

**TCP/11/16(518) – 17/01725/FLL – Erection of 2
dwellinghouses on land 70 metres west of Garden Cottage,
Pitnacree**

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**TCP/11/16(518) – 17/01725/FLL – Erection of 2
dwellinghouses on land 70 metres west of Garden Cottage,
Pitnacree**

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

Thank you for completing this application form:

ONLINE REFERENCE 100083614-001

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

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:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Algo Business Centre"/>
First Name: *	<input type="text"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): * <input type="text" value="Glenearn Road"/>
Company/Organisation	<input type="text" value="Pitnacree Estate"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH2 0NJ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="753539"/>	Easting	<input type="text" value="292341"/>
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Description of Proposal

Please provide a description of your 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)

Erection of 2 dwellinghouses on land 70 metres west of Garden Cottage, Pitnacree

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 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 grounds of appeal as set out in the attached supporting statement

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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)

MBM1 - Application forms, location plan and proposed elevations, MBM2 - Decision notice, MBM3 - Planning & Design Statement, MBM4 - Report of Handling, MBM5 - Tree Survey Log and Plan, MBM6 - Proposed site plan and site sections, MBM7 - Ecological Appraisal and Grounds of Appeal Statement in support of Notice of Review.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/01725/FLL

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

04/10/2017

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

21/11/2017

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 a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

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 manner in which the site meets with the building groups and infill sites categories of the council's housing in the countryside policy.

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: Mr Mark Myles

Declaration Date: 09/02/2018

Grounds of Appeal Statement in Support of Notice of Review (17/01725/FLL)

Erection of 2 dwellinghouses at Pitnacree

1. Introduction

- 1.1 This ground of appeal statement should be read in conjunction with the Notice of Review Appeal submitted on 9th February 2018 on behalf of Pitnacree Estate, for the erection of two houses on land 70 metres west of Garden Cottage, Pitnacree. The planning application and plans (17/01725/FLL) (copy attached - MBM1) was refused by PKC on 21st November 2017 (attached – MBM2).
- 1.2 The proposal requires to be considered under the terms of the relevant development plan policies (PM1 – Placemaking, RD3 – Housing in the Countryside and NE2 Forestry Woodland and Trees, of the Perth & Kinross Local Development Plan) but also the council's Housing in the Countryside Supplementary Guidance that was approved by the council in November 2014 and Scottish Planning Policy (June 2014).
- 1.3 A detailed supporting planning and design statement (produced by Sutherland & Co. Architects and Galbraith) was submitted as part of the original planning application (copy attached – MBM3).
- 1.4 We contest the council's single reason for refusal of the planning application and the assessment of the application as contained within the Report of Handling (copy attached - MBM4).
- 1.5 The planning application was also supported by a Tree Survey and Plan (prepared by CKD Galbraith) (MBM5); Site Plan and Cross Sections to address potential flood risk (prepared by Sutherland & Co.) (MBM6); and an Ecological Appraisal (prepared by SLR Consulting Ltd) (MBM7), which are all submitted in support of this appeal.

2. Grounds of Appeal and Response to PKC Reason for Refusal

- 2.1 As highlighted above, the planning application was refused by the council on 21st November 2017 for the following single reason;

'The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the site would not respect the character, layout and building pattern of the group and that a high standard of residential amenity cannot be achieved. It is also considered that the proposal cannot satisfy any of the remaining categories (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 or (6) Rural Brownfield Land.'

- 2.2 As can be seen from the photographs included in the Report of Handling (MBM4), the site clearly benefits from a suitable landscape framework and setting which is capable of absorbing the development. In fact, the Report of Handling confirms that *'the site is well defined and largely enclosed by a mixture of planted and self-seeded cover.'*
- 2.3 This site is regarded as an identifiable infill site located within a recognised building group with long established and clearly defined boundaries i.e. it is not a newly created site and development would not have a detrimental impact on the surrounding landscape. The detailed plans submitted in support of the application show the houses to be contemporary in design and with high quality finishing materials paying regard to the wider setting and the Pitnacree locality.
- 2.4 No issues were raised by the appointed officer in respect of the design of the proposed houses.
- 2.5 We consider that the proposal would reflect the character and density of development as well as the spacing between buildings within Pitnacree. The proposed plot sizes and width of road frontage for both plots are comparable with others in the area. We do not believe that the development of this site would be detrimental to the amenity of the area or of any other property in anyway. No objections were received from any party. Indeed, if anything we consider the development of this site would complement the established building pattern and amenity of the area and enhance the viability of the wider Pitnacree area.
- 2.6 The principle of development on the site requires to be considered against Policy RD3 Housing in the Countryside and the associated Housing in the Countryside Guide. The council 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 open countryside
- d) Renovation or replacement of houses
- e) Conversion or replacement of redundant non-domestic buildings
- f) Development on rural brownfield land

- 2.7 In this case there are 2 key policy tests for assessing the principle of erecting two houses on this site - not just the 1 policy test as stated in the Report of Handling and the reason for refusal.
- 2.8 The Report of Handling only assess the proposal against Category a) building groups. However, due to the circumstances of this site it is considered that in addition to assessing the proposal under category a) building groups, an assessment against category b) Infill sites is also required and appropriate.
- 2.9 Of the 6 categories contained within the policy, it is considered that the proposal satisfies the terms of **Category a/1 – Building Groups** which states '*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.'
- 2.10 The application seeks detailed consent for two houses to be erected as part of the existing group of buildings at Pitnacree. In visual terms the proposed houses would be read as part of the wider grouping at Pitnacree where there are already more than 3 buildings as is required by the building group criteria of the policy. The Report of Handling considers that there is a building group located to the east of this site but that this site does not form part of this grouping due to the burn that forms an edge to the building group.
- 2.11 However, in terms of this key policy issue we would argue that the river, the road and the well-established landscape features also help to define and frame the character and layout of the building group and not just the burn that extends across the road to the north. Development is already located between the road and the river and also on

the north side of the road. This site is also framed by the well-established landscaping and trees and due to the route of the river and the direction and angle of the road to the west, this site would form the limit to any expansion within the building group in this particular direction. At the same time the proposal would not extend the building group beyond the gate lodge to Pitnacree House which already provides an existing defined western limit to the Pitnacree grouping. On the western approach to Pitnacree the settlement identification road sign is located slightly further to the west of the gate lodge which provide further evidence that the gate lodge and entrance to Pitnacree House mark the defined edge or boundary of the Pitnacree settlement in this direction.

- 2.12 The tree survey report and plan (MBM5) show that there would be a requirement to remove only 2 trees and some self-seeded trees (marked x on the tree survey plan) from the centre of the site. All other mature trees located around the site boundaries would be retained. The two trees to be removed (Beech and Pedunculate Oak) are both already in very poor condition and not of high quality and opportunities for compensatory replacement planting are available on the site which can be conditioned as part of any approval.
- 2.13 The design and layout of the development and the extensive ecological survey work have also taken account of the health and location of all trees to be retained and the layout has been modified from an earlier withdrawn planning application (17/00945/FLL) to provide suitable root protection areas for all retained trees. A construction method statement and tree protection measures would therefore be appropriate conditions as part of any approval.
- 2.14 The proposed riverside and wooded setting would therefore provide a high level of residential amenity and quality setting for the proposed houses in accordance with the building groups category of the policy. No objections had been received from any consultee or from the Biodiversity Officer to either the proposed tree survey or the ecological survey and approval of the two houses could be subject to conditions to protect the existing mature trees on the site thereby addressing and preventing any perceived '*inevitable*' clearance of trees by future occupants (as claimed by the appointed officer in the Report of Handling) which would then be unlawful.
- 2.15 Within the Report of Handling the appointed officer has also not given any consideration to whether the proposed site is a clearly definable **infill site** in accordance with **Category b** of policy RD3, whilst reflecting and respecting the existing pattern and spacing of development along this stretch of the road. Section 2 of the Supplementary Guidance provides more details and states that for 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 criteria are met.

- 2.16 As noted in the planning and design statement historical Ordnance Survey maps of Pitnacree have shown that a cottage and outbuildings previously occupied the north east corner of the appeal site. The cottage was demolished in the 1980's as the structure had deteriorated to the point where it posed a health and safety risk. However, its presence, combined with that of the gate lodge to the north west, and the settlement road sign on the western approach to Pitnacree, show that the historic extent of the building group has always incorporated the proposed site.
- 2.17 The proposals therefore also involve infilling of a gap situated between existing long-established properties already located immediately to the east which are at least equivalent in size to a traditional cottage and also the gatehouse/lodge located to the north west. The proportion of each plot occupied by the two new houses will also be similar to that exhibited by the existing houses and there are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed houses and the amenity of the existing houses would be maintained. The size and proportions of the infill houses are also in sympathy with the existing houses. It is also significant that the full extent of the gap will be included in the 2-house development and as such the proposal is therefore also considered to be consistent with the criteria set out in Category 2 of the council's Supplementary Guidance on infill sites.
- 2.18 The development of two houses will blend in sympathetically with the land form by utilising the existing trees and slopes to provide a backdrop. This is an identifiable site with long established boundaries. It is not a newly created site and it will not have a detrimental impact on the surrounding landscape.
- 2.19 Overall the site has an excellent landscape framework and well-defined boundaries on all sides, and there would be no impact to the amenity of the existing properties as the access to the proposed houses would be taken direct from the public road. The required standard of access and visibility splays can be provided within the site as shown on the proposed site plan.
- 2.20 The proposal would therefore provide a small scale high quality rural housing opportunity as part of an existing cluster and group of buildings where no other development opportunities have been identified in recent years.
- 2.21 Support for this type of housing in the countryside proposal is also fully endorsed within Scottish Planning Policy which advocates that '*the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.*' (para 75).
- 2.22 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.*'

- 2.23 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.

3 Conclusions

- 3.1 This Notice of Review Appeal seeks consent to erect two houses on an infill site which also forms part of the existing building group at Pitnacree.
- 3.2 The development of two houses on this site would not prejudice the objectives of the Housing in the Countryside Policy and would not create a precedent for further adhoc development in the countryside.
- 3.3 There are sufficient and justifiable reasons for allowing the proposed houses as they are consistent with the key policy consideration (policy RD3 a) building groups and b) infill site, in the adopted local development plan) as well as the building groups (1) and infill sites (2) categories of the council's Housing in the Countryside Supplementary Guidance.
- 3.4 The site benefits from a strong and robust landscape framework, the development will not impact on the amenity of other properties and suitable access to the public road can be provided. The houses will have a hugely positive impact on the community and the proposed design for the houses is considered to meet the highest standards as required by Policy PM1 of the adopted local development plan and also complies fully with the advice contained within Scottish Planning Policy.
- 3.5 There are no other technical difficulties or infrastructure issues raised by this proposal and no objections were received from any individual or organisation.
- 3.6 We would therefore respectfully request that this Notice of Review can be approved under the terms of Category a/1 (building groups) and also Category b/2 (infill sites) of the council's Housing in the Countryside Policy as well as being in conformity with Scottish Planning Policy subject to any conditions that may be considered necessary by the Local Review Body.

PERTH AND KINROSS COUNCIL

Pitnacree Estate
c/o Galbraith
Lauren Springfield
Stirling Agricultural Centre
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Stirling Agricultural Centre
Stirling
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FK9 4RN

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21st November 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01725/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 4th October 2017 for permission for **Erection of 2no. dwellinghouses Land 70 Metres West Of Garden Cottage Pitnacree** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the site would not respect the character, layout and building pattern of the group and that a high standard of residential amenity cannot be achieved. It is also considered that the proposal cannot satisfy any of the remaining categories (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 or (6) Rural Brownfield Land.

Justification

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

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

Plan Reference

17/01725/1

17/01725/2

17/01725/3

17/01725/4

17/01725/5

17/01725/6

17/01725/7

17/01725/8

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/01725/FLL	
Ward No	P4- Highland	
Due Determination Date	03.12.2017	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of 2no. dwellinghouses

LOCATION: Land 70 Metres West Of Garden Cottage Pitnacree

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: 27 October 2017

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

The site is located to the west of Pitnacree. Measuring approximately 1.2 acres and roughly triangular in shape, it is bordered to the north by the public road, to the south by the River Tay and to the east by a small burn.

The site is well defined and largely enclosed by a mixture of planted and self-seeded tree cover. Non-native tree species are present, including a formally planted row of mature cedars to the road edge. The site lies at a lower level to the adjacent road.

The proposal is to erect two dwellings centrally within the site at least 12m from the river bank. The houses are offset in plan and are contemporary in the design and finish.

SITE HISTORY

17/00945/FLL Erection of 2no dwellinghouses 3 August 2017 Application Withdrawn

PRE-APPLICATION CONSULTATION

Pre application Reference: Various discussions, concerns raised regrading principle of development.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy 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 NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE2A - Forestry, Woodland and Trees

Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing

establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

OTHER POLICIES

Supplementary Developer Contributions Guidance
Housing in the Countryside Guide 2012

CONSULTATION RESPONSES

Scottish Water	No objection
Transport Planning	No objection, conditions required
Local Flood Prevention Authority	No objection
Contributions Officer	No contribution required
Environmental Health	No objection, condition required

REPRESENTATIONS

No letters of representation received

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

The proposal is considered under Policy PM1 Placemaking and RD3 Housing in the Countryside. Other policy considerations include PM3 Infrastructure Contributions, NE1 Environment and Conservation, NE2 Forestry, Woodland and Trees, NE3 Biodiversity and EP15 Development within the River Tay Catchment Area which are covered in other sections of the report.

The principle of development on the site is considered against Policy RD3 Housing in the Countryside and the associated Housing in the Countryside Guide 2012. 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 open countryside
- d) Renovation or replacement of houses
- e) Conversion or replacement of redundant non-domestic buildings
- f) Development on rural brownfield land

The proposal is considered under category a/1 of the policy/guide as it does not fall within any other category.

Category a/1 Building Groups states that 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 provide 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 proposed house.

There is an existing building group to the east of the site which is defined and contained by the by the burn with the grouping extending north across the public road. There is a gatehouse/lodge to the northwest of the application site across the public road which sits isolated from the building group.

I consider the existing building group to be strongly defined by the burn and the tree belt. The development of the site would therefore not respect the character, layout and building pattern of the group which is tightly confined and grouped to the east of the burn.

I also consider that as the site due to its tree cover and requirement for clearing of self-seeded trees on the site would not demonstrate that a high standard of residential amenity could be achieved. The proposal tries to retain the mature trees on site however the retention of these trees would not provide a high level of amenity for the proposed houses and inevitably may lead to the further clearance of trees by future occupants.

Design and Layout

The dwellings are contemporary on a staggered footprint and stepped floor plan working with the topography of the site. The roofs are mono-pitch with varied north/south orientations.

The external walls will comprise natural rubble stone. Roofs, fascias and cladding to upper wall surfaces will be of zinc. Window and door frames will be timber.

I consider the contemporary design and material to be acceptable.

Trees and Biodiversity

The site is well defined and largely enclosed by a mixture of planted and self-seeded tree cover. Non-native tree species are present, including a formally planted row of mature cedars to the road edge. The site lies at a lower level to the adjacent road.

The tree survey and planning statement notes that two trees are to be removed. A number of trees however appear to be noted with an x in submitted plans and I assume are self-seeded trees as the mature planting is noted and numbered in the report. The site is also close to the River Tay which has been considered in the supporting information a Construction Method Statement would be conditioned if the proposal was considered acceptable.

The Biodiversity Officer has considered the report submitted and has no objection but recommends a number of conditions should the proposal be considered.

Whilst I note the intentions to retain the trees on the site I have concerns about the amount of clearance required and some of which has already been undertaken at the access point prior to submission I also have concerns regarding the level of amenity that can be achieved with the trees being retained (see next section).

Residential Amenity

The dwellings have been sited and designed to take account of the topography and tree coverage in the site. I have concerns that future residents may find the woodland setting of the site detrimental to the amenity of the dwelling in terms of overshadowing and loss of light. I am also concerned about a lack of useable garden ground due to the trees and topography.

The dwellings include wood burning stoves and the associated flues. The Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.

Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer and use of a planning condition.

Visual Amenity

The site is located at a lower level to the public road and there is mature planting along the road side boundary. It is considered that the development of the site would not have a significant detrimental impact on the wider visual amenity of the area.

Roads and Access

The site is accessed from the public road passing through Pitnacree, and on to Strathtay to the west. Prior to progressing the application, a meeting was held with the council Transport Planning Officer who commented that a 2.4x50m visibility splay and 'type B' road access would suffice for the purposes of a two house site at this location.

Transport Planning have no objection and recommend standard conditions.

Drainage and Flooding

The Flood Team have confirmed that according to SEPA maps, part of the proposed development lies within the envelope for low – medium fluvial flooding. SuDs are included in the site plan to compensate for increased runoff from both developments. Their records show that the C447 at Pitnacree flooded in 2002 due to blocked culverts, however the land for the proposed development drains away from the road. They confirm that they have no objection to the proposal.

Developer Contributions

Primary Education

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity

constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Grandtully Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time.

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 not to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups as the site would not respect the character, layout and building pattern

of the group. It is also considered that the proposal cannot satisfy any of the remaining categories (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 or (6) Rural Brownfield Land.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/01725/1

17/01725/2

17/01725/3

17/01725/4

17/01725/5

17/01725/6

17/01725/7

17/01725/8

Date of Report 16/11/17



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100066155-001

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

Type of Application

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

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

Description of Proposal

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

Erection of two dwellinghouses.

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Galbraith		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Lauren	Building Name:	Stirling Agricultural Centre
Last Name: *	Springfield	Building Number:	
Telephone Number: *	01786435040	Address 1 (Street): *	Suite C
Extension Number:		Address 2:	Stirling Agricultural Centre
Mobile Number:	07920495414	Town/City: *	Stirling
Fax Number:		Country: *	UK
		Postcode: *	FK9 4RN
Email Address: *	lauren.springfield@galbraithgroup.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Suite C
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Suite C
Company/Organisation	Pitnacree Estate	Address 2:	Stirling Agricultural Centre
Telephone Number: *		Town/City: *	Stirling
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	FK9 4RN
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

753541

Easting

292335

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

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

Meeting with roads officer to confirm viability of access.

Title:

Mr

Other title:

First Name:

Tony

Last Name:

Maric

Correspondence Reference Number:

Date (dd/mm/yyyy):

01/12/2016

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☐ Letter ☒ Email

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

Communication with planning officer for previously withdrawn application, reference 17/00945/FLL.

Title:

Mrs

Other title:

Planning Officer

First Name:

Joanne

Last Name:

Ferguson

Correspondence Reference Number:

17/00945/FLL

Date (dd/mm/yyyy):

30/05/2017

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

Site Area

Please state the site area:

0.50

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)

Lightly wooded open ground.

Access and Parking

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

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

0

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

4

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

Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

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

As per planning drawings. New septic tank and soakaway.

<p>Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>
<h2 style="margin: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>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.</p>
<h2 style="margin: 0;">Waste Storage and Collection</h2> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 40px;"> <p>It is anticipated that standard municipal residential bins will be provided by the local authority as the site is residential. This can be located within the garden grounds.</p> </div>
<h2 style="margin: 0;">Residential Units Including Conversion</h2> <p>Does your proposal include new or additional houses and/or flats? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many units do you propose in total? * 2</p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

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) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ 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: Lauren Springfield

On behalf of: Pitnacree Estate

Date: 03/10/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☒ Yes ☐ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

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: Mrs Lauren Springfield

Declaration Date: 20/09/2017

1604 Pitnacree

**Proposed houses
Design Statement**

1. Introduction

This Design Statement has been produced by Sutherland & Co. Architects and Galbraith as agents, in support of an application for detailed planning permission for two detached homes in Pitnacree, Perthshire.

2. The site

The site occupies the western edge of Pitnacree. Measuring approximately 1.2 acres and roughly triangular in shape, it is bordered to the north by an unclassified public road leading from the A827 to Strathtay, to the south by the River Tay and to the east by a small burn that runs through the settlement.

The site is well defined and largely enclosed by a mixture of planted and self-seeded tree cover. Non-native tree species are present, including a formally planted row of mature cedars to the road edge. The site generally lies 4-5m below the adjacent road level and enjoys a southerly aspect, with a gentle slope that increases to a steep bank towards the river. This bank places the site at least 6m above the normal river level and combined with the lower opposite bank this ensures that there is no flood risk associated with the site. As a consequence of the boundaries being dominated by mature tree cover and the topography, the site interior is remarkably well screened from the adjacent road and wider landscape views.



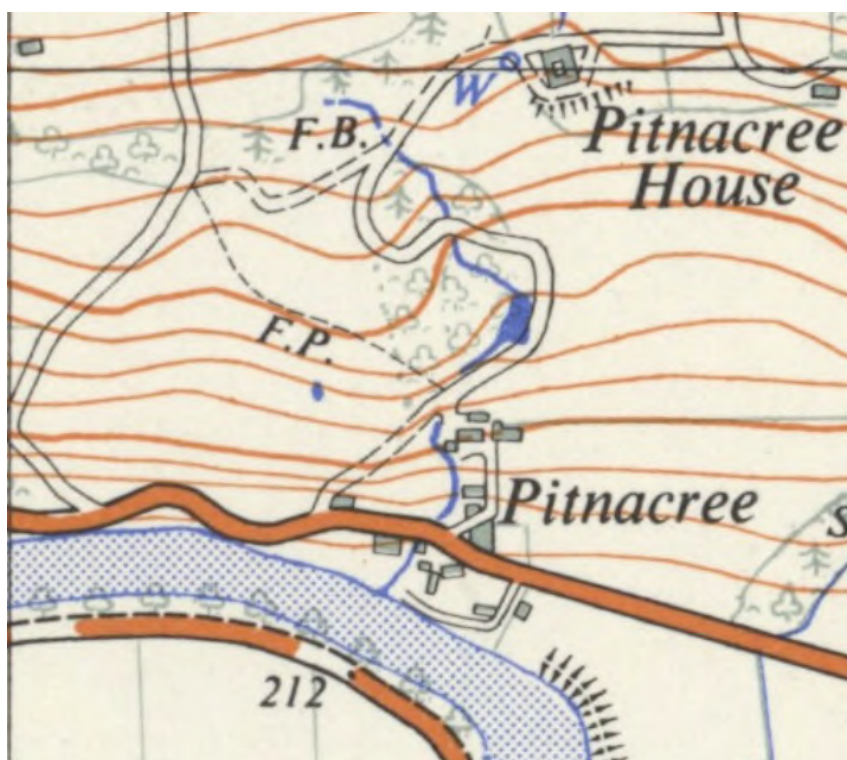
Image copyright Bing Maps

The site sits within the managed landscape of the Pitnacree estate. Historical Ordnance Survey maps of Pitnacree, from 1863 through to 1959 respectively, show a cottage and outbuildings occupying the north-east corner. This cottage was demolished in the 1980s when the structure had deteriorated to the point that it posed a health and safety risk. However its presence, combined with that of the gate lodge to the northwest, demonstrate that the historic extent of the village has historically incorporated the proposed development site. This position



is further reinforced by the housing allocation that was in place on the area to the north of the site under the previous local plan, prior to the removal of settlement boundaries from communities of this scale.

Ordnance Survey Sheet XL.13, Perth and Clackmannan, 25 inch scale, 1863



Ordnance Survey Map, 1959

3. Pitnacree

The small settlement of Pitnacree continues along the river bank to the east of the site and extends towards the estate gate lodge and gardens north and west of the site. The site is enclosed by mature planting that encompasses and defines the wider settlement. In recent years broadleaf trees were planted on the site but these failed to take, possibly due to the significant perimeter cover offered by the canopy of existing mature trees. This scrub cover was subsequently removed from site, but all mature trees have been retained. Further comment on the tree cover and ecology of the site is offered below.

4. Access

The site is accessed from an unclassified public road that runs from the A827 to the east, through Pitnacree, and on to Strathtay to the west. There is no speed limit restriction in Pitnacree, however, a 30mph zone starts approximately 600m to west at Strathtay. The road character is gently winding, with typically no more than 100m forward visibility, and features several private driveway entrances in the vicinity of the site. Restricted forward visibility, the incidence of driveway entrances and a narrow road bridge (with approx. 4m clear width) act as informal traffic calming features. Prior to progressing the application, a meeting was held with the council Transport Planning Officer who commented that a 2.4x50m visibility splay and 'type B' road access would suffice for the purposes of a two house site at this location. These demands have been accommodated in the design and are demonstrated with the drawings that accompany this application.

5. The proposal

The following design principles have been employed:

- Existing established planting, particularly mature tree cover and riverbank habitat, to be preserved to protect site ecology and visual amenity
- Access to continue established pattern of informal driveway entrances direct from existing roadway
- Development height restricted to single storey to minimise visibility from roadway and from wider landscape views
- Sensitive contextual contemporary design that respects the visual scale of nearby buildings and wider landscape setting
- Building materials to be visually recessive and sympathetic to local traditional buildings
- Development to adhere to ambitious sustainability standards

The proposed houses have been placed in the middle of the site away from the boundary tree cover and at a distance of at least 12m from the river bank. The houses are specifically positioned in relation to groups of well-established trees that consolidate the boundary: they are offset in plan (and consequently section) from one another, helping to establish a more

varied massing. Plans are further arranged to follow the site topography, with internal floor levels stepping down the slope, minimising ground works and disruption to site ecology.

A simple palette of robust high quality materials is proposed. External walls will comprise natural rubble stone. Roofs, fascias and cladding to upper wall surfaces will be of pre-patinated zinc. Window and door frames will be timber. These materials are visually recessive and tonally sympathetic to local traditional buildings.

The proposal follows passive sustainable design principles. In particular, the site's southerly aspect has been exploited to maximise natural daylighting and passive solar gain. A high level of fabric air tightness and thermal insulation will be employed to minimise energy demand in use. Space heating will rely on ground source heat pump technology, extracting heat from a bore hole.

6. Policy Compliance

The proposal has been developed in view of the following relevant housing planning policy and additional guidance and a number of associated policies that cover site specific features relating to hydrology and ecology.

LDP Policy RD3: Housing in the Countryside

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.*

Supplementary Guidance: Housing in the Countryside

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).

As noted above, it is considered that the application is well founded on the basis of the housing in the countryside policy. The addition of the two proposed housing units occurs in a well-defined site where boundaries are clearly delineated by historic walls and planting and topographic features, all of which would prevent defend against future development that could coalesce with the development. The proposal fits the existing pattern of development at Pitnacree and provides a natural extension to the run of housing that lies between the road and the river, whilst not extending the settlement beyond the gate lodge to Pitnacree House, the existing western outlier to the settlement. There will be no impact to existing amenity and as the two houses have been brought forward together, careful consideration has been

allowed of the interaction of the two buildings including the preservation of the amenity of the new residents. Whilst it is something of a stretch to describe the houses as a replacement of an existing property, there is the historic evidence of housing on site and the removal of this building has not been fully effected, with rubble remaining on site. Development of this consent will force completion of this process and ensure the potentially detrimental impacts of ecology noted in the tree survey are resolved.

Given the unusual character of the site, with its varied woodland cover and co-location with the River Tay, the applicant has made the deliberate and considered approach to move directly to submitting an application for full planning permission. It is considered that an application on this basis, supported by a full architectural design, best demonstrates not only

compliance with the group of buildings policy but also that any concerns regarding site sensitivity had been adequately addressed.

In addition to the housing policy, this proposal has therefore also been advanced with awareness and consideration of the ecology and hydrology of the site and the relevant policies that concern these matters. It is noted the following policies have been considered in relation to the application:

Policy NE1A: International Nature Conservation Sites

Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas) or Ramsar site, will only be permitted where:

- (a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or*
- (b) there are no alternative solutions, and*
- (c) there are imperative reasons of overriding public interest, including those of social or economic nature.*

This policy is relevant given the immediate boundary of the site with the River Tay SAC. However it is not considered that there is any potential for a significant effect and thus development complies with this policy. This is evidenced by the both the findings of the environmental surveys and studies undertaken in relation to the site and the correspondence exchanged with Scottish Natural Heritage regarding the need for appropriate assessment.

In addition to the requirements of this policy, consideration has also been given to the guidance offered by Scottish Natural Heritage in their document “*River Tay Special Area of Conservation (SAC) - Advice to developers when considering new projects which could affect the River Tay Special Area of Conservation*” and direct guidance offered by the agency in specific regard to this site.

In order to qualify the ecology of the site and assess the viability of development, the first action undertaken in progressing the application was a Preliminary Ecological Appraisal (PEA), which assessed the ecology of the site and clarified the acceptability and viability of development both in relation to this ecology and the potential for impacts on the neighbouring, designated site.

The outcome of this work, initially undertaken in June 2016 and refreshed in the summer of 2017, was that there were no features identified that formed a barrier to development. The key outcomes of this work, and the further engagement with SNH that followed the 2016 surveys, are noted as follows:

- Limited evidence was found of trees offering bat roost potential (a position reiterated by further surveys by a forester). The design of the scheme avoids impacting any trees that offer any identified potential for bat roost activity, and the one tree that is proposed for removal is because of arboricultural reasons related to its poor condition rather than issues related to construction (tree 4454, per the tree survey log). On that basis it is not considered any further bat surveys are required.
- In relation to the River Tay SAC, SNH advised that there was no need for a Habitats Regulations Appraisal (HRA) screening on the basis the site was below the threshold of their interest and they have not identified a likely significant effect on the notified features of the adjacent Special Area of Conservation. SNH did however note the following:

1. If there are to be any outfalls from sewage etc into the River Tay they would require a Freshwater Pearl Mussel survey with an accompanying Species Protection Plan should they be present.

There is no intention of any sewage outfall to the river, and thus no surveys have been undertaken.

2. They have recommended that species specific surveys be undertaken for otters and bats. The former would be a survey of the river banks 250m either side of the development and the latter would be an inspection of any of the trees that may be cleared prior to construction for bat roosts. (It is however considered unlikely that bats will be an issue as the PEA work showed the trees on site to be of low bat use potential).

Commentary on construction impact on bat roosts is noted above. On the basis no trees are scheduled for removal it is not considered further bat surveys are required. Otter surveys identified their presence in the immediate Tay environment but there was no evidence noted of holts that may be impacted by development.

3. They do not require surveys for great crested newts.

No surveys undertaken.

On this basis it is considered that SNH agree that development will not create an unacceptable impact of the qualifying features of the SAC and they are comfortable there are no ecological barriers to consent.

Undertaking the PEA as an initial step provided a consideration of the general ecology of the site that could be incorporated throughout the design process. Whilst no protected ecological receptors were identified, the design has evolved to insure the impact on the woodland resource on site is negligible. Mature trees were assessed for quality and ecological value, ensuring that the design evolved on a basis that accommodated and maximised the site benefits of specimen planting and maintained the site's unique wooded quality and sense of enclosure from the wider environment. In assessing the trees on site, whilst no evidence of bats was noted some of the specimens were noted to offer bat roost potential. All such trees have been accommodated in the design, and thus this protective approach has ensured that there is no risk to damage to the habitat of a protected species.

Policy NE2: Forestry, Woodland and Trees

Policy NE2A

The Council will support proposals which:

- (a) deliver woodlands that meet local priorities as well as maximising benefits for the local economy, communities, sport and recreation and environment;*
- (b) protect existing trees, woodland, especially those with high natural, historic and cultural heritage value;*
- (c) seek to expand woodland cover in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy;*
- (d) encourage the protection and good management of amenity trees, or groups of trees, important for amenity sport and recreation or because of their cultural or heritage interest;*
- (e) ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and trees on development sites in accordance with BS5837 "Trees in Relation to Construction";*
- (f) seek to secure establishment of new woodland in advance of major developments where practicable and secure new tree planting in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy.*

Policy NE2B

Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site. The scope and nature of such surveys will reflect the known or potential amenity, nature conservation and/or recreational value of the trees in question and should be agreed in advance with the council. The Council will follow the principles of the Scottish Government Policy on Woodland Removal. In accordance with that document, there will be a presumption in favour of protecting woodland resources except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking. In exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.

The proposed development has been designed to ensure that points b), d) and e) of Policy NE2A are complied with, whilst the extensive ecological survey undertaken of the site encapsulating a survey of trees on site, ensuring that mature specimens that were of amenity and ecological interest were accommodated into the scheme for the benefit of all. This position has been further bolstered by a tree survey undertaken by a competent, chartered forester which catalogued, tagged and offered a full commentary on all the trees on site. This identified two diseased or weak trees, which are scheduled for removal by the applicant. All other trees on site are to be accommodated by the development.

In the tree survey, which reviewed the site based on an existing design it was noted that trees #4495 and #4446 had potential to be impacted by proximity of development. In the case of #4495, an elm, whilst this tree is considered likely to succumb to Dutch Elm disease in due course, the houses have been shifted east to provide a suitable root protection area.

In the case of #4446 it is noted that this is a high quality specimen sequoia, and in this case the design of the entrance has accordingly been evolved to achieve maximum standoff. Construction methods will be deployed to protect the root structure of the tree and further investment in the site will ensure that the rubble that has been dumped from the demolition of the previous cottage is removed, ensuring this risk to the "future health and stability of the tree" is mitigated.

The tree survey also considered the ecological value of the trees and found only one that offered medium bat roost potential (none of high potential) and 6 of unclear status due to foliage cover. However as none of these trees are to be impacted by development no further surveys are considered necessary.

Policy EP2: New Development and Flooding

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.

Where a risk of flooding is known or suspected the Council will use the flood risk framework shown in the diagram overleaf and considers that areas of:

- (i) medium to high flood risk are not suitable for essential civil infrastructure;*
- (ii) low to medium flood risk are suitable for most forms of development; and*
- (iii) little or no flood risk shown present no flood related constraints on development.*

All development within areas of medium to high flood risk must incorporate a 'freeboard' allowance and the use of water resistant materials and forms of construction appropriate to its function, location, and planned lifetime relative to the anticipated changes in flood risk arising from climate change.

To allow for adaption to increased flood risk associated with climate change, development should not:

- (a) Increase the rate of surface water run-off from any site;*
- (b) Reduce the naturalness of the river;*
- (c) Add to the area of land requiring flood protection measures;*
- (d) Affect the flood attenuation capability of the functional flood plain; nor*
- (e) Compromise major options for future shoreline or river management.*

Consultation of the SEPA flood map resource indicates that the site is not identified as being subject to flooding risk. This is due to the topography of the site; although it is adjacent to the river, the site lies 7m above the normal level. Combined with the lower opposite bank and the open, flat fields that lie to beyond that bank, this creates an environment which is not exposed to flood risk even in unusually high flow situations.

Policy EP15: Development within the River Tay Catchment Area

The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment area. In order to ensure no adverse effects on the River Tay Special Area of Conservation, all of the following criteria will apply to development proposals at Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grantully/Strathday/Little Ballinluig, Logierait, Tummel Bridge, Concraigie, Craigie and Kinloch, and criteria (b) and (c) to development proposals at Bankfoot and Kirkmichael.

- (a) Drainage from all development should ensure no reduction in water quality.*
- (b) Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment.*
- (c) Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.*

Note: Supplementary Guidance 'River Tay Special Area of Conservation' provides a detailed advice to developers on the types of appropriate information and safeguards to be provided in support of planning applications for new projects which may affect the River Tay Special Area of Conservation.

Whilst it is noted Pitnacree is not listed above, it is located between two of the identified locations and the application has therefore given consideration to this policy. Accordingly:

- a) The proposed drainage will ensure there is no detrimental impact on water quality, with no outflow from septic tank to watercourse.
- b) Whilst B and C are not geographically related to the site, it is noted B) There is no construction impact on the watercourse, and thus there is no policy requirement to submit a CMS and
- c) Otter surveys have been undertaken and commentary is offered above.

It is therefore considered that there are no material reasons to prevent the granting of consent for this application and that any consent would be fully compliant with the policies of Perth and Kinross' current LDP.

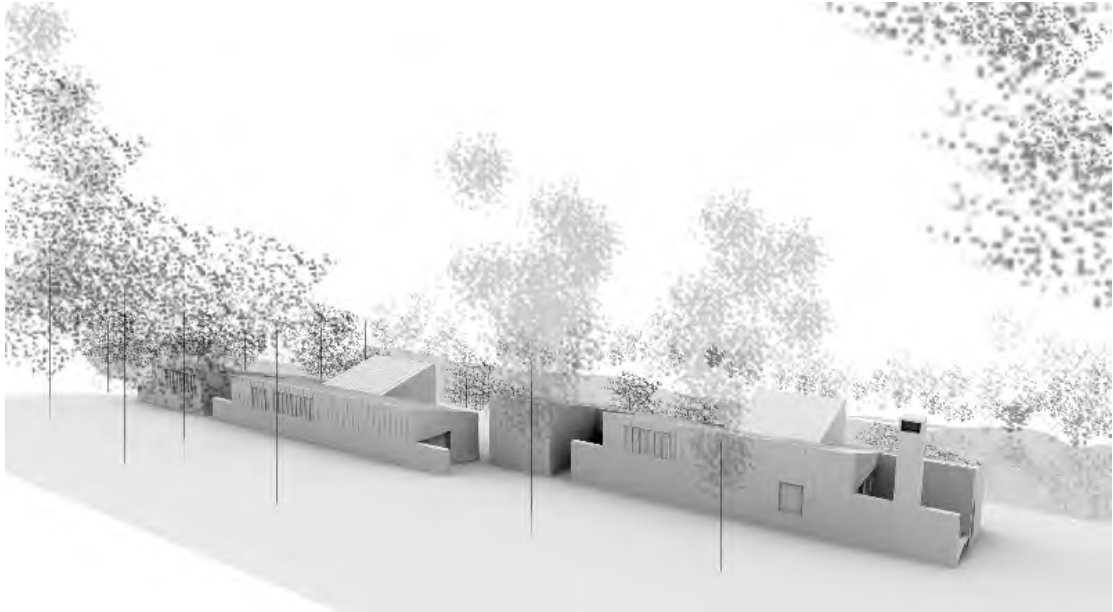


Image 1 - Proposal massing study

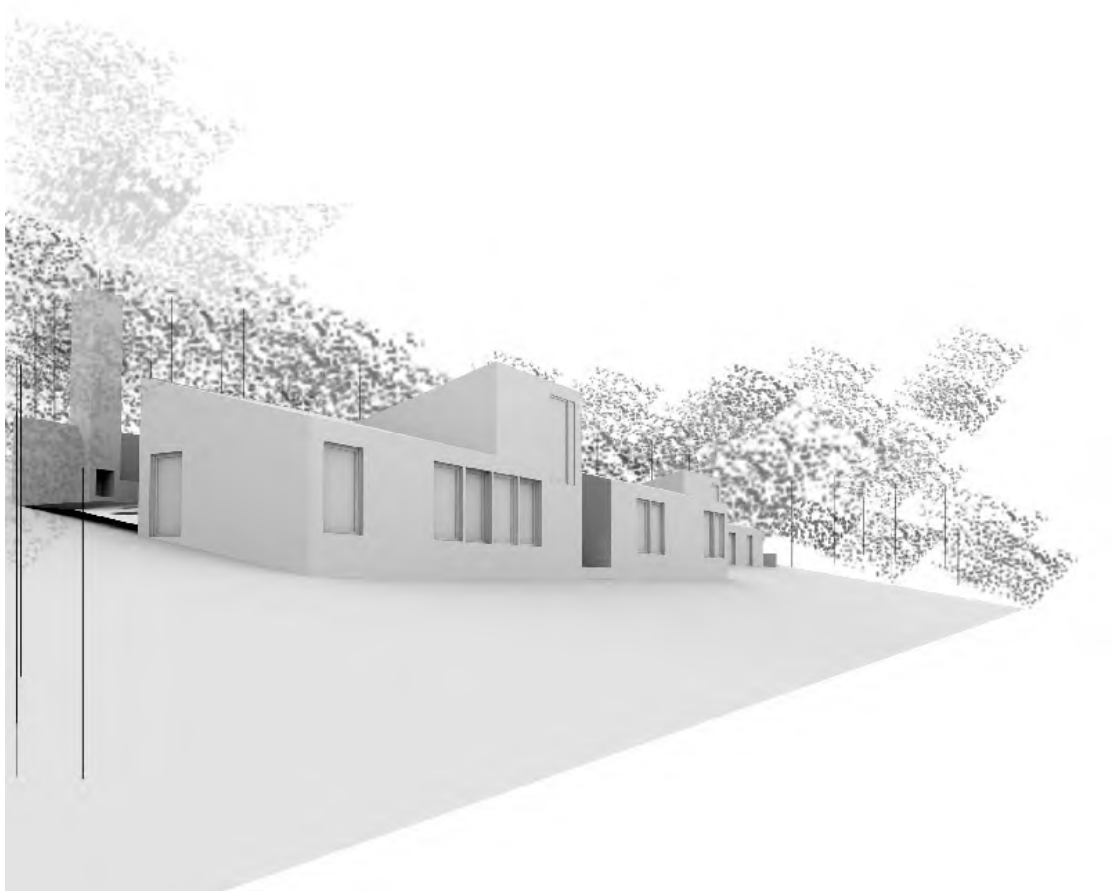


Image 2 - Proposal massing study

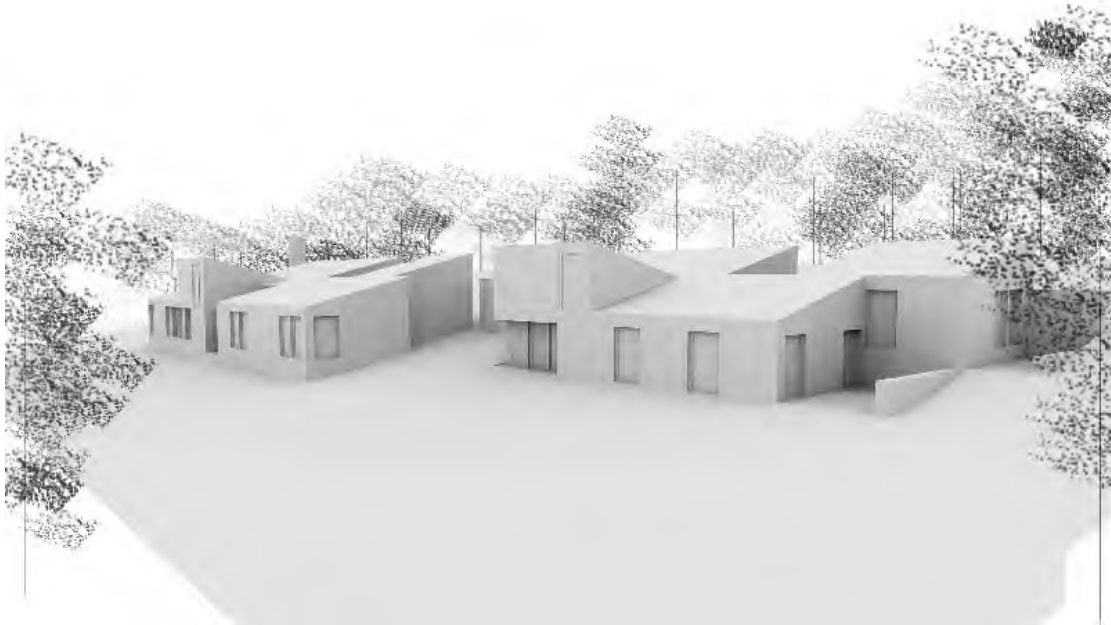
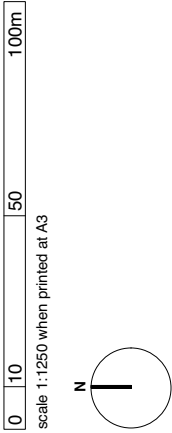


Image 3 - Proposal massing study



Key
Application Site

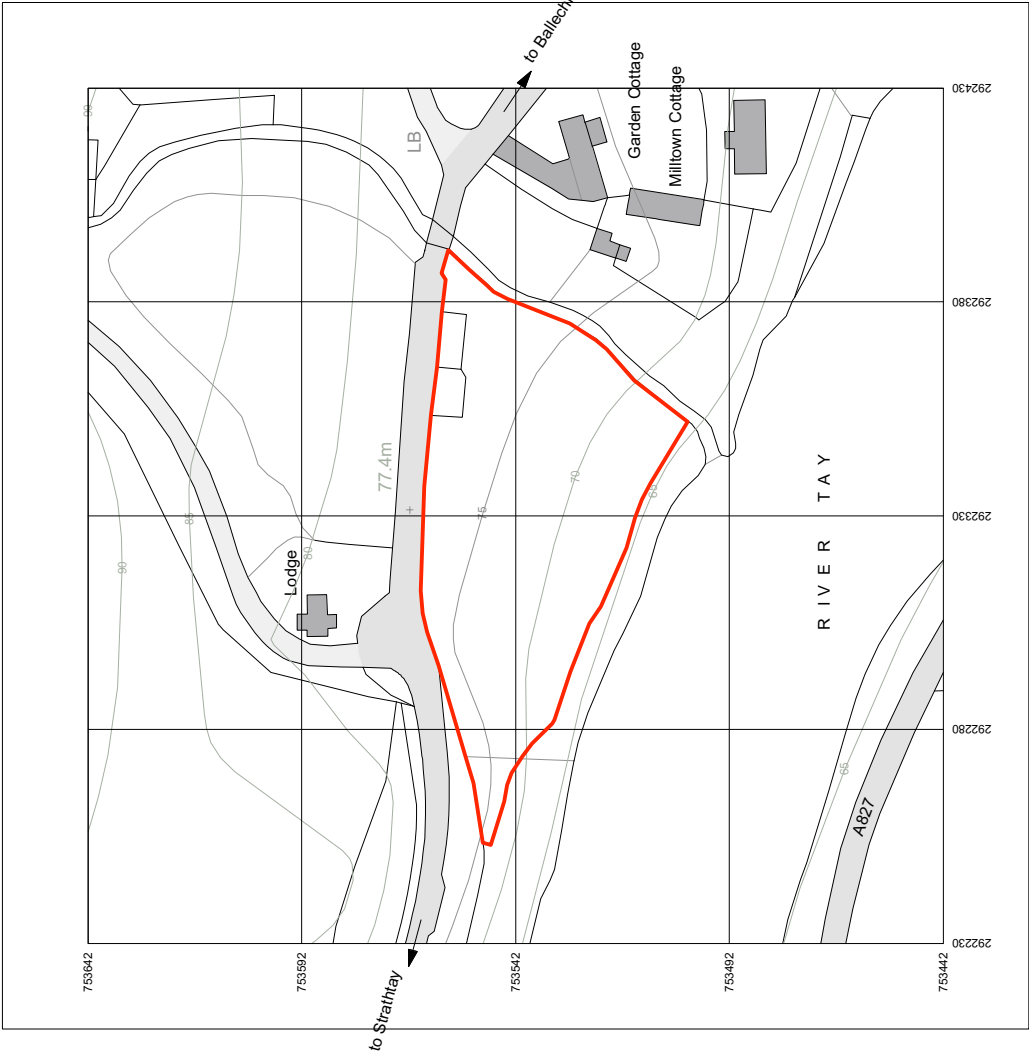
Issue / revision
- 17.05.17 Planning issue.

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Project
Pitnacree - proposed houses
Drawing title
Location Plan
Drawing status
PLANNING

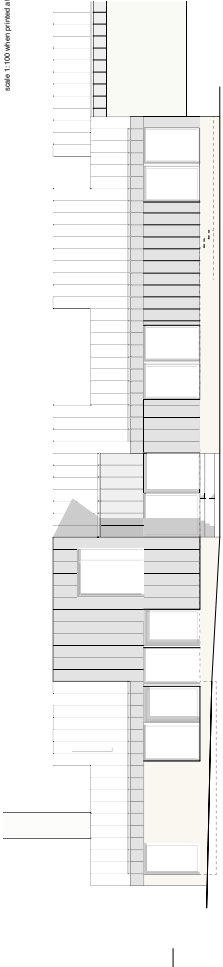
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1604 (PL) 001
Scale
1:1250 @ A3
Date
Mar 17
Drawn
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Revision
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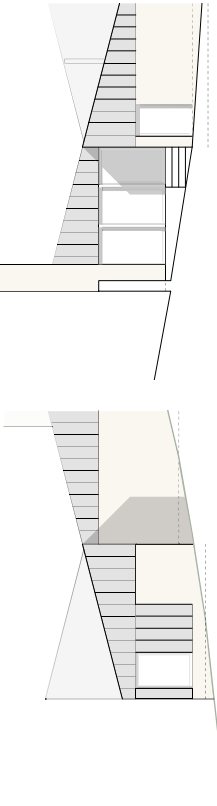
Produced on 06 September 2016 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
This map shows the area bounded by 292230,753442 292230,753642 292430,753642 292430,753442
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1604 (PL) 001.1 - Site plan 1:1250 Scale



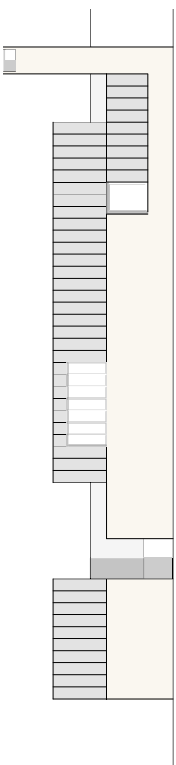


1604 (PL) 003.2 - House A, South Elevation 1:100 Scale

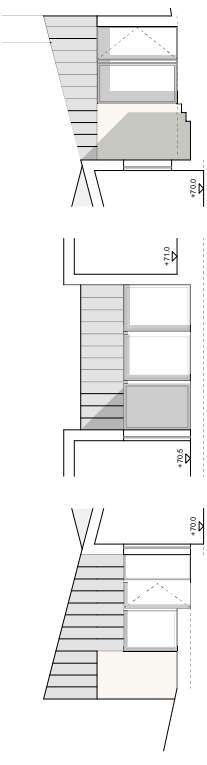


1604 (PL) 003.3 - House A, East Elevation 1:100 Scale

1604 (PL) 003.4 - House A, West Elevation 1:100 Scale



1604 (PL) 003.5 - House A, North Elevation 1:100 Scale



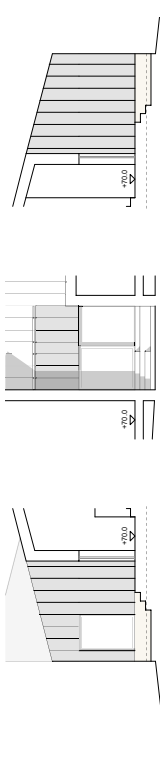
1604 (PL) 003.7 - House A, Entry Court Elevations 1:100 Scale

East

West

North

South



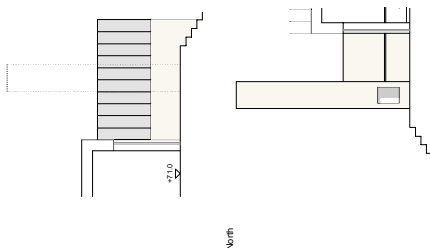
1604 (PL) 003.8 - House A, Terrace 01 Elevations 1:100 Scale

East

West

North

South



1604 (PL) 003.6 - House A, Terrace 02 Elevations 1:100 Scale

South

Issue / revision
17.05.17 Planning Issue.
A 11.05.17 Planning Issue.

Key

Application Site

- Pre-painted zinc cladding and roofing
- Natural rubble stone walling
- Timber-framed windows and doors

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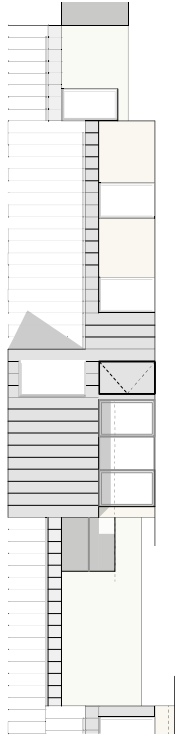
Project
Pinacree - proposed houses
House A - Plans and Elevations

PLANNING

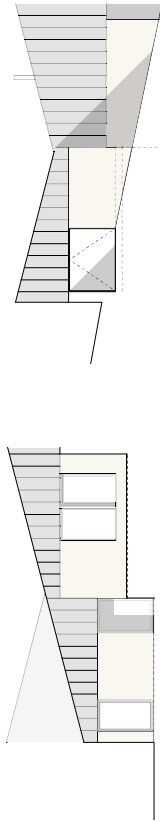
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Revision: A



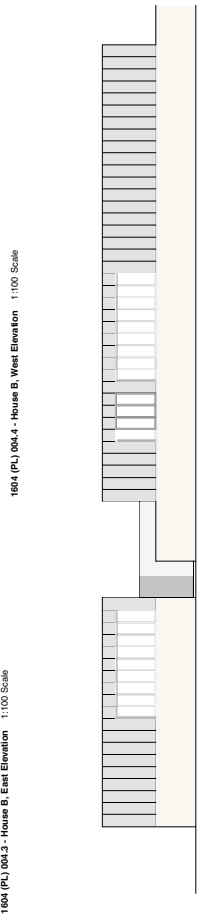
1604 (PL) 003.1 - House A, Floor Plan 1:100 Scale



1604 (PL) 004.2 - House B, South Elevation 1:100 Scale

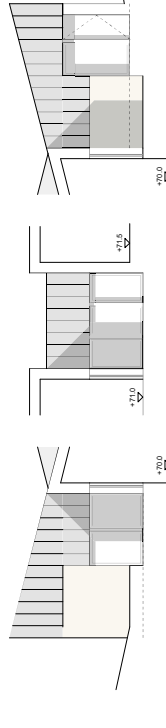


1604 (PL) 004.3 - House B, East Elevation 1:100 Scale



1604 (PL) 004.4 - House B, West Elevation 1:100 Scale

1604 (PL) 004.5 - House B, North Elevation 1:100 Scale



1604 (PL) 004.6 - House B, Entry Court Elevation 1:100 Scale

West

North

East

Issue / revision

17.05.17
Planning Issue
A 11.05.17

Key

Application Site

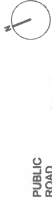
- Pre-painted zinc cladding and roofing
- Natural rubble stone walling
- Timber-framed windows and doors

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Project
Pinacree - proposed houses
Location
House B - Plans and Elevations
Drawing
PLANNING

Scale
1:100 @ A1
Date
Mar 17
Drawn
N
Checked
RS
Revision



PUBLIC ROAD

- Key
- Application Site
 - Visibility Splay
 - Realigned stone dyke (as existing)
 - Driveway - gravel
 - Road junction - bituminous macadam
 - Terrace - natural stone paving
 - Pre-patented zinc roofing

1604 (PL) 002.2 - Site Section BB 1:200 Scale

RIVER TAY

Tree No.
Specimen
Diameter
Height
Age
Crown Clearance
Notes
Life ex.
Indicative
117
Rot cat
Rec work.

PITNACREE
ESTATE

LODGE

AA

BB

Issue / revision
17.03.17 Planning issue

Sutherland & Co.

1:1200 Scale
1:1200 Scale
1:1200 Scale

Project
Pitnacree - proposed houses
Site plan / block plan / roof plan
Planning
1604 (PL) 002
1:1200 Scale
1:1200 Scale
1:1200 Scale

1604 (PL) 002.2 - Site Plan / Block Plan / Roof Plan 1:200 Scale

RIVER TAY

BB

AA

Tag No.	Species	Diameter (cm)	Height (m)	Age Class	Estimated crown height above ground (m)	Notes	Life expectancy	Condition	Bat Roost Potential	Retention Category (as per Table 1, British Standard 5837:12)*	Recommended action	Root Protection area (radius of nominal circle)(m) (as per Annex D, British Standard 5837:12)*
4490	Beech	37	11-20	Early mature	4	Main limbs rubbing in upper canopy	40+	Good	Medium	B	None	4.5
4491	Beech	86	20+	Mature	4	Two compression unions at main fork where three main limbs join	20-30	Fair	Unknown (obscured by foliage)	C	None	10.3
4492	Beech	100	20+	Mature	4	Compression union at main fork	20-30	Good	Low	C	None	12
4493	Beech	61	20+	Mature	8	-	40+	Good	Low	B	None	7.3
4494	Western red cedar	102	25+	Over mature	2	-	20-30	Good	Low	B	Lift canopy to approximately 6m	12.3
4495	Wych elm	51	11-20	Semi mature	8	No sign of crown dieback but likely to succumb to Dutch elm disease	10-20	Good	Low	C	None	6.1
4497	Beech	83	25	Mature	10	Compression fork 1.0m from ground level. Severe wound to main limb on west side with decay.	10-20	Poor	Unknown (obscured by foliage)	U	Remove and replace with similar	9.9
4498	Beech	72	11-20	Mature	5	Compression union at fork. Crown leaning towards road	20-30	Fair	Low	C	None	8.7
4499	Beech	78	25	Mature	3	Two compression forks, near base and at 3m. Poor form	20-30	Fair	Unknown (obscured by foliage)	C	None	9.3
4496	Western red cedar	94	29	Over mature	2	Snow damaged upper crown	20-30	Good	None	B	Lift canopy to approximately 6m	11.3
4444	Western red cedar	88	28	Over mature	3	Snow damaged upper crown	20-30	Good	None	B	Lift canopy to approximately 6m	10.5
4441	Western red cedar	85	26	Over mature	2	Snow damaged upper crown	20-30	Good	None	B	Lift canopy to approximately 6m	10.2
4442	Western red cedar	112	28	Over mature	3	Forked upper crown due to snow damage	20-30	Good	None	B	Lift canopy to approximately 6m	13.5
4443	European larch	72	32	Over mature	8	-	20-30	Good	None	B	None	8.7
4445	Western red cedar	112	33	Over mature	3	Forked upper crown due to snow damage	20-30	Good	None	B	None	13.5
4453	Pedunculate oak	19	15	Semi mature	6	Good form but partially suppressed by neighbouring conifer	40+	Good	None	C	None	2.3
4454	Pedunculate oak	10	13	Semi mature	-	Suppressed	<10	Poor	None	U	Remove	1.2
4455	Wild cherry	18	17	Semi mature	-	-	20-30	Good	None	C	None	2.1
4456	Wych elm	26	18	Early mature	-	-	10-20	Good	None	C	None	3.1
4446	Giant sequoia	120	33	Over mature	5	Large specimen typical of this species. Considerable dumping of rubble on north side likely to affect future health and stability of tree unless cleared	30-40	Good	Poor	A	Lift crown to approximately 6m. Clear debris and restore original ground level	14.4
4447	European larch	92	10	Over mature	5	Broken top and some dumping at base	20-30	Fair	Poor	B	Clear debris and restore original ground level	11.1

4452	Downy birch	22	11-20	Semi mature	5	Minor damage at base	20-30	Fair	None	C	None	2.7
4451	Sycamore	76	20+	Mature	4	-	40+	Good	Low	B	None	9.1
4450	Pedunculate oak	86	20+	Over mature	-	-	40+	Good	Unknown (obscured by foliage)	A	None	10.3
4449	Pedunculate oak	50	20+	Mature	-	-	40+	Good	Unknown (obscured by foliage)	B	None	6
4448	Pedunculate oak	72	20+	Mature	-	-	40+	Good	Unknown (obscured by foliage)	B	None	8.7
4457	Wild cherry	26	11-20	Early mature	-	-	30-40	Fair	None	C	None	3.1
4458	Wych elm		11-20	Early mature	-	Multi-stemmed, small diameter	10-20	Fair	None	C	None	-

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PITNACREE HOUSING DEVELOPMENT

Preliminary Ecological Appraisal Update: September 2017

Prepared for: Galbraith

SLR Ref: 413.6395.00001
Version No: 3
September 2017



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APPENDICES

Appendix 01: Figure 1 - Ecological Receptors

1.0 Introduction

In May 2016 SLR Consulting Limited was commissioned by Galbraith to undertake an 'extended' phase 1 habitat survey / Preliminary Ecological Appraisal¹ (PEA) in order to inform an outline planning application for the construction of two dwellings on land 70 Metres West of Garden Cottage at Pitnacree in Perthshire. The application site (herein referred to as the 'Site') is located adjacent to the North of the River Tay, approximately 7km northeast of Aberfeldy at NN922535.

1.1 Consultations

The PEA and subsequent otter survey² undertaken in October 2016 was submitted as part of planning application 17/00945/FLL. Nicki McIntyre of Scottish Natural Heritage (SNH) was consulted prior to the submission of this application and her comments and advice are summarised below. The original PEA was reviewed by and David Williamson of Perth and Kinross Council (PKC) who also made comments and recommendations:

1.1.1 SNH

- 'In terms of the River Tay Special Area of Conservation (SAC) the scale of this development is below the threshold that would trigger our involvement. Freshwater pearl mussels are not a qualifying interest of the SAC. In the River Tay their protection is through the Wildlife and Countryside Act 1981. If there is going to be a discharge of any kind to the river the impact to mussels should be identified through a survey and, if necessary, a species protection plan produced and submitted with the application.'
- 'Surveys for otters and bats, which are both European Protected Species (EPS), will need to be carried out before an application is submitted. If the development is going to affect an EPS the planning authority requires the applicant to have EPS licences in place before deciding on the application.'
- 'Surveys for great crested newts (GCN) are not advised as they are not known to be within the vicinity'.

1.1.2 PKC

- 'A tree survey must be undertaken and the survey report submitted to the planning authority prior to determination as required by the Scottish Planning Policy.'
- 'A bat survey must be undertaken and the survey report submitted to the planning authority prior to determination as required by the Scottish Planning Policy.'
- 'Once all of the above have been provided to support the application it will be possible to fully assess the potential impact of the development on the ecology of the site, and recommend possible conditions to any approval.'

This updated PEA re-evaluates the baseline ecology at the Site and considers the requirements for bat roost surveys in any trees identified as being affected by the proposed development as requested by PKC. Otter *Lutra lutra* activity was previously noted along the banks of the River Tay but no active holts were recorded but the river side habitat is not suitable for water vole *Arvicola amphibius*. No signs of activity were noted for badger

¹ SLR (2016) Pitnacree Housing Development: Preliminary Ecological Appraisal

² SLR (2016a) Pitnacree Housing Development: Otter Survey Report

Meles meles, pine marten *Martes martes* or red squirrel *Sciurus vulgaris* and the majority of the trees had low potential for bat roosts. There was no suitable habitat for great crested newt *Triturus cristatus*.

2.0 Methodology

2.1 Field visit birds, protected species and habitats

A visit was made to the site on August 16th 2017 and surveys undertaken to search for evidence of all nesting birds, protected species such as badger and red squirrel to appraise the habitats and to note the presence of any invasive species such as Himalayan balsam *Impatiens glandulifera*.

The surveys were undertaken by Michael Austin (MCIEEM) of SLR between 13:15 and 15:15. Conditions were cloudy with occasional light rain. Winds were light as the site is well sheltered amongst trees. The whole terrestrial area of the development site was covered along with the banks of the River Tay to search for invasive species and evidence of otters.

No limitations to the surveys were identified and the surveyor followed the code of professional conduct set out by the Chartered Institute of Ecology and Environmental Management (CIEEM) when undertaking ecological work.

2.2 Results

2.2.1 Birds

No nesting activity was recorded anywhere on site which was to be expected given the time of the year when the majority of nesting activity is over. The following species were recorded using the site, one of which is a red listed birds of conservation concern³: European robin *Erithacus rubecula*, rook *Corvus frugilegus*, song thrush *Turdus philomelos* (red listed), Eurasian tree creeper *Certhia familiaris* and wood pigeon *Columba palumbus*.

2.2.2 Other protected species

Evidence of otter and red squirrel was found on site otherwise there were no signs of other protected species such as badger within the red line boundary of the development site. A quick inspection of the boathouse (which is outside the application boundary) did not show any evidence of roosting bats, denning mammals or nesting birds. There is a brash pile (Photograph 3) which provides potential habitat for resting mammal species such as otter, pine marten and hedgehog *Erinaceus europaeus*.

Otter

Previous otter activity has been noted along the River Tay but no active holts had been identified (SLR 2016a).

During this survey a single otter spraint was found on a rock at the edge of the River Tay at NS 92215 53535 (Photograph 1 and Figure 1).

³ Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015). Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. British Birds 108, 708–746

**Photograph 1:
Otter spraint**



Red squirrel

Three cones (Photograph 2) that had been eaten by a squirrel species were found at NS 92388 53471 to east of boathouse (Figure 1). It was not possible to say if they were eaten by grey squirrel *Sciurus carolinensis* or red squirrel as both species are present in the area.

Photograph 2:
Conifer cones eaten by a squirrel species



2.2.3 Habitats

The habitats on site remain as described in section 3.2.1 of SLR (2016) i.e. semi-natural broad leaved woodland habitat with some exotic species. The understorey consists of a mixture of bracken and shrub species. However, since original survey in May 2016 some clearance of the understorey had been undertaken and a total of 10 freshly cut tree stumps were noted, along with a large pile of brash in the centre of the site (Photograph 3). All of the mature trees recorded as target notes in Table 3.1 of SLR (2016) were still present.

Photograph 3:
Cleared area in the centre of the site with brash pile



2.2.4 Invasive plant species

Himalayan balsam (Photograph 4), which is listed on Schedule 9 of the Wildlife and Countryside Act 1981, occurs sporadically in the surrounding area, mostly along the river bank. It was target noted at the following locations (see Figure 1):

- NS 92288 53519
- NS 92262 53525
- NS 92367 53478

Photograph 4:
Himalayan balsam



2.2.5 Tree roosting bats

During the previous PEA assessment (SLR 2016) fourteen tree locations (including groups of multiple trees) were assessed for bat roost potential. Nineteen trees were assessed as having low potential to support roosting bats, one tree was found to have medium potential and four trees were not fully assessed due to location at steep banks and access restrictions. All other trees were assessed as having negligible bat roost potential. Table 2-1 summarises the tree bat roost potential assessment, with individual trees cross-referenced to the Galbraith tree condition assessment tag numbers. Note that a number of trees within the site have subsequently been felled, none of which had greater than low bat roost potential. Trees included in this table are those assessed as having unknown, low or higher potential to support roosting bats. Trees assessed with missing Galbraith tag numbers were either outside of the tree condition survey area, or have subsequently been felled.

Table 2-1
Assessment of trees with bat roosting potential in May 2016

SLR Tree No.	Galbraith Tag No.	Grid reference	Description of Bat Potential	Bat Potential
T01	- (outside survey area)	NN 92271 53546	Large, mature oak <i>Quercus sp.</i> on very steep bank; c.a. 18m in height, ground survey here limited due to steep ground, may offer potential for roosting bats due to size, age and species of tree; one crack visible in a broken branch	unknown
T02	4490	NN 92297 53553	Mature beech tree <i>Fagus sylvaticus</i> no obvious fissures or features for roosting bats	Low
T03	4491	NN 92304 53553	Mature beech tree larger than T02, lower areas with few fissures or gaps between trunk	Low
T04	4492	NN 92309 53554	Mature beech tree, no visible bat roost features but possible suitability for bats due to age and size	Low
T05	4494	NN 92313 53549	Large mature cedar <i>Thuja plicata</i> . Top of tree hard to assess but no features suitable for roosting bats visible. Unlikely to have potential for bats due to tree structure	Low
T06	4493	NN 92315 53554	Large mature beech, top of tree hard to assess due to leaves. No suitable features for roosting bats detected. Low potential.	Low
T07	4497	NN 92321 53549	Mature beech. One large branch breakage area with some bat roost features at c 2m height	Moderate
T08	4498	NN 92322 53554	Mature beech. No visible bat roost features	Low

SLR Tree No.	Galbraith Tag No.	Grid reference	Description of Bat Potential	Bat Potential
T09	- (subsequently felled)	NN 92331 53547	Group of five mature sycamores. All low bat roost potential.	Low
T10	4445	NN 92338 53552	Row of seven mature cedar (also includes tag nos. 4441, 4442, 4444, 4496 & 4494)	Low
T11	4446	NN 92360 53542	Giant sequoia <i>Sequoiadendron giganteum</i> by gate. Low bat roost potential	Low
T12	4451, 4448, 4449, 4450	NN 92366 53522	Group of four mature trees, one sycamore and three oak. No detectable bat roost potential.	unknown
T13	- (willows subsequently felled)	NN 92297 53522	Willows (<i>Salix spp.</i>) on bank. Mature oak tree on steeper bank.	unknown
T14	- (outside survey area)	NN 92122 53567	Multiple mature trees, mostly oak.	unknown

2.2.6 Tree condition survey (August 2017)

The results of this survey suggest that just one of the existing trees on the site may require to be removed, a semi mature pedunculate oak some 13m tall which has been growth suppressed by surrounding trees. This tree is noted as 4454 in the Galbraith survey and is assessed as being of poor bat roost potential as such a bat roost survey has not been undertaken for this single tree.

3.0 Conclusions

3.1 Protected species

The development area itself has no protected species present that are likely to be impacted by development works. Although red squirrel may be present they were not observed during either of the 2016 or 2017 surveys and no evidence of any dreys was found. Although otters were recorded as present foraging along the River Tay on both surveys no active holts were found and as such it is unlikely that construction activity would cause any disturbance to transient otters that are using this stretch of the river for fishing.

3.2 Invasive species

Himalayan balsam is present along the bank of the River Tay but is not present within the development area so there is no likelihood of seed contaminated soil being spread to other areas.

3.3 Roosting bats

Galbraith conducted a tree condition survey on 31/08/2017 as requested by PKC. The results of this survey indicated that all but one of the trees assessed for roosting bats are able to remain in situ therefore there will be no risk to any roosting bats in these trees should they be present. A single tree has been earmarked for removal: a growth suppressed semi-mature pedunculated oak which is less than 10m tall. This tree has been carefully assessed during both surveys and has no obvious features for inspection that may offer refuge for roosting bats.

4.0 Recommendations

- Pre-construction checks may be required for nesting birds depending on the date of the commencement of works. Nesting birds may be present in areas to be cleared between March and July inclusive.
- Pre-construction checks for otter of the development footprint and surrounding area (up to 200m radius) may be required to identify any new or previously unidentified holts. The use of remote cameras under licence would establish whether or not any holts area occupied and whether any breeding is taking place. If otters are found to be present then a Species Protection Plan can be produced setting out the details of how the development is likely to affect otters, outlining all the mitigation measures that would be put in place to avoid an offence being committed and would summarise all the residual impacts after mitigation has been taken into account. If necessary additional artificial holts can be provided in areas safe from disturbance, prior to any construction activity.

APPENDIX 1: ECOLOGICAL RECEPTORS

292400

292200

753600

135

753400



LEGEND

- SITE BOUNDARY
- OTTER SPRRAINT
- SQUIRREL CONES
- HIMALAYAN BALSAM



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PITNACREE
ECOLOGY SURVEY
PITNACREE HOUSING DEVELOPMENT
PEA UPDATE AUGUST 2017

Scale 1:1,000 @ A3
Date SEPTEMBER 2017
1

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**TCP/11/16(518) – 17/01725/FLL – Erection of 2
dwellinghouses on land 70 metres west of Garden Cottage,
Pitnacree on land 50 metres south of 1 Markethill, Kettins**

PLANNING DECISION NOTICE *(included in
applicant's submission, see pages 79-80)*

REPORT OF HANDLING *(included in applicant's
submission, see pages 81-89)*

REFERENCE DOCUMENTS *(included in applicant's
submission, see pages 101-136)*

**TCP/11/16(518) – 17/01725/FLL – Erection of 2
dwellinghouses on land 70 metres west of Garden Cottage,
Pitnacree**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01725/FLL	Comments provided by	Ruth Thompson
Service/Section	Flooding	Contact Details	floodingdevelopmentcontrol@pkc.gov.uk
Description of Proposal	Erection of 2no. dwellinghouses		
Address of site	Land 70 Metres West of Garden Cottage Pitnacree for Pitnacree Estate		
Comments on the proposal	<p>According to SEPA maps, part of the proposed development lies within the envelope for low – medium fluvial flooding. SuDs are included in the site plan to compensate for increased runoff from both developments. Our records show that the C447 at Pitnacree flooded in 2002 due to blocked culverts, however the land for the proposed development drains away from the road.</p> <p>We have no objection to this application.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	11.10.2017		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01725/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin <div style="background-color: black; width: 150px; height: 20px;"></div>
Description of Proposal	Erection of 2no. dwellinghouses		
Address of site	Land 70 Metres West Of Garden Cottage, Pitnacree		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Grandtully Primary School.</p> <p>Education & Children's Services have no capacity concerns in this catchment area at this time.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0</p> <p><u>Total:</u> £0</p>		
Recommended informative(s) for applicant			
Date comments returned	13 October 2017		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01725/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Erection of 2no. dwellinghouses		
Address of site	Land 70 Metres West Of Garden Cottage Pitnacree		
Comments on the proposal	Insofar as the roads matters are concerned, I do not object to this proposal provided the undernoted conditions are attached in the interests of pedestrian and traffic safety.		
Recommended planning condition(s)	<ul style="list-style-type: none"> • AR01 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail. • AR03 Prior to the commencement of the development hereby approved, full visibility splays of 2.4m x 43.0m shall be provided to the left and right of the access measured between points 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained. 		
Recommended informative(s) for applicant	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.		
Date comments returned	18 October 2017		

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	17/01725/FLL	Our ref	MP
Date	31 October 2017	Tel No	██████████

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission RE Erection of 2no. dwellinghouses Land 70 Metres West Of Garden Cottage Pitnacree for Pitnacree Estate

I refer to your letter dated 10 October 2017 in connection with the above application and have the following comments to make.

Recommendation

I have no objection in principle to the application but recommend the under noted condition be included on any given consent.

Comments

This application contains provision for a wood burning stove and associated flue. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.

Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer, therefore I recommend this be included as a condition, which I have attached below.

Condition

EH50 The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stoves and flues and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority

From:David Williamson
Sent:Tue, 14 Nov 2017 14:20:52 +0000
To:Joanne Ferguson
Subject:RE: Consultation

Hi Joanne,

If you are intending to approve the application I would recommend the following conditions.

- TR04** Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.
- RTR00** Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
- NE00** The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
- RNE01** Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
- NE01** Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

RNE02 Reason - In order to prevent animals from being trapped within any open excavations.

- Should works not commence within 12 months of the approval further ecological surveys shall be required to be submitted to the planning authority for approval not more than 6 weeks prior to commencement of approved works.
- **RNE01** Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

Bet you wished you hadn't asked 😊

David

David Williamson

Biodiversity Officer - Planning and Development

Perth and Kinross Council

Every Council Officer has a duty under the Nature Conservation (Scotland) Act 2004 to conserve and enhance biodiversity

From: Joanne Ferguson
Sent: 03 November 2017 17:33
To: David Williamson
Subject: Consultation

Hi David

I don't think a consultation request was sent to you on this one...could you have a look?

17/01725/FLL Erection of 2 dwellinghouses at Land 70 Metres West Of Garden Cottage

Pitnacree

Thanks

Joanne

10/10/2017

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



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

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

Dear Local Planner

PH9 Pitnacree Garden Cottage Land 70 Metres West
PLANNING APPLICATION NUMBER: 17/01725/FLL
OUR REFERENCE: 751818
PROPOSAL: Erection of 2no. dwellinghouses

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 Killiecrankie 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.

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
Angela.Allison@scottishwater.co.uk