

**TCP/11/16(350)**  
**Planning Application 14/02196/IPL – Erection of dwellinghouse (in principle), land 60 metres south of Easter Auchtar, Fearnan**

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**TCP/11/16(350)**

**Planning Application 14/02196/IPL – Erection of dwellinghouse (in principle), land 60 metres south of Easter Auchtar, Fearnan**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000114194-001

The online ref number 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.

## 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: MBM Planning & Development

Ref. Number:

First Name: \* Mark

Last Name: \* Myles

Telephone Number: \* 01738 450506

Extension Number:

Mobile Number:

Fax Number: 01738 450507

Email Address: \* mm@mbmplanning.co.uk

You must enter a Building Name or Number, or both:\*

Building Name: Algo Business Centre

Building Number:

Address 1 (Street): \* Glenearn Road

Address 2:

Town/City: \* Perth

Country: \* UK

Postcode: \* PH2 0NJ

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Other"/>
Other Title: *	<input type="text" value="Mr &amp; Mrs"/>
First Name: *	<input type="text" value="W"/>
Last Name: *	<input type="text" value="Seath"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text" value="Easter Auchtar"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Fearnan"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberfeldy"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="PH15 2PG"/>

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="Easter Auchtar"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Fearnan"/>	Town/City/Settlement:	<input type="text" value="Aberfeldy"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PH15 2PG"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="745716"/>	Easting	<input type="text" value="272310"/>
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## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to Notice of Review statement attached

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

☐ Yes ☒ No

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. You can attach these documents electronically later in the process: \* (Max 500 characters)

Planning application form, location plan and site plan, Notice of Review statement and set of 5 photographs showing the proposed site set within a mature landscape framework in contrast to the replacement house approved on the site of the former bothy building to the north of Easter Auchtar and also the properties at Croftgarrow which are also located adjacent to the public road but set within a minimal landscape framework

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

14/02196/IPL

What date was the application submitted to the planning authority? \*

17/12/14

What date was the decision issued by the planning authority? \*

02/02/15

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

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

Please select a further procedure \*

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? \* (Max 500 characters)

To assess the country house status of the property and extent of garden ground as well as the pattern of development located along the public road in the vicinity of the site.

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

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.



## **Declare - Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mark Myles

Declaration Date: 16/03/2015

Submission Date: 16/03/2015





## **Notice of Review Statement**

**Erection of Dwellinghouse in principle at  
Land South of Easter Auchtar, Fearnan**

**For Mr & Mrs W Seath**

**March 2015**

## **1. Introduction**

- 1.1 This statement should be read in conjunction with the Notice of Review submitted on behalf of Mr & Mrs W Seath for the erection of a dwellinghouse on land located to the south of the existing house at Easter Auchtar by Fearnan.
- 1.2 The Notice of Review relates to a planning application that was submitted by Casa Architects in December 2014 (14/02196/IPL). The applicants were pleased with the feedback that had been received from the planning officer during his visit to the site and were therefore surprised and disappointed to receive the refusal dated 2<sup>nd</sup> February 2015.
- 1.3 The proposal requires to be considered under the terms of the development plan policy (in particular Policies PM1A Placemaking and RD3 – Housing in the Countryside of the Perth & Kinross Local Development Plan 2014) but also the revised Housing in the Countryside Policy that was approved as Supplementary Guidance by Perth & Kinross Council as well as the advice contained within Scottish Planning Policy and related Advice Notes.
- 1.4 Permission was granted to demolish and replace an existing bothy building with a new house immediately to the north of Easter Auchtar under 10/00127/FLL.
- 1.5 For the reason set out in this statement it is considered that the proposal complies with the key policies within the Local Development Plan and the other material considerations also add weight in support of a positive decision.

## 2. Development Plan Policy

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) requires all proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 2.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2012 (for which there are no directly relevant policies) and the Perth & Kinross Local Development Plan (PKCLDP) – February 2014.
- 2.3 In terms of other material considerations, the council's Housing in the Countryside Policy (approved in November 2012) is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition Scottish Planning Policy (June 2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance. The applicant's personal circumstances are also included as background information.
- 2.4 The principle of erecting a house on this site is required to be considered under the terms of Policy RD3 – Housing in the Countryside in the adopted PKCLDP. That policy allows for the erection of individual houses in the countryside which fall into certain categories i.e.
- (1) Building Groups.
  - (2) Infill sites.
  - (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.**
  - (4) Renovation or replacement of houses.
  - (5) Conversion or replacement of redundant non-domestic buildings.
  - (6) Rural brownfield land.
- 2.5 Of the 6 categories contained within policy RD3, this proposal requires to be assessed under the terms of Category 3 – *new houses in the open countryside*.
- 2.6 More detailed guidance on the interpretation of category 3 is provided within the associated Supplementary Guidance which is explained further in Section 3 of this statement.
- 2.7 Policy PM1A in the PKCLDP also requires to be considered which requires all development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. Aspects of Policy PM1A are then also covered in the Siting Criteria listed in the Housing in the Countryside Supplementary Guidance. All proposals under Category 3 are required to be addressed against the Siting Criteria.
- 2.8 As this is a planning permission in principle application any requirement for developer contributions e.g. education, would be applied at any future detailed application stage (as referred to by Policy PM3 of the PKCLDP and the Developer Contributions Supplementary Guidance 2014).

### **3 Material Considerations**

3.1 In addition to the development plan policy referred to in section 2, the other material considerations which require to be considered as part of the assessment of this Notice of Review are as follows;

- Applicants Personal Circumstances;
- Scottish Planning Policy - June 2014
- Planning Advice Note 72 – Housing in the Countryside – February 2005
- Perth & Kinross Council – Housing in the Countryside Policy – August 2009.

#### **Applicants Personal Circumstances**

3.2 Although the applicant's personal circumstances are not specifically a material consideration in the context of any formal planning assessment, they do help to provide a valuable context and informed background to the application proposal.

3.3 The applicant's have lived at Easter Auchtar for 15 years. For the first 7 years they operated a 4 star bed and breakfast business with Mrs Seath teaching, mostly at Glen Lyon School.

3.4 They gradually found the upkeep of the 7 bedroom house and garden a burden, and tried to downsize, putting the house on the market some 5 years ago. Prospective buyers are few and far between, with the most hopeful ones citing the maintenance of the garden being a negative feature.

3.5 Mr Seath was diagnosed with Parkinson's 4 years ago since when the need to downsize has grown more essential. He finds it increasingly difficult to maintain speech communication; while Mrs Seath is very capable of maintaining such dialogue that, of itself, imposes a burden on family life. They want to continue to live locally where they have many good friends. They have also put a lot of themselves into the local community; for example, Mr Seath was chairman of the Molteno Hall in Fortingall for 8 years before standing down 1 year ago for health reasons. Mrs Seath is currently liaising with PKC to fund a lunch club for residents of Fearnan, Fortingall and Kenmore at the Hall.

3.6 They had taken professional advice from the architect about the use of part of their country house garden to allow the building of a single private house and were heartened by the initial response from the planner officer who visited and assessed the site.

3.7 They were therefore extremely surprised and disappointed to receive a uniformly negative written refusal of their application. They see their proposal as offering a very modest approach to building a small house resulting in a reduction of maintenance of the garden for Easter Auchtar. There were no objections from any

individuals or consultees to their application and having lived at the site for 15 years they are acutely aware of the need to ensure there would be no negative impact on the built environment.

- 3.8 The proposal would therefore allow a degree of flexibility to their living arrangements although Mr Seath's illness will increasingly impact on their ability to maintain their desire to continue living locally in the long term. They therefore seek a positive decision from the LRB in maintaining their aspirations for their future quality of life on the basis that the proposal can and should be supported by the relevant planning policies.

### **Scottish Planning Policy**

- 3.9 SPP is an important material consideration in the determination of this case as its publication post dates the adopted PKCLDP.
- 3.10 Paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 3.11 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that 'plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.'
- 3.12 Paragraph 83 also highlights that 'plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character and there should be no need to impose occupancy restrictions on housing.'

### **Planning Advice Note 72 – Housing in the Countryside**

- 3.13 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP and PKCLDP but it is still of relevance as it highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.
- 3.14 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *'overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.'*
- 3.15 The PAN concludes by stating that *'there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This*

*change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short term thinking can have a long term impact on the landscape.'*

- 3.16 The advice within PAN72 was published 10 years before the existing PKCLDP was adopted and the council's Housing in the Countryside Policy – November 2012, acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

### **Perth & Kinross Council – Housing in the Countryside Policy**

- 3.17 Perth & Kinross Council approved their current Housing in the Countryside Policy in November 2012 which replaced the previous policy that had been adopted in August 2009. This supplementary guidance therefore forms a key consideration on which to assess this planning application.
- 3.18 Of the 6 categories contained within the 2012 policy (and Policy RD3), it is considered that this proposal requires to be assessed under the terms of Category 3 – new houses in the open countryside which states 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;

***'3.1 a) Existing gardens – established gardens once associated with a country/estate house, which provide an appropriate landscape setting, but where development would not fundamentally affect the qualities and integrity of the site.'***

- 3.19 Proposals for a new house under category 3.1 must also meet **all** of the siting criteria. In this regard the proposed house is also considered to comply with each of the listed criteria as follows;
- a) it blends sympathetically with the land form;
  - b) existing mature boundaries and trees provide an acceptable landscape setting and a substantial degree of enclosure;
  - c) this is an identifiable site adjacent to the public road and there will be no adverse impact on the setting of any adjacent property;
  - d) the siting and design of the house would not have a detrimental impact on the surrounding landscape and the proposal does not occupy a prominent sky line or ridge location;
- 3.20 Accordingly the proposal is considered to be fully justified on the basis that the proposal is in accordance with the council's revised housing in the countryside policy and satisfies each of the siting and design criteria contained within the 2012 policy.



#### 4 Assessment of PKC Decision

- 4.1 When considering the 1<sup>st</sup> reason for refusal, the Report of Handling for the planning application correctly identifies the only potential category that this proposal could be accepted under as being Policy RD3 (c) new houses in the open countryside as set out in section 3 of the supplementary guidance.
- 4.2 As noted above consideration can be given under section 3.1 a) to existing gardens – established gardens once associated with a country/estate house, which provide an appropriate landscape setting, but where development would not fundamentally affect the qualities and integrity of the site.
- 4.3 The Report of Handling contains one sentence that dismisses the proposal under the above policy criteria on the basis that *'Easter Auchtar is not considered as a country/estate house given the overall small size of Easter Auchtar and existing garden area (5.4ha).*
- 4.4 Easter Auchtar is a 7 bedroom property that sits within a large site with mature landscaped gardens. There is nothing within Policy RD3 or the supplementary guidance on housing in the countryside that actually defines or provides a detailed interpretation of what is meant by country house/estate. It is therefore open to some interpretation and in this case it is considered that a 7 bedroom country house sitting within 5.4 ha can be fairly described as a country house thereby meeting the terms of the policy. The development would not fundamentally affect the overall qualities and integrity of the site and this proposal has therefore been unfairly dismissed by the appointed officer.
- 4.5 When assessing the criteria listed in Policy PM1A of PKCLDP in combination with the siting criteria set out in HICP 2012, and specifically addressing the 2<sup>nd</sup> reason for refusal, it is evident that the site is set within a mature and robust landscape framework which is perfectly capable of absorbing the development. The proposal blends in sympathetically with the land form, does not occupy a prominent, skyline, top of slope location, utilises an identifiable site with long established boundaries, and uses existing trees/landscaping to provide a suitable backdrop, setting and sense of enclosure. The proposed house would be well screened from the surrounding area and wouldn't have any impact on the wider landscape. In fact arguably there are not many proposals that could satisfy the terms of the siting criteria as well as this proposal and for the above reasons, the 2<sup>nd</sup> reason for refusal simply does not stand up to scrutiny.
- 4.6 The development of a house on this site would blend in sympathetically with the existing property to the north and also the site beyond, where planning permission was previously granted to replace the bothy with a new house. The site area respects and would be similar to these neighbouring properties.

The boundaries are already well defined with the public road to the east, mature landscaping to the south, west and east and the fencing and planting to the north. There would be no visual change to the current separation from the adjacent agricultural land and due to the sizeable garden area that would remain with Easter Auchtar the development would not impact on the qualities and character of Easter Auchtar in any way.

- 4.7 The Report of Handling also makes an issue about Easter Auchtar's present character to be in keeping with the established character of dwellings in the area; being described as dispersed. An assessment of site and the surrounding area shows that this is questionable. The site to the north of Easter Auchtar has planning permission for the erection of a house and the this current proposal has a better landscape fit and sense of enclosure than that site with planning permission located to the north. In addition there are 3 substantial two storey dwellings, 2 of which had separate garaging (now used for other purposes such as games room) plus 3 additional smaller properties in a courtyard style, all developed from a former small holding at Croftgarrow, located adjacent to and on the western side of the public road approximately 0.5 mile to the north of the site. The character of the area could therefore be reasonably described as small groupings/clusters of buildings located adjacent to the public road which this proposal would also respect and repeat.
- 4.8 There would be no impact to the amenity of the existing property as the access to the proposed house would be taken direct from the public road.
- 4.9 From a technical aspect the local road network is capable of absorbing the additional traffic generated by the development and no objections were received from the council's transportation officers. There is no flood risk associated with this site.
- 4.10 The application seeks planning permission in principle and therefore matters relating to the scale, form, colour and design of the house would be reserved for any future application.
- 4.11 The proposal is therefore also considered to be consistent with all of the criteria listed in Policy PM1A of the LDP as well as the detailed siting criteria listed in the Housing in the Countryside Policy 2012.

## **5 Conclusions**

- 5.1 The proposal seeks consent to erect a house within the garden ground of an existing country house under the terms of Policy RD3 c) and section 3.1a) of the council's supplementary guidance on housing in the countryside.
- 5.2 For the reasons set out in this statement it is considered that there are sufficient and justifiable reasons for allowing the proposed house as it would be consistent with the key policy considerations (policy RD3 in the adopted local plan) and the new houses in existing gardens category of the council's Housing in the Countryside Policy 2012.
- 5.3 The development will not impact on the amenity of any other property and suitable access to the public road can be provided. The proposal can also be considered to be consistent with all of the detailed criteria set out in Policy PM1A of the adopted development plan as well as the siting criteria set out in HICP 2012.
- 5.4 There are no technical difficulties or infrastructure issues raised by this application.
- 5.5 No objections were raised by any third party to the proposal.
- 5.6 The proposal can therefore be supported under the terms of the Housing in the Countryside Policy as well as being in conformity with SPP, PAN 72, and the relevant policies within the PKCLDP subject to any conditions that may be considered necessary by the LRB.



# PERTH AND KINROSS COUNCIL

Mr And Mrs W Seath  
c/o Colin A Smith Architect - CASA  
Treetops  
Dull  
Aberfeldy  
Perthshire  
PH15 2JQ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 2nd February 2015

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/02196/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 22nd December 2014 for permission for **Erection of dwellinghouse (in principle) Land 60 Metres South Of Easter Auchtar Fearnan** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to policy RD3, housing in the countryside, of the adopted Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land. The site is located adjacent to an established building but is not considered to be in the grounds of a country house/estate.
2. The proposal is contrary to Policy PM1: Placemaking of the adopted Perth and Kinross Local Development Plan 2014 as an additional dwelling in this location would not contribute positively to the quality of the surrounding area in terms of character, amenity or natural heritage.

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

## **Plan Reference**

**14/02196/1**



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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000107427-001

The online ref number 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: \*

We strongly recommend that you refer to the help text before you complete this section.

- ☐ 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)

Application in Principle for erection of new dwelling to the south of easter Auchtar, Fearnan, PH15 2PG.

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

Have the works already been started 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:

Colin A Smith Architect -  
CASA

Ref. Number:

First Name: \*

Colin

Last Name: \*

Smith

Telephone Number: \*

01887 820815

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

colin@casarchitect.co.uk

You must enter a Building Name or Number, or both:\*

Building Name:

Treetops

Building Number:

Address 1 (Street): \*

Dull

Address 2:

Aberfeldy

Town/City: \*

Perthshire

Country: \*

UK

Postcode: \*

PH15 2JQ

Is the applicant an individual or an organisation/corporate entity? \*



Individual



Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: \*

Other

Other Title: \*

Mr and Mrs

First Name: \*

W

Last Name: \*

Seath

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:\*

Building Name:

Easter Auchtar

Building Number:

Address 1 (Street): \*

Fearnan

Address 2:

Town/City: \*

Aberfeldy

Country: \*

Perthshire

Postcode: \*

PH15 2PG



## Site Address Details

Planning Authority:

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

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)

## Access and Parking

Are you proposing a new or 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 changes to public paths, public rights of way or affecting any public rights 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.

## 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

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: \* (Max 500 characters)

Aerated treatment plant to suitably sized and designed soakaway system.

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.

## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 ? \*

☐ Yes ☒ No ☐ 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.

## Planning Service Employee/Elected Member Interest

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? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this 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 ? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Colin Smith

On behalf of: Mr and Mrs W Seath

Date: 17/12/2014

☒ Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County 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 developments (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 County 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.

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)

## 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: Colin Smith

Declaration Date: 17/12/2014

Submission Date: 17/12/2014

## Payment Details

Cheque: W G & Mrs Sandra Seath, 002875

Created: 17/12/2014 18:10

























**TCP/11/16(350)**

**Planning Application 14/02196/IPL – Erection of dwellinghouse (in principle), land 60 metres south of Easter Auchtar, Fearnan**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 189-190)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENT** *(included in applicant's submission, see page 199)*





## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	14/02196/IPL	
Ward No	N4- Highland	
Due Determination Date	21.02.2015	
Case Officer	Craig Swankie	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of dwellinghouse (in principle)

**LOCATION:** Land 60 Metres South Of Easter Auchtar Fearnan

#### **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:** 23 January 2015

#### **SITE PHOTOGRAPHS**



#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application relates to a gently sloping area of garden at Easter Auchtar, Fearnan. The site is largely grassland with small areas of hedging and tree cover. The site is approximately 0.3ha and is located within rear garden ground to the south of Easter Auchtar, a dwelling 0.6 miles north of Fearnan.

The site is bound to the east, south and west by a mixture of wire fencing, mature trees and hedging. Beyond the sites western and southern boundaries is agricultural land, with a public road running along the eastern boundary.

The sites northern boundary is currently undefined; the proposed boundary will run across the existing garden at Easter Auchtar from east to west, creating two separate areas. Land north of the new boundary will be retained as garden area for Easter Auchtar. The site is presently accessed via an existing track to Easter Auchtar, the applicant proposes a new access to site is created, leading onto the public road immediately north east of the site.

Planning permission in principle is being sought for the erection of a house within the site. The applicant has not submitted any elevations but an indicative layout has been submitted showing a single house with septic tank and soak away located to the east. Existing trees are to be retained.

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **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 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.



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 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 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.

**OTHER POLICIES**

PKC Developer Contributions Supplementary Planning Guidance 2014

PKC Housing in the Countryside Guide 2012

**CONSULTATION RESPONSES**

Transport Planning

No objection to the proposals, subject to conditions and informative.

Scottish Water

No response

Education and Children's Services

No response

Contributions Officer

No contribution required for in principle permission. Any contribution will be calculated upon submission of a detailed planning application.

**REPRESENTATIONS**

No representations were 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 eg Flood Risk Assessment	Not Required

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 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 site is located within a countryside area where policy RD3, Housing in the Countryside, of the Perth and Kinross Local Development Plan, applies. Policy PM1A – Placemaking and Policy PM3 - Infrastructure Contributions are also to be considered.

The housing in the countryside policy aims to safeguard the character of the countryside and supports development subject to satisfying a number of criteria.

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

- (a) Building Groups.
- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

In addition proposals should comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance. The proposal should also demonstrate how they will make a positive contribution to the biodiversity of the site.

The proposal, in terms of scale, layout and design should also be appropriate to, and have a good fit with, the landscape character of the area in which it is located, and demonstrate a specific design approach to achieve integration with its setting.

Following assessment of the application, the proposals are not considered to be acceptable in terms of any of the categories as defined by policy RD3, Housing in the Countryside.

The only potential category for the proposals to be considered under is Policy RD3 (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance. Under section 3.1 a) of the Supplementary Guidance consideration can be given to existing gardens. New dwellings may be appropriate in established gardens, associated with a country/estate house, which provide an appropriate landscape setting, but where development would not fundamentally affect the qualities and integrity of the site. Easter Auchtar is not considered as a country/estate house given the overall small size of Easter Auchtar and existing garden area (5.4h). Further to this, the erection of a dwelling within the existing garden would have a significant impact on the qualities and character of Easter Auchtar. Easter Auchtar's present character is considered to be in keeping with the established character of dwellings in the surrounding area, dispersed developments of individual properties with gardens or farm buildings in compact clusters. These characteristics would be impacted by the proposals. Whilst the present 'in principle' application suggests a small dwelling could be placed within the site, even a small detached bungalow is considered to have an unacceptable impact on the character of Easter Auchtar and the surrounding area and would not meet the requirements of policy RD3.

In summary, I do not consider that the proposed site meets with the criteria of Policy RD3.

## **Design and Layout**

The proposed house plot is roughly square in shape, with a slight meander to the northern boundary. The size and location of the site is considered unsuitable for a dwelling. Such a development would have a significant impact on Easter Auchtar and the surrounding landscape. Policy PM1A requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. A dwelling in this location would not provide a positive contribution to the surrounding area or landscape. Present open garden ground with mature trees and hedging is in keeping with the site's rural character, this would be negatively impacted by any new development on the site.

## **Landscape**

The site is set within a valley north of Fearnan, with rising farm/agricultural land to the east and west of the site. The site has a number of mature trees

within it and along its boundaries. I have concerns that the development of a house on this site would be detrimental to the established landscape setting, would result in unnecessary tree loss and be detrimental to the landscape character of the area. Whilst the proposed site plan suggests retention of trees to the south of the site, the trees create a level of overshadowing within the south of the garden which may lead to their removal.

In addition Policy RD3 states that a proposal should demonstrate how it will make a positive contribution to the biodiversity of the site. At present, there are no proposals to support biodiversity within the site.

### **Residential Amenity**

The site is in a rural location, and the only neighbouring property will be Easter Auchter. No concerns have been raised in terms of the proposals impacts on the areas residential amenity.

### **Visual Amenity**

The site would be separated from Easter Auchter by a wooden fence. This, together with the existing boundary of trees and hedging provides some enclosure, but given the sites position adjacent to a public road and within a rural valley a dwelling would be visible from the surrounding area. This would have a detrimental visual impact.

### **Roads and Access**

The proposed house will take access from a new opening onto a public road which runs along the sites eastern boundary. The Council's Transport Planners consider this is adequate, subject to conditions regarding the location of the access, visibility splay, parking spaces and turning facilities. These details will be required should a detailed application be submitted.

### **Drainage and Flooding**

There are no known flood risks to the site.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application, for permission in principle. Therefore no contributions are required in this instance. Upon submission of a detailed application, any contribution requirements will be calculated.

### **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 considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **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**

### **Conditions and Reasons for Recommendation**

1. The proposal is contrary to policy RD3, housing in the countryside, of the adopted Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land. The site is located within garden ground but is not considered to be in the grounds of a country house/estate.
2. The proposal is contrary to Policy PM1: Placemaking of the adopted Perth and Kinross Local Development Plan 2014 as an additional dwelling in this location would not contribute positively to the quality of the surrounding area in terms of character, amenity or natural heritage.

## **Justification**

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

**Informatives**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

14/02196/1

**Date of Report** 30.01.2015

**TCP/11/16(350)**

**Planning Application 14/02196/IPL – Erection of dwellinghouse (in principle), land 60 metres south of Easter Auchtar, Fearnan**

## **REPRESENTATIONS**

- Representation from Education and Children's Services, dated 9 January 2015
- Representation from Transport Planning, dated 29 January 2015





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

<b>Planning Application ref.</b>	14/02196/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: 01738 475381 Email: <a href="mailto:emclaughlin@pkc.gov.uk">emclaughlin@pkc.gov.uk</a>
<b>Description of Proposal</b>	Erection of dwellinghouse (in principle)		
<b>Address of site</b>	Land 60 Metres South Of Easter Auchtar Fearnan for Mr And Mrs W Seath		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, 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 Kenmore Primary School.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></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>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	09 January 2015		



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

<b>Planning Application ref.</b>	14/02196/IPL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	x76512
<b>Description of Proposal</b>	Erection of dwellinghouse (in principle)		
<b>Address of site</b>	Land 60 Metres South Of Easter Auchtar Fearnan		
<b>Comments on the proposal</b>	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.		
<b>Recommended planning condition (s)</b>	<p>Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.</p> <p>Visibility splays of 2.4m x 60m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.</p> <p>Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.</p> <p>Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.</p>		
<b>Recommended informative(s) for applicant</b>	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
<b>Date comments returned</b>	29 January 2015		

