the review would be beneficial to appreciate the proposed location of the new house and the minimal impact that this development will have on the surrounding landscape, in contrast to the existing developments.

POINT No.3

The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

PM1B

Policy PM1B All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area. (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

It is noted within the handling report that “*the development is located in a position where the height and mass of the building cannot be accommodated and as result will dilute the landscape character of the area*” and “*reducing the height of the building from 2two storeys to one would likely address the conflict*”

The design of the house is for a one and a half storey house and not for a two storey house, as mentioned above. Furthermore, consideration should be given to the various other new dwelling houses that have been developed in very close proximity to this agricultural holding, many of which do not form part of any agricultural business.

The examples included above are of houses that have been built in the surrounding area. This has been prepared to demonstrate that the impact from the house proposed under this application will be minimal in comparison to other developments that have been granted permission in recent years.

The design of the new building has been implemented to reflect the character of the adjacent agricultural shed and as stated under Point 2 is some 300m from the nearest public road with the lower ground floor being concealed by the existing grass banking giving the impression that the house is single storey, when viewed from a distance.

A farmhouse will create a sense of identity with the existing farm buildings which have already been approved by Perth and Kinross Council. The dwelling house is of a lesser mass and height than the existing agricultural buildings so by that designation could not have a detrimental effect on the surrounding area.

POINT No.4

The proposal is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014 as the development is not located within a defined Settlement Boundary in the Plan and there is no justification for its approval under Policy RD3 of the Perth and Kinross Local Development Plan 2014

PM4

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

Agricultural buildings and farmyards are not commonly located within defined settlement boundaries. The principle, for the farmyard and the agricultural buildings, has already received approval by Perth and Kinross Council. The farm building and farm yard provide defined boundaries within the agricultural holding, and the new house has been designed to sit on the edge of the boundary containing the buildings while still allowing a degree of practical space to conduct safe business operations.

CONCLUSION

This application must be taken in context, without eluding the fact, this being a farmhouse for a business need and home.

Additionally the design and situation creates a sense of identity as a productive farmyard and expanding business with continued economic benefit to the local area, far beyond any construction phase of the development.

While the essential business need is very apparent, the design and site layout is taken from the vision steered by the Scottish Government and Local Planning Directive to allow innovative and unique design, to enhance and create a more vibrant built environment, whilst remaining sustainable and economic to manage.

With the materials proposed for this project being both renewable and recyclable, not only does it reduce the burden on the environment, but also creates a healthier habitat for the occupants.

Mr McFadzean hopes, in taking the current and previous applications into account, you, the Review Committee, will understand the full commitment undertaken to develop this business, and recognise planning and development is an essential part of any enterprise to succeed.

Therefore we trust you can commit to favourable support.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100058901-001

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

Type of Application

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

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

Description of Proposal

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

Erection of new dwelling house

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	AMA		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alastair	Building Name:	
Last Name: *	Mitchell	Building Number:	15
Telephone Number: *	07780814268	Address 1 (Street): *	Sandeman Place
Extension Number:		Address 2:	Luncarty
Mobile Number:		Town/City: *	Perthshire
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 3RJ
Email Address: *	rachelmitchell134@btinternet.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

701731

Easting

308891

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

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

Meeting held between Mr McFadzean and Mr J Russell on the 30th May 2017, following the withdrawal of the original planning application Ref 16/01900/FLL

Title:

Mr

Other title:

First Name:

John

Last Name:

Russell

Correspondence Reference
Number:

16/01900/FLL

Date (dd/mm/yyyy):

30/05/2017

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

Site Area

Please state the site area:

7817.20

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The area of ground is utilised as part of the agricultural holding, adjacent to the existing agricultural shed.

Access and Parking

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

☐

Yes

☒

No

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

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

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

4

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒

Yes

☐

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☐

Yes – connecting to public drainage network

☒

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

☐

New/Altered septic tank.

☒

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐

Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

The new house will discharge to a new treatment plan as noted on the drawing. The new drainage will be installed in accordance with the mitigation calculations attached to the application

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☐ Yes ☒ No

If Yes or No, please provide further details: * (Max 500 characters)

Bin storage will be provided at the junction with the existing farm access and main public road

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">1</div>
Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.	
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>	
Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
<h2 style="margin: 0;">Schedule 3 Development</h2>	
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know 	
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.	
If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.	
<h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>	
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
<h2 style="margin: 0;">Certificates and Notices</h2>	
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013	
One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.	
Are you/the applicant the sole owner of ALL the land? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 	
Is any of the land part of an agricultural holding? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 	
Do you have any agricultural tenants? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
<h2 style="margin: 0;">Certificate Required</h2>	
The following Land Ownership Certificate is required to complete this section of the proposal:	
Certificate E	

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Alastair Mitchell

On behalf of: Mr Douglas MacFadzean

Date: 16/07/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Mitigation Calculation Labour Report

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Alastair Mitchell

Declaration Date: 16/07/2017

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

Dear Mr Russell

Proposed New House at South Balado Farm, Balado, Perthshire

Following your recent meeting with my client Mr MacFadzean on the 30th May 2017, we would like to confirm that we have now re-submitted the planning application following the withdraw of the original application Ref 16/01900/FLL,

We would like to confirm that we have taken account of your comments and now provide confirmation as follows,

1. The SRUC justification takes account of the previous comments and identifies the need for 1.09 people on a permanent basis on the site.
2. Discussions have been held with SEPA and an agreement is in place to justify the mitigation for the new house within the Loch Leven catchment area.
3. The location of the house has been reconsidered and has been moved North, by some 15m so that it is closer to the existing agricultural building and farmyard. The existing farm yard cannot be reduced as this area is required for the turning of both lorries and farm vehicles.
4. The existing bankings to the West of the site have been retained. This will screen the existing house and give the appearance of a single storey house when viewed from the nearest roadway between Balado and Carnbo, some 300m away from the proposed site. The finalised position of the house provides the maximum screen using the existing landscaping and wooded areas.
5. The house will not be visible from village of Balado, and will be further screened to the North by the existing agricultural shed.
6. The updated drawings now provide elevations of the house when viewed from the West with the bankings in place, this minimise any impact that the house will have on the surrounding landscape.
7. The intention is that the house will be as environmentally friendly as possible with the walls being constructed from hempcrete and the building being heated via a ground source heat pump.

We trust you find the above in order and will be able to take these points on board when reviewing the revised application.

Regards

Alastair Mitchell
On behalf of Mr D MacFadzean

Design Statement

Erection of Proposed New House at Balado South, Balado, Perthshire

Mr McFadzean currently has an agricultural holding at Balado, Perthshire. An agricultural shed was erected on the site in 2011 and it is now the intention to erect a new dwelling house adjacent to the new agricultural shed. Mr McFadzean has been increasing his livestock over this period and it has now been established by SAC Consulting that the agricultural holding will justify the need for 1.09 people on a permanent basis on the site.

An application was lodged with Perth and Kinross Council on the 1st December 2016 Ref 16/01900/FLL, following further discussion with John Russell, Planning Officer, it was agreed that the application would be withdrawn, to allow further time to review and consider the siting of the new house.

A further meeting was held between Mr MaFadzean and John Russell, Planning Officer on the 30th May and the drawings have now been adjusted to take account of the discussions.

An existing agricultural shed and workshop is located to the North side of the existing access road, and is concealed by the existing bank of trees to the West. The current woodland screens the new shed from the existing roadway from Balado to Cleish. There is a yard area to the front of the shed which extends down to the adjacent access road. The yard area is enclosed with a series of grass bankings around the perimeter as noted on Architects Drawing 61A.

The intention is to erect the new dwelling housing on the Southern side of the access roadway adjacent to the yard. The house has been located so that it has views across the fields to the East and West and also adjacent to the yard and agricultural building to allow the farm operation to work as a single unit. The location of the house has been moved some 15m North from the original application.

The location of the house will have a minimal impact on the surrounding landscape and will be concealed by the existing woodland. Views of the new house will only be gained from a short stretch of roadway if travelling on the Balado to Cliesh Road. The house is also located 300m from the main public highway. Do to the positioning of the house it will not be visible from the main A977 Kinross to Crook of Devon road or from the village of Balado.

The existing grass bankings will be retained along the fence line as noted on Architects Drawing 61A. The bankings will screen the ground floor of the new house and will give the impression when viewed from the roadway that the house is a single storey house.

The house has been designed with a low sloping curved roof to minimise the impact on the landscape and also to tie in with the style of the existing agricultural shed adjacent.

D S McFadzean

LABOUR PROFILE CALCULATION

CROPS	AREA (Acres)	HOURS (/Ac/Yr)	HOURS (/Ha/Yr)	TOTAL (Hours)
=====	=====	=====	=====	=====
ROTATIONAL GRASS - GRAZED	40	3.2	8	128.0
ROTATIONAL GRASS - SILAGE (1ST Cut)	20	4.9	12	98.0
ROTATIONAL GRASS - SILAGE (2ND Cut)	20	4.9	12	98.0
OTHER LAND - FORESTRY MANAGEMENT	40	1.0	2.5	40.0
	-----			-----
TOTAL AREA (Acres)	120	CROP HOURS		364.0
	-----			-----

STOCK	HEAD (No.)	HOURS (/Hd/Yr)	TOTAL (Hours)
=====	=====	=====	=====
SUCKLER COWS (Spring Calvers)	50	12.0	600.0
SUCKLING CALF (Spring Calvers)	50	4.0	200.0
BREEDING HEIFERS 1 YR OLD +	8	12.0	96.0
BREEDING BULLS	2	12.0	24.0
PRODUCTION BULLS 1YR OLD +	8	15.0	120.0
FINNISHING STEERS & HEIFERS 1YR OLD +	35	4.0	140.0
BREEDING EWES	100	5.2	520.0
	-----		-----
TOTAL STOCK (Head)	253	STOCK HOURS	1,700.0
	-----		-----
		TOTAL HOURS	2,064.0
			=====

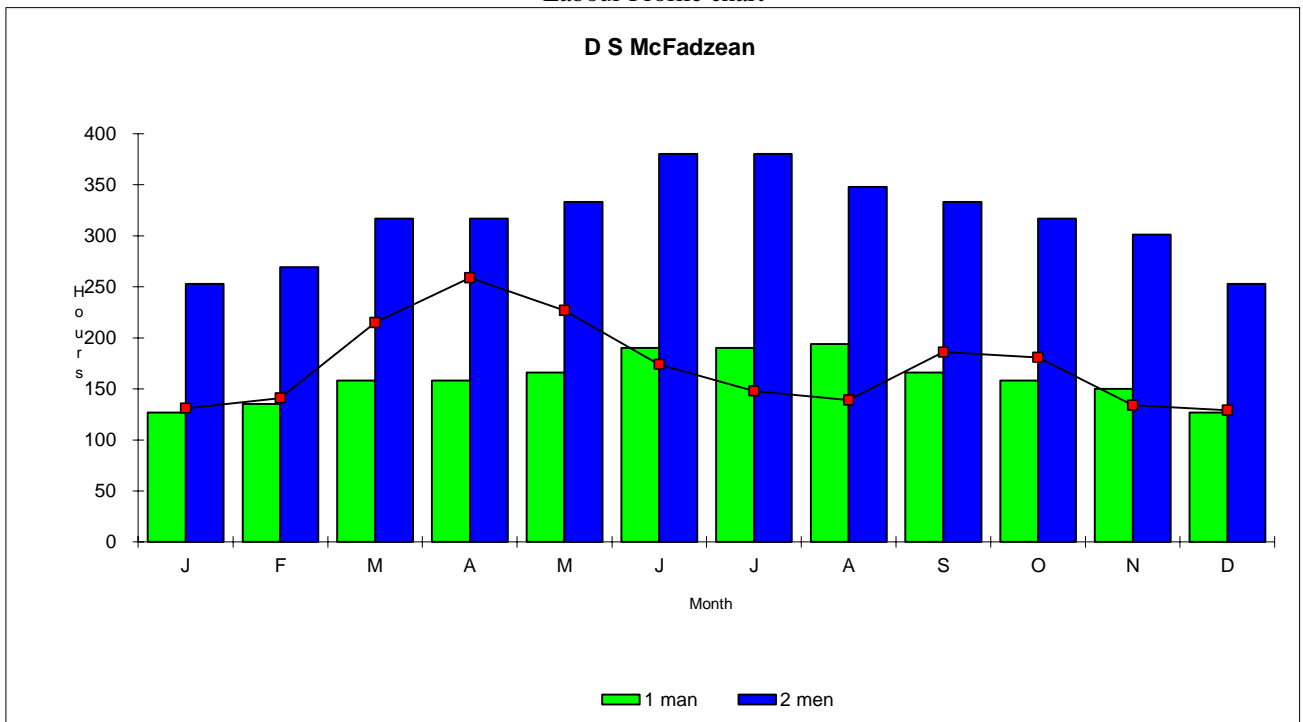
ANNUAL LABOUR REQUIREMENT**D S McFadzean**

WORK CAPACITY (Hours/man/yr)		WORK REQUIRED	
		Labour Units/Yr	Hrs Required/yr
	1800	1.1	
<i>Standard Labour Unit</i>	1900	1.1	2085
	2100	1.0	

MONTH BY MONTH LABOUR REQUIREMENT

<u>MONTH</u>	<u>HOURS</u>	1 Man	2 Men	3 Men
January: Feeding & Livestock Supervision of cattle herd & sheep flock	131.0	127	253	380
February: Feeding & Livestock Supervision Preparation of Production Bulls for Annual Sales	141.0	135	269	404
March: Feeding & Livestock Supervision Supervision of Cows Calving	215.0	158	317	475
April: Feeding & Livestock Supervision Supervision of Cows Calving Grass Maintenance & Fertiliser Application Ewes Lambing	259.0	158	317	475
May: Feeding & Livestock Supervision Ewes Lambing Cows & Calves out to grazing	227.0	166	333	499
June: Livestock Supervision Silage Cutting & Fertiliser Application	174.0	190	380	570
July: Livestock Supervision Calf & Lamb Routine Veterinary Care	148.0	190	380	570
August: Livestock Supervision Forestry Maintenance	139.0	174	348	522
September: Livestock Supervision Silage Cutting & Fertiliser Application	186.0	166	333	499
October: Livestock Supervision Calf & Lamb Weaning & selection for sales Cattle Housing Preparation	181.0	158	317	475
November: Cattle Housed for winter Feeding & Livestock Supervision	134.0	150	301	451
December: Feeding & Livestock Supervision	129.0	127	253	380
TOTAL	2,064.0	1,900	3,798	5,698

Labour Profile chart





**Planning Proposal
Justification**

**D S McFadzean
Balado Farm South
Balado
Kinross
KY13 0NH**

This report has been prepared exclusively for the use of **D S McFadzean** on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if he/she does, then he/she relies on it at his/her own risk. No responsibility is accepted for any interpretation which may be made of the contents of this report.

REPORT PREPARED BY:

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FS 543419

January 2017

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INTRODUCTION

This report has been prepared at the request of Douglas McFadzean, Balado Farm South, Balado, Kinrosshire, planning application number 16/01900/FLL for consent for a dwelling house on the lands of Balado Farm South.

Information was gathered by Annette Marshall, SAC, Perth. Data for enterprise labour requirements is based on the UK Farm Classification Working Party Report, made up by members from UK Rural Affairs Departments.

BACKGROUND INFORMATION

Douglas McFadzean purchased bare land at Balado in 2009. Since then he has erected an agricultural building and an access road and further to an earlier labour report conducted by SAC is expanding his business with the emphasis on a Pedigree Beef Shorthorn Herd and Breeding Ewes for lamb production.

His agricultural business is registered and complies with:

British Cattle Movement Service
Quality Meat Scotland
Premium Cattle Health Scheme
Animal & Plant Health Agency
Beef Shorthorn Cattle society

The lands at Balado extend to approximately 100 acres.

The typical cropping areas are as follows.

Rotational Grassland	- 40 acres
Silage 2 cuts	- 20 acres
Forestry	- 40 acres

60 acres of productive arable land capable of growing a variety of crops including rotational grassland and cereals. At present no cereal crops are grown and it is all down to grassland.

40 acres of woodland, divided into 15 acres of commercial Sitka Spruce plantation and the remaining 25 acres being planted as amenity woodland with a selection of hardwoods, softwoods and secluded open landscape areas located throughout.

A forestry commission plan is in place for this woodland.

Douglas McFadzean currently works for McFadzean Ltd which is his own company as well as carrying out work on the farm.

McFadzean Ltd carries out construction, fabrication and repairs to agricultural & industrial buildings and farm equipment. The business serves the Perth & Kinross local area. The business employs 2 fulltime workers at present.

NEED FOR ON-SITE ACCOMMODATION

The presence of livestock on a farm is generally accepted as a need for a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock.

Currently there are 115 sheep and two bulls at Balado.

During the winter months the cattle will be housed and fed twice per day with the sale cattle exercised and managed with special feeding regimes according to dates of sales and all must be inspected at least once per day where continuous care may be required for any sick or injured animals.

Twenty-four hour supervision is required during calving so that any problems can be dealt with swiftly and a vet called if necessary.

The breeding ewes also require feeding and care with twenty four hour supervision during lambing and aftercare of foster lambs and sick ewes where necessary.

Whilst animal welfare primarily is the issue of concern, security and safety has become a very important consideration due to previous incidents. Opportunist theft and vandalism are increasing and livestock, vehicles and equipment must be safeguarded.

All the fertiliser, tools, fuel tanks, machinery and feedstuffs are located at Balado Farm South, and due to the nature of work of McFadzean Ltd, high value tools and equipment will be stored on site. There are no neighbours who have a direct line of sight onto the property.

Currently there are 2 crime numbers pertaining to the farm since purchasing the land, one being theft of materials and equipment, and the

other more recently, stray dog attacks on the sheep with one death and two others mauled.

The proposed dwelling house would be sited adjacent to the existing building, which has already been erected, while giving best coverage of views to the majority of the farmland and forestry. From this position vehicle movements can easily be monitored and attended to whilst also enabling easy access to the farm buildings and checking livestock in the surrounding fields.

Once a dwelling house has been erected more livestock will be moved to site on a permanent basis. The presence of livestock on a farm requires a resident stockman to provide care and supervision within the Code of Recommendations for the Welfare of Livestock and therefore until a dwelling house is erected the proper code of recommendations for the livestock would only be partly adhered too or disproportionate costs involved in carrying out these recommendations.

Douglas McFadzean has a herd of pedigree Beef Shorthorns which are currently contract reared by another farmer. Once they are moved to Balado Farm South he will increase his stock numbers to have 50 cows plus followers. His system will also utilise the grassland available for approximately 100 breeding ewes.

All operations within the business including all work associated with the livestock production, fodder conservation, and all associated paperwork will be carried out in-house by Douglas McFadzean.

SUMMARY & CONCLUSIONS

D S McFadzean is a sole trader. Douglas McFadzean owns approximately 100 acres of land at Balado Farm South, Kinross which was purchased in 2009. He also owns a construction and fabrication business which trades under McFadzean Ltd.

All the farming operations will be carried out at Balado Farm South. Currently there is an agricultural building which was erected in 2011 which houses livestock, feed, bedding and agricultural equipment.

McFadzean Ltd undertakes most of its work on client sites using Balado Farm South for storage of equipment and plant.

There are no dwelling houses on the property. The farm business currently has a pedigree herd of Beef Shorthorn Cattle and a flock of breeding ewes for lamb production to complement the clean grazing system which is being adopted over the land. This system of alternate grazing with both cattle and sheep ensures a reduction in the build-up of parasites and disease.

Due to lack of accommodation at Balado Farm South, there has been a need to rent cattle housing and contracted supervision on another farm. This has been necessary as this is a hi-health herd of breeding cattle where 24hr care is needed during pregnancy and calving of the females while indoors over the winter period.

Daily supervision and care is required on a permanent basis for all farm livestock, whether in winter housing or at summer grazing.

This rental and contract system incurs a much larger cost to the business, and having the livestock under control at Balado Farm South would greatly reduce this cost, while providing a much more professional approach to include better control over breeding policy,

veterinary care, disease control and economic justification to the business.

Currently there are 10 females and 2 male cattle in the herd with the intention to increase this to 50 breeding cows and 2 breeding bulls within the next 2 years providing a sustainable agricultural business for the future.

Also there are approximately 100 breeding ewes which produce lambs for market being born annually in May and managed to utilise the autumn and winter grass filling a gap in the market, when the Beef Shorthorn Herd are in winter housing.

The main purpose of this business is to provide quality pedigree bulls and heifers to fill the large void of native cattle, currently on demand by commercial farmer producers, and ultimately the supermarkets and consumers (Morrison's Supermarket have endorsed a Beef Shorthorn Brand on their shelves which are currently understocked because of lack of production), for easily matured, naturally reared cattle which thrive in the Scottish climate, with total traceability from farm to shop, within a low cost system.

For animal health and welfare reasons it is not possible to do so until a dwelling house is built. Douglas McFadzean intends to move into the proposed dwelling house and provide the required care for the livestock.

Douglas McFadzean currently works for McFadzean limited which is his own company as well as carrying out work on the farm. McFadzean Ltd carries out construction, fabrication and repairs to agricultural & industrial buildings and farm equipment. The business serves the Perth & Kinross local area. The business employs 2 full time workers at present with the view to adding an extra employee to fill the gap with the increasing time spent by Douglas McFadzean on the agricultural business.

Under the forestry management plan, the forestry requires hand thinning due to the age and neglect of the woodland by previous owners and lack of access for machinery. Although not directly related to the agricultural part of the business, this work would be undertaken by the staff of McFadzean Ltd during less busy times, allowing them kept in full time employment, part of which would be supervision by Douglas McFadzean.

The business will have a total labour requirement of 1.09 standard labour units from the agricultural operations along with 2 full time jobs created by McFadzean Ltd and can therefore fully justify the provision of an additional dwelling house on the lands of Balado Home Farm, South.

This report fully supports the application for the erection of a dwelling house on the lands of Balado Farm South for the agricultural business of Douglas McFadzean and for the need to encourage new and forward thinking expansion in the agricultural industry during these times of uncertainty, without the need for additional government support schemes.

LABOUR PROFILE

Labour requirements for farming operations on Balado Farm South are calculated and shown below (Based on UK Farm Classification Working Party Report, made up by members from UK Rural Affairs Departments).

The labour profile calculation (shown in Appendix 1) shows that this business has a total labour requirement of 2,064 hours/annum. In addition to this McFadzean Ltd employ 2 full time staff members.

This can be summarised as follows:

	Hours
Grassland	324
Woodland	40
Cattle	1180
Sheep	520
Total	2,064

The UK Agricultural Departments agreed in the “UK Farm Classification System and Topology” (January 2005) that a Standard Labour Unit should equate to 1,900 hours/annum. This is calculated on the assumption that a person working full time in agriculture would work 237.5 standard working days per year to include an element of overtime as well as taking into account public holidays weekends and illness. A standard man day is taken as 8 hours which is the widely accepted standard in agriculture.

Where this standard is applied the Labour Profile calculates that the agricultural business of Douglas McFadzean requires the equivalent of 1.09 standard labour units in order to operate. There is the additional work created by McFadzean Ltd – currently 2 full time equivalents.

At present Douglas McFadzean does the work required on the farm. Once an onsite dwelling house has been constructed Douglas McFadzean will move to the site permanently. At this time he will also be able to move cattle and sheep onto the farm.

APPENDIX I

LABOUR PROFILE

Campbell of Doune Ltd

Consulting Civil and Structural Engineers

78 King Street, Crieff, Perthshire PH7 3HB

Tel: 01764 655459 Fax: 01764 655689

Email: info@campbellofdoune.co.uk Web: www.campbellofdoune.co.uk



COD Ref: 5335-16

10th October 2016

Mr D McFadzean
14 Viewlands Place
Perth
PH1 1BS

Dear Sirs,

Please find the following calculations in relation to the proposed Phosphorus mitigation relating to the proposed new development at Balado.

Proposal

A proposed new 4 bedroom domestic dwelling is proposed at land at Balado within the Loch Leven catchment area. As such 125% Phosphorous mitigation is required in order to meet the requirements of Policy EP7 in the Loch Leven catchment area. It is proposed that the existing 5 bedroom domestic dwelling at Kinsheill, Kinneswood Farm, Kinross, KY13 9HM has the existing traditional septic tank upgraded to a secondary treatment plant in order to meet the 125% mitigation for the proposed new development, details of the proposed and the mitigation are shown in the table below.

Background Information	Average amount of water per person per day	150 litres
	Primary treatment (septic tank - standard discharge)	10mg P/litre
	Daily discharge of phosphorous (per person) from primary treatment tank	1500 mg P
	Klargester Bio disc + chemical dosing (to BSEN12566-3:2005)	2 mg P/litre
	Daily discharge of phosphorus (per person) from Bio disc + Chemical dosing	300 mg P
Proposed Development	Proposed New Development at Land at Balado	
	4 Bedroom Domestic Dwelling	6 P.E.
	Bio disc + chemical dosing to be installed	2mg P/litre
	Daily discharge of Phosphorus = 300 mg P x 6 P.E.	1800mg P / day
	2 No. 2 Bedroom Log Cabins	8 P.E (4PE + 4PE)
	Bio disc + chemical dosing to be installed	2mg P/litre
	Daily Discharge of Phosphorus = 300mg P x 8 P.E.	2400mg P / day
Mitigation Provided	Phosphorus Mitigation	
	Mitigation = 125% x 4200mg P / day	5250mg P / day
	Mitigation is proposed by upgrading of the existing traditional septic tank to an existing 5 bedroom property at Kinsheill, Kinnesswood Farm, Kinnesswood, Kinross, KY13 9HM to a Klargester package treatment plant (to BSEN12566-3:2005)	
	Existing 5 Bedroom Domestic Dwelling	7 P.E.
	Existing discharge = 1050 litres x 10mg P/litre	10500mg P / day
	Discharge after upgrading to 5mg/l P = 750mg P x 7P.E.	5250 mg P / day
	Mitigation offered (10500 - 5250)	5250 mg P / day
	% of mitigation provided (5250 / 4200)	125%

We trust the aforementioned meets with your approval, however should you wish to discuss any aspect of the aforementioned please do not hesitate to contact us.

Yours faithfully

RP


Hugh Campbell B.Sc., C. Eng., M.I.C.E., M. I. Struct. E.
For Campbell of Doune Ltd

Our ref: PCS/155274
Your ref: 17/01250/FLL
17/01405/FLL

If telephoning ask for:
Sheena Jamieson

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

By email only to: DevelopmentManagement@pkc.gov.uk

Dear Sir/Madam

Town and Country Planning (Scotland) Acts
Planning application: 17/01250/FLL
Erection of a dwellinghouse
Land 400 Metres North East of Leepark Coldrain

Planning application: 17/01405/FLL
Erection of 2no. Holiday Accommodation Units
Land 250 Metres North East of Leepark, Coldrain

In response to our letter dated 10 August we received information from the applicant's agent by email on 28 September 2017.

We **withdraw** our previous objection to these planning applications. Please note the advice provided below.

Advice for the planning authority

1. Phosphorous mitigation

- 1.1 The agent has submitted information which clarifies that the public sewer is up gradient from the proposed mitigation property (Kinsheill, KY13 9HM). In accordance with Policy Principle 8 of WAT PS-06-08 Policy and supporting guidance on provision of wastewater drainage in settlements "SEPA will not oppose environmentally acceptable private sewerage provision for dispersed housing in small settlements with limited or no public sewerage system."
- 1.2 Since the public sewage system in this area is limited to a single foul sewer line upgradient from the proposed mitigation property and the applicants are proposing to install a suitable treatment system we will not oppose private sewerage provision in this particular case.

Continued....



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

www.sepa.org.uk • customer enquiries 03000 99 66 99

This response is made without prejudice to any consent application received and it is noted that the mitigation property is at the current time an unlicensed discharge and therefore a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) will need to be applied for with regards this property. Further details are provided for the applicant with regards this issue in section 2 of this letter.

- 1.3 Both applications noted above are subject to concurrent application and your authority has the settled view that in the context of P mitigation, this allows these two applications to be considered mitigated by the property at Kinsheill noted in paragraph 1.1 above. This is now the same situation which we advised we had no objection to in our response to the two previously withdrawn applications on 12 January 2017 (PKC references 16/01900/FLL and 16/01901/FLL). We therefore remove our previous objection set out in our response of 10 August 2017 with regards phosphorous mitigation.
- 1.4 We note that there is an error in the drawing entitled proposed location plan (ref number PL/63) which identifies a septic tank as the method of draining the cabins. This is incorrect and the drawing should reflect the P mitigation requirements for tertiary treatment at this site.
- 1.5 We have assessed the P mitigation calculations and there is sufficient phosphorus mitigation proposed. We would highlight to the applicant that we will licence to 2mg/l as a mean allowable discharge based on these phosphate mitigation calculations. Consequently, the applicant should ensure with the supplier of their treatment systems for the application site that they can achieve a mean value of 2mg/l.
- 1.6 Your authority should ensure that the list of properties used for P mitigation is updated with details of this application's mitigation property if you are minded to approve the application.
- 1.7 To accord with your authority's Memorandum of Understanding (MOU) for planning procedure for applications in the Loch Leven catchment dated 28 August 2013 the relevant conditions included in that MOU should be attached to any consent that you are minded to approve.

2. Flood Risk

- 2.1 We recommend that contact is made with your Flood Prevention colleagues with regards these applications and if you require any comments from us with regards flood risk please re-consult us.

Detailed advice for the applicant

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.

Continued....

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.

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:

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 01738 448193 or e-mail at planning.se@sepa.org.uk.

Yours faithfully

Planning Service

ECopy to: rachelmitchell134@btinternet.com

JRussell@pkc.gov.uk

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](#).

Alastair Mitchell – Architect
15 Sandeman Place
Luncarty
Perthshire
PH1 3RJ
22nd October 2017

Dear Mr Russell and Ms A Condliffe

Proposed New House at South Balado Farm, Kinross – Ref 17/01250/FLL

Following my telephone conversation on Friday 20th October 2017, we understand that is the intention to refuse the above planning application on the grounds of the labour report that was submitted to accompany the application. We understand that the preferred approach would be to apply for a temporary dwelling house to demonstrate that there is a need for a house on the site, prior to a formal application being granted. Before a final decision is made on the application can we please ask that you consider the following,

My client Mr McFadzean purchased South Balado in 2009 some 8 years ago with the sole intention of developing this into a fully operation farm. Following the purchase of the ground an application was submitted for the erection of an agricultural shed on the farm. This was granted (Ref 10/02117/PN) and was erected shortly after approval was given.

Following the erection of the agricultural building the business has been developed over a number of years and the number of livestock on the premises has increased dramatically over this time.

In November 2016 a formal planning application was lodged for the erection of a new house and also the erection of 2No. log cabins. (Ref 16/01900/FLL and 16/01901/FLL). The application was lodged at this time as the farm operation was at a stage that due to the number of livestock and machinery held at South Balado that a new dwelling house would be required to allow the livestock to be attended too correctly and also to provide security to both the livestock and existing machinery.

Issues were raised during the consultation period for these applications and they were subsequently withdrawn to allow consideration to be given to both the labour report and the sitting of the house.

In July 2017 the application for the house and the log cabins were resubmitted (Ref 17/01250/FLL and 17/01405/FLL). However prior to the refusal of the new farm house can you please give further consideration to the following?

1. Please find below the current situation with the farm business to confirm what the SAC Labour Report indicates.

Livestock numbers:-

Breeding cattle 31 to produce calves as per farming practice in early March to April.

Breeding Sheep 140 to produce lambs as per farming practice in April to May.

Finishing Sheep 165 fattened & sold this year.

Evidence of these numbers can be accessed from UK & Scottish Government Bodies – BCMS, Scot Moves & Scot EiD.

Other farming practices carried to date for the management of this livestock:-

20 acres of grassland regeneration from last year's harvest stubble with ongoing grazing management.

400 bales of hay conserved for winter feed.

50 tonnes of spring barley grown.

12 tonnes of straw conserved for winter feed & bedding.

Further Farming Business Development since this planning process for a farmhouse has been established:-

Planning for a 2nd Agricultural Building submitted by Douglas McFadzean & approved. Application No: 17/01253/FLL.

Cattle Handling and Penning facilities constructed on farm.

1200 metres of new agricultural fencing erected for control of Livestock with ongoing projects approved for completion in this current year.

All of the above work has been carried out by in house labour.

From photographic evidence taken on previous site visits by the planning officer and posted on the planning portal, one can clearly see the business development with livestock featured, along with plant and machinery, with a subsequent site visit on week commencing 7th August 2017 to record more photographs while witnessing the current farming business manpower carrying out agricultural plant maintenance while he attended.

2. It was demonstrated within the labour report that there was a requirement for 1.09 people on a full time basis. It is now sum 12 months since the report was prepared and the number of livestock on the site has increased significantly per the above information. At the time of the report it was noted that there were 10 cows and 2 bulls in the herd and that this number would be increasing. My client now has 31 cows in calf on the site, and these will be due to calf in early 2018. These are pedigree livestock and will require 24 hour attention during this time, to ensure that the livestock's welfare is maintained.
3. The report noted that there were 100 ewes this has now increased to 140 ewes in lamb, again these will lamb during spring 2018, and will require round the clock attention. The does not include the further 165 lambs that are also on the site.
4. There have already been a number of security issues on the site, as noted with the report. The farm will become more of a target due to the increased number of livestock and machinery on the site.

5. Consent for a second agricultural shed has recently been granted (Ref 17/01253/FLL). This demonstrates that my client is keen to expand his business and livestock

In summary, you will see from the above information, the agricultural business is very clearly developing and expanding in line with and in some cases exceeding the current labour report and clearly justifies the need for a farmhouse for fulltime supervision of this business.

Prior to a final decision being granted we would welcome a response to the above and also the opportunity to meet on site to show how the current business is operating and to demonstrate the need for a house.

We look forward to hearing from you.

Regards

Alastair Mitchell
Mob 07780814268

PERTH AND KINROSS COUNCIL

Mr Douglas MacFadzean
c/o AMA
Alastair Mitchell
15 Sandeman Place
Luncarty
Perthshire
Scotland
PH1 3RJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 26th October 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01250/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 17th July 2017 for permission for **Erection of a dwellinghouse Land 400 Metres North East Of Leepark Coldrain** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and 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 or dwellinghouses would be acceptable at this location.
2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of development does not respect the character and amenity of the place.
3. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

4. The proposal is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014 as the development is not located within a defined Settlement Boundary in the Plan and there is no justification for its approval under Policy RD3 of the Perth and Kinross Local Development Plan 2014.

Justification

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

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

Plan Reference

17/01250/1

17/01250/2

17/01250/3

17/01250/4

17/01250/5

17/01250/6

17/01250/7

17/01250/8

17/01250/9

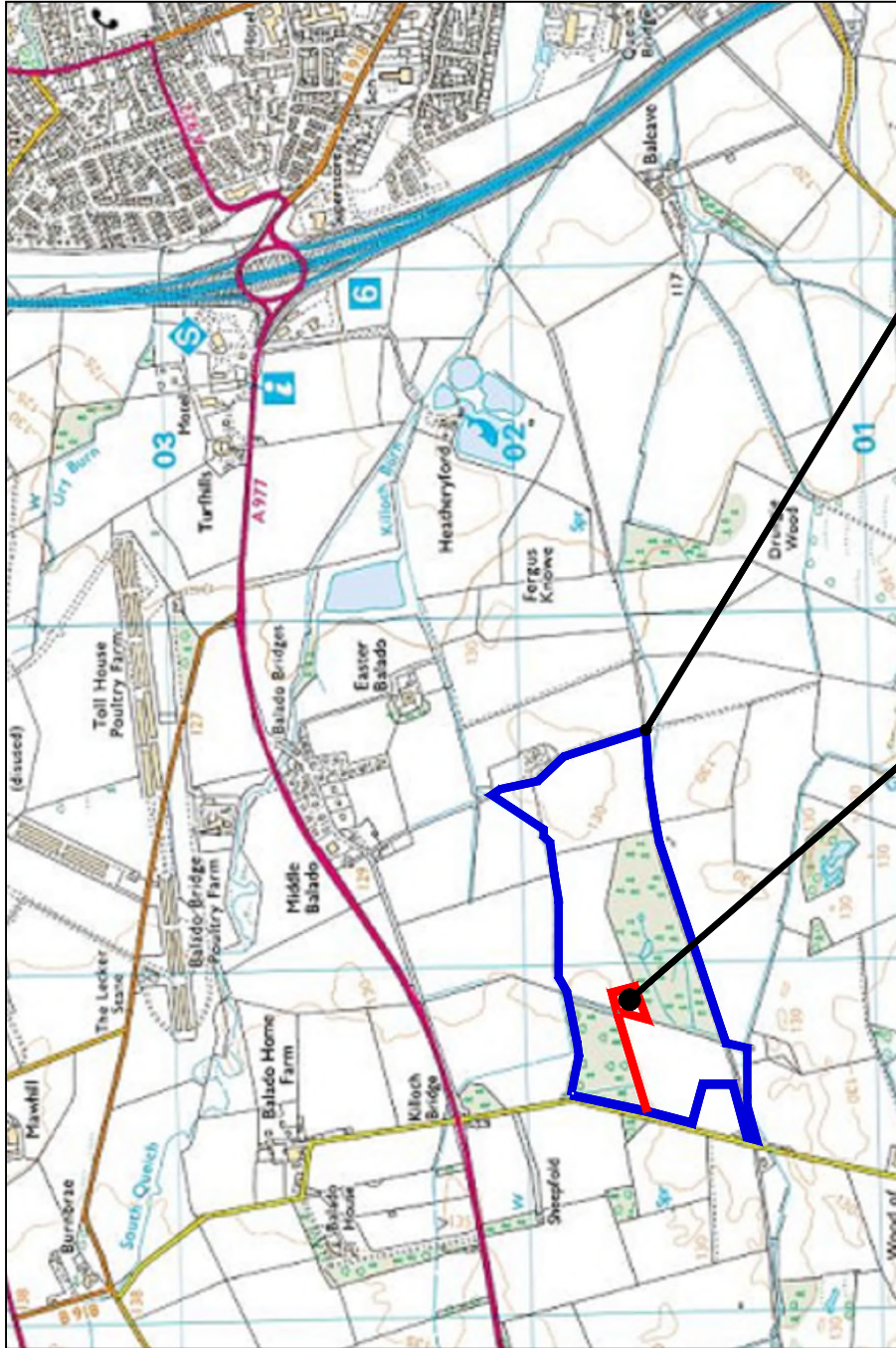
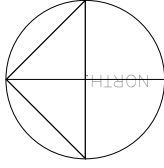
17/01250/10

17/01250/11

17/01250/12

17/01250/13

17/01250/14

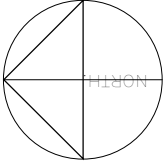


Location Plan
Not to Scale

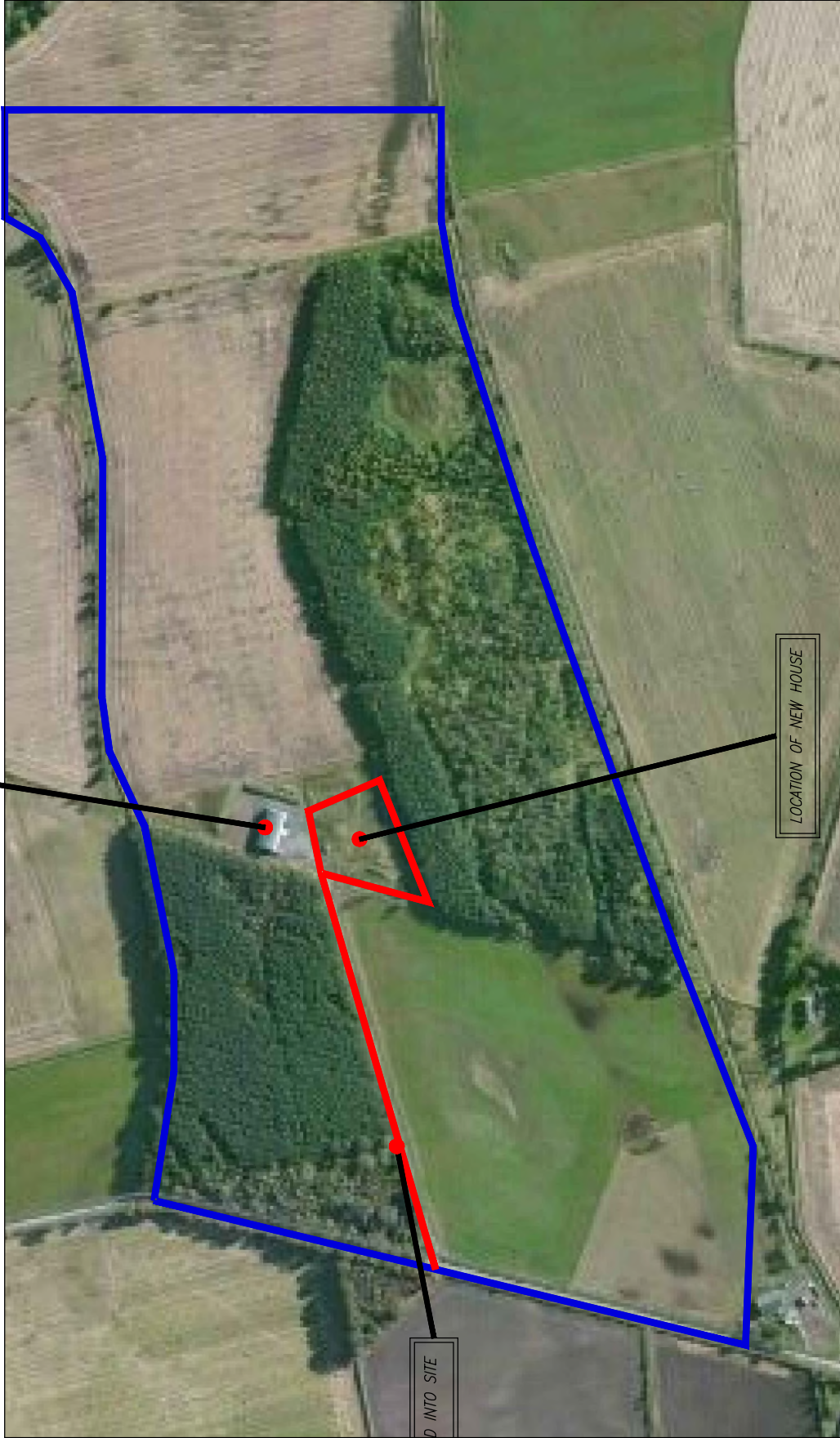
PROPOSED SITE OF NEW DWELLING HOUSE
SHOWN RED

ALL LAND IN THE OWNERSHIP OF THE APPLICANT
SHOWN IN BLUE

Proposed New House at ,
Balado, Kinross, for
Mr McFadzean
Location Plan
Drawing No. PL/50A
Scale NTS



LOCATION OF EXISTING SHED ALREADY
CONSTRUCTED ON THE SITE



LOCATION OF NEW HOUSE

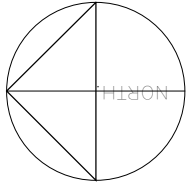
ACCESS ROAD INTO SITE

Location Map
Not to Scale

Proposed New House at ,
Balado, Kinross, for
Mr McFadzean

Location Map
Drawing No. PL/51A

Scale NTS

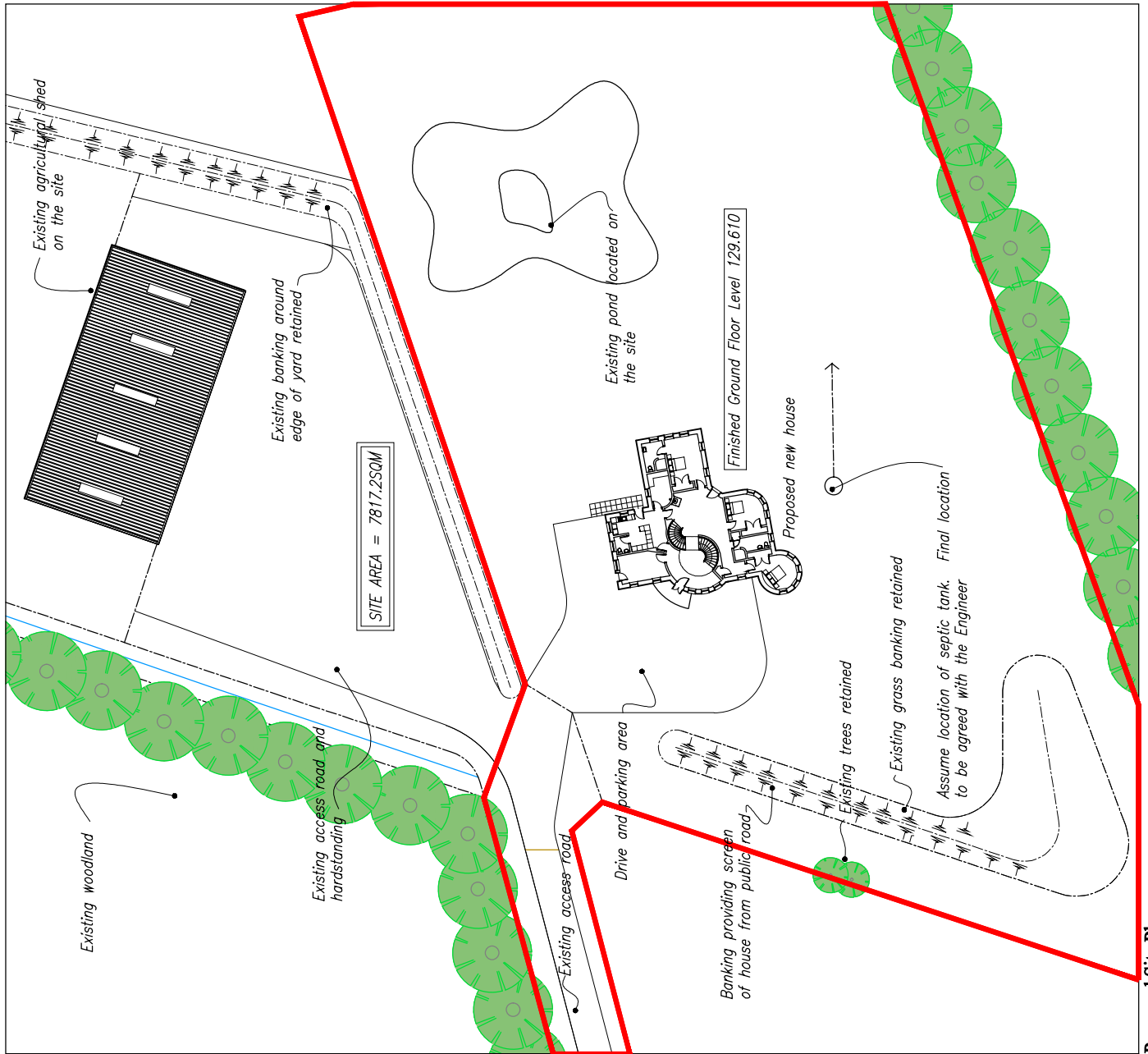


Rev B – Stop heights added

Nov 16

**Proposed New House at ,
Balado, Kinross, for
Mr McFadzean**
Site Plan
Drawing No. PL/53A

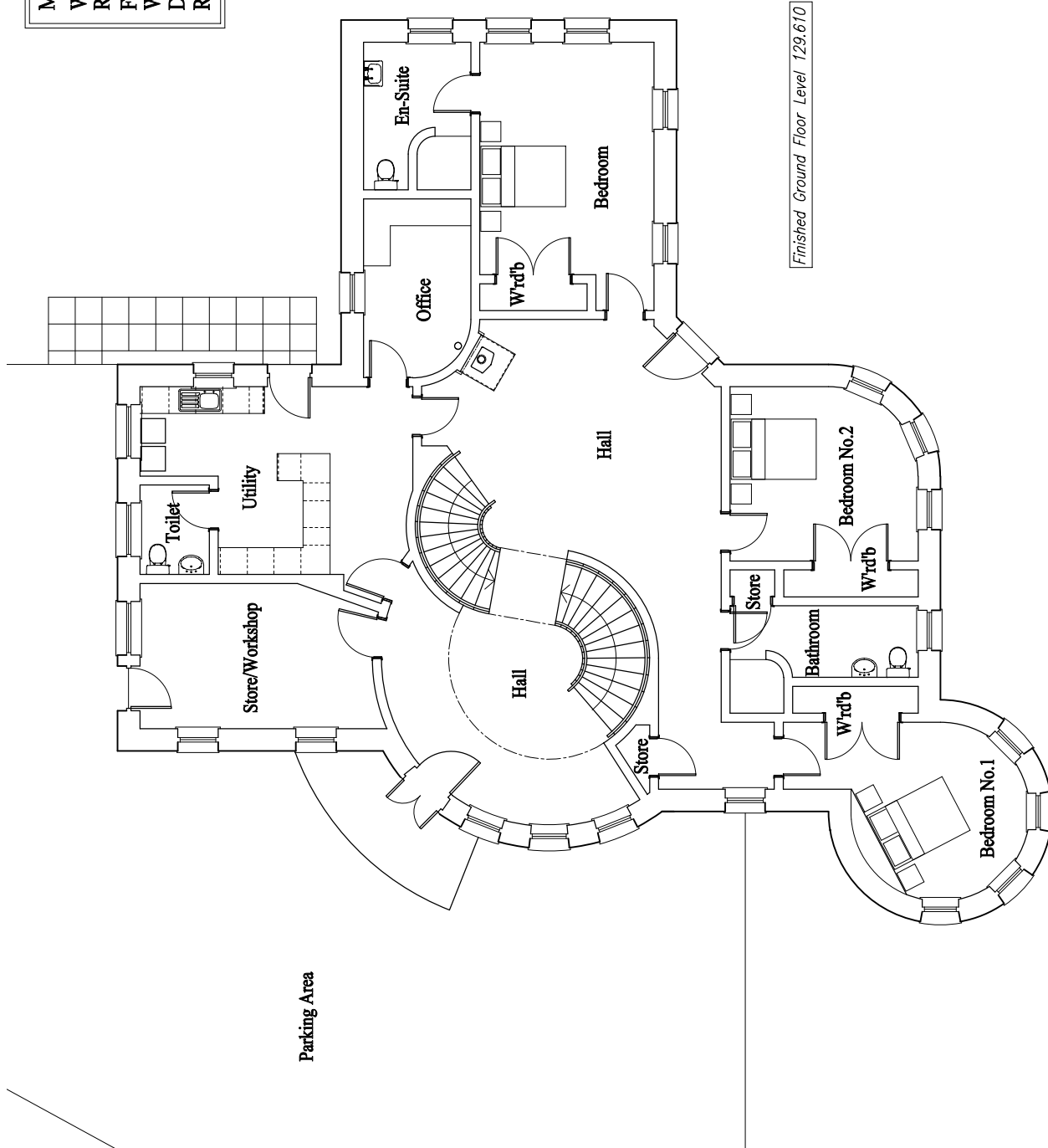
Scale 1:500



Proposed Site Plan
Scale 1:500

Material Specification

Walls:- Hempcrete walls finished off white
 Roof:- Curved zinc roof
 Flat Roof:- Metal sheet cladding
 Windows:- Timber windows finished white
 Doors:- Timber doors
 Rainwater Goods:- Aluminium gutter and downpipes

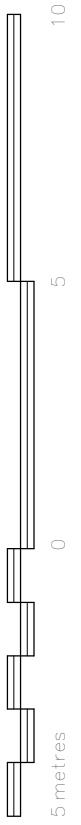


Finished Ground Floor Level 129,610

Proposed Ground Floor Plan

Scale 1:100

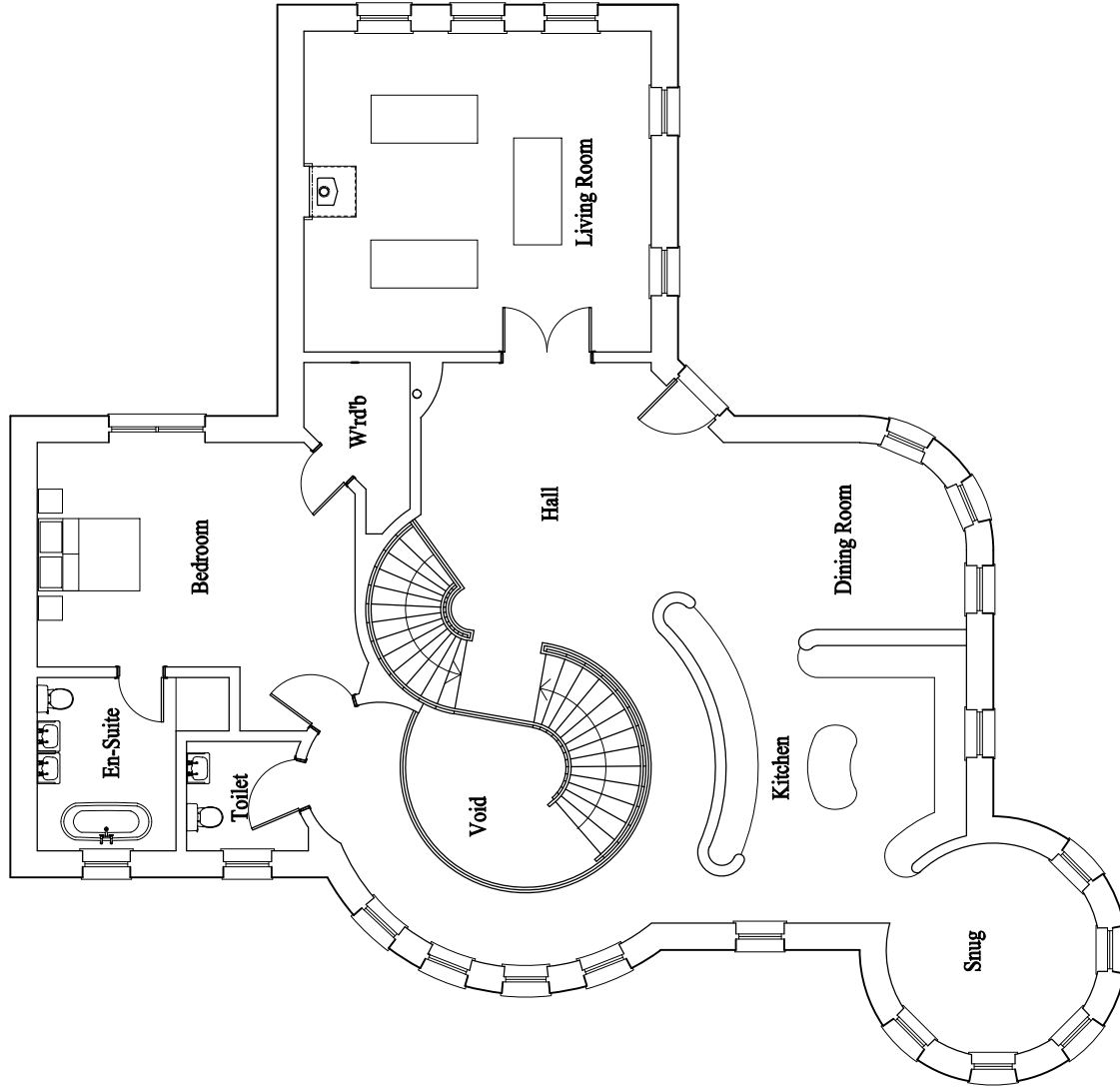
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Proposed New House at ,
 Balado, Kinross, for
 Mr McFadzean
 Proposed Ground Floor Plan
 Drawing No. PL/54A
 Scale 1:100

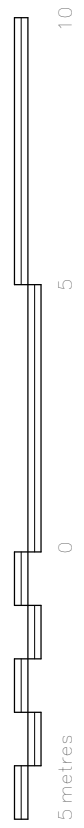
Material Specification

Walls:- Hempcrete walls finished off white
 Roof:- Curved zinc roof
 Flat Roof:- Metal sheet cladding
 Windows:- Timber windows finished white
 Doors:- Timber doors
 Rainwater Goods:- Aluminium gutter and downpipes



Proposed First Floor Plan
 Scale 1:100

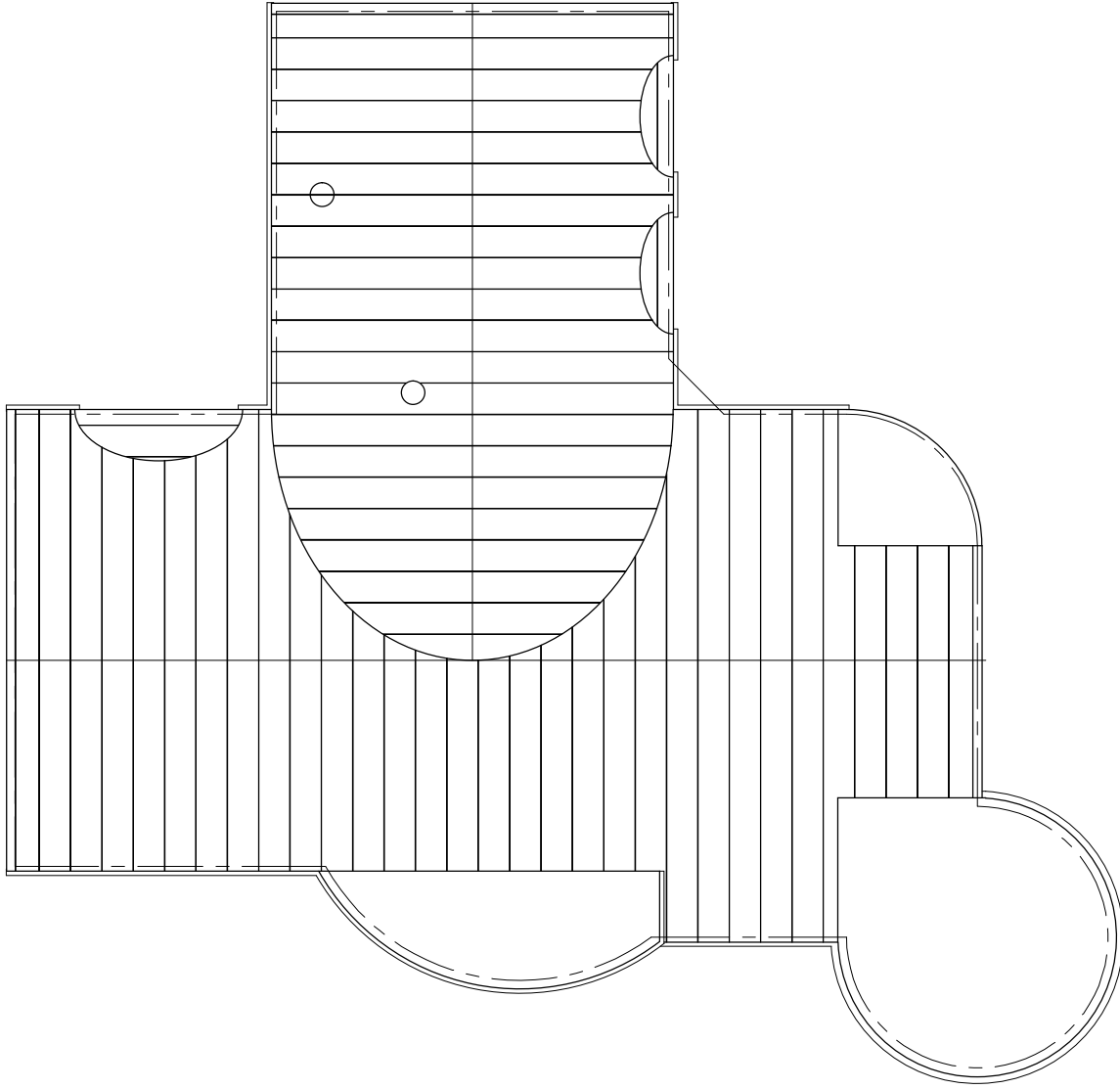
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Proposed New House at ,
 Balado, Kinross, for
 Mr McFadzean
 Proposed First Floor Plan
 Drawing No. PL/55A
 Scale 1:100

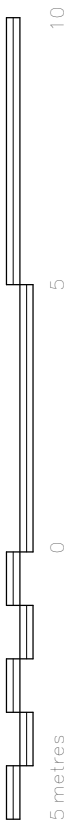
Material Specification

Walls:- Hempcrete walls finished off white
Roof:- Curved zinc roof
Flat Roof:- Metal sheet cladding
Windows:- Timber windows finished white
Doors:- Timber doors
Rainwater Goods:- Aluminium gutter and downpipes

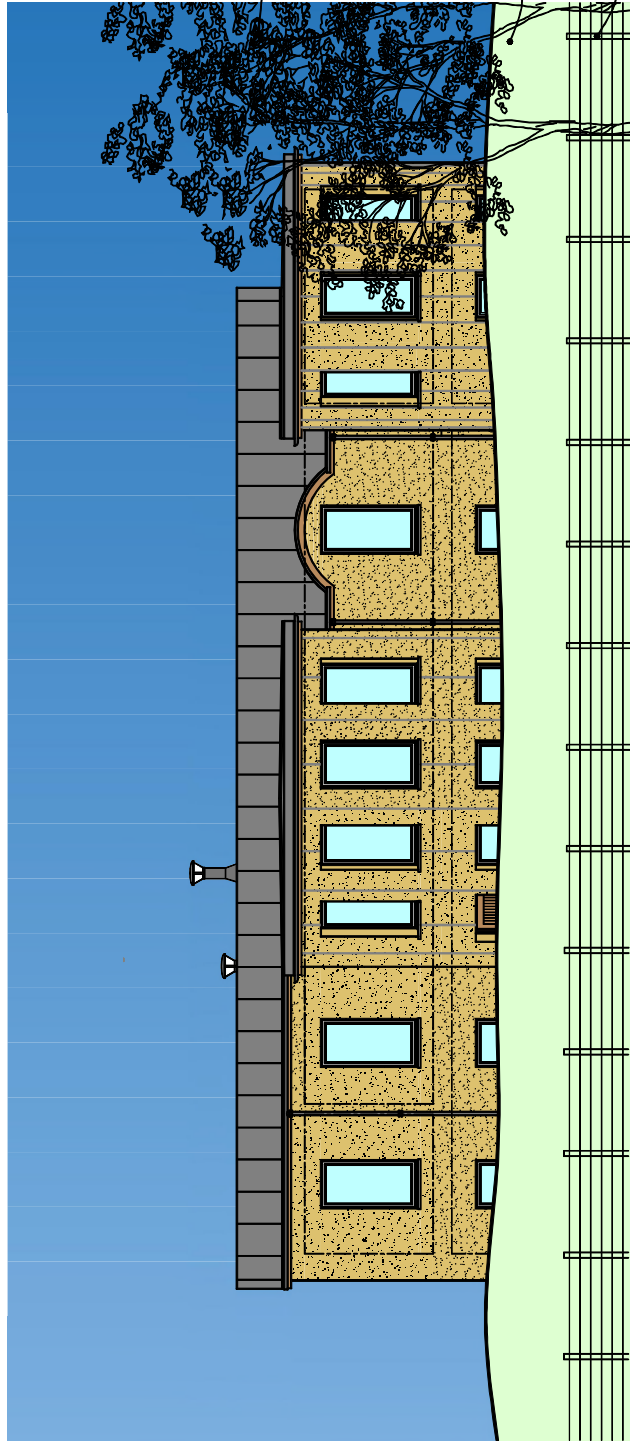


Proposed Roof Plan
Scale 1:100

Scale 1:100

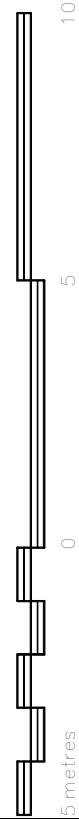


Proposed New House at ,
Balado, Kinross, for
Mr McFadzean
Proposed Roof Plan
Drawing No. PL/56A
Scale 1:100



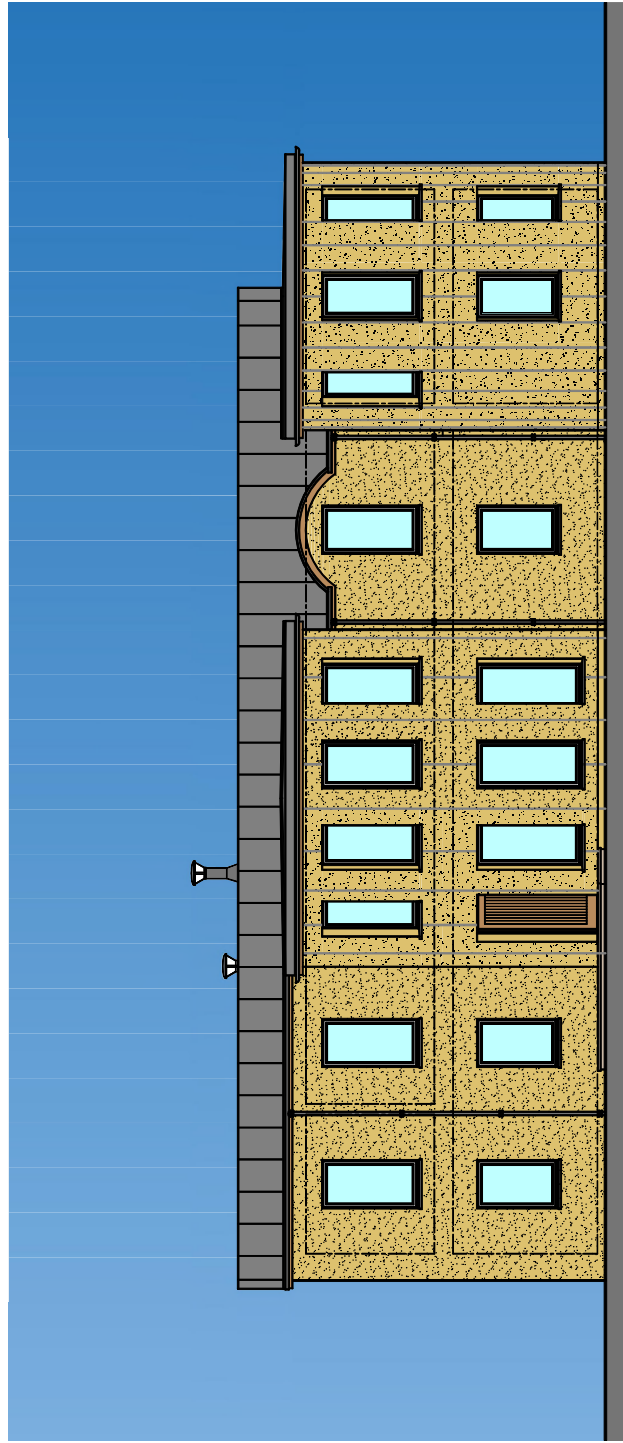
Proposed West Elevation from Field
Scale 1:100

Scale 1:100



Material Specification

Walls:- Hempcrete walls finished off white
 Roof:- Curved zinc roof
 Flat Roof:- Metal sheet cladding
 Windows:- Timber windows finished white
 Doors:- Timber doors
 Rainwater Goods:- Aluminium gutter and downpipes



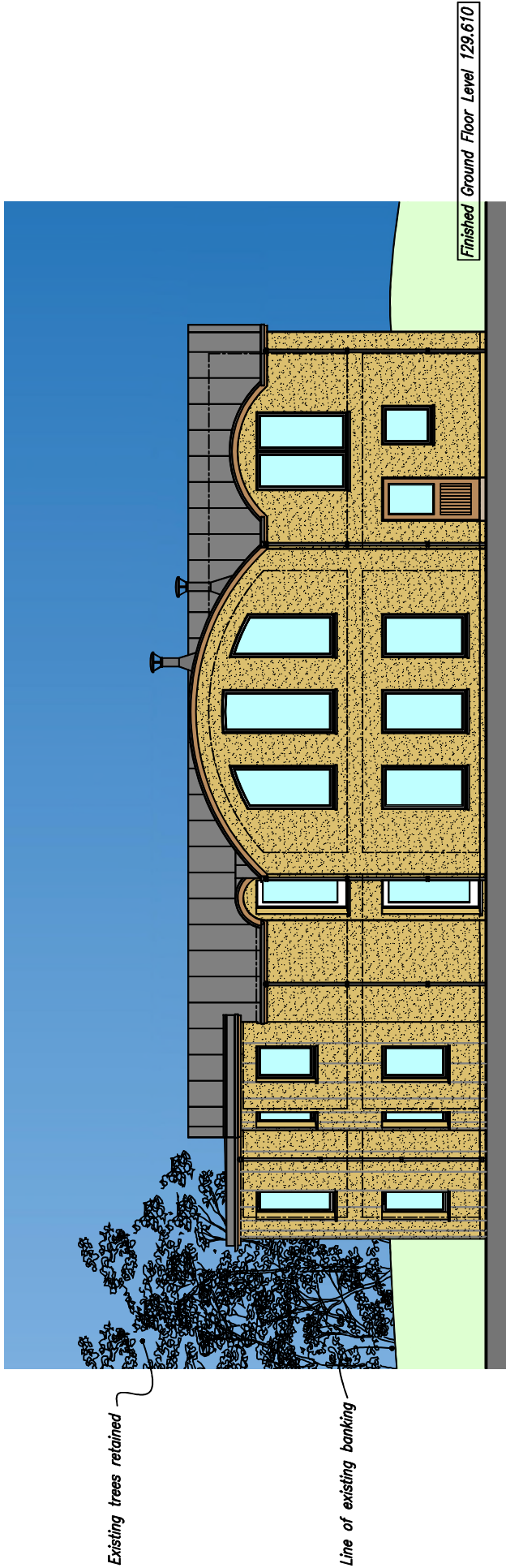
Proposed West Elevation from Field
Scale 1:100

Finished Ground Floor Level 129,610

Proposed New House at ,
 Balado, Kinross, for
 Mr McFadzean

Proposed West Elevations
 Drawing No. PL/57A

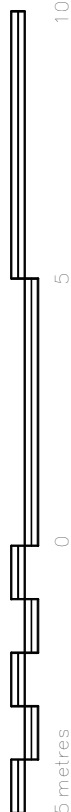
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Proposed East Elevation

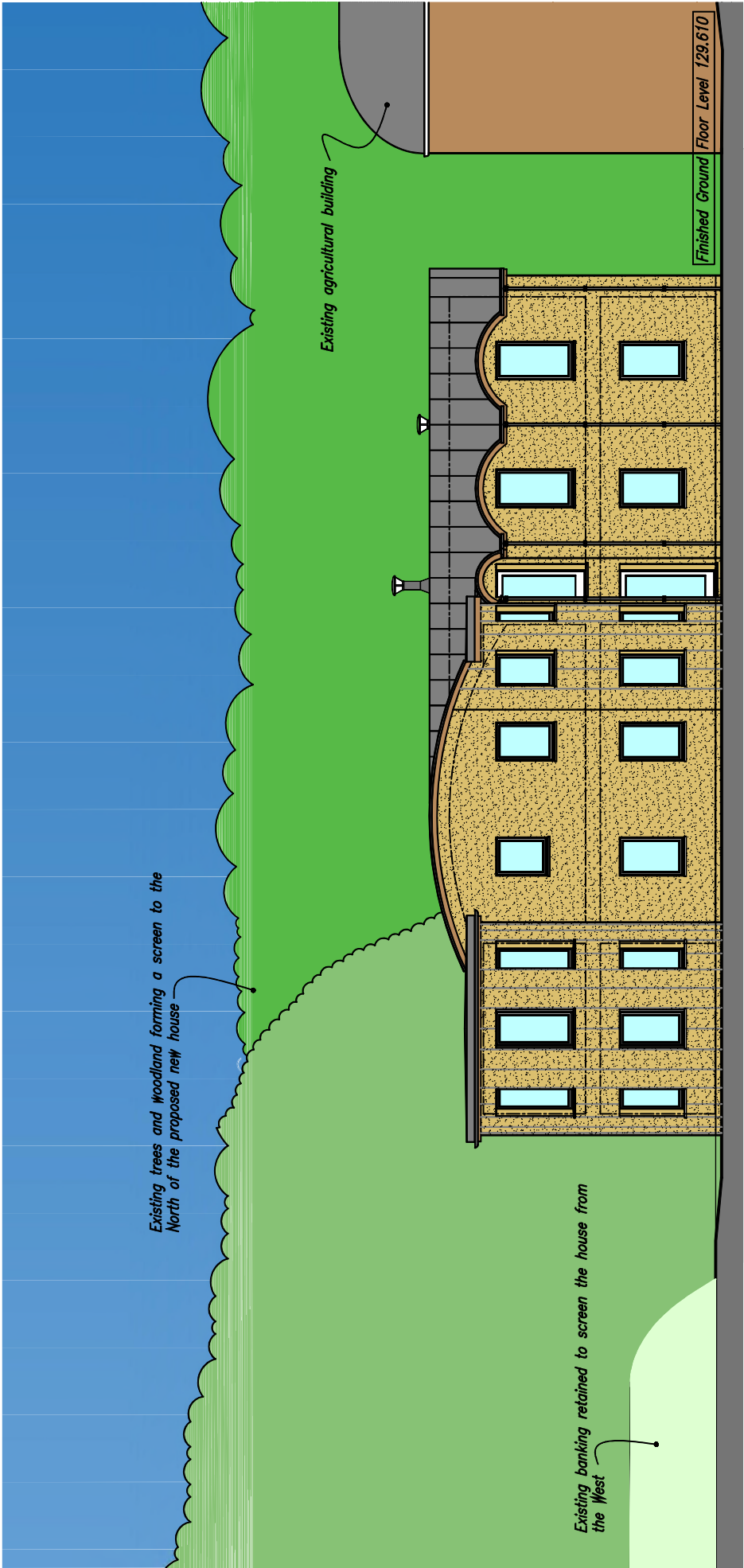
Scale 1:100

Scale 1:100



Material Specification	
Walls:-	Hemperete walls finished off white
Roof:-	Curved zinc roof
Flat Roof:-	Metal sheet cladding
Windows:-	Timber windows finished white
Doors:-	Timber doors
Rainwater Goods:- Aluminium gutter and downpipes	

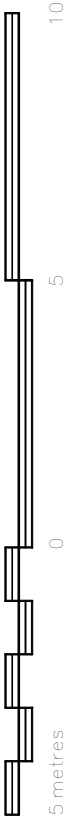
Proposed New House at , Balado, Kinross, for Mr McFadzean	
Proposed East Elevations Drawing No. PL/58A	Scale 1:100



Proposed South Elevation

Scale 1:100

Scale 1:100



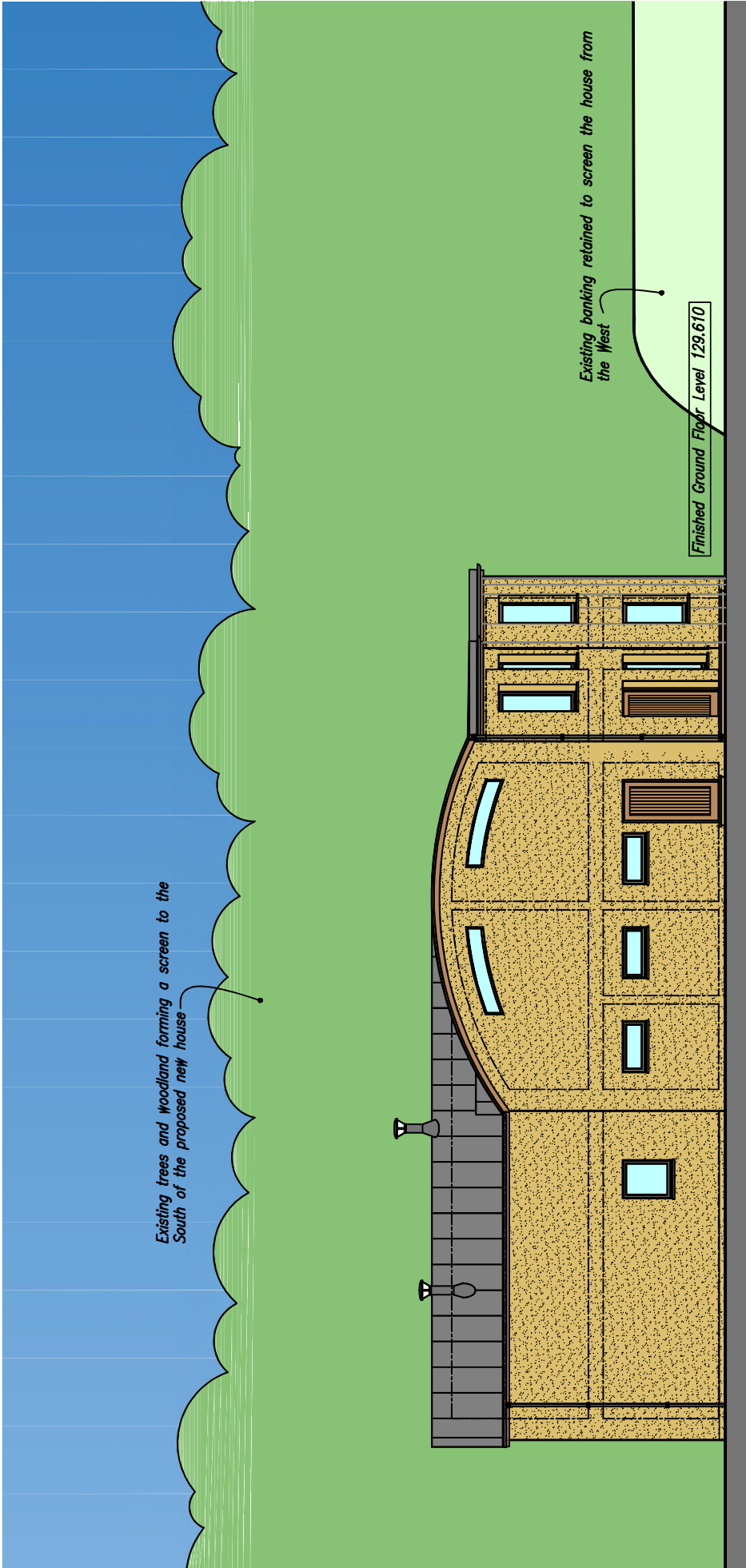
Material Specification

- Walls:- Hempcrete walls finished off white
- Roof:- Curved zinc roof
- Flat Roof:- Metal sheet cladding
- Windows:- Timber windows finished white
- Doors:- Timber doors
- Rainwater Goods:- Aluminium gutter and downpipes

Proposed New House at ,
Balado, Kinross, for
Mr MacFadzean

Proposed South Elevations
Drawing No. PL/59A

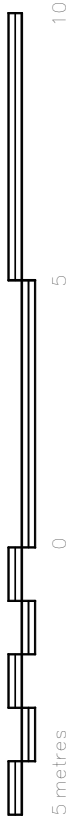
Scale 1:100



Proposed North Elevation

Scale 1:100

Scale 1:100



Material Specification

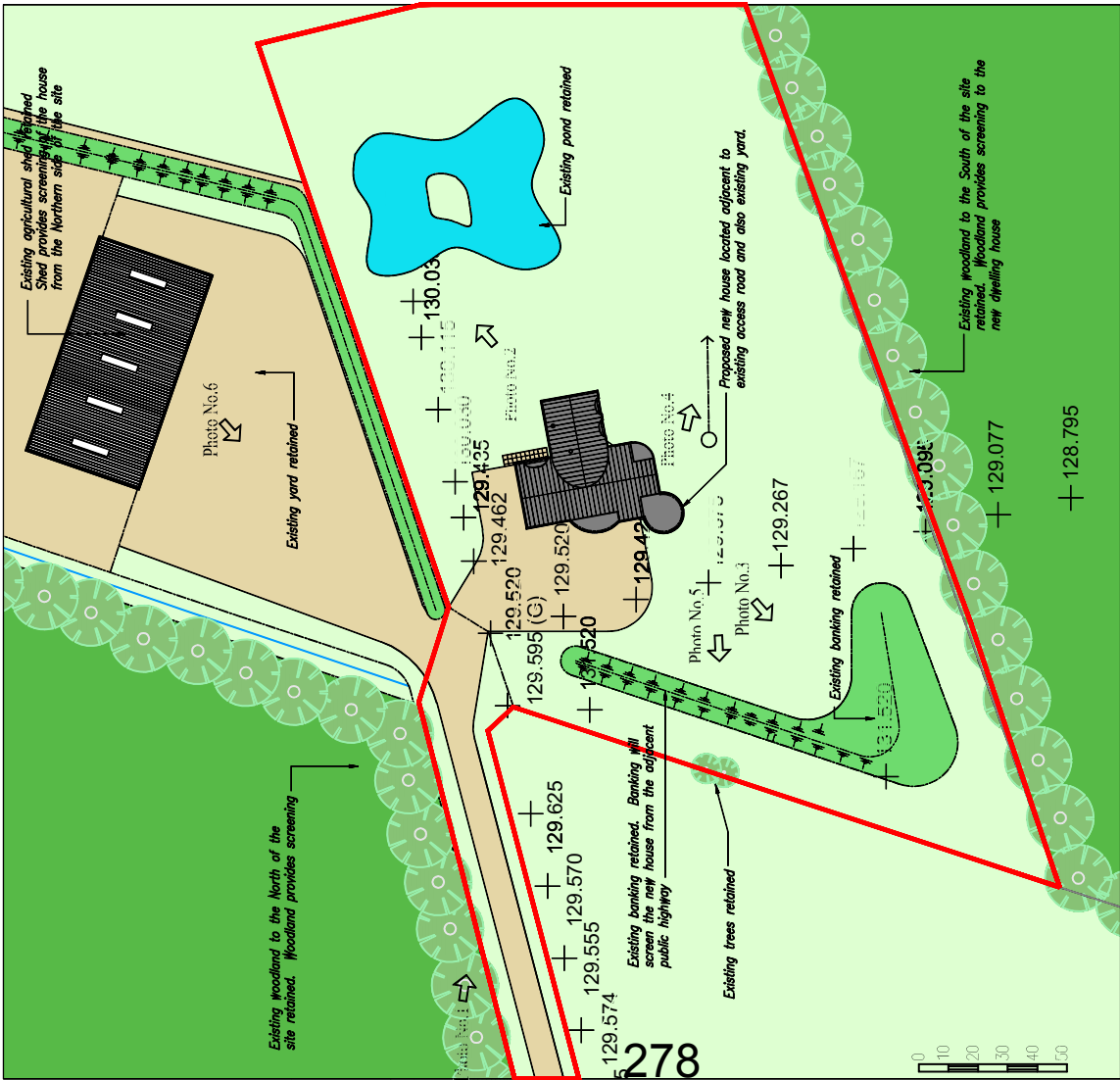
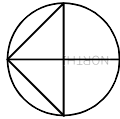
- Walls:- Hempercrete walls finished off white
- Roof:- Curved zinc roof
- Flat Roof:- Metal sheet cladding
- Windows:- Timber windows finished white
- Doors:- Timber doors
- Rainwater Goods:- Aluminium gutter and downpipes

Proposed New House at ,
Balado, Kinross, for
Mr MacFadzean

Proposed North Elevations
Drawing No. PL/60A

Scale 1:100

Proposed New House at,
Balado, Kinross, for
Mr MacFadzean
Landscaping Plan
Drawing No. PL/61A
Scale 1:500



Proposed Site Plan
Scale 1:500

Woodland will screen house from the North
Existing access track
Location of proposed house
Woodland will screen house from the South
Existing banking retained to screen new house



Photo 1 - View from Public Highway



Photo 2 - View from site towards the North East

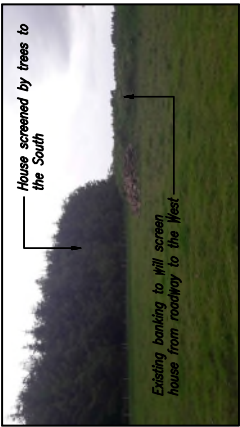


Photo 3 - View from site towards the South East

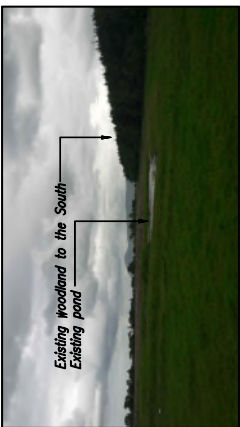


Photo 4 - View from site towards the East

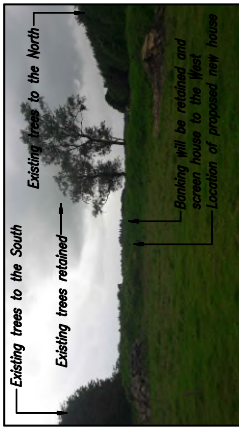


Photo 5 - View from site towards the West

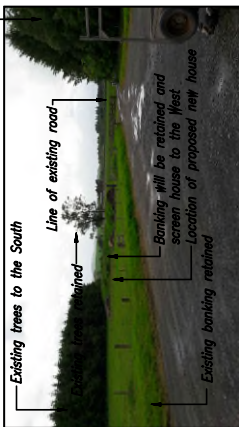
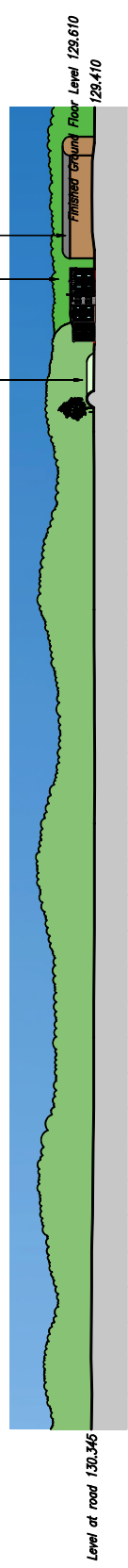


Photo 6 - View from yard towards South West

Existing woodland provides screening to the North
Existing banking provides screening



Proposed Cross Section through Site
Scale 1:1000

TCP/11/16(508) – 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 265-266)*

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 237, 255-256 and 267-278)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/01250/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	16.09.2017	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 400 Metres North East Of Leepark Coldrain

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: 9 August 2017

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is for the erection of an essential workers dwellinghouse on land to the West of Kinross and to the South of Balado.

It follows the withdrawal of an earlier application for an essential workers dwellinghouse on the site 16/01900/FLL where concerns were raised in an e-mail dated 25 January 2017 regarding the principle of the development:-

- the SAC report farming activity equates to 0.8 of a standard labour unit,
- no livestock on the site,
- not able to take account of the relocation of a construction business to the site,
- not in position to take account of the proposed holiday lets that are not established and would unlikely be supported,
- the house location and;
- the house design.

At the tail end of the e-mail it was noted that: - *At this stage a permanent dwelling house on the site cannot be supported. If an updated SAC report shows how your client intends to expand the farming activity on the site in future years to meet the 1 full labour unit then there could be a case for temporary accommodation on the site to allow the introduction of livestock and test the increase in farm activity.*

In support of this application for a permanent essential workers dwelling house updated drawings have been provided along with SAC report dated January 2017. The application was received in July 2017.

SITE HISTORY

16/01900/FLL Erection of a dwellinghouse 27 January 2017 Application Withdrawn

16/01901/FLL Erection of 2no. holiday accommodation units, 19 January 2017, Application Withdrawn.

17/01135/PN Erection of an agricultural building, 13 July 2017, Application Withdrawn.

17/01253/FLL Erection of an agricultural building, 16 August 2016, Application Approved.

17/01135/PN Erection of an agricultural building 13 July 2017 Application Withdrawn

17/01405/FLL Erection of 2no. holiday accommodation units 16 October 2017 Application Withdrawn

PRE-APPLICATION CONSULTATION

Pre-application Reference: 16/01900/FLL

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy PM4 - Settlement Boundaries

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

Policy RD3 - Housing in the Countryside

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

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

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

Policy NE1A - International Nature Conservation Sites

Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

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.

OTHER POLICIES

Tayside Landscape Character Assessment

Kinross Landscape Character Assessment

Loch Leven SPG

Development Contributions

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

Housing in the Countryside Guide

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

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

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

CONSULTATION RESPONSES

Scottish Environment Protection Agency – Withdraw previous objection. To accord with your authority's Memorandum of Understanding (MOU) for

planning procedure for applications in the Loch Leven catchment dated 28 August 2013 the relevant conditions included in that MOU should be attached to any consent that you are minded to approve.

Transport Planning – No objection.

Contributions Officer – This proposal is within the catchment of Kinross Primary School where there is a capacity constraint, an education contribution is required.

Environmental Health – No response within consultation period.

Scottish Water – No objection.

Local Flood Prevention Authority – No objection.

Mr James Alexander – No response within consultation period.

REPRESENTATIONS

None received.

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

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

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

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

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

The agent considers there is an essential need for the dwelling, category (c) New houses in the open countryside. I therefore turn to supplementary guidance, 'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3.

Essential Workers Dwelling Assessment:-

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

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

Economic Need:-

It should be noted that the October 2016 SAC report prepared for the earlier withdrawn application resulted in a labour unit of 0.8 and the January 2017 report for this new application has a labour unit of 1.09. There has been an increase in 586 hours between the two reports and it is worthwhile taking account of the labour profile in the reports that are reproduced below: =

SAC report October 2016 Labour Profile:-

D S McFadzean

LABOUR PROFILE CALCULATION

CROPS	AREA (Acres)	HOURS (/Ac/Yr)	HOURS (/Ha/Yr)	TOTAL (Hours)	
SPRING BARLEY (Straw Baled)	20	8.1	20	161.9	
ROTATIONAL GRASS - GRAZED	20	3.2	8	64.8	
ROTATIONAL GRASS - SILAGE (1ST Cut)	20	4.9	12	97.1	
ROTATIONAL GRASS - SILAGE (2ND Cut)	20	4.9	12	97.1	
OTHER LAND	40	0.6	1.5	24.3	
TOTAL AREA (Acres)	120	CROP HOURS		445.2	
STOCK	HEAD (No.)	HOURS (/Hd/Yr)	TOTAL (Hours)		
SUCKLER COWS (Spring Calvers)	35	12.0	420.0		
SUCKLING CALF (Spring Calvers)	35	4.0	140.0		
BREEDING HEIFERS (Spring Calvers)	5	12.0	60.0		
BREEDING BULLS	1	12.0	12.0		
REPLACEMENT HOGGS	200	2.0	400.0		
TOTAL STOCK (Head)	276	STOCK HOURS		1,032.0	
			TOTAL HOURS		1,477.2

SAC report January 2017 Labour Profile:-

LABOUR PROFILE CALCULATION

CROPS	AREA (Acres)	HOURS (/Ac/Yr)	HOURS (/Ha/Yr)	TOTAL (Hours)
ROTATIONAL GRASS - GRAZED	40	3.2	8	128.0
ROTATIONAL GRASS - SILAGE (1ST Cut)	20	4.9	12	98.0
ROTATIONAL GRASS - SILAGE (2ND Cut)	20	4.9	12	98.0
OTHER LAND - FORESTRY MANAGEMENT	40	1.0	2.5	40.0
TOTAL AREA (Acres)	120	CROP HOURS		364.0
STOCK	HEAD (No.)	HOURS (/Hd/Yr)	TOTAL (Hours)	
SUCKLER COWS (Spring Calvers)	50	12.0	600.0	
SUCKLING CALF (Spring Calvers)	50	4.0	200.0	
BREEDING HEIFERS 1 YR OLD +	8	12.0	96.0	
BREEDING BULLS	2	12.0	24.0	
PRODUCTION BULLS 1YR OLD +	8	15.0	120.0	
FINISHING STEERS & HEIFERS 1YR OLD +	35	4.0	140.0	
BREEDING EWES	100	5.2	520.0	
TOTAL STOCK (Head)	253	STOCK HOURS		1,700.0
		TOTAL HOURS		2,064.0

While the man hours have been increased in the 2017 SAC report to meet the 1 labour unit that is usually required to allow an essential workers house section 3.3 Economic Activity of the SPG also confirms that where the house

is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business.

I note from the commentary in the report that the figures detailed in the labour profile are effectively a forecast as noted in the summary and conclusion section on page 9. Reproduced for ease of reference:-

Currently there are 10 females and 2 male cattle in the herd with the intention to increase this to 50 breeding cows and 2 breeding bulls within the next 2 years providing a sustainable agricultural business for the future.

Also there are approximately 100 breeding ewes which produce lambs for market being born annually in May and managed to utilise the autumn and winter grass filling a gap in the market, when the Beef Shorthorn Herd are in winter housing.

Accordingly to permit the permanent erection of a dwelling house would conflict with the economic category in the Housing in the Countryside SPG, thus fails to comply with category (c) of Policy RD3.

The agent has provided a further supporting letter detailing the farming operation and the work being undertaken at the site on the 22 October 2017, following advice that the application could not be supported. I have reviewed the information and taken cognisance of the changes. Overall, my view remains the same. There is not a sufficient case to support a permanent dwelling at this stage. While I recognise there is a willingness to increase the extent of the farming activity at the Balado site there could be a case for temporary accommodation on the site to allow the introduction of further livestock and test the increase in farm activity.

Accordingly, my advice detailed in the e-mail of January 2017 still stands.

Design and Layout

The site is also required to be assessed against the 'Placemaking' policies of the adopted local plan.

Policy PM1A confirms that development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. I note that the design of the dwelling tries to relate to the agricultural building to the north. However I remain of the view that the additions (roundels and breaking through the eaves lines) make the building particularly complex and results in a conflict with Policy PM1A. Simplifying the design with the removal of the roundels etc would likely address this conflict.

From my review of Policy PM1B, the proposal also fails to create a sense of identity and erodes the character of the countryside (a). The development is located in a position where the height and mass of the building cannot be

accommodated and as a result will dilute the landscape character of the area contrary to criterion (b). Reducing the height of the building from two storeys to one would likely address this conflict.

Landscape

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

As noted in my assessment above I am not convinced that the design of the dwellinghouse is appropriate and as a consequence it will have an adverse impact on Landscape Character. However if the design scale and mass was reduced I accept that siting an essential workers dwelling in this location would likely be the best location on the holding as it would allow supervision of livestock and buildings.

Residential Amenity

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

I do not consider there would be any residential amenity issues associated with the essential workers dwelling.

Roads and Access

The proposal if made subject to conditional control would not adversely impact on road or pedestrian safety. Given the locational requirement for an essential workers dwelling the proposal would not conflict with Policy TA1B.

Drainage and Flooding

Loch Leven

Policies EP7 A, EP7B and EP7C of the adopted local plan read together with the aim to seek control and, where possible, reduce phosphorus levels discharged within the Loch Leven Catchment Area a SPA, SSSI and Ramsar site. I therefore consider these matters together.

Policy EP7A specifies that built development should not exceed the current level permitted by the discharge consents for the Kinross or Milnathort waste water treatment works together with the current contribution from built development within the rural catchment area.

Policy EP7B requires that all developments connect to the Kinross or Milnathort waste water treatment works, exceptions are where (a) drainage

can be diverted out of the catchment or (b) mitigation measures are implemented in accordance with the Council's published Supplementary Guidance.

While Policy EP7C requires the implementation of mitigation measures capable of removing 125% of phosphorus likely to be generated by the development where proposed developments breach EP7A and EP7B.

The applicant has submitted drainage calculations in support of the application and in line with the Loch Leven SPA and Ramsar Site Supplementary Guidance. This proposal along with the application for two holiday units (now refused) would upgrade a septic tank at Kinsheill, KY13 9HM. SEPA have been consulted and have reviewed the associated phosphorus mitigation calculations and confirm they have no objection subject to phosphorus mitigation being secured via conditional control. They do however note that there is an error in the drawing entitled proposed location plan (ref number PL/63) which identifies a septic tank as the method of draining the cabins when the drawing should reflect the P mitigation requirements for tertiary treatment at this site.

Conditional control can be applied to secure appropriate foul drainage and mitigation arrangements to ensure compliance with the Loch Leven Catchment policies.

Developer Contributions

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

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations 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 not been made within the statutory determination period due to protracted discussions with SEPA regarding the acceptability of the Phosphorus Mitigation at the site.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and 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 or dwellinghouses would be acceptable at this location.
2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of development does not respect the character and amenity of the place.
3. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
4. The proposal is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014 as the development is not located within a defined Settlement Boundary in the Plan and there is no justification for its approval under Policy RD3 of the Perth and Kinross Local Development Plan 2014.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/01250/1

17/01250/2

17/01250/3

17/01250/4

17/01250/5

17/01250/6

17/01250/7

17/01250/8

17/01250/9

17/01250/10

17/01250/11

17/01250/12

17/01250/13

17/01250/14

Date of Report 25.10.2017

TCP/11/16(508) – 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01250/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 400 Metres North East Of Leepark, Coldrain		
Comments on the proposal	<p>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.</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>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Kinross Primary School.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £6,460 (1 x £6,460)</p> <p><u>Total: £6,460</u></p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p>		

	<p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>
<p>Recommended informative(s) for applicant</p>	<p>Payment</p> <p>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.</p> <p>Methods of Payment</p> <p>On no account should cash be remitted.</p> <p>Scheduled within a legal agreement</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>NB: 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>Other methods of payment</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>Remittance by Cheque</p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House 35 Kinnoull Street Perth PH15GD</p> <p>Bank Transfers</p> <p>All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p>

	<p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Direct Debit 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"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. <p>Indexation</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>Accounting Procedures</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>
Date comments returned	31 July 2017

3rd August 2017

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



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

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

Dear Sir/Madam

SITE: KY13 Coldrain Leepark Land 400 Metres North East
PLANNING REF: 17/01250/FLL
OUR REF: 748349
PROPOSAL: Erection of a dwellinghouse

Please quote our reference in all future correspondence

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

Water

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

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**
<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

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

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

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

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

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

Yours sincerely

Lisa Lennox

Development Operations Analyst

Lisa.lennox2@scottishwater.co.uk

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01250/FLL	Comments provided by	Niall Moran
Service/Section	Transport Planning	Contact Details	██████
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 400 Metres North East Of Leepark Coldrain		
Comments on the proposal	Insofar as the Roads matters are concerned I do not object to the proposed development.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	8 August 2017		

Our ref: PCS/154149
Your ref: 17/01250/FLL

If telephoning ask for:
Sheena Jamieson

10 August 2017

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

By email only to: DevelopmentManagement@pkc.gov.uk

Dear Sirs

Town and Country Planning (Scotland) Acts
Planning application: 17/01250/FLL
Erection of a dwellinghouse
Land 400 Metres North East of Leepark Coldrain

Thank you for your consultation email which SEPA received on 20 July 2017.

Advice for the planning authority

We **object** to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

1. Phosphorous Mitigation

- 1.1 The phosphorous mitigation calculations submitted with regards this application do not match the number of properties applied for, and from your email exchanges with the applicant it is understood that the applicant has been requested to provide clarity as to how they intend to proceed with the proposed development.
- 1.2 In January this year we removed our objection to a previous (16/01900/FLL) and adjacent concurrent application for two cabins (16/01901/FLL) in the context that you advised us that the council was of the opinion that as these applications could have been submitted as one the mitigation property could be used for the two separate applications. We understand that these two previous applications have been withdrawn. However given that the applicant has only re-submitted the application for the house we must advise that if the previous situation of concurrent applications is not replicated then our previous comments would not be relevant.
- 1.3 Currently, as the house application has been submitted independently then we must advise that in accordance with [Loch Leven Special Protection Area and Ramsar site](#) supplementary guidance (SG) any excess mitigation above 125% from one development

cannot be rolled over to another development and instead goes towards the benefit of the Loch.

- 1.4 In addition, we must apologise as it has come to our attention that the proposed mitigation property, Kinshiell, Kinnesswood Farm, is situated in the publically sewered area. Without prejudice to any consent application we receive, it should be noted that we would therefore be unlikely to grant a licence for a secondary treatment plant discharging to the Loch under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) when there is the option to connect to the public sewer and direct discharge out of the catchment, away from the loch.
- 1.5 Our policy on provision of waste water drainage is set out in [Position Statement \(06-08\) Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements](#) and states in Section 1 Part (ii) that we will expect new developments to connect to the public sewerage system where there is capacity for new connections.
- 1.6 Contact should therefore be made, by the applicant, with Scottish Water with regards a sewer connection for the mitigation property. The applicant should be aware that if the phosphorous mitigation was provided by the connection of the mitigation property to the sewer then the full volume of primary treated effluent would be removed from the catchment. Therefore the property could provide mitigation for a larger number of new properties, the exact number would have to be determined by drainage calculations, should the applicant decide to increase the number of dwellings proposed.
- 1.7 We therefore **object** until clarification is provided with regards proposed phosphorous mitigation for the development.

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 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 regulatory 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 01738 448193 or e-mail at planning.se@sepa.org.uk.

Yours faithfully

Sheena Jamieson
Senior Planning Officer
Planning Service

ECopy to: Alastair Mitchell, AMA, rachelmitchel134@btinternet.com



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

www.sepa.org.uk • customer enquiries 03000 99 66 99

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

309

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

www.sepa.org.uk • customer enquiries 03000 99 66 99

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01250/FLL	Comments provided by	D.Lynn
Service/Section	TES - Flooding	Contact Details	
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 400 Metres North East Of Leepark Coldrain		
Comments on the proposal	No Objection		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	PKC Flooding and Flood Risk Guidance Document (June 2014)		
Date comments returned	11/08/2017		

Our ref: PCS/155274
Your ref: 17/01250/FLL
17/01405/FLL

If telephoning ask for:
Sheena Jamieson

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

By email only to: DevelopmentManagement@pkc.gov.uk

Dear Sir/Madam

Town and Country Planning (Scotland) Acts
Planning application: 17/01250/FLL
Erection of a dwellinghouse
Land 400 Metres North East of Leepark Coldrain

Planning application: 17/01405/FLL
Erection of 2no. Holiday Accommodation Units
Land 250 Metres North East of Leepark, Coldrain

In response to our letter dated 10 August we received information from the applicant's agent by email on 28 September 2017.

We **withdraw** our previous objection to these planning applications. Please note the advice provided below.

Advice for the planning authority

1. Phosphorous mitigation

- 1.1 The agent has submitted information which clarifies that the public sewer is up gradient from the proposed mitigation property (Kinsheill, KY13 9HM). In accordance with Policy Principle 8 of WAT PS-06-08 Policy and supporting guidance on provision of wastewater drainage in settlements "SEPA will not oppose environmentally acceptable private sewerage provision for dispersed housing in small settlements with limited or no public sewerage system."
- 1.2 Since the public sewage system in this area is limited to a single foul sewer line upgradient from the proposed mitigation property and the applicants are proposing to install a suitable treatment system we will not oppose private sewerage provision in this particular case.

Continued....



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

www.sepa.org.uk • customer enquiries 03000 99 66 99

This response is made without prejudice to any consent application received and it is noted that the mitigation property is at the current time an unlicensed discharge and therefore a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) will need to be applied for with regards this property. Further details are provided for the applicant with regards this issue in section 2 of this letter.

- 1.3 Both applications noted above are subject to concurrent application and your authority has the settled view that in the context of P mitigation, this allows these two applications to be considered mitigated by the property at Kinsheill noted in paragraph 1.1 above. This is now the same situation which we advised we had no objection to in our response to the two previously withdrawn applications on 12 January 2017 (PKC references 16/01900/FLL and 16/01901/FLL). We therefore remove our previous objection set out in our response of 10 August 2017 with regards phosphorous mitigation.
- 1.4 We note that there is an error in the drawing entitled proposed location plan (ref number PL/63) which identifies a septic tank as the method of draining the cabins. This is incorrect and the drawing should reflect the P mitigation requirements for tertiary treatment at this site.
- 1.5 We have assessed the P mitigation calculations and there is sufficient phosphorus mitigation proposed. We would highlight to the applicant that we will licence to 2mg/l as a mean allowable discharge based on these phosphate mitigation calculations. Consequently, the applicant should ensure with the supplier of their treatment systems for the application site that they can achieve a mean value of 2mg/l.
- 1.6 Your authority should ensure that the list of properties used for P mitigation is updated with details of this application's mitigation property if you are minded to approve the application.
- 1.7 To accord with your authority's Memorandum of Understanding (MOU) for planning procedure for applications in the Loch Leven catchment dated 28 August 2013 the relevant conditions included in that MOU should be attached to any consent that you are minded to approve.

2. Flood Risk

- 2.1 We recommend that contact is made with your Flood Prevention colleagues with regards these applications and if you require any comments from us with regards flood risk please re-consult us.

Detailed advice for the applicant

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.

Continued....

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.

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:

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 01738 448193 or e-mail at planning.se@sepa.org.uk.

Yours faithfully

Planning Service

ECopy to: rachelmitchell134@btinternet.com

JRussell@pkc.gov.uk

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](#).

