

TCP/11/16(368)
Planning Application 15/00188/IPL – Residential
development (in principle), former steading at Newhill
Farm, Glenfarg

INDEX

- (a) Papers submitted by the Applicant (***Pages 317-328***)
- (b) Decision Notice (***Pages 331-332***)
 - Report of Handling (***Pages 333-342***)
 - Reference Documents (***Pages 343-350***)
- (c) Representations (***Pages 351-364***)

TCP/11/16(368)
Planning Application 15/00188/IPL – Residential
development (in principle), former steading at Newhill
Farm, Glenfarg

**PAPERS SUBMITTED
BY THE
APPLICANT**

26 JUN 2015

CHIEF EXECUTIVES
DEMOCRATIC SERVICES
Notice of Review
29 JUN 2015
RECEIVED

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.

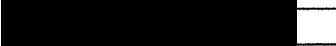
Use BLOCK CAPITALS if completing in manuscript

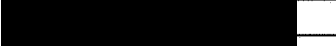
Applicant(s)


Name MR+MRS BRUCE HAMILTON

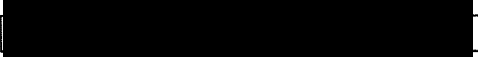
Address NEWHILL
GLENFARG
PERTH

Postcode PH2 9QN

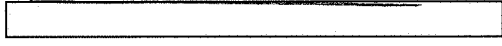
Contact Telephone 1 

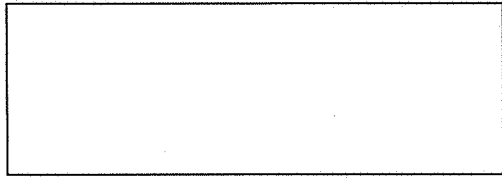
Contact Telephone 2 

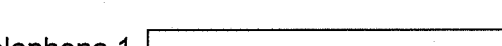
Fax No 

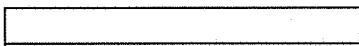
E-mail* 

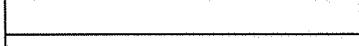
Agent (if any)

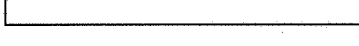
Name 


Address 

Postcode 

Contact Telephone 1 

Contact Telephone 2 

Fax No 

E-mail* 

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

Yes ☒ No ☐

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

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

15/00188/IPL

Site address

NEWHILL, GLENFARG, PERTH

Description of proposed
development

Re-use of farm steading for residential development

Date of application

4/2/15

Date of decision (if any)

8/4/15

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

See separate paper

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

Yes ☐ No ☒

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

List of documents and evidence

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

Scottish Planning Policy 2014

Planning applications 12/01353/FLL
13/02342/FLL

Correspondence - E mail from/to Andy Baxter 18/20 March 2015

- E Mail on behalf of Cllr. Barnard 8 June 2015

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

[Redacted Signature]

Date

25/6/15

Statement for appeal against the refusal of 15/00188/IPL

It is not accepted that the decision of refusal by the appointed officer is appropriate, insofar as it has not taken full and necessary account of relevant material planning considerations. Planning decisions require to take account of material planning considerations. The refusal is simply based on the fact that there are currently buildings on the site and on that basis alone it is not considered to be an appropriate form of development of a rural brownfield site. It is accepted, however, that it is a rural brownfield site and therefore, it does satisfy category (f) of Policy RD3 Housing in the Countryside. It is only therefore that there are existing buildings on site that creates a conflict with the Housing in the Countryside 'Guide'.

Sufficient consideration of material considerations – particularly a focus on the proposed outcome should have been taken rather than a decision taken on a narrow basis that would, if not reversed, result in an outcome that is inconsistent with the Council's own intentions: to generally support development of rural brownfield land, and remove dereliction/ result in environmental improvement.

Proper account has clearly not been taken of Scottish Planning Policy 2014. The Report of Handling makes reference to paragraphs 74-83 on Rural Development but this is mostly providing a policy framework for Council's plan preparation and none of the paragraphs have specific application to the proposal.

However, what is of particular relevance is that the SPP makes it fundamentally clear that Scottish Ministers expect that a core value of the planning service is to focus on outcomes and maximise benefits and that planning should take a positive approach to enabling high quality development.

The SPP aims for better places to be created, including rural places and development of brownfield land. A decision of refusal simply retains two run down and unsightly buildings that are continuing to deteriorate and are highly visible from the nearby public road. They are no longer fit for purpose/ required for our farming business (i.e. redundant). As they are in existence, they are occasionally rented out for short term animal housing during the lambing season. Although they achieve limited income, there is no justification for their removal unless an alternative and preferred use is achieved: i.e. through planning approval for redevelopment. Without that their removal is not necessary or viable. These matters do not appear to have been given sufficient or indeed any weight although advice was given on these matters. It is incomprehensible that making a decision on a favourable outcome is not preferred to retaining unsightly buildings that could otherwise be removed and allow for a high quality development to be achieved with opportunities for rural living.

It is of note that Application ref 12/01353/FLL for erection of a dwellinghouse was refused by the appointed officer as although the site had previous structures, in its current state it was "typical of rural countryside". This seems to present somewhat of a 'no-win' situation as removal of the structures apparently in that case made the site less in need of improvement. This clearly reduces the justification for site clearance in advance of planning application submission. Reassuringly, the

Local Review Body upheld the application as it was considered by them to comply with the requirements of category (f) Rural Brownfield land.

Given the plethora of farm steadying conversions in the local area in recent years, it is of concern that decision making for the redevelopment of farm steadings is not consistent and precedent is a material planning consideration.

One local example: Classloch Farm (13/01145/FLL) – This was approved as a modification on 5th Feb 2014 for 11 residential units. The report of handling for the modified application confirms that the Housing in the Countryside Guide (2012) allows for the replacement of non-domestic buildings. Much of this proposal was not for conversion. This was the view in 2014 after the 2012 “guide” was introduced. Therefore, the principle is similar to our proposal although we are not seeking a replacement farmhouse and our proposal is significantly smaller.

Further, Councillor Barnacle kindly forwarded on 8th June 2015, the planning officers (Andy Baxter) interpretation of Policy RD3 Housing in the Countryside with particular reference to our proposal. It states that “the brownfield category of the Housing in the Countryside Policy was retained, but purposely excluded land that currently accommodated buildings to try and discourage further applications for large scale housing i.e. by adding the reference to ‘formerly occupied requirement’.

It is clear that the Council’s concern relates to the potential for large scale development (and correspondence also refers to suburban type housing). Our proposal is not for large scale housing. The site would accommodate some 4 units which would clearly be of a small scale. A high quality small scale development would improve the amenity of the area and secure the appropriate planning outcome.

The Local Review Body is recommended to uphold the planning application.

The proposal will

- Achieve a positive outcome with environmental benefit/ improved amenity in accordance with defined planning objectives, that would not be achieved without the proposed development.
- Achieve a small scale development in accordance with local aspirations and allow for a high quality rural living environment.

From: Linda Chalmers <LChalmers@pkc.gov.uk>
Sent: 08 June 2015 12:48
To: CHX Milnathort Community Council - Generic Email Account
Subject: FW: Interpretation of Policy RD3 Housing in the Countryside, with particular reference to application 15/00188/IPL for a residential development at Newhill Farm, Glenfarg

Sent on behalf of Councillor Mike Barnacle

For the Attention of Bruce Hamilton

Dear Bruce

Further to my email of 7th May 2015, I enclose the Planning Officer's explanation on the above. I raised this at the Planning MOWG this morning and it was noted that the Houses in the Countryside Policy will be subject of further examination during the forthcoming Main Issues Report on the review of our LDP.

Hope this helps.

Kind regards.

Councillor Mike Barnacle
Independent Member for Kinross-shire

From: Andy Baxter
Sent: 29 May 2015 17:03
To: Linda Chalmers
Cc: Councillor Michael Barnacle; Kirsty Graham
Subject: RE: Interpretation of Policy RD3 Housing in the Countryside, with particular reference to application 15/00188/IPL for a residential development at Newhill Farm, Glenfarg

Dear Councillor,

The interpretation of 'rural brownfield land' is materially different from the definition of 'brownfield land' - which is contained in the LDP 2014. The definition contained within the LDP for brownfield land is *'Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable'*.

However, experience of the 2005 policy demonstrated that allowing 'brownfield sites' containing buildings and their associated yards to be developed led to large scale suburban type housing development - which in turn met with significant public opposition in a number of cases. The brownfield section of the housing in the countryside policy was therefore retained, but purposefully excluded land that currently accommodated buildings to try and discourage further applications for large scale housing i.e. by adding the reference to 'formerly occupied' requirement. The requirement for proposals to result in the removal of dereliction or significant environmental improvement was to take into account land significantly degraded by a former activity. Land or rural sites still containing buildings can still be assessed under section 5 of the policy, but this as you are aware relates to traditional buildings only – which would not be applicable against the buildings at Newmill. As stated previously, it is important to note that the housing in the

countryside policy contained in the LDP and supplementary 2012 guidance refer specifically to rural brownfield land and so the definition does differ from the LDP glossary wider definition of brownfield land within settlements.

Hope this helps,

Andy

From: Linda Chalmers

Sent: 07 May 2015 14:23

To: Andy Baxter

Subject: Interpretation of Policy RD3 Housing in the Countryside, with particular reference to application 15/00188/IPL for a residential development at Newhill Farm, Glenfarg

Sent on behalf of Councillor Mike Barnacle

Dear Andy

I refer to our discussion on 6th instant and now formally request your written explanation of the above for my assistance in further responding to the applicant.

Kind regards

Councillor Mike Barnacle

Tel: 01577 840 516

Securing the future... - Improving services - Enhancing quality of life - Making best use of public resources.

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

Perth & Kinross Council, Live Active Leisure Limited and TACTRAN do not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council, Live Active Leisure Limited or TACTRAN. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

Requests to Perth & Kinross Council under the Freedom of Information (Scotland) Act should be directed to the Freedom of Information Team - email: foi@pkc.gov.uk

General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

General enquiries to Live Active Leisure Limited should be made

Bruce Hamilton

From: Bruce Hamilton [REDACTED]
Sent: 20 March 2015 16:18
To: 'Andy Baxter'
Cc: 'NBrian@pkc.gov.uk'
Subject: RE: Newhill Farm, Glenfarg (15/00188/IPL)

Andy,

Thank you for your e-mail of 18th March 2015.

We appreciate that as the site inspection has not yet happened, it will be difficult to give full consideration to the benefits of the proposal.

Please can you contact me prior to the site visit so that we can be in attendance.

We are aware that the Council's objective is generally to encourage appropriate housing development in rural areas whilst protecting the landscape.

The "Rural Brownfield Land" category clearly intends to secure removal of dereliction and secure environmental improvement.

Redevelopment of the site is the only viable way for us to achieve this.

The two run down sheds significantly detract from the amenity of the area.

The entire steading is no longer required for our farming business and it would not be viable for us to remove these structures without the benefit of planning consent and an alternative development use.

We understand that your Housing in the Countryside 'Guide' refers to former occupation of buildings but respectfully suggest that the end result should be the focus.

Our proposal will achieve the most favourable outcome by removing unsightly buildings, achieving environmental improvement as well as providing a new small scale housing development.

We are aware of numerous steading developments in the area which were recently approved in advance of site clearance that achieved a quality outcome and set a clear precedent.

We look forward to hearing from you

Regards

Bruce

Bruce Hamilton
B&J Hamilton
Newhill Farm, Glenfarg
Perth, PH2 9QN
[REDACTED]

From: Andy Baxter [mailto:ABaxter@pkc.gov.uk]
Sent: 18 March 2015 15:03
To: fwdMilnathort Community Council
Subject: Newhill Farm, Glenfarg (15/00188/IPL)

Our Ref - 15/00188/IPL

Dear Mr and Mrs Hamilton,

Proposed Residential Development at the Former Steading, Newhill Farm, Glenfarg

I refer to the above.

Whilst I have yet to visit the site in person, my initial reaction to the proposal is that as the site is still occupied by existing buildings (as your supporting pictures show), the proposal would fail to be classified as an acceptable 'Brownfield Site' under the terms of the Council's Housing in the Countryside Guide 2012 (HITCG). Section 6 of the HITCG 2012 states the '*redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site*' – and to this end, as there are still buildings on the site, the proposal is considered contrary to this policy.

I will be formally visiting the site in due course, however my initial thoughts are that the proposal is contrary to the Council's Housing in the Countryside Policy and is unlikely to be supported by the Council.

I trust this updates you,

Andy Baxter
Planning Officer

Securing the future... - Improving services - Enhancing quality of life - Making best use of public resources.

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

Perth & Kinross Council, Live Active Leisure Limited and TACTRAN do not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council, Live Active Leisure Limited or TACTRAN. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

Requests to Perth & Kinross Council under the Freedom of Information (Scotland) Act should be directed to the Freedom of Information Team - email: foi@pkc.gov.uk

General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

General enquiries to Live Active Leisure Limited should be made to enquiries@liveactive.co.uk or 01738 454600.

General enquiries to TACTRAN should be made to info@tactran.gov.uk or 01738 475775.

TCP/11/16(368)
Planning Application 15/00188/IPL – Residential
development (in principle), former steading at Newhill
Farm, Glenfarg

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT

PERTH AND KINROSS COUNCIL

Mr And Mrs Bruce Hamilton
Newhill Steading
Newhill Farm
Glenfarg
Perth
PH2 9QN

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 8th April 2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/00188/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 17th February 2015 for permission for **Residential development (in principle) Former Steading At Newhill Farm Glenfarg** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. As the site is not an infill development, not a development within or adjacent to an existing building group, not a replacement of an existing dwelling, not a conversion/or replacement of a traditional, non-domestic building, not a development for a local person, not a development linked to an economic activity and not an acceptable form of redevelopment of a 'rural brownfield' site, the proposal is contrary to the specific, restrictive requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Policy 2012.
2. In relation to 'rural brownfield', as the site is not 'formerly' occupied by buildings, the proposal clearly fails to meet the Council's specific criteria required for an acceptable rural brownfield site as is indicated in both Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and the Housing in the Countryside Policy 2012- which both state that acceptable rural brownfield sites relate to sites which where 'formerly occupied by buildings'. Neither Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 or Perth and Kinross Council's Housing in the Countryside Policy 2012 intend to offer support for new residential developments on sites of existing, non-traditional, non-domestic building regardless of whether or not the existing buildings are redundant (or not).

Justification

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

Notes

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

Plan Reference

15/00188/1

15/00188/2

15/00188/3

15/00188/4

15/00188/5

15/00188/6

15/00188/7

15/00188/8

REPORT OF HANDLING

DELEGATED REPORT

| | | |
|------------------------|--------------|------|
| Ref No | 15/00188/IPL | |
| Ward No | - | |
| Due Determination Date | 16.04.2015 | |
| Case Officer | Andy Baxter | |
| Report Issued by | | Date |
| Countersigned by | | Date |

PROPOSAL: Residential development (in principle)

LOCATION: Former Steading At Newhill Farm, Glenfarg

SUMMARY:

This report recommends **refusal** of a planning in principle application for a residential development at Newhill Farm, Glenfarg as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 27 March 2015

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle consent for a residential development at Newhill Farm, Glenfarg. On the site at present are three non-traditional, non-domestic agricultural sheds, which at the time of the site visit all appeared to still be in use. The sheds are all of different sizes, with the shed to the east of the site significantly smaller than the other two to the west. The whole site covers an area of approx. 0.34 ha which includes the forecourt areas surrounding the three sheds.

The site is surrounded by farmland to the north, west and east with a residential property located to the south – an annex of which appears to be let out for self-catering accommodation.

As this application is seeking planning in principle, the proposal is for the total demolition of the buildings and the erection of new housing – and not considered to involve any conversion of the existing buildings. A conversion proposal could not be considered under the terms of a planning in principle application as it is essentially a change of use application which ordinarily would be assessed under a detailed planning application.

SITE HISTORY

None relevant to this proposal.

PRE-APPLICATION CONSULTATION

The applicant has indicated within their submission that they had previously received *positive* pre-application advice/feedback from the Council regarding the potential for the redevelopment of the site for a residential use. Whilst the Council doesn't have any written record of this and neither does the applicant, this advice was apparently issued to the applicant sometime in 2009, before the adoption of the 2009 HITCP and offered advice based on the requirements of the 2005 HITCP.

The 2009 HITCP (and the current 2012 HITCG) are materially different from the 2005 HITCP insofar as whilst the 2005 policy some offered support (in certain instances) for the redevelopment of redundant non-traditional farm complex's for new housing, the 2009 withdrew this category of acceptable development and it remained excluded from the 2012 HITCG. Whilst the applicant may have received some positive advice from the Council regarding this development in circa 2009, as that advice is now some 6 years ago when the Council's Housing in the Countryside Policies were materially different from what they are now, I do not consider there to be any pressure on myself to align my ultimate recommendation to the same as the Council's 2009 pre-application response – which may have been positive.

NATIONAL POLICY AND GUIDANCE

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

Of relevance to this planning application is,

The Scottish Planning Policy 2014

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

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

Of specific relevance to this planning application are Paragraphs 74 - 83 which relate to promoting Rural Development.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

Within the LDP, the site lies within the landward area of the plan where the following policies are directly applicable,

Policy PM1A - Placemaking

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

Policy PM3 - Infrastructure Contributions

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

Policy RD3 - Housing in the Countryside

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

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This supplementary guidance is the most recent expression of Council policy towards new housing in the open countryside, and offers support for new housing in the open countryside providing certain criteria can be met.

Developer Contributions 2014

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

Developer Contributions, Transport Infrastructure 2014

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

Affordable Housing Supplementary Guidance 2014

This is the Council's most recent guidance in relation to affordable housing and is applicable to all sites which involve 5 or more residential units.

EXTERNAL CONSULTATION RESPONSES

None undertaken.

INTERNAL COUNCIL COMMENTS

Community Waste Advisor has commented on the planning application and raised no objection to the proposal.

Transport Planning has commented on the planning application and raised no objections.

Education And Children's Services has commented on the planning application and raises no objections.

Contributions Officer has indicated that the Council's Developer Contributions Policies (Primary Education and Transport) should be applied to the proposal.

Environmental Health have commented on the planning application and raised no objections.

REPRESENTATIONS

None received.

ADDITIONAL STATEMENTS RECEIVED

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

APPRAISAL

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

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

Other material considerations include compliance with the Council's Housing in the Countryside Policy 2012, and the Council's policies on Developer Contributions.

Policy Appraisal

The principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted Local Development Plan. Within that plan the site is located within the landward where *Policies RD3* and *PM1A* are directly applicable to new residential proposals. *Policy RD3* refers to the Housing in the Countryside Policy and is directly linked to the supplementary planning guidance of 2012 whilst *Policy PM1A* seeks to ensure that all new

developments within the landward area do not have an adverse impact on the character or amenity of the area concerned.

For reasons stated below, I consider the proposal to be contrary to these policies.

Land Use

In terms of land use acceptability, the key assessment for this proposal is ultimately whether or not the proposal is consistent with the Council's Housing in the Countryside Policies, as contained in the LDP (*Policy RD3*) and the associated SPG, the HITCG 2012 - which is the most recent expression of Council policy towards new housing in the open countryside.

As the development is not an infill opportunity, not a development within an existing building group, not a conversion of traditional building(s), not a replacement of an existing house(s) and not the replacement of traditional building(s) that worthy of retention the only section of the HITCG which could be applied to this proposal would be section 6, which relates to Rural Brownfield development.

The applicant has also indicated on their submission that in their opinion this is also the most relevant section of the HITCG.

This section of the HITCG is relevantly explicit in its requirements, as it looks to offer support for the redevelopment of sites which were formerly occupied by buildings when the proposal would remove dereliction and provide a significant net environmental benefit to the surrounding environs. As the existing building are a) still standing and b) still appear to be functioning as buildings there is an obvious conflict with the requirements of this section of the HITCG as the site can not be described as being formerly occupied by buildings.

To this end, I do not consider it necessary to assess whether or not the proposal would provide a significant net environmental benefit as the proposal fails to accord with the core requirements of an acceptable rural brownfield site i.e. the site is not formerly occupied by buildings and is therefore contrary to the Council's Housing in the Countryside Policies.

Design and layout

As this is a planning in principle application only, no details regarding the design, layout and house types of the development have been submitted. Further consideration of the acceptability of the layout and design will occur at the designed stage, however subject due to the size of the site and the many design and layout options that will be available to the applicant I do not foresee any particular difficulties with the applicant achieving a suitable layout, design and house types.

Residential Amenity

In terms of the impact on existing residential amenity to the south, providing that a suitable separation distance is achieved between the proposed housing and the existing, I do not foresee any obvious issues with existing residential amenity. In terms of future residential amenity, subject to a suitable layout and density being progressed there is able area available to allow for all the new residential units to have suitable private amenity space and appropriate window to window distances.

Drainage / Flooding

There are no issues arising from drainage or flooding matters, The site is located outwith any settlement boundary so a private drainage system will be required.

Roads and Access

The proposal raises no issues in terms of road related matters and I note that my colleagues in Transport Planning have raised no objection to the proposal.

Contaminated Land

As a result of the sites previous uses, there is likely to be some land contamination across the site. It is therefore recommended that a standard contaminated land condition is attached to the consent to ensure that the site is cleared (or is declared cleared) of any potential contaminates prior to works progressing on the development.

Impact on European Protected Species (EPS)

As far as I'm aware, there are no known EPS within the local area and its probably unlikely that the modern nature of the existing sheds are suitable habitats for bats. To this end, I have no concerns regarding the impact that the proposal may have on EPS.

Developer Contributions

Affordable Housing

As the site has the potential to result in a development comprising 5 or more residential units, a standard compliance condition should be attached to any

consent which requires compliance with the Councils affordable housing policies.

Primary Education

As this is a planning in principle application, a standard compliance condition should be attached to any consent which requires any detailed proposal to comply with the requirements of the Developer Contributions 2014 document.

Transport Infrastructure

As this is a planning in principle application, a standard compliance condition should be attached to any consent which requires any detailed proposal to comply with the requirements of the Developer Contributions, Transport Infrastructure 2014 document.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the adopted Local Development Plan 2014 and the HITCG 2012. As there are no material considerations that would justify overriding the Local Development Plan (or the HITCG 2012), the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application for the following reasons,

- 1 As the site is not an infill development, not a development within or adjacent to an existing building group, not a replacement of an existing dwelling, not a conversion/or replacement of a traditional, non-domestic building, not a development for a local person, not a development linked to an economic activity and not an acceptable form of redevelopment of a 'rural brownfield' site, the proposal is contrary to the specific, restrictive requirements of the Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012.
- 2 In relation to 'rural brownfield', as the site is not 'formerly' occupied by buildings, the proposal clearly fails to meet the Council's specific criteria required for an acceptable rural brownfield site as is indicated in both Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and the Housing in the Countryside Guide 2012- which both state that acceptable rural brownfield sites relate to sites which were 'formerly occupied by buildings'. Neither Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 or Perth and Kinross Council's Housing in the Countryside Guide 2012 intend to offer support for new residential developments on sites of existing, non-traditional, non-domestic building regardless of whether or not the existing buildings are redundant (or not).

Justification

None

Informatives

None

Procedural Notes

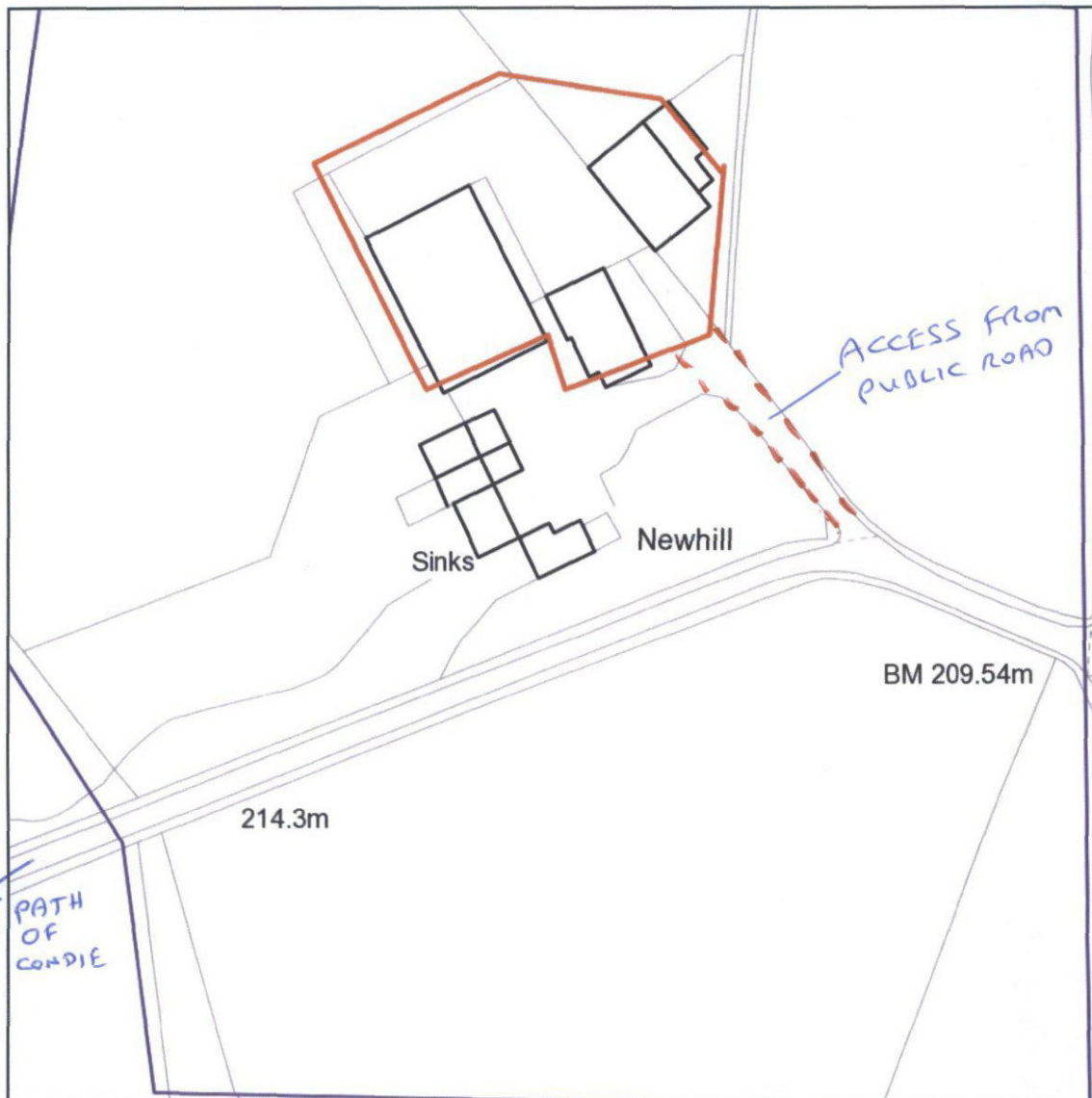
Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/00188/1 - 15/00188/8 (*inclusive*)

Date of Report 7.4.2015

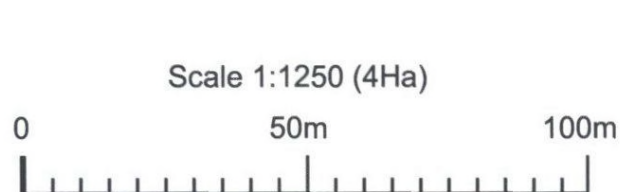
Newhill, Glenfarg, Perth, PH2 9QN



Information

-  Application Boundary
-  Land in Ownership

Online Ref:
000110543
Date: 3/2/2015



Due to OS licensing conditions, you/your agent may only use this map for official Planning purposes. If you wish to use the map for other uses, you must first obtain a separate licence from OS.

© Crown Copyright. All rights reserved 100028305 2015

PERTH AND KINROSS COUNCIL

DRAWING REF: 15/00158/1

343



PERTH AND KINROSS COUNCIL
DRAWING REF: 15/00155



PERTH AND KINROSS COUNCIL

DRAWING REF: 15/00188/3









**Newhill Steading
Two Trees on site
No changes required**



TCP/11/16(368)
Planning Application 15/00188/IPL – Residential
development (in principle), former steading at Newhill
Farm, Glenfarg

REPRESENTATIONS

Memorandum

| | | | |
|----------|-----------------------------|---------|----------------------------|
| To | Development Quality Manager | From | Regulatory Service Manager |
| Your ref | 15/00188/IPL | Our ref | MA/LJA |
| Date | 26 Feb 2015 | Tel No | 01738 476476 |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

15/00188/IPL RE: Residential development (in principle) Former Steading At Newhill Farm Glenfarg for Mr And Mrs Bruce Hamilton

I refer to your letter dated 24 February 2015 in connection with the above application and have the following comments to make.

Water (assessment date – 26/2/15)

Recommendation

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

Comments

The development is for a residential development at a rural steading with private water supplies (including Newhill Farm Supply) known to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives. No public objections relating to the water supply were noted at the date above.

Condition

Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Informative 1

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

Informative 2

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

Contaminated Land (assessment date – 09/03/2015)

Recommendation

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

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

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

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

Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. The risks associated with this remain difficult to quantify until there has been some form of sampling and chemical analysis of the soils contained within the development area. In addition there is a record of an area of infilled ground close to the proposed development site. There is no information available regarding the nature or volume of infill material. This will help determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified.

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

Condition

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

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

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

MA

Comments to the Development Quality Manager on a Planning Application

| | | | |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Application ref. | 15/00188/IPL | Comments provided by | Euan McLaughlin |
| Service/Section | Strategy & Policy | Contact Details | Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk |
| Description of Proposal | Residential development (in principle) | | |
| Address of site | Former Steading At Newhill Farm Glenfarg for Mr And Mrs Bruce Hamilton | | |
| Comments on the proposal | <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, 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 Arngask Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>This site is within the reduced contributions area.</p> | | |
| Recommended planning condition(s) | <p>Primary Education</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> <p>Transport Infrastructure</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p> | | |
| Recommended informative(s) for | N/A | | |

| | |
|-----------------------------------|---------------|
| applicant | |
| Date comments returned | 04 March 2015 |

Comments to the Development Quality Manager on a Planning Application

| | | | |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------|
| Planning Application ref. | 15/00188/IPL | Comments provided by | ECS |
| Service/Section | | Contact Details | Maureen Watt ext 76308 |
| Description of Proposal | | | |
| Address of site | | | |
| Comments on the proposal | <p>This development falls within the Arngask Primary School catchment area.</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> | | |
| Recommended planning condition(s) | | | |
| Recommended informative(s) for applicant | | | |
| Date comments returned | 09/03/15 | | |

Comments to the Development Quality Manager on a Planning Application

| | | | |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------|
| Planning Application ref. | 15/00188/IPL | Comments provided by | Shona Alexander |
| Service/Section | Waste Services | Contact Details | 01738 476435 |
| Description of Proposal | Residential development (in principle). | | |
| Address of site | Former Steading at Newhill Farm, Glenfarg. | | |
| Comments on the proposal | Waste and recycling bins are collected at the road end. It is recommended that the developer install a bin storage/collection area at this location. | | |
| Recommended planning condition(s) | | | |
| Recommended informative(s) for applicant | The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate. | | |
| Date comments returned | 09/03/2015 | | |

Comments to the Development Quality Manager on a Planning Application

| | | | |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------|
| Planning Application ref. | 15/00188/IPL | Comments provided by | Niall Moran |
| Service/Section | Transport Planning | Contact Details | x76512 |
| Description of Proposal | Residential development (in principle) | | |
| Address of site | Former Steading At Newhill Farm Glenfarg | | |
| Comments on the proposal | Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety. | | |
| Recommended planning condition(s) | All matters regarding access, parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority. | | |
| Recommended informative(s) for applicant | | | |
| Date comments returned | 23 March 2015 | | |

