

TCP/11/16(559) – 18/00836/IPL – Erection of a dwellinghouse (in principle) on land 170 metres north west of Loanfoot Cottage, East Trinity Gask

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TCP/11/16(559) – 18/00836/IPL – Erection of a dwellinghouse (in principle) on land 170 metres north west of Loanfoot Cottage, East Trinity Gask

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

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

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

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

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

Review procedure

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

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

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

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

N/A

Site inspection

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

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

With reference item 1 of decision notice dated 27.06.18

1. We would argue that the sites have a good landscape framework capable of absorbing the proposal as there are existing mature trees and hedges towards the south east and south west an existing B class road along the south west edge and a church and walled yard towards the north west.
2. The sites would be enclosed on three sides by established boundaries. We suggest conditioned supplementary boundary treatment as necessary.
3. The site areas of 5156m² (north most site) and 3351m² (south most site) are in keeping with some of the adjacent plots which range from 3360m² to 8381m² eg Church 3360m², Trinity Gask House 8381m² and Kirkton Farm Steading 5966m².

With reference to Conservation Officer Marianna Porter's comments of 05.06.18 and item 2 of decision notice dated 27.06.18. We do not agree that there would be an adverse impact on the setting of the listed buildings as:

1. the land of the proposed sites is at a lower level of the church and yard. We note that from OS data there is a drop of circa 15m or 6 stories from Kirkton (+74m AOD) to Loanfoot (+59m AOD)
2. the proposed includes for a field access track between the new sites and church yard which would further ensure respectful separation between the listed buildings and the proposed house plot sites. It should be noted that the field access is not intended to be included in the curtilage of the house plots and would therefore help minimise the impact on the listed buildings.
3. this is an in-principle application and therefore the scale and specific location of any proposed houses on the sites is therefore not a consideration. We suggest conditioned minimum separation distances to ensure minimal impact as appropriate.

Field Access Track.

For clarity the proposed field access track is not intended to be included in the curtilage of the proposed house plot which will help to protect the listed buildings by providing separation.

Trinity Gask Community and Services.

The applicant is keen to consolidate the Trinity Gask community by introducing appropriate housing opportunities to allow for the existing disused and under used services to be reinstated and sustained.

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.

Re. Field Access Track:

the proposed field access track between church and north most plot is not intended to be part of the curtilage of the house plots and would serve to minimise impact on listed buildings. This was not made clear prior to determination as we were not aware of the concern over impact on listed buildings and the site boundary for planning applications must outline all of the intended construction site. Refer drawing 236 DW05 which includes both proposed site plot boundaries (in green) and planning application site boundary (in red).

Re. Trinity Gask Community and Services:

the applicant owns the Trinity Gask Estate and is keen to consolidate the fragile and disparate Trinity Gask Parish community which has arguably been eroded due to the mechanisation of agriculture and therefore reduction of agricultural workers by establishing appropriate additional housing opportunities so that existing disused Community Hall can be re-established, and the dwindling Parish Church congregation can be sustained and ultimately so that the community can thrive again.

This was not raised with the appointed officer as we had focused on Section 2 Infill Sites section of the Housing In Countryside Guide and since refusal we would like to draw attention that the guide does say that

“The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported”

And that

“The policy aims to: safeguard the character of the countryside; support the viability of communities...”

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.

Location Plan Drawing ref 236 DW05A (indicates planning site boundary for this application)
 Site Plan Drawing 236 DW06A
 Location Plan Drawing 236 DW10 (1:25000 OS map with application site identified)
 Location Plan Drawing ref 236 DW05A (indicates proposed plot boundaries in green)
 Supporting Statement (with satellite image of site)
 Delegated Report of Handling
 Decision Notice
 Internal Consultee Response Conservation
 Housing in the Countryside Guide (with referenced sections highlighted yellow)

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

Checklist

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

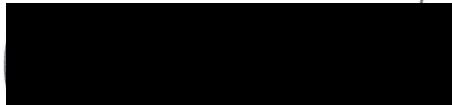
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

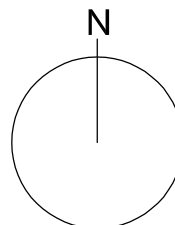
I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

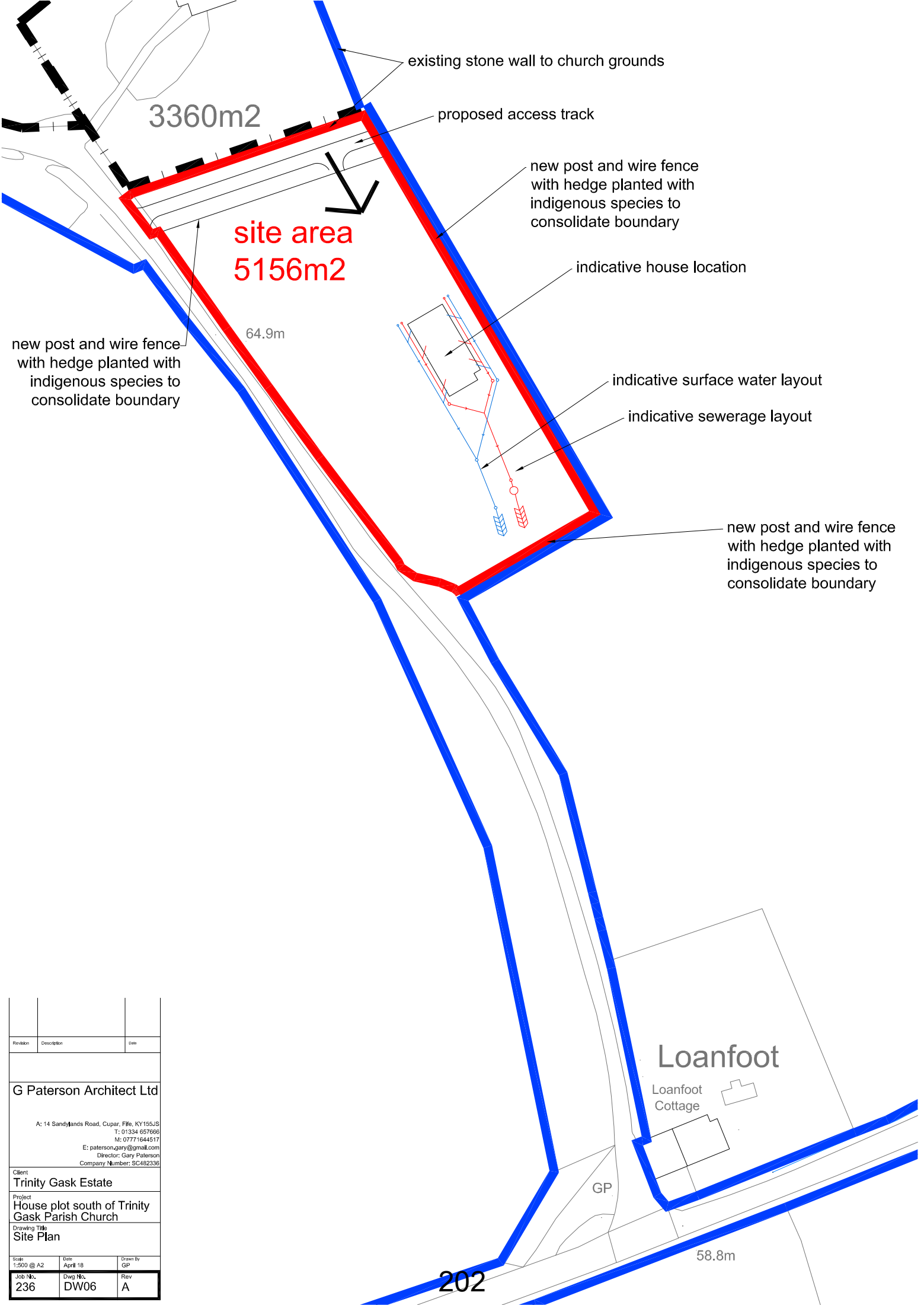


Date

27.09.2018

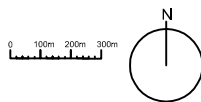
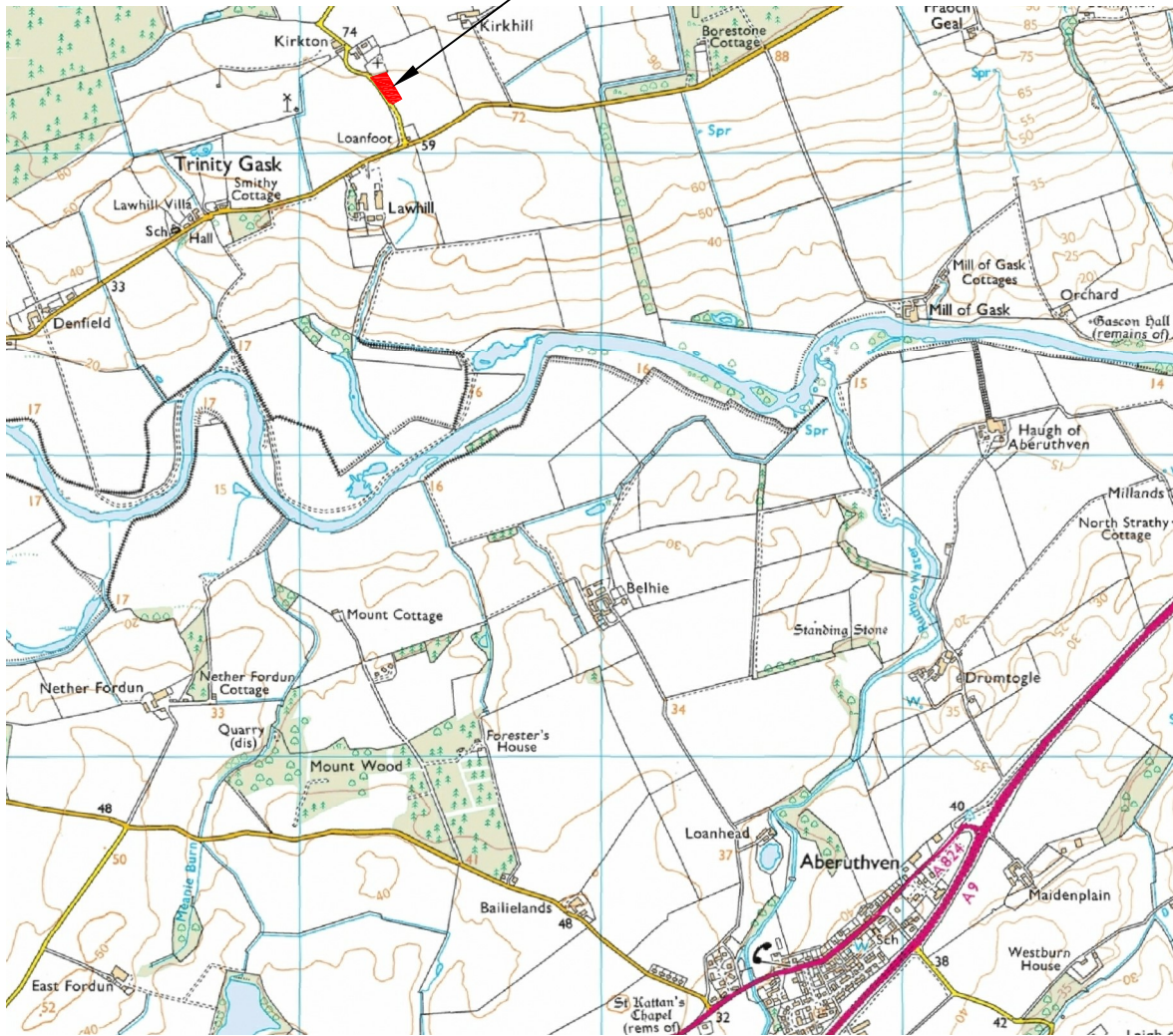


Revision	Description	Date
<p>G Paterson Architect Ltd</p> <p>A: 14 Sandylands Road, Cupar, Fife, KY155JS T: 01334 657666 M: 07771644517 E: paterson.gary@gmail.com Director: Gary Paterson Company Number: SC482336</p>		
<p>Client Trinity Gask Estate</p>		
<p>Project House plot south of Trinity Gask Parish Church</p>		
<p>Drawing Title Location Plan</p>		
Scale 1:2500 @ A3	Date April 18	Drawn By GP
Job No. 236	Dwg No. DW05	Rev A



Revision	Description	Date
G Paterson Architect Ltd		
A: 14 Sandylands Road, Cupar, Fife, KY15 5JS		
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E: paterson.gary@gmail.com		
Director: Gary Paterson		
Company Number: SC482336		
Client		
Trinity Gask Estate		
Project		
House plot south of Trinity Gask Parish Church		
Drawing Title		
Site Plan		
Scale	Date	Drawn By
1:500 @ A2	April 18	GP
Job No.	Dwg No.	Rev
236	DW06	A

site

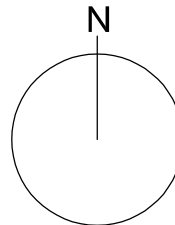
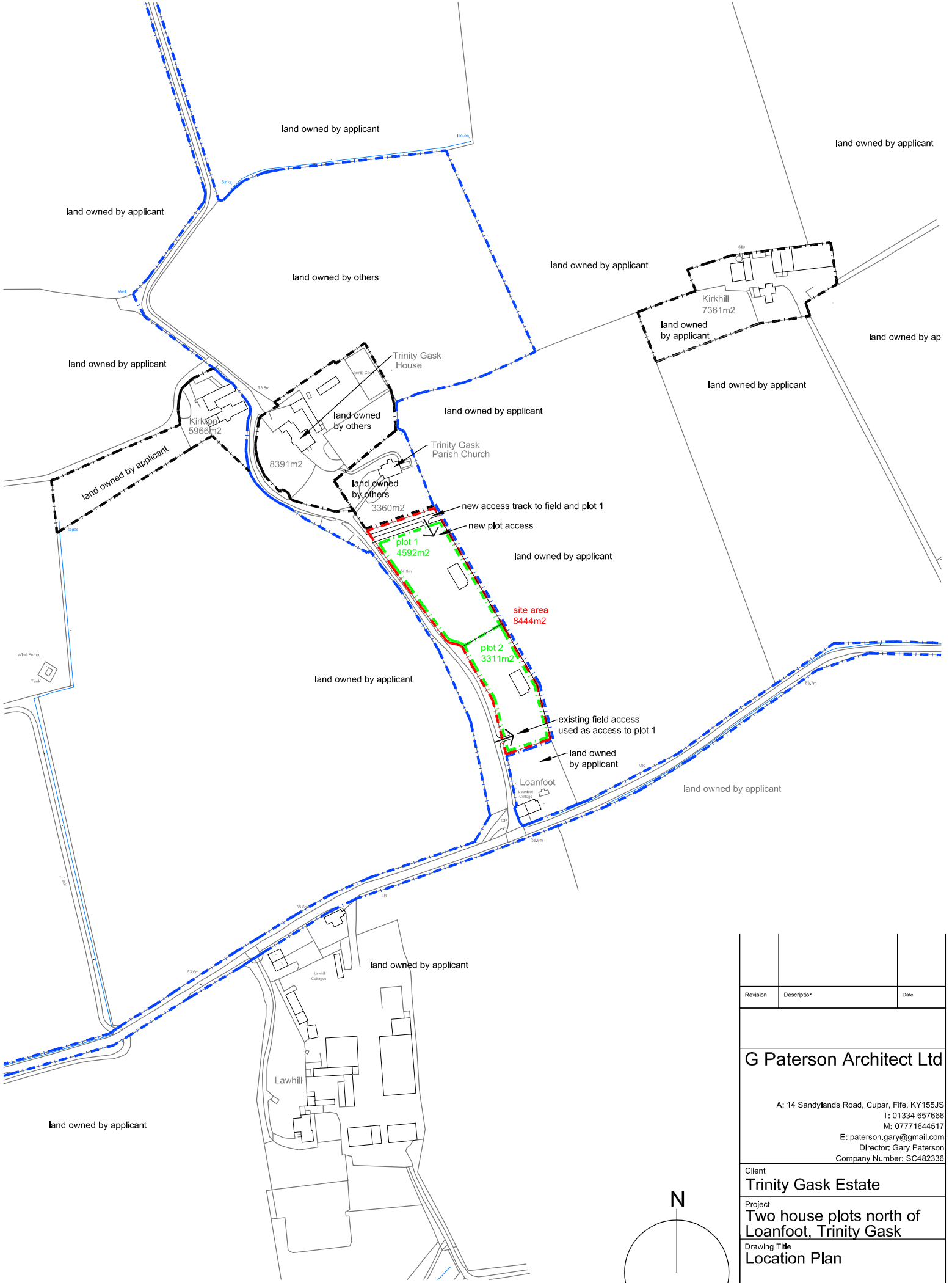


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Revision	Description	Date
STAGE:		

Client Trinity Gask Estate		
Project House plot south of Trinity Gask Parish Church		
Drawing Title Location Plan		
Scale 1:25000 @ A4	Date May 18	Drawn By GP
Job No. 236	Dwg No. DW10	Rev



Revision	Description	Date
G Paterson Architect Ltd		
A: 14 Sandylands Road, Cupar, Fife, KY155JS T: 01334 657666 M: 07771644517 E: paterson.gary@gmail.com Director: Gary Paterson Company Number: SC482336		
Client Trinity Gask Estate		
Project Two house plots north of Loanfoot, Trinity Gask		
Drawing Title Location Plan		
Scale 1:2500 @ A1	Date April 18	Drawn By GP
Job No. 236	Dwg No. DW05	Rev

Job Ref: 236
Date: 26/04/18

SUPPORTING STATEMENT FOR TWO NEW POTS BETWEEN LOANFOOT AND TRINITY GASK CHURCH, TRINITY GASK, NR AUCHTERARDER



We consider that the proposed two house plots sites should be supported as they can be considered Infill Sites under section 2 of Housing In The Countryside Guide (Nov 2012) as the plots are comparable in size to adjacent neighbouring plots, with similar road frontages and the siting criteria can be satisfied due to the fact that 3 of the proposed boundary edges are already established, with mature trees and hedges, the mature trees helping create an attractive backdrop which will ensure that the proposed dwellings can blend sympathetically with the landscape. The intention is to use an existing field access to service the South most plot and to create a new access track along the North most boundary which would be used to service the remaining field and the North most plot. Furthermore the affected field outline will be simplified which will make it more suitable for modern agricultural machinery.

APPENDIX 1

Extract from letter to applicant as part of 18/000122/PREAPP Residential development, Trinity Gask

With regard to the suggested sites I would advise that sites 1-6 would be considered under the infill section of the policy. This supports the development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- ☐ *The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage*
- ☐ *The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)*
- ☐ *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- ☐ *The size and design of the infill houses should be in sympathy with the existing house(s)*
- ☐ *The full extent of the gap must be included within the new plot(s)*
- ☐ *It complies with the siting criteria set out under category 3.*

In this case I would advise that I do not consider that the sites would meet the above criteria. I would also advise that it is unlikely that the sites would meet the siting criteria particularly the requirement for an identifiable site with established boundaries.

APPENDIX 2 – RELEVANT EXTRACT OF HOUSING IN THE COUNTRYSIDE GUIDE NOV 2012

2. Infill Sites

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained
- The size and design of the infill houses should be in sympathy with the existing house(s)
- The full extent of the gap must be included within the new plot(s)
- It complies with the siting criteria set out under category 3.

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

Siting Criteria

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

- a) it blends sympathetically with land form;
- b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;
- c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;
- d) it does not have a detrimental impact on the surrounding landscape.

Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;

- a) it occupies a prominent, skyline, top of slope/ridge location;
- b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and
- c) is unable to provide a suitable degree of enclosure for a new house in the countryside.

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/00836/IPL	
Ward No	P9- Almond & Earn	
Due Determination Date	28.07.2018	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 170 Metres North West Of Loanfoot Cottage East, Trinity Gask

SUMMARY:

This report recommends **refusal** of a planning in principle application for the erection of a dwelling on an area of open farm land at Trinity Gask, 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: 12 June 2018

SITE PHOTOGRAPH



BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle consent for the erection of a single dwelling on a rural site at Trinity Gask - just south of the Trinity Gask Parish Church. The church, and its graveyard are listed.

The planning application site is approx. ½ of a larger site which spans a *gap* between the church to the north, and a pair of semi-detached properties to the south - the full length of the larger site (north to south) is approx. 200m. The area subject of this planning application relates to the northern part of the larger site and extends approx. 108m in a southern direction from the wall of the church's graveyard – which is at the northern end of the site. The width of the site ranges from approx. 54m at its northern end, to approx. 35m at its southern end.

The site slopes upwards south to north, and is bounded by a public road to the west which is aligned by established mature hedges / trees. To the south of the wider site are the curtilages of a pair of semi-detached cottages and to the north is a boundary wall which encloses the church's graveyard. To the east, there is no boundary treatment, landscaping or topographical features and the site simply merges into the larger agricultural field. There is also no natural separation / boundary definition between this planning site and the other residential plot which is proposed to the south (18/00835/IPL).

An indicative house position has been shown in a fairly central position at the eastern side of the plot, with a new vehicular access shown along the northern boundary.

SITE HISTORY

A planning in principle application (18/00835/IPL) for a new dwelling has been submitted on a site immediately to the south of the site which is subject of this planning application.

That planning application has also been recommended for a refusal.

PRE-APPLICATION CONSULTATION

A pre-application enquiry (18/00122/PREAPP) was made to the Council earlier this year. The response issued by the Council highlighted concerns regarding compliance with the HITCG.

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 are,

The Scottish Planning Policy 2014

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

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

Of specific relevance to planning application are,

- Paragraphs 74 - 83, which relates to Promoting Rural Development
- Paragraphs 109 -134, which relates to Enabling Delivery of New Homes
- Paragraphs 135 – 151, which relates to Valuing the Historic Environment

Managing Change in the Historic Environment (Historic Environment Scotland)

Managing Change in the Historic Environment is a series of guidance notes about making changes to the historic environment.

RELEVANT LEGISLATION

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Sections 59 of this Act requires the Council to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural historic interest which the building possesses.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The site lies within the landward area of the Local Development Plan, within the setting of listed buildings. To this end, the following policies are applicable to a residential proposal in this location,

Policy HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy RD3 - Housing in the Countryside

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

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This is the most recent expression of Council policy towards new housing in the open countryside.

Developer Contributions and Affordable Housing (2016)

This policy outlines the Council's position in relation to developer contributions in relation to primary education, transport infrastructure and A9 junction improvements, as well as our Affordable Housing provision requirements.

EXTERNAL CONSULTATION RESPONSES

Scottish Water have commented on the proposal and made general comment.

PKHT have commented on the proposal in terms of archaeology and recommended that a pre-commencement condition should be attached to any permission.

INTERNAL COUNCIL COMMENTS

Transport Planning has commented on the proposal in terms of access and parking provision and have raised no objections.

Development Negotiations Officer has commented on the proposal and indicated that a standard condition in relation to Primary Education contributions should be attached to any permission.

REPRESENTATIONS

None received.

ADDITIONAL INFORMATION

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Supporting statement submitted.

APPRAISAL

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

The Development Plan for the area comprises the approved TAYplan 2017 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations consideration of the Council's other policies on HITCG and Developer Contributions/Affordable Housing are material considerations.

Policy Appraisal

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

Policy PM1A seeks to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the existing area, whilst *Policy RD3* relates to new Housing in the Countryside and states that the supplementary guidance will be applicable to new proposals in the landward area. The most recent SPG on Housing in the Countryside is the 2012 version, which was adopted in 2014 as part of the LDP process.

In addition, to these policies *Policy HE2* of the Local Development Plan also seeks to protect the setting of listed building from inappropriate new developments.

For reasons stated below, I consider the proposal to be contrary to *Policy RD3* of the Local Development, and it's associated SPG largely due to the uncontained nature of the site, and also *Policy HE2* of the Local Development Plan as the proposal would have an adverse impact on the setting of a listed building(s).

Land Use Acceptability

The site lies within the landward area of the adopted Local Development Plan, where *Policy RD3* is directly applicable to new residential proposals. *Policy RD3* relates to the Housing in the Countryside Policy and is directly linked to the associated SPG, the Housing in the Countryside Guide 2012 (HITCG) which offers a more detailed policy background and is the most recent expression of Council opinion towards new housing in the open countryside.

To this end, the acceptability of the proposal in land use terms is ultimately an assessment of the proposal against the terms of the HITCG 2012.

This planning application and 18/00835/IPL are both located within a gap or 'space' between a small group of buildings to the north, and also a pair of semi-detached cottages to the south. Accordingly, the relevant sections of the HITCG that would be applicable to this proposal (and the other planning application) would be building groups, and infill sites. By definition of what is proposed (*ie the proposal is not a conversion, replacement non-residential building, replacement house, operational need/local worker house or development on rural brownfield land*), the other sections of the HITCG are not relevant.

I shall address the proposal against both the building groups, and infill sections in turn.

In terms of acceptable new development within or adjacent to an existing group, the HITCG states that consent will be granted for new houses that are located within existing building groups provided they do not detract from both the residential and visual amenity of the group. The policy goes on to say that consent will also be granted for houses which extend the group providing that the development takes place in definable sites which is formed by existing topography and or well established landscape features that would provide a suitable setting. All acceptable proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

The full extent of the gap between the curtilage of the church (its southern graveyard area), and the curtilage of the dwellings to the south is approx. 200m. There is therefore a considerable 'gap' between the existing buildings at either end of the larger site and the full extent of the 'gap'. In my view, the distances involved is of such a scale that I would not consider this to be development within an existing building group – even though there may be

buildings at either end of the site (for both plots) the site is not considered to be closely related to the buildings at either end.

I therefore do not consider the proposal to be acceptable as development within an existing building group, as the development site is not *within* a building group.

In terms of an extension of building groups, I accept that there is an established building group to the north, which is typically defined as being 3 or more dwellings or buildings of reasonable scale. However, this site and the other site to the south have little in the way of natural site containment to the east, or along the mutual boundary between the two proposed plots. The road along the west, the church yard to the north and the semi-detached properties to the south do offer some means of site containment and structure to the site, however the 200m stretch of openness of the east is not acceptable, and does not provide any degree of landscape containment or site definition for the proposed sites.

It would also be the case that the size of the plots proposed, would bear no comparison in their sizes or shape to what is surrounding, so the proposal would be at odds with the existing building pattern and certainly would not respect it.

I therefore consider this proposal (and the sister application to the south) to be contrary to the specific requirement of the requirements of building groups, in relation to the extension of existing building groups.

In terms of infill sites, the HITCG policy offers support for new development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where,

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained
- The size and design of the infill houses should be in sympathy with the existing house(s)
- The full extent of the gap must be included within the new plot(s)
- It complies with the siting criteria set out under category 3.

The siting criteria referred to under category 3 is listed as,

a) it blends sympathetically with land form;

b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;

c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;

d) it does not have a detrimental impact on the surrounding landscape.

Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;

a) it occupies a prominent, skyline, top of slope/ridge location;

b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and

c) is unable to provide a suitable degree of enclosure for a new house in the countryside.

Whilst the proposal, in combination with the application to the south would extend the full width of the 'gap', the sizes of the resultant plots (and shape) would bear no reasonable resemblance to the sizes the curtilages of the buildings and dwellings to the north and south.

In addition to this, as stated previously, the site (including the plot to the south) is essentially a 200m length of open farmland which simply merges part of a far larger agricultural field, with no means of natural containment to the east or between the two plots. The site is not identifiable with sufficient long established boundaries which would separate the site naturally from the larger field, and the proposal would be result in the artificial sub-division of part of a field – which is not considered acceptable.

In terms of other issues, both developments within building groups and also infill opportunities should be acceptable from a visual point of view, and also should not be located on prominent, skyline locations. In this case, the site slopes south to north so there would be the potential for some impact on the general visual amenity of the area, and potentially, an adverse impact on the (historic) visual amenity of the area which is within the setting of the listed church.

Design and Layout

This is a planning in principle application so there are no detailed matters to consider at this stage.

Residential Amenity

In terms of the impact on existing residential amenity, the proposal would have limited impact. Subject to suitable design, orientation and placement on the plot, there should be no adverse impact on the proposed southern plot.

In terms of being able to offer a suitable level of residential amenity for future occupiers of the dwelling, the size of the plot is such that there should not be any issues with ensuring that a suitable level of usable amenity space is delivered.

Roads and Access

In terms of access and parking provision matters, I have no concerns.

Whilst this is only a planning in principle application, I see no reason why a suitable access cannot be delivered and suitable parking provision provided internally. To achieve suitable visibility, it would be the case that some of the existing hedges / trees that align the roadside western boundary. In principle, I would have no objection to some removals.

Drainage and Flooding

The proposal raises no issues in terms of drainage or flooding matters. Fuller details regarding the proposed private drainage (foul and surface water) will be reviewed at a detailed planning application stage.

Visual Amenity

In terms of the impact on the general visual amenity of the area, the proposal would have an impact due to the open nature of the site currently, and also sloping nature of the site. The visual amenity of the area is linked to the close location of the listed buildings to the north and the setting of these buildings, and as outlined below the development of this site could have an adverse impact on the (historic) visual amenity of the area.

Impact on the setting of the Listed Church

Both Trinity Gask Parish Church and its Churchyard are listed separately, and both are C listed. The church and its graveyard sit in an elevated position with open countryside to the south, east and west – this application site, and other application site would be immediately to the south. In my view, the elevated position of the church and its graveyard does contribute to their significance

through visibility within the wider landscape. The construction of a new building(s) in such close proximity to the listed buildings would have a significant impact on these historic views, and would compete visually with the prominence of the listed buildings in the landscape. I therefore consider the proposal to have the potential to have an adverse impact on the setting of the listed building(s), and this view is shared by a colleague with conservation expertise.

Archaeology

The site lies within an area which is sensitive in terms of archaeology.

To this end, in the event of any approval being forthcoming a standard condition requiring further archaeological works should be attached to any consent.

Developer Contributions

Affordable Housing

The proposal is for the erection of a single dwelling, with one other proposed as part of a 'wider' proposal. To this end, there is no requirement for any affordable housing provision as part of this planning application.

Transport Infrastructure

The site is located outwith the catchment area for Transport Infrastructure contributions.

A9 Junction Improvements

The site is located outwith the catchment area for A9 Junction Improvements.

Primary Education

As this is a planning in principle application, in the event of any approval a standard condition compliance condition should be attached to any permission.

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 be contrary to the adopted Local Development Plan 2014.

I have taken account of material considerations and find none that would justify overriding the adopted Development Plan, and on that basis the application is recommended for a 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 planning application because of the following reasons,

- 1 By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but is considered to be an extension to an existing group and / or an infill site. The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure and c) comparable plot sizes/shape which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups or takes places between existing buildings (infill) takes place within definable sites that are formed by existing topography and / or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area.
- 2 As the proposal would adversely affect the historic setting of adjacent listed buildings, the proposal is contrary to Policy HE2 of Perth and Kinross Council's adopted Local Development Plan 2014, the Scottish

Planning Policy 2014 and the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, all of which seek to ensure the protection of listed building settings from inappropriate new developments.

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 (refusal recommended).

Procedural Notes

None (refusal recommended).

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/00836/1
18/00836/2
18/00836/3
18/00836/4

Date of Report - 27 June 2018

PERTH AND KINROSS COUNCIL

Mr Jamie Roberts
c/o G Paterson Architect Ltd
Gary Paterson
14 Sandylands Road
Cupar
KY15 5JS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 27th June 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00836/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 29th May 2018 for permission for **Erection of a dwellinghouse (in principle) Land 170 Metres North West Of Loanfoot Cottage East Trinity Gask** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

- 1 By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but is considered to be an extension to an existing group and / or an infill site. The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure and c) comparable plot sizes/shape which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups or takes places between existing buildings (infill) takes place within definable sites that are formed by existing topography and / or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area.

- 2 As the proposal would adversely affect the historic setting of adjacent listed buildings, the proposal is contrary to Policy HE2 of Perth and Kinross Council's adopted Local Development Plan 2014, the Scottish Planning Policy 2014 and the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, all of which seek to ensure the protection of listed building settings from inappropriate new developments.

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

18/00836/1

18/00836/2

18/00836/3

18/00836/4

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00836/IPL	Comments provided by	Marianna Porter
Service/Section	Conservation	Contact Details	██████████ ██████
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 170 Metres North West of Loanfoot Cottage East, Trinity Gask		
Comments on the proposal	Trinity Gask Parish Church and Churchyard are separately listed at Category C. They sit in an elevated position with open countryside to the south, east and west. This elevated position contributes to their significance through their visibility within the wider landscape. The construction of a building of the scale proposed in such close proximity to the south of the listed buildings would have a significant impact on these views and compete with the prominence of the listed buildings in the landscape. There would therefore be an adverse impact on the setting of the listed buildings contrary to Paragraph 141 of SPP.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	05.06.2018		

Housing in the Countryside Guide

November 2012

Introduction

The policy is intended to apply across Perth and Kinross, subject to specific circumstances identified in Local Plans, this would include an area like Glenshee where the Eastern Area Local Plan already includes a more relaxed policy to address the issues rural development and depopulation and the scattered nature of the settlement pattern.

In addition, in areas where particular constraints apply, the policies specific to these areas must also be complied with. Areas with specific designations include:

- Designated Historic Gardens and Designed Landscapes
- National Scenic Areas
- Areas of Great Landscape Value
- Special Areas of Conservation
- Special Protection Areas
- Ramsar Sites
- Sites of Special Scientific Interest
- Scheduled Ancient Monuments and their setting
- Loch Leven and Lunan Valley Catchment Areas for nature conservation/environmental reasons

This may result in a proposal being acceptable in terms of the Housing in the Countryside Policy but unacceptable for other policy reasons, and therefore refused.

Housing in the Countryside

In accordance with SPP15, PAN 72 and PAN 68 the Council's objective is to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas including the open countryside. **The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported**, and the need to travel minimised. It also means encouraging the sympathetic reuse of existing traditional buildings of character and beauty and to ensure that new buildings are located correctly and constructed to the highest standards of design and finish.

The policy aims to: safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside. These buildings represent a significant resource both architecturally and from a sustainability point of view and have the potential to be reused and adapted to help meet present and future rural development needs.

Whilst most new development will continue to be in, or adjacent to, existing settlements, 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, and meet all the following criteria:

For All Proposals

- a) 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.
- b) Pre-application discussion is recommended.
- c) Satisfactory access and services should be available or capable of being provided by the developer.
- d) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- e) All proposals for 5 units or more will either: require 25% of the proposed development to be for affordable housing; or require a developer contribution towards the provision of affordable housing, either on or off site. The council's housing needs assessment and the Affordable Housing Policy will be used to determine whether provision is to be on or off site or by way of a financial contribution.

Note: For the purposes of this policy the restoration or replacement of an existing occupied or vacant house (as opposed to a ruin) will not constitute the creation of a new unit.

- f) The quality of the design and materials of the house(s) should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of both the building and the curtilage of a new house(s).
- g) Existing on site materials, particularly stone and slate, should be re-used in the construction of the dwelling house and/or the boundary enclosure, in order to help reflect local character and contribute to sustainability.
- h) Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.
- i) Encouragement will be given to the incorporation of measures to facilitate home working within new development

- j) The proposed development should not conflict with any other policy or proposal in the Local Plan.
- k) It is the Council's policy to halt the loss of biodiversity. Proposals must demonstrate how they will make a positive contribution to the biodiversity of the site. Proposals which might impact on protected sites, or where protected habitats or species (eg bats, barn owls, house martins, swallows, swifts) might be present, will require submission of a survey as part of the planning application to show their location. Proposals should include appropriate measures to avoid loss or disturbance to species. Failure to undertake a survey may mean the proposal contravenes the Wildlife and Countryside Act 1981 (as amended) and European Directives.
- l) Proposals with the potential to result in increased disturbance of birds in Special Protection Areas must demonstrate how adverse impacts on the site's integrity will be avoided.
- m) The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity benefits.

1. Building Groups

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

2. Infill Sites

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained
- The size and design of the infill houses should be in sympathy with the existing house(s)
- The full extent of the gap must be included within the new plot(s)
- It complies with the siting criteria set out under category 3.

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

3. New Houses in the Open Countryside

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

3.1 Existing Gardens:

- a) 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.
- b) Walled gardens where development would not affect the integrity of the structure or the garden, and may assist in the preservation of the wall.

3.2 Flood Risk:

- a) Relocation of an existing house from within a flood risk area to the best and nearest alternative site, provided the flood risk house is demolished, the site made good, and any ad-hoc protection measures associated with the at-risk property removed, following the occupation of the replacement house.

3.3 Economic Activity

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

the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required.

- b) Proposals for new country estates with ancillary accommodation may be permitted where they are of outstanding architectural quality and create a new designed landscape. In addition they must demonstrate that they will bring associated employment and long term economic benefits to communities in the surrounding area.

3.4 Houses for Local People:

A house is required for a local applicant who has lived and/or worked in the area for at least 3 years, and is currently inadequately housed. Proof of residency and/or work status may be required.

Note: The offer of a Rural Home Ownership Grant (or similar) by the Housing Investment Division of the Scottish Government will also be accepted as proof of need.

3.5 Pilot projects creating eco-friendly houses:

Such proposals may be supported where a rural setting is required and the project is linked to the management of land or use of land for sustainable living.

Siting Criteria

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

- a) it blends sympathetically with land form;
- b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;
- c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;
- d) it does not have a detrimental impact on the surrounding landscape.

Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;

- a) it occupies a prominent, skyline, top of slope/ridge location;
- b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and
- c) is unable to provide a suitable degree of enclosure for a new house in the countryside.

4. Renovation or Replacement of Houses

Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:

- a) Restoration rather than replacement will be favoured where the building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.
- b) Any alterations and extension to an existing house should be in harmony with the existing building's form and proportion.
- c) Only if it can be demonstrated that the existing house is
 - i) either not worthy of retention,
 - ii) or is not capable of rehabilitation at an economic cost,

will substantial rebuilding or complete replacement be permitted.

Note: Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction an independent expert opinion will be commissioned by the Council, at the applicant's expense, to evaluate the costs of alternative options. Where a house has been demolished prior to the submission of an application or grant of planning consent, there will be no guarantee that a replacement house will be granted.

- d) Where rebuilding or demolition is permitted the replacement house shall be of a high quality design appropriate to its setting and surrounding area.
- e) The replacement of an abandoned or ruinous house will be permitted where:
 - i) there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified
 - ii) it is located on an established site with a good landscape setting and a good 'fit' in the landscape and on a site acceptable on planning grounds;

- iii) the site boundaries are capable of providing a suitable enclosure for the new house.
- f) The siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road, unless individual site conditions suggest that another position would create a better landscape fit.

5. Conversion or Replacement of Redundant Non-Domestic buildings

Consent will be granted for the conversion of redundant non-domestic buildings to form houses and may be granted for the extension or replacement of such buildings, provided the following criteria are met:

- a) The building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.
- b) Any alteration and extension should be in harmony with the existing building form and materials
- c) Replacement of such buildings will only be permitted in cases where there is objective evidence that the existing building requires to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost.* The replacement must be generally faithful to the design form and materials of the existing building but may incorporate non-original features which adapt it to modern space requirements and building standards or reflect a local architectural idiom.

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

Consent will be granted for the conversion of redundant, traditional building complexes such as farm steadings and, in addition, consent may be granted for the extension or replacement of such buildings and for limited new build accommodation associated with the conversion where the following criteria are met:

- d) The conversion/reconstruction has, as its core, the footprint of the existing traditional steading.
- e) Non-original features may be incorporated to adapt the steading to modern space requirements and building standards or to reflect a local architectural idiom,
- f) Extensions and new-build houses should only be contemplated where they reinforce the architectural integrity and external appearance of the original building and its grounds by, for example, infilling appropriate gaps in a group or rounding off a group. It should not be assumed that the entire 'brownfield' area of a site is suitable for housing.

- g) There is a satisfactory composition of new and existing elements in terms of style, layout and materials.
- h) In general no more than 25% of the total units or floor area should comprise new build or rebuilt development.
- i) The proposal will result in a development of high design quality and of a scale and purpose appropriate to its location.
- j) Those parts of the site not required for buildings or private gardens will require to be landscaped to a high standard. Landscaping plans demonstrating this, and how any other land outwith the application site but within the applicants control will be used to provide landscape screening for the proposal must be submitted and approved as part of the planning application.
- k) The development is in an accessible location ie in close proximity to a settlement or public transport links or in proximity to services e.g. schools, shops.

Note: Where farming operations require to be moved details of any replacement building and where this will be located should be submitted along with the application for conversion.

For the purposes of this policy a building will be classed as redundant when it can be demonstrated that it: has not been in use for a considerable number of years; is no longer fit for purpose; or is unsuited to the restructuring needs of the farm necessary to ensure a viable farm business.

6. Rural Brownfield Land

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. A statement of the planning history of the site, including the previous use and condition, must be provided to the planning authority. Proposals should be small scale, up to maximum of five new houses, and must comply with the criteria set out in the For All Proposals section of this policy. All land within the site, including areas not required for housing or private gardens, must be the subject of landscaping and/or other remediation works.

Proposals for more than five new houses on rural brownfield land will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

<p>TCP/11/16(559) – 18/00836/IPL – Erection of a dwellinghouse (in principle) on land 170 metres north west of Loanfoot Cottage, East Trinity Gask</p>

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 223-224)*

REPORT OF HANDLING *(included in applicant's submission, see pages 209-221)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 201-203 and 205-207)*

TCP/11/16(559) – 18/00836/IPL – Erection of a dwellinghouse (in principle) on land 170 metres north west of Loanfoot Cottage, East Trinity Gask

REPRESENTATIONS

01/06/2018

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



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

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

Dear Local Planner

PH3 Trinity Gask Loanfoot Cottage E 170 Metres N
PLANNING APPLICATION NUMBER: 18/00836/IPL
OUR REFERENCE: 761831
PROPOSAL: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

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

Water

- There is currently sufficient capacity in the Turret Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission

has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**
<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

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

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

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

Yours sincerely

Angela Allison





To:	Andrew Baxter, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	11 th June 2018

18/00836/IPL | Erection of a dwellinghouse (in principle) | Land 170 Metres North West Of Loanfoot Cottage East Trinity Gask

Thank you for consulting PKHT on the above application. I can confirm that the proposed development site lies within an area that is considered to be archaeologically sensitive.

The development site lies directly south of Trinity Gask Parish Church and graveyard, the current building being constructed in 1770 which is likely contemporary with the walled graveyard. However, this site has medieval origins as it was granted in the 1220's to Inchaffray by Gilbert, Earl of Strathearn, and subsequently a vicarage settlement was confirmed in 1238. Although the medieval church may be directly under the current footprint it may also lie further south (*Corpus of Scottish Medieval Churches, St Andrews University*). Therefore, there is a possibility that earlier graves associated with this church, or buried outside of the old graveyard as was common practice, may extend to within the development area, in particular the proposed new access track to the house. It is therefore recommended that a programme of archaeological works is undertaken, starting with archaeological monitoring of the access track, to ensure no human remains or archaeology are disturbed during the development.

It is recommended that a programme of archaeological works should take place to assess the presence / absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

HE25 *Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.*

Notes:

1. **Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**

2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00836/IPL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 170 Metres North West Of Loanfoot Cottage East, Trinity Gask		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
Recommended planning condition(s)	Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant			
Date comments returned	13 June 2018		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00836/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 170 Metres North West Of Loanfoot Cottage East, Trinity Gask		
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 site is bisected by the catchment boundary of Madderty Primary School and Community School of Auchterarder Primary. The access to the site will be taken from the Madderty Primary catchment so this will be used when considering the Primary education contribution position.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	14 June 2018		

