



Perth and Kinross Local Review Body

Council Building
2 High Street
Perth
PH1 5PH

26 January 2018

A Meeting of the **Local Review Body** will be held in the **Council Chamber, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH** on **Tuesday 6 February 2018** at **10.30am**.

If you have any queries please contact Committee Services on (01738) 475000.

GILLIAN A TAYLOR
Clerk to the Local Review Body

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are switched off.

Members

Councillor W Wilson
Councillor I James
Councillor R McCall
Councillor L Simpson (Reserve)

Advisers

Clerk
Legal Adviser
Planning Adviser

Applicant

PERTH AND KINROSS LOCAL REVIEW BODY

6 FEBRUARY 2018

AGENDA

1. Welcome
2. Declarations of Interest
3. Minute of Meeting of Local Review Body of 9 January 2018 (copy herewith)
(Pages 1-8)
4. Applications for Review
 - (i) **–(Pages 9-42)**
 - (a) Notice of Review and supporting documents (Pages 11-40)
 - (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 41-42)
 - (ii) TCP/11/16(505)
Planning Application – 17/01299/FLL – Erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth – Review Papers Attached (Pages 43-148)
 - (a) Notice of Review and supporting documents (Pages 45-100)
 - (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 101-134)
 - (c) Representations (Pages 135-148)
 - (iii) TCP/11/16(507)
Planning Application – 17/01628/FLL – Change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy – Review Papers Attached (Pages 149-198)
 - (a) Notice of Review and supporting documents (Pages 151-188)
 - (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 189-190)
 - (c) Representations (Pages 191-198)

- (iv) TCP/11/16(508)
Planning Application – 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain – Review Papers Attached (**Pages 199-316**)
- (a) Notice of Review and supporting documents (**Pages 201-278**)
- (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 279-294**)
- (c) Representations (**Pages 295-316**)

- (v) TCP/11/16(509)
Planning Application – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder – Review Papers Attached (**Pages 317-422**)

- (a) Notice of Review and supporting documents (**Pages 319-372**)
- (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 373-406**)
- (c) Representations (**Pages 407-422**)

5. Deferred Applications for Review

- (i) TCP/11/16(500)
Planning Application – 17/01074/IPL – Erection of a dwellinghouse (in principle), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus – Review Papers Attached (**Pages 423-480**)
- (a) Notice of Review and supporting documents (**Pages 425-442**)
- (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 443-468**)
- (c) Representations (**Pages 469-480**)

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chambers, 2 High Street, Perth on Tuesday 9 January 2018 at 10.30am.

Present: Councillors W Wilson, H Anderson and R McCall.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: Councillor L Simpson; C Brien (the Environment Service); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

. **DECLARATIONS OF INTEREST**

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

. **MINUTE**

The minute of meeting of the Local Review Body of 5 December 2017 was submitted and noted.

. **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(497) - Planning Application – 17/00471/FLL – Change of use from 4 holiday accommodation units (numbers 1, 2, 4 and 5) to 4 dwellinghouses (class 9), Altamout Park, Coupar Angus Road, Blairgowrie – Target Properties Ltd.**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use from 4 holiday accommodation units (number 1, 2, 4 and 5) to 4 dwellinghouses (class 9), Altamout Park, Coupar Angus Road, Blairgowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for a change of use from 4 holiday accommodation units (number 1, 2, 4 and 5) to 4

dwellinghouses (class 9), Altamout Park, Coupar Angus Road, Blairgowrie, be refused for the following reasons:

1. Notwithstanding the proposed, and envisaged, amendments to the 'as built' layout, window openings and screening measures, the proposed development would still result in an environment which is not suitable for mainstream residential use and which would offer a low level of residential amenity and privacy for future occupiers of the dwellings as permanent living accommodation. Such revisions do not overcome the underlying limitations of the layout regarding the proximity of the sided elevations which also provide the main entrances and parking areas. To this end, the proposed use of the lodges as mainstream dwellings remains contrary to the aims and purposes of Policies RD1 and PM1A of the Perth and Kinross Local Development Plan 2014 which both seek to protect and secure a satisfactory standard of residential amenity.

Justification

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

(ii) TCP/11/16(499) - Planning Application – 17/02152/FLL – Erection of a dwellinghouse, Nether Blelock Farm, Bankfoot – Mr and Mrs Chalmers

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse, Nether Blelock Farm, Bankfoot.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse, Nether Blelock Farm, Bankfoot, be granted subject to:
 1. the securing of transport infrastructure contributions in advance of the decision notice being issued.
 2. The imposition of relevant conditions and informatives including confirmation that planning permission is for one dwellinghouse only - the 'granny flat' being ancillary to the

occupation of the house for friends and family and not used as independent or separate letting accommodation, a condition on the restriction of occupancy as required for a key worker associated with the management of the associated farmland or to convert to an agreed tenure of affordable housing when the employment use is no longer required, and an informative regarding the pipeline in the vicinity of the application site.

Justification

The proposed erection of a dwellinghouses was assessed as necessary to support the agricultural operations of the site and related farmland, and in that context, with the imposition of relevant conditions and informatives, was not assessed as being contrary to the Local Development Plan.

(iii) TCP/11/16(501) – Planning application - 17/01337/FLL – Erection of a stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND – Dollar Equestrian

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of stable buildings (in retrospect) at Dollar Equestrian, Blairingone, Dollar, FK14 7ND.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer’s Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Development Quality Manager to comment on the Acoustic Consultant’s e mail, the Manure Plan and revised Landscape Plan submitted in the Notice of Review, and subsequently allow for further comment on the Development Quality Manager’s comments;
- (iii) following the receipt of further comment, an unaccompanied site visit be carried out the application be brought back to the Local Review Body.
- (iv) following the unaccompanied site visit being carried out, the application be brought back to the Local Review Body.

THERE FOLLOWED A TEN MINUTE RECESS

(iv) TCP/11/16(502) – Planning application - 17/01333/FLL – Installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ – Mr N Donovan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for installation of replacement windows at First Floor, 127 High Street, Kinross, KY13 8AQ, be refused for the following reasons:
 - 1. The window specification detail, by virtue of the broad width of the sub-frame and window, uPVC framing, fixed top pane, tilt-opening lower pane and lack of credible profile cross section, would have an adverse impact on the visual amenity in a prominent and sensitive townscape location. Approval would therefore be contrary to Policies PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.
 - 2. The window specification detail, by virtue of the broad width of the sub-frame and window, uPVC framing, fixed top pane, tilt-opening pane and lack of credible profile cross section, would have an adverse impact on the character and appearance of the Kinross Conservation Area and the setting of the adjacent civic core Listed Buildings. Approval would therefore be contrary to the Kinross Conservation Area Appraisal 2010, Scottish Planning Policy 2014 and Policies HE2 and HE3a of the Perth and Kinross Local Development Plan 2014, which seek to safeguard the historic built environment by ensuring that new development preserves or enhances the character and appearance of the Kinross Conservation Area and that it is sympathetic to the setting of Listed Buildings.

Justification

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

(v) **TCP/11/16(504) – Planning application - 17/01268/FLL – Formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW – Miss K Griffin**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the formation of vehicular access at 36 Dunkeld Road, Perth, PH1 5AW, be refused for the following reasons:
 - 1. The proposal would create an unsatisfactory vehicular access onto a public road which would i) interfere with the safe operation of a pedestrian crossing, ii) jeopardise road and pedestrian safety and iii) obstruct the free movement of pedestrians and other road users. In this context, the acute angle of the proposed access would result in vehicles entering the dual carriageway in a direction contrary to oncoming traffic in both daylight and hours of darkness. Additionally, the proposal does not include any facility to enable vehicles to turn within the site. To this end, the proposal is contrary to the overarching principles of Policy PM1B, criteria (e), of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that all new proposals create safe, accessible, inclusive places for all people.

Justification

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

DEFERRED APPLICATION FOR REVIEW

(i) **TCP/11/16(490) - Planning Application – 17/00875/FLL – Erection of a dwellinghouse on land 40 metres south west of Glencoe, Baird Terrace, Crieff – Mr & Mrs G McOmish**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse on land 40 metres south west of Glencoe, Baird Terrace, Crieff.

It was noted that, at its meeting of 7 November 2017, the Local Review Body resolved by unanimous decision that insufficient information was before the Local Review Body to determine the matter without comment from the Interim Development Quality Manager on the Ecological Survey, submitted as part of the Notice of Review. The comments having been supplied, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, including the further information requested by the Local Review Body at its meeting of 7 November 2017, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by majority decision that:

- (ii) the Review application for the erection of a dwellinghouse on land 40 metres south west of Glencoe, Baird Terrace, Crieff, be refused for the following reasons:
1. The proposed development is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, as the proposals will involve backland development to the rear of Baird Terrace which would have a significant impact on both neighbouring residential amenity of Numbers 8 and 10 and the character of the landscape. Its approval would also establish an unwelcome precedent for further similar developments which would have a serious detrimental impact on the amenity and character of the area.
 2. The proposal is contrary to Policy PM1A, PM1B (b) and PM1B (d) of the Perth and Kinross Local Development Plan 2014, as the proposed development would fail to contribute positively to the quality of the surrounding built and natural environment and would involve backland development which fails to respect the prevailing established building line of Baird Terrace and would not be compatible with the residential amenity and character of the surrounding area.
 3. The proposal is contrary to Policy NE3 of the Perth and Kinross Local Development Plan 2014 as the felling of

trees on the site is considered to potentially impact on the habitat of protected species including birds, bats and red squirrels, all of which have been identified as being present in the immediate area.

Justification

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

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**TCP/11/16(503) – 17/01363/FLL – Alterations and extension to dwellinghouse, 16 Station Road, Invergowrie, Dundee, DD2 5DU**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 11-40***)
- (b) Decision Notice (***Pages 21-22***)
  - Report of Handling (***Pages 23-31***)
  - Reference Documents (***Pages 33-35***)



**TCP/11/16(503) – 17/01363/FLL – Alterations and extension to dwellinghouse, 16 Station Road, Invergowrie, Dundee, DD2 5DU**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

**Use BLOCK CAPITALS if completing in manuscript**

## Applicant(s)

Name

Address

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

Please call



**Statement**

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

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

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

"THE HANDLING DELEGATED REPORT" document states:

There is no record of listed building consent in relation to this extension, however, in terms of planning permission it is likely a previous planning approval PK960818 relates to this extension.

The existing conservatory has "Listed Building Consent"

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

Yes  No

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

**List of documents and evidence**

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

"Listed Building Consent" dated 17th July 1996

17\_01363\_FLL-DECISION\_NOTICE-1003812

17\_01363\_FLL-REPORT\_OF\_HANDLING-1003686

Location plan LP-01

EX-01- existing plan and elevation

SD-01-A- Proposed plan, section & elevations

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

**Checklist**

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

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

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

**Declaration**

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

Signed

Mr & Mrs Osvaldo Paesano

Date

30 November 2017

# APPEAL STATEMENT

|                          |              |       |                 |
|--------------------------|--------------|-------|-----------------|
| Planning Application Ref | 17/01363/FLL | Date- | Mon 25 Sep 2017 |
|--------------------------|--------------|-------|-----------------|

**PROPOSAL:** Alterations and extension to dwellinghouse

**LOCATION:** 16 Station Road Invergowrie Dundee DD2 5DU

## SITE PHOTOGRAPHS



## BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a terraced property of 4 at 16 Station Road. The terraced row forms a symmetrical terrace and is category C listed as a group. The date of listing was 25 February 1993. They are a fine example of late Arts and Crafts cottage-style villas with red tile roofs, white harling and timber casement windows. The terraced row, although altered in parts retains a considerable degree of character and make a positive contribution to the wider area.

The application site was previously extended on the north/west elevations forming a wraparound conservatory.

**The listed building consent Ref. PK/96/0818 relates to this extension.**

Full planning consent is sought to remove the earlier addition and replace it with a similar wraparound conservatory extension with the footprint increased by 900mm on west elevation, 750mm on north elevation, it is also sought to increase the eaves height by 500mm but retaining the all important existing ridge line

## **SITE HISTORY**

|                      |                                                                                                            |
|----------------------|------------------------------------------------------------------------------------------------------------|
| 00/01316/LBC         | Replacement windows (Application Withdrawn)                                                                |
| 00/01522/PPLB        | Replacement garage and perimeter fence and alterations (Application Permitted)                             |
| 96/00816/FUL         | Extension to house (Application Permitted)                                                                 |
| <b>PK/96/0818 LB</b> | <b>Extension to house (Application Permitted)</b>                                                          |
| 11/01941/FLL         | Replace existing roof tiles (Application Withdrawn)                                                        |
| 11/01975/LBC         | Replace existing roof tiles (Application Withdrawn)                                                        |
| 12/00215/LBC         | Alterations to remove roof tiles and sarking boards and replace with new materials (Application Withdrawn) |
| 13/00218/LBC         | Alterations to roof (Application Withdrawn)                                                                |
| 13/00760/LBC         | Replacement of roofing materials (Application Permitted)                                                   |
| 17/01375/LBC         | Alterations and extension to dwellinghouse (under appeal)                                                  |

## **NATIONAL POLICY AND GUIDANCE**

The proposed layout, design, materials, scale, siting and use of the proposed development is not effected or changed but simply improved

## **DEVELOPMENT PLAN**

The Proposals seeks not to impact on the present character of the existing which has been in place since 1997

The layout, design, materials, scale, siting and use of the development will not directly affect the listed building or its setting and is appropriate to the existing building's character, appearance and setting.

## **OTHER POLICIES**

The Proposals seek not to affect the historic environment and the setting of individual elements of the historic environment.

## **APPRAISAL**

The proposal proposes to enlarge the existing extension but retain the existing character and more importantly the overall height

There is sufficient garden ground to adequately accommodate the proposed development and to serve the extended function of the property.

The reasons for the increased footprint and eaves height are twofold:

- 1- To allow the extension to compliment the valuable asset of the siting of the development
- 2- The increased footprint and eaves will allow the conservatory to float free and without disruption to the existing roof and wall profiles of the existing original listed building

**APPEAL DATED 18 December 2017**



# PERTH AND KINROSS COUNCIL

Mr And Mrs Osvaldo Paesano  
16 Station Road  
Invergowrie  
Dundee  
UK  
DD2 5DU

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 25th September 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01363/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 8th August 2017 for permission for **Alterations and extension to dwellinghouse 16 Station Road Invergowrie Dundee DD2 5DU** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposed extension, by virtue of its unsympathetic scale, design and massing would have a significant detrimental impact on the character and external appearance of the Listed Building. Approval would therefore be contrary to Scottish Planning Policy 2014, Policies 2 and 3 of Tayplan 2012, Policies PM1A, PM1B and HE2 of the Perth and Kinross Local Development Plan 2014, all of which seek to safeguard listed buildings from inappropriate development.

### Justification

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

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

**Plan Reference**

**17/01363/1**

**17/01363/2**

**17/01363/4**



## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                     |      |
|------------------------|---------------------|------|
| Ref No                 | 17/01363/FLL        |      |
| Ward No                | P1- Carse Of Gowrie |      |
| Due Determination Date | 07.10.2017          |      |
| Case Officer           | Gillian Peebles     |      |
| Report Issued by       |                     | Date |
| Countersigned by       |                     | Date |

**PROPOSAL:** Alterations and extension to dwellinghouse

**LOCATION:** 16 Station Road Invergowrie Dundee DD2 5DU

#### 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:** 7 September 2017

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a terraced property of 4 at 16 Station Road. The terraced row forms a symmetrical terrace and is category C listed as a group. The date of listing was 25 February 1993. They are a fine example of late Arts and Crafts cottage-style villas with red tile roofs, white harling and timber casement windows. The terraced row, although altered in parts retains a considerable degree of character and make a positive contribution to the wider area. The application site has previously been extended on the north/west elevations forming a wraparound conservatory.

There is no record of listed building consent in relation to this extension, however, in terms of planning permission it is likely a previous planning approval PK960818 relates to this extension.

Full planning consent is sought to remove the earlier addition and replace it with a larger conservatory extension incorporating a sewing room, utility and entrance vestibule. The extension will take in the full rear elevation of the property wrapping onto the side (north) elevation. Finishing materials for the side extension comprise of render to the walls to match existing and the roof will be grey metal standing seam. The conservatory extension to the rear will be fully glazed including the roof. All windows will be timber framed.

A separate listed building application has been submitted for consideration, 17/01375/LBC.

### **SITE HISTORY**

|               |                                                                                                            |
|---------------|------------------------------------------------------------------------------------------------------------|
| 00/01316/LBC  | Replacement windows (Application Withdrawn)                                                                |
| 00/01522/PPLB | Replacement garage and perimeter fence and alterations (Application Permitted)                             |
| 96/00816/FUL  | Extension to house (Application Permitted)                                                                 |
| 11/01941/FLL  | Replace existing roof tiles (Application Withdrawn)                                                        |
| 11/01975/LBC  | Replace existing roof tiles (Application Withdrawn)                                                        |
| 12/00215/LBC  | Alterations to remove roof tiles and sarking boards and replace with new materials (Application Withdrawn) |
| 13/00218/LBC  | Alterations to roof (Application Withdrawn)                                                                |
| 13/00760/LBC  | Replacement of roofing materials (Application Permitted)                                                   |
| 17/01375/LBC  | Alterations and extension to dwellinghouse (under consideration)                                           |

### **PRE-APPLICATION CONSULTATION**

Pre application Reference: N/A

### **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.

The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

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

Of relevance to this application is paragraph 141, Listed Buildings: "Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.

The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting."

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Within the approved Strategic Development Plan, TAYplan 2012, the primary policy of specific relevance to this application is:-

#### **Policy 3: Managing TAYplan's Assets**

Policy 3 seeks to safeguard townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

### **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 RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

#### 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 adaptation.

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy HE2 - Listed Buildings

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

### **OTHER POLICIES**

#### Historic Environment Policy Statement 2016

This policy statement is a document to which planning authorities are directed in their consideration of applications for conservation area consent, listed building consent for buildings of all three categories and their consideration of planning applications affecting the historic environment and the setting of individual elements of the historic environment.

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

Section 14 & 59 of this Act requires the Council to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which the building possesses.

Managing Change in the Historic Environment: Extensions (2010)

### **CONSULTATION RESPONSES**

None required.

### **REPRESENTATIONS**

None at time of report.

## **ADDITIONAL STATEMENTS 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               | Not Required |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

The site is located within the settlement boundary of Invergowrie where Policies RD1: Residential Areas and PM1A and B: Placemaking are directly applicable. Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A on Placemaking states that development must contribute positively, to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place.

The criteria in particular which are relevant to this application from the second policy on Placemaking, Policy PM1B are;

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

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

It is considered that the proposed works are inappropriate in terms of design and appearance and will as a result be detrimental to the character and appearance of the listed building.

### **Design, Visual Amenity and Impact on Listed Building**

There are some fundamental design principles for extensions and alterations to historic buildings which are explained in Historic Scotland's series of guidance notes: Managing Change in the Historic Environment. The series explains how to apply the policies contained in the Scottish Historic Environment Policy. An extension or addition to a listed building should always play a subordinate role and protect the character of the building. It should never dominate the original building as a result of its location, scale and proportions. Any proposal to extend which would by and largely destroy the original concept of the design should be resisted.

The application site occupies a prominent position on the end of a terraced row with the rear/side elevation largely hidden at ground floor level by a boundary wall with fence atop. Whilst the building has been extended in the past, there does not appear to have been listed building consent for this extension. The current proposal proposes to remodel and enlarge this extension.

I have concerns with regards to the increase in scale of this proposal. The footprint measures approximately 40 square metres which is around a 50 per cent increase on the original footprint of the dwellinghouse.

In addition to the increase in footprint, the proposed roof design does not integrate successfully with the host building. Whilst there is a historic extension present, it ties into the existing roof which minimises its overall mass. Increasing its size along with the contrasting roof form is detrimental to the host building and will adversely impact on the listed building. The proposed extension is large in comparison to the original dwellinghouse and the increased massing as a result would be substantial which would be so out of keeping with the existing building.

The extension by reason of its excessive scale and mass draws undue attention away from the original dwellinghouse and compromises its character as a listed building. I have analysed the Conservation Officer's comments and I am inclined to agree that the existing conservatory, which wraps around the north west corner is not particularly conducive to the character of the listed building and any replacement, larger in mass and scale will not be supported.

It may be argued that the existing boundary treatments provide satisfactory screening from a public viewpoint, however, I do not consider this justification is acceptable. In this instance the proposed extension fails the fundamental design principles referred to in Historic Scotland's Guidance. The scale, design and contrasting roof forms are at odds with the traditional character of the building and would result in a significant detrimental change to the original form and character of this listed building.

I consider there to be a workable solution. A contemporary addition may be more acceptable which clearly defines "old and new" and preserves the historic character of this building. Any amended proposal should have due regard to maximising the preservation of historic fabric, plan layout and external appearance of the property.

### **Residential Amenity**

Glazing is proposed within 9 metres of the northern boundary, however, the public road bounds the curtilage of the site here so no impact on residential amenity.

I have taken account of overshadowing and overlooking and consider this proposal would have no material effect on the amenity of neighbouring property's, as regards privacy, or loss of daylight or sunlight.

There is sufficient garden ground to adequately accommodate the proposed development and to serve the extended function of the property.

### **Roads and Access**

No changes are proposed to the existing parking or access arrangements.

### **Drainage and Flooding**

No drainage or flooding implications from the proposal.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for 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**

**Approve the application**

## **Conditions and Reasons for Recommendation**

1. The proposed extension, by virtue of its unsympathetic scale, design and massing would have a significant detrimental impact on the character and external appearance of the Listed Building. Approval would therefore be contrary to Scottish Planning Policy 2014, Policy 3 of Tayplan 2012, Policies PM1A, PM1B and HE2 of the Perth and Kinross Local Development Plan 2014, all of which seek to safeguard listed buildings from inappropriate development.

## **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**

N/A

## **Procedural Notes**

Not Applicable.



**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01363/1

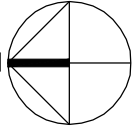
17/01363/2

17/01363/4

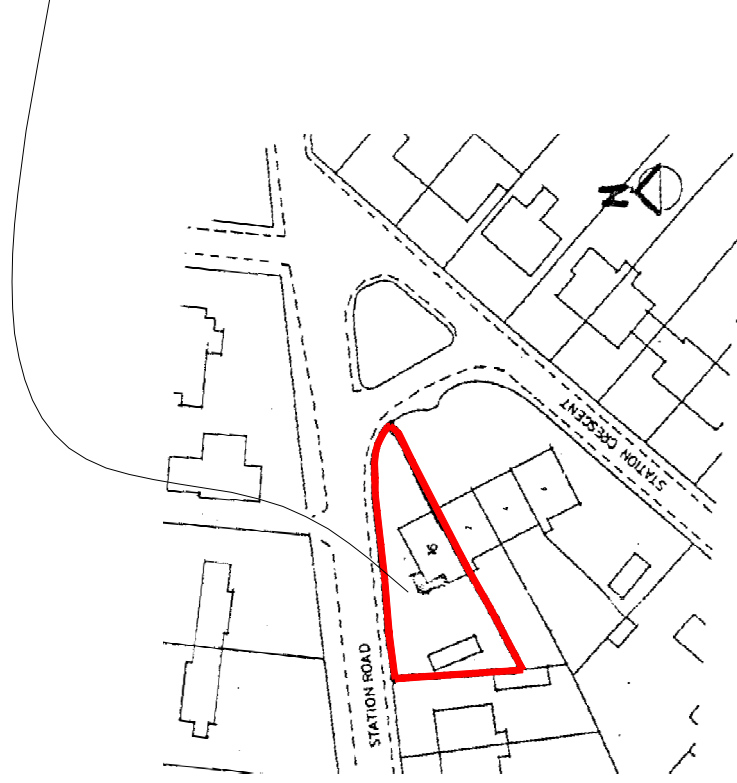
**Date of Report 18 September 2017**



NORTH



**THE  
SITE**



# PLANNING

PROPOSED EXTENSION TO  
16 STATION ROAD  
INVERGOWRIE  
DUNDEE, DD2 5DU

FOR  
MR. & MRS. O. PAESANO

LOCATION PLAN

Scale: 1:1250

Drawing No:

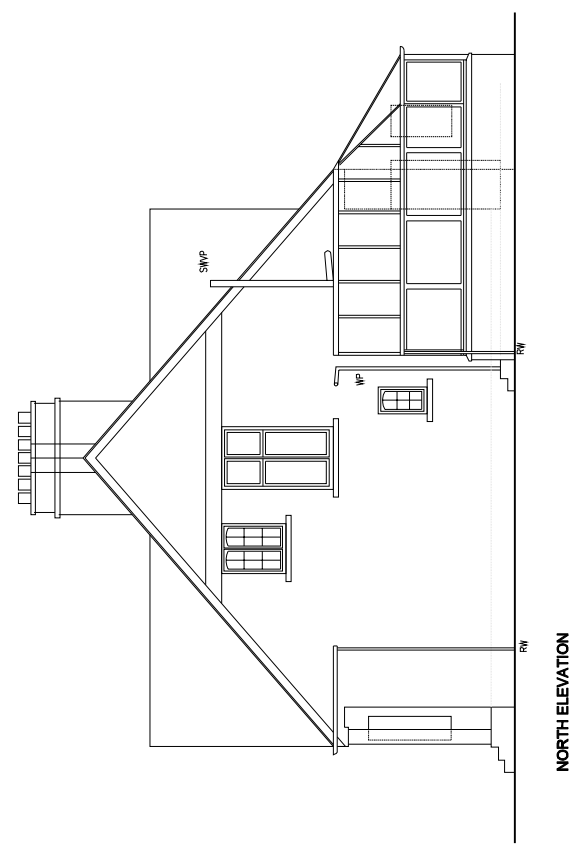
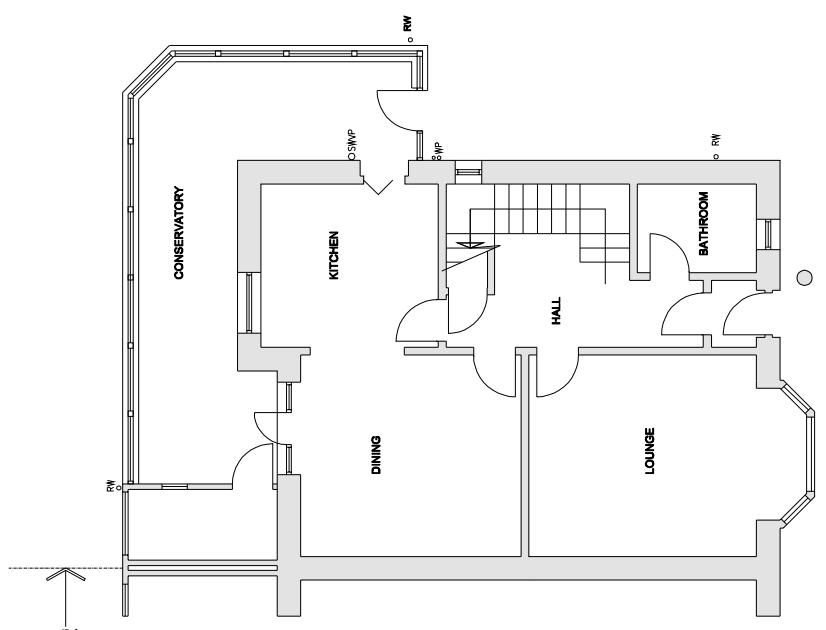
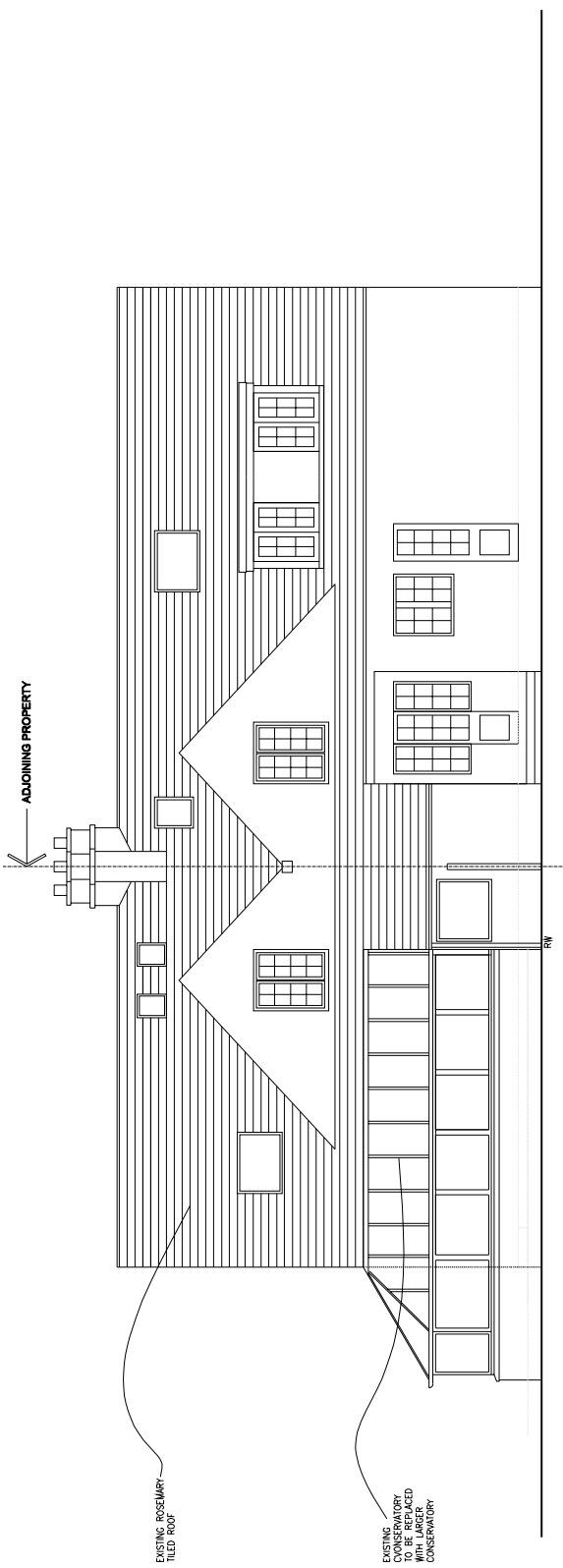
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Date: 15/07/2017

**LP - 01**

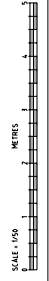


SCALE IN METERS - 1:1250



# PLANNING

|                                                                            |
|----------------------------------------------------------------------------|
| PROPOSED EXTENSION TO<br>16 STATION ROAD<br>INVERGOWRIE<br>DUNDEE, DD2 5DU |
| FOR<br>MR. & MRS. O. PAESANO                                               |
| EXISTING PLAN + ELEVATIONS                                                 |
| Scale: 1:50<br>Drawing No: A1<br>Sheet Size: A1<br>Date: 08/06/2017        |
| <b>EX - 01</b>                                                             |

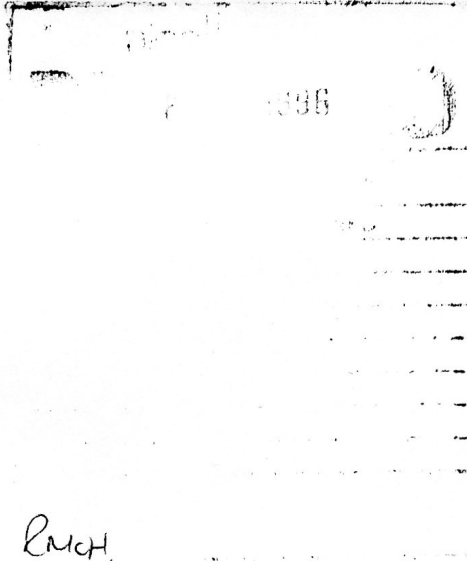






# PERTH AND KINROSS COUNCIL

O PAESANO  
16 STATION ROAD  
INVERGOWRIE



P.O.Box 77  
2 High Street  
PERTH  
PH1 5PH

Date 17 July 1996

NICOLL RUSSELL STUDIO  
5A WESTFIELD ROAD  
BROUGHTY FERRY  
DUNDEE DD5 1ED

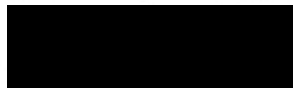
*RMC*

**Town & Country Planning (Scotland) Acts.**

**Town & Country Planning (Listed Buildings & Buildings in  
Conservation Areas) (Scotland) Regulations 1975**

**Application No. PK/96/0818 LB**

I am directed by the Perth & Kinross Council as Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 10/6/96 for listed building consent for 'EXTENSION TO HOUSE AT 16 STATION ROAD, INVERGOWRIE' subject to the undernoted conditions. One set of the relative plans, duly docquetted with reference to this approval, is returned herewith.



Director of Planning and Development.

**Conditions referred to above**

1. The development shall be begun within a period of five years from the date of this consent.
2. The solid wall areas shall be roughcast to match the existing building, to the satisfaction of the Council as Planning Authority.

### Reasons for Conditions

1. In accordance with the terms of Section 38 of the Town and Country Planning (Scotland) Act 1972.
2. In order to safeguard the architectural integrity of the existing building which is statutorily listed as such.

### Notes

1. An application for Building Warrant may be required. Please contact the Director of Public and Environmental Protection Department in this respect.







**PERTH &  
KINROSS  
COUNCIL**

PO BOX 77, 2 HIGH STREET, PERTH PH1 5PH

Telephone (01738) 475000 Fax (01738) 635225 - Planning Fax Number (01738) 475310

Nicoll Russell Studios  
Westfield Road  
Broughty Ferry  
Dundee  
DD5 1ED

If telephoning or calling, please ask for  
Mr B Dunkin  
Direct Dial (01738) 475354

Our ref : NO/3429/2

Your ref : 1125/3.0/RMch/DN

Date : 21 May 1996

nicoll russell

**RE 24 MAY 1996**

|              |          |
|--------------|----------|
| JOB No.      | FILE     |
| DISTRIBUTION | ACTIONED |
| AN           |          |
| RR           |          |
|              |          |
|              |          |
|              |          |

DOV ✓

*RMch*

Dear Sirs

**Proposed Conservatory at 16 Station Road, Invergowrie**

I refer to your letter of 7 May 1996, regarding the above.

I would concur with your view that the proposed "wrap around" conservatory will be an improvement on the existing 'lean to' extensions and, in elevational terms, complements the existing building. The site would also appear to have adequate capacity to accommodate the development without impinging on the surroundings.

I trust the above comments will be of some assistance to you.

Yours faithfully

[Redacted signature]

for Director of Planning and Development

BD/RH



**TCP/11/16(503) – 17/01363/FLL – Alterations and extension to dwellinghouse, 16 Station Road, Invergowrie, Dundee, DD2 5DU**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 21-22)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 23-31)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 33-35)*



**TCP/11/16(505) – 17/01299/FLL – Erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth**

## **INDEX**

- (a) Papers submitted by the Applicant (*Pages 45-100*)
- (b) Decision Notice (*Pages 61-62*)
  - Report of Handling (*Pages 63-72*)
  - Reference Documents (*Pages 103-133*)
- (c) Representations (*Pages 135-148*)



**TCP/11/16(505) – 17/01299/FLL – Erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>**

| 1. Applicant's Details                            |                                                                    | 2. Agent's Details (if any) |                        |
|---------------------------------------------------|--------------------------------------------------------------------|-----------------------------|------------------------|
| Title                                             | Mr                                                                 | Ref No.                     |                        |
| Forename                                          | Mike                                                               | Forename                    | John                   |
| Surname                                           | Guild                                                              | Surname                     | Culbert                |
| Company Name                                      |                                                                    | Company Name                |                        |
| Building No./Name                                 | The Old School                                                     | Building No./Name           | Tay Farmhouse          |
| Address Line 1                                    | Coxland Crescent                                                   | Address Line 1              | Meikleour              |
| Address Line 2                                    | Bankfoot                                                           | Address Line 2              |                        |
| Town/City                                         | Perth                                                              | Town/City                   | Perth                  |
| Postcode                                          | PH1 4BX                                                            | Postcode                    | PH2 6EE                |
| Telephone                                         |                                                                    | Telephone                   | 01250883382            |
| Mobile                                            |                                                                    | Mobile                      | 07534521765            |
| Fax                                               |                                                                    | Fax                         |                        |
| Email                                             |                                                                    | Email                       | johncculbert@gmail.com |
| 3. Application Details                            |                                                                    |                             |                        |
| Planning authority                                | Perth and Kinross Council                                          |                             |                        |
| Planning authority's application reference number | 17/01299/FLL                                                       |                             |                        |
| Site address                                      | Land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth |                             |                        |
| Description of proposed development               | Erection of dwellinghouse and garage                               |                             |                        |

Date of application

1st August 2017

Date of decision (if any)

25th September 2017

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

#### 4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

#### 5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

#### 6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

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

The appellant wishes his application to be fully reconsidered in the light of all the attached supporting submissions and also feels that it is imperative that a site visit is carried out by the members to appreciate the physical attributes of the site.

#### 7. Site inspection

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

Can the site be viewed entirely from public land?

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

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

None

### 8. Statement

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

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

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

Please refer to attached 'Grounds of Appeal Statement' and the associated folder containing a 'Visual and Landscape appraisal of the site and its context.'

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

Yes  No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1 Copy of application forms 1st August 2017  
2 Copy of Delegated Report 25th September  
3 Copy of refusal notice 25th September 2017

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

## 10. Checklist

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

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100060962-001

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)

Proposed New Dwelling on Land Adjacent to "Middleton", Muirlands Farm, Waterloo, Nr Bankfoot, Perthshire PH1 4AR

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

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

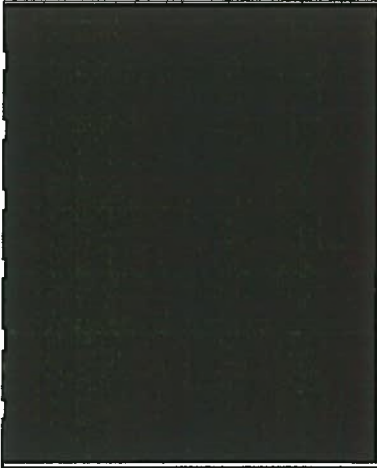
|                       |                             |                                                      |               |
|-----------------------|-----------------------------|------------------------------------------------------|---------------|
| Company/Organisation: | CFY Design @ Old Faskally   |                                                      |               |
| Ref. Number:          |                             | You must enter a Building Name or Number, or both: * |               |
| First Name: *         | Peter                       | Building Name:                                       | The Lodge     |
| Last Name: *          | Miller                      | Building Number:                                     |               |
| Telephone Number: *   | 01796473436                 | Address 1 (Street): *                                | Old Faskally  |
| Extension Number:     |                             | Address 2:                                           |               |
| Mobile Number:        |                             | Town/City: *                                         | Killiecrankie |
| Fax Number:           |                             | Country: *                                           | Perthshire    |
|                       |                             | Postcode: *                                          | PH16 5LG      |
| Email Address: *      | cfydesign@oldfaskally.co.uk |                                                      |               |

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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



## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Muirlands Farm

Address 2:

Waterloo

Address 3:

Bankfoot

Address 4:

Address 5:

Town/City/Settlement:

Perth

Post Code:

PH1 4AR

Please identify/describe the location of the site or sites

Northing

737663

Easting

305507

## 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)

Pre-application enquiry was submitted. Response was unsupportive of our initial proposal, based on a basic outline sketch proposal; he appeared to be unconvinced on the boundary definition and appeared to class the site as 'Greenfield' as opposed to what is clearly a 'Brownfield' opportunity. However, he did stress that his initial comments were purely desk base and he had not had the opportunity of visiting the site to be better able to more fully assess the context and the surroundings.

Title:

Mr

Other title:

First Name:

David

Last Name:

Niven

Correspondence Reference Number:

Date (dd/mm/yyyy):

01/05/2016

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:

1412.00

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)

Un-used land previously the site of Middleton Farmhouse and Steading

## 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)? \*

3

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

## Water Supply and Drainage Arrangements

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

Yes  No

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

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

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

What private arrangements are you proposing? \*

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



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

Installation of new bio-disc with soakaway.

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## Waste Storage and Collection

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

Yes  No

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

Screened bin store to be located adjacent to garage

## Residential Units Including Conversion

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

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

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

Do you have any agricultural tenants? \*

Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

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

Certificate B

# Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Robert Baillie

Address:



Date of Service of Notice: \*

27/07/2017

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

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Peter Miller

On behalf of: Mr Mike Guild

Date: 27/07/2017

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Peter Miller

Declaration Date: 27/07/2017

## Payment Details

Cheque: AM. Guild, 004731

Created: 27/07/2017 11:34



# PERTH AND KINROSS COUNCIL

Mr Mike Guild  
c/o CFY Design @ Old Faskally  
Peter Miller  
The Lodge  
Old Faskally  
Killiecrankie  
Perthshire  
PH16 5LG

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 25th September 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01299/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 1st August 2017 for permission for **Erection of a dwellinghouse and garage Land 70 Metres North East Of Middleton Waterloo Bankfoot** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of dwellinghouse on this prominent piece of land would erode and dilute the areas landscape character.

4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the dwellinghouse on this prominent piece of 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](http://www.pkc.gov.uk) "Online Planning Applications" page**

### **Plan Reference**

**17/01299/1**

**17/01299/2**

**17/01299/3**

**17/01299/4**

**17/01299/5**

**17/01299/6**

**17/01299/7**

**17/01299/8**

**17/01299/9**

**17/01299/10**

**17/01299/11**



## REPORT OF HANDLING

### DELEGATED REPORT

|                               |                      |             |
|-------------------------------|----------------------|-------------|
| <b>Ref No</b>                 | <b>17/01299/FLL</b>  |             |
| <b>Ward No</b>                | <b>P5- Strathtay</b> |             |
| <b>Due Determination Date</b> | <b>30.09.2017</b>    |             |
| <b>Case Officer</b>           | <b>Sean Panton</b>   |             |
| <b>Report Issued by</b>       |                      | <b>Date</b> |
| <b>Countersigned by</b>       |                      | <b>Date</b> |

**PROPOSAL:** Erection of a dwellinghouse and garage.

**LOCATION:** Land 70 Metres North East of Middleton, Waterloo, Bankfoot.

**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:** 7<sup>th</sup> August 2017

**SITE PHOTOGRAPHS**



**BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site is on land 70metres North East of Middleton, Waterloo, Bankfoot. The application seeks detailed permission for the erection of a dwellinghouse and a double garage.

The proposed dwellinghouse is 1 ¾ storey and has 3 double bedrooms and a study. The proposal at maximum width is approximately 13metres and at maximum length is approximately 14metres. The overall footprint of the house

is approximately 145m<sup>2</sup>. The maximum height of the house (excluding the chimney) is approximately 8metres.

The proposed detached double garage is approximately 6.4metres in length, 6.5metres in width and 5metres at maximum height.

In relation to materials for both the dwellinghouse and garage, the roof is to be slate clad and the walls are to be finished in a white smooth cement render with stone quoins. The windows and doors will be coloured powder coated aluminium exterior with timber internal frame units. The balcony element will have a structural glass balustrade with stainless steel posts.

## **SITE HISTORY**

None.

## **PRE-APPLICATION CONSULTATION**

Pre-application Reference: 16/00310/PREAPP

It was highlighted at pre-application stage that the proposal is not compliant with Policy RD3: Housing in the Countryside at the proposal fails to meet any of the required criteria.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan 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 adaptation.

**Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

**Policy PM3 - Infrastructure Contributions**

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

**Policy PM4 - Settlement Boundaries**

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

**Policy RD3 - Housing in the Countryside**

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

**Policy TA1B - Transport Standards and Accessibility Requirements**

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

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

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

**OTHER POLICIES**

**Housing in the Countryside Guide**

A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised guide applies to areas with other Local

Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The guide aims to:

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

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

### Development Contributions and Affordable Housing Guide 2016

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

## **CONSULTATION RESPONSES**

### **Environmental Health:**

No objection to the proposed development however recommends an informative to be added to any consent granted in relation to private water supply.

### **Transport Planning:**

No objection to the proposed development.

### **Developer Contributions:**

£2,639.00 transport contribution is required.

## **REPRESENTATIONS**

1 letter of representation was received objecting to this proposal. In summary, the letter highlighted the following concerns:

- Adverse impact on visual amenity
- Contrary to local development plan
- Inappropriate land use
- Road safety concerns/ usage of road
- Impact upon water supply
- Footprint of farm buildings does not match
- Site is greenfield and should not be developed

## **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 | Not Required |

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

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

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

Having had the opportunity to undertake a site visit and assess the plans, like the pre-application advice given for the site, I consider the application does not relate to:-

- (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.

The agent has indicated through the provided Design Statement that the application should be considered under criterion (a), building groups, and criterion (f), development on rural brownfield land.

## Building Groups

In relation to criterion (a), building groups, 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. In this case the neighbouring house cannot be considered as a building group as it stand alone to the adjacent farm buildings which are a further 90metres away. The existing house, Middleton, is not considered to be part of the farm holding as suggested by the applicant due to the vast distance between them.

Notwithstanding the above, I therefore again turn to supplementary guidance, 'The Housing in the Countryside Guide' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights 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 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).*

*Proposals which contribute towards ribbon development will not be supported.*

In this case, the proposal constitutes an unacceptable extension to the existing house and nearby grouping which would result in sprawl into the countryside, which would detract and destroy the character of the area. The proposal would also lead to ribbon development along the unnamed road. The allowing of ribbon development could seriously compromise the area as infill development may then become possible on created sites. As the site does not have suitable definable boundaries on the northern and eastern boundaries, as stated as a requirement in the guidance, this could set a precedent for future ribbon development in this location. The existing post and wire fence is not considered to make a definable site.

## Brownfield Land

With regards to criterion (f), rural brownfield land, the agent has indicated that the proposal should be considered under development on rural brownfield land, however this site is not considered rural brownfield land as the current state of the site cannot be considered as 'brownfield' as the policy defines brownfield land as land that was formerly occupied by buildings. In this instance the site contains a large pile of rubble and as such cannot be assessed as being brownfield in terms of the HICG. This pile of rubble is not considered to be suitable evidence of former buildings and as such the site is considered to be greenfield, as highlighted at pre-application stage. I also do



not consider that the existence of rubble within the site provides any basis to confirm the site as brownfield. In any case the site is almost entirely laid to grass and the removal of the rubble from the site would not result in the removal of dereliction or result in a significant environmental improvement. The below photograph shows the rubble on site from the site visit:



Taking the above into account, the principle of housing development on the site is contrary to Policy RD3.

### **Design, Layout and Landscape**

The site is on a relatively elevated piece of land and therefore highly visible from the surrounding area. Whilst the design of the proposed dwellinghouse is considered to be of a high quality, due to its scale on this elevated piece of land, the proposal is considered to erode the landscape qualities and visual amenity of the area. The proposed boundary treatments are not considered sufficient screening to suitably accommodate a dwellinghouse of this scale without having a significant impact upon the landscape qualities of the area.

Due to the prominence of the site from the surrounding area and the proposed siting of the dwellinghouse being highly visible upon the landscape, it is therefore considered that the development of this site into a dwellinghouse could negatively impact upon the landscape character of the area whilst eroding the quality of place.

It should however be noted that I have no outstanding concerns in relation to the layout of the site.

### **Residential Amenity**

The proposed dwellinghouse is approximately 64metres from the neighbouring dwellinghouse. This is considered to be a sufficient distance. The proposal also has a suitable amount of garden ground which provides suitable amenity ground for any future residents of the property. I therefore have no concerns in relation to residential amenity.

### **Roads and Access**

Concern was raised through a letter of representation received in relation to roads and access. On reviewing the submitted plans, I do not consider the provision of a single dwellinghouse on this site will result in traffic generation that is unsuitable for the area. Furthermore, my colleagues in Transport Planning were consulted as part of this application and have no objection to make.

### **Drainage and Flooding**

There are no drainage and flooding implications associated with this proposed development. The site is not within an area of known flood risk.

### **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 Auchtergaven Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time and as such no education contribution is required.

#### Transport Infrastructure

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The site is within the reduced Transport Infrastructure contributions area therefore £2,639.00 transport contribution is required. This has not been sought from the applicant due to the application being recommended for refusal.

### **Economic Impact**

The development of this site will count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated development.

### **Conclusion**



In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for 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.**

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

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
- 2 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
- 3 The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of dwellinghouse on this prominent piece of land would erode and dilute the areas landscape character.
- 4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the dwellinghouse on this prominent piece of 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**

Not Applicable.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

- 17/01299/1
- 17/01299/2
- 17/01299/3
- 17/01299/4
- 17/01299/5
- 17/01299/6
- 17/01299/7
- 17/01299/8
- 17/01299/9
- 17/01299/10
- 17/01299/11

**Date of Report** 25<sup>th</sup> September 2017

**Grounds of Appeal Statement**  
**for**  
**the Erection of a Dwellinghouse on land adjacent to**  
**Middlebank, Waterloo, Bankfoot**  
**17/01299/FLL**

**for**  
**Mr and Mrs Mike Guild**



**John Culbert**  
**Chartered Town Planner**  
**1<sup>st</sup> December 2017**

## **Introduction**

This appeal is submitted on behalf of Mr and Mrs Mike Guild in respect of Perth and Kinross Council's refusal of a full planning application 17/01299/FLL for the erection of a dwellinghouse on land 70 metres north east of Middleton, Waterloo, Bankfoot, Perth.

The application was registered by Perth and Kinross Council on the 1<sup>st</sup> August 2017 and was refused under delegated powers on the 25<sup>th</sup> September 2017. The reasons given for refusal were as follows:

- 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.*
- 2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.*
- 3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of dwellinghouse on this prominent piece of land would erode and dilute the areas landscape character.*
- 4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the dwellinghouse on this prominent piece of land.*

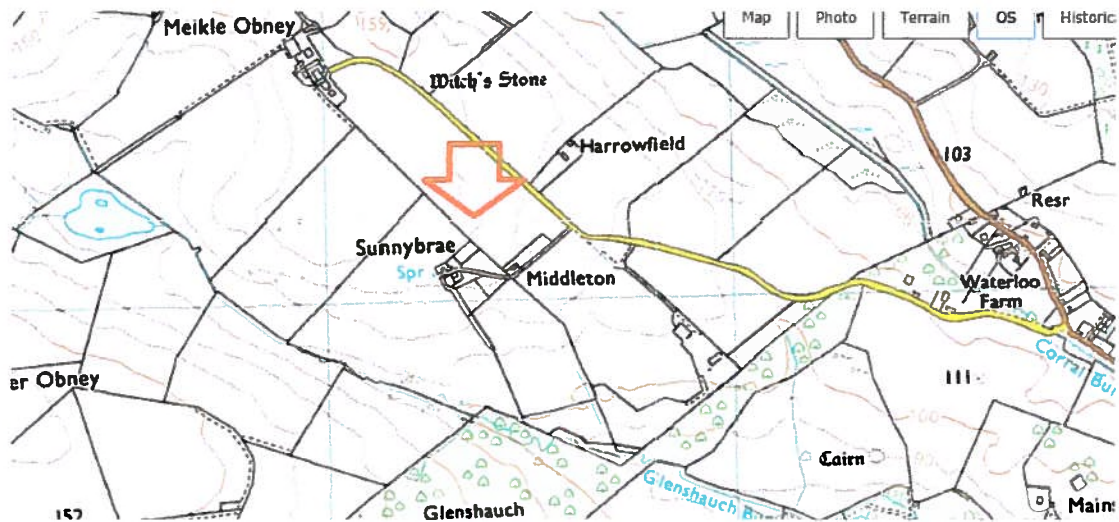
and the justification as follows :

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

This statement will set out the appellants grounds for appealing by addressing the above reasons in the light of the development plan policies and relevant material considerations. In addition, a separate portfolio containing aerial photographs, view point images of the site, copies of historical maps and details of recent neighbouring planning consents has also been included in support of this appeal.

## **The Site and Location**

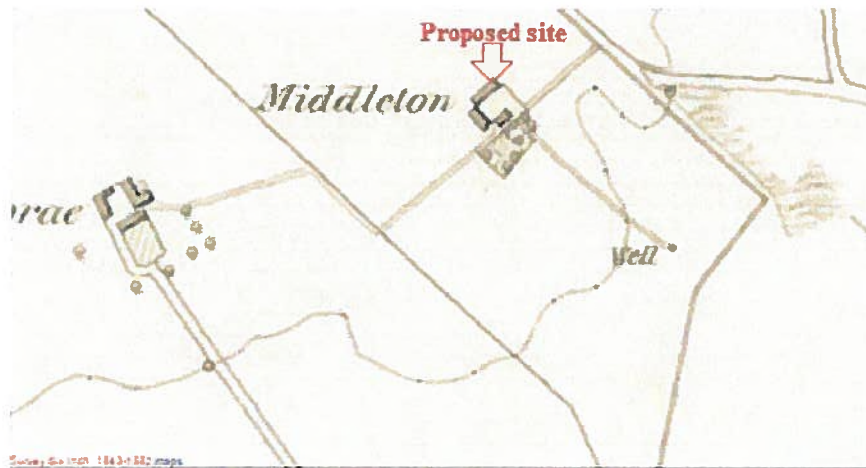
The site about two miles due north west of Bankfoot within the Meikle Obney area and comprises the stone remains of the former Middleton Farmhouse and outbuildings. Access is via the Meikle Obney unclassified road turning off at Waterloo village from the A class Bankfoot to Dunkeld Public Road.



The site area extends to about 0.25ha and comprises a small maintained lawn area to one end and the downtakings from the former buildings within the other half of the site where a group of trees combined with a significant drop in level on the east boundary forming a distinctive landscape feature. The site itself is closely associated with a small building group comprising the bungalow known as 'Middleton' immediately adjacent to the site and its neighbour immediately to the west known as 'Sunnybrae', a farmhouse with separate stone built steading.

The former remains of the original Middleton farmhouse which are very much in evidence on site can be authenticated directly from the historical map below.

*Source: Historical OS Map 1843-1882*



### **Pre-application Enquiry**

A Pre-application enquiry was submitted to the Council in May 2016 and a response was received from Mr David Niven who was unsupportive of our initial proposal which was based on a basic outline sketch proposal; he appeared to be unconvinced on the boundary definition and appeared to class the site as 'Greenfield' as opposed to what is clearly a 'Brownfield' opportunity. However, he did stress that his initial



comments were purely desk base and he had not had the opportunity of visiting the site to be better able to more fully assess the context and the surroundings.

Following the submission of the planning application both the applicant and the agent contacted the Case Officer Mr Sean Panton and asked him to make contact to discuss any issues arising. However, the decision was issued without any contact in an arbitrary fashion.

### **The Proposal**

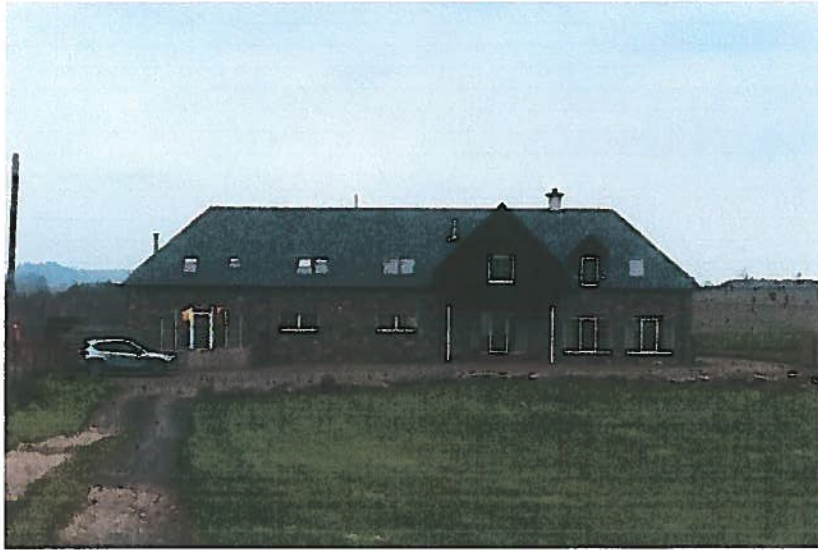
The applicant seeks to develop the site for a one and a half storey 3 bedroomed dwellinghouse of traditional form and using a combination of natural stone facing and wet dash render with a roof clad with natural slate.



The design details and selection of external finishes was partly modelled on the nearby house to the north east of the site known as 'Harrowfield' which sits very comfortably in its rural setting as evident in the photo below.

### **Third Party Objection**

One objection was made to the application from a local landowner expressing concerns with regard to water supply drainage and access limitations, but these issues were commented on by the Case Officer and dismissed as invalid concerns. It is also interesting that other issues raised confirm the presence of the former buildings on site, yet go on to refer to it as a 'greenfield site' rather than as a 'brownfield site' as defined in the Council's own policy.



### **National policy and Guidance**

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

### **Development Plan**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **RD3: Supplementary Guidance: 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.

It is also an essential general requirement of the **RD3** that all new developments should take place within a clearly defined site with natural containment and a good landscape framework.

Reason 1 for refusal implies that the proposal does not fit **any** of policy categories including '*Building Groups*' and '*Brownfield Sites*'.

### **Placemaking Policies PM1A and PM1B**

Policy **PM1A** requires (in summary) new development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place, and including appropriate new landscape and planting works, while policy **PM1B** in summary requires proposals to complement the design and density of the surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

Reason 2 and 3 relate to Placemaking policy **PM1B** and in particular, criteria (a) and (b) as follows:

(a) '*the proposal fails to create a sense of identity and erodes the character of the countryside*'

(b) '*the siting of dwellinghouse on this prominent piece of land would erode and dilute the areas landscape character*'

As the Case Officer has not included placemaking policy **PM1A** in the reasons for refusal which must imply that the Council is satisfied that the proposal sits comfortably with the relevant policy criteria stating that the development should '*contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place*'

The acceptance of the above criteria in **PM1A** directly contradicts the Council's objections under policy **PM1B**.

### **ER6 Managing Future Landscape Change**

Reason 4 lists that the proposal contravenes this policy, however, this policy specifically relates to the 'Special Landscape Areas' designated and approved by the Council in Supplementary Landscape Guidance 17<sup>th</sup> June 2015. The appeal site does not lie within a Special Landscape Area nor is it affected by any other landscape designation.

### **Grounds of Appeal**

This appeal requires to be determined in accordance with the Development Plan unless material considerations dictate otherwise.



I am satisfied that there are sound planning reasons for granting this appeal for the erection of a dwellinghouse.

The material considerations which are critical in this appeal in summary are as follows:

- The site does conform to the 'Housing in the Countryside' (HITCP) policy in respect of both the categories relating to Section 1 'Building Groups' as (a) it forms a logical extension to an existing cluster of three buildings and (b) constitutes a 'Brownfield site' under Section 5 as both evidence of former buildings are evident on site and also verified by OS maps.
- In landscape terms the site is well contained by existing trees and physical features which provide 'an identifiable site' raising no adverse visual or residential amenity issues.
- In terms of the design and layout, the Case Officer himself states that the design is of a high quality and he also has no objections to the site layout.
- Within a 250 metre radius of the appeal site, recent developments have been approved within the last three years and under the current HITCP immediately to the north and to the south of the appeal site where a much more relaxed interpretation of the HITCP has been exercised.
- The Case Officer has clearly sought to apply every possible reason to refuse this application, including reason 4 which refers to ER6 which is a protective landscape policy which is only intended to apply to the Council's 11 'Special Landscape Areas', but does not apply to the appeal site itself, as it lies outwith any of these designated areas and its application can have no justification. Highlighting the over strict and dogmatic application of Council policies.
- The appellants have lived in Bankfoot for over 30 years (?) and clearly feel aggrieved at such a rigid interpretation of the policy criteria, particularly as Section 3.4 specifically appears to support 'Local People' in their housing aspirations.

#### **Detailed Appraisal of RD3 'Housing in the Countryside' (Reason 1 for Refusal)**

The site lies within the landward area within the adopted Local Development Plan 2014, the most relevant policy guidance is comprised in *Policy RD3: 'Housing in the Countryside'* and its associated SPG 2012 on Housing in the Countryside, which is the most recent expression of Council policy towards new housing in the open countryside. The 2012 guide identifies various categories of development opportunity under Sections 1-6. In this case two sections would appear to be particularly relevant as follows:

.In summary, under Section 1 '*Building groups*', the policy encourages the extension of existing building groups into well defined sites. It is also an essential general requirement of the policy that all new developments should take place within a clearly defined site with natural containment and a good landscape framework. In addition, under Section 6 '*Rural Brownfield land*' the policy identifies opportunities for new development on sites formerly occupied by buildings where it would either remove dereliction or could be judged as resulting in a positive environmental improvement.

The proposed site is situated within the context of a small building group as defined in the policy as constituting at least **three** significant buildings, not necessarily houses but at least of cottage size. Immediately adjacent to the proposed plot is a single storey house known as 'Middleton' and immediately beyond that is the farmhouse known as 'Sunnybrae' with a significant steading building to its rear, thereby qualifying under the policy as a building group. The proposed site forms a logical extension to this small building group, being well contained within established boundaries and benefits from a group of semi mature trees and a physical change in level ( a containing topographical feature) at its far end which would act as a physical stop or buffer to any further development beyond as illustrated in the photo below.



Development would also be appropriate in terms of the existing building pattern and would not detract from the amenity of the other houses in the group. Understandably, the planner in his initial desk based assessment was not immediately aware of the physical attributes of the site and the fact that characteristics of the group are very typical of other rural groups within the surrounding area. It would certainly appear that the proposal would be very much in line with the objectives and requirements of Section 1.

However, the Case Officer disagrees with this assessment and considers the gap between buildings is too large, however, the spacing is very typical of small rural building clusters in this area.

In terms of Section 6 where it relates to '*Rural Brownfield land*', the proposed site originally comprised the site of the former 'Middleton Farmhouse' and its associated outbuildings as evidenced in the copy of the historical map dating back to 1882 and would certainly qualify under this section of the policy. The doughtings of these buildings are still very much in evidence on site where they collectively present an appearance of significant dereliction all to the detriment of the visual and residential amenity of neighbours. The policy simply requires a site to have been formerly occupied by buildings and two alternative requirements of either (a) removing dereliction or (b) constituting an environmental improvement. The historical map

provides firm evidence of former buildings and the evidence on site of the ruinous remains certainly constitutes dereliction detrimental to visual amenity. The site is identifiable as a potential building plot and there is no other alternative feasible use for the ground. The policy also allows up to five houses on rural brownfield sites, but in this case the applicant is only seeking consent for a single house. A further requirement is the landscaping/remedial works for the site which in this case, includes the retention of existing trees and the laying out of the garden to include a pond feature and further tree planting. The tidying up and redevelopment of this site would certainly result in a local environmental improvement as additionally required under the policy and the proposal would appear to more than satisfy all the essential qualifying policy criteria.



The Case Officer has deliberately downplayed the obvious evidence of the former use using a photograph showing just three stones on site and not even acknowledging the indisputable evidence of historic O.S. maps. The policy is quite clear in this respect and simply states '*a site formerly occupied by buildings*' it does not require the buildings to be still standing. In terms of the second test, the Case Officer clearly does not agree that the dountakings on site constitute 'dereliction', nor does he recognise that there would be a positive 'environmental improvement'. The policy does not define either of these descriptions, but it does appear logical that the replacement of a large pile of rubble (in the Case Officer's own words) with a house of a high quality of design (Case Officer's own words) would be a qualifying improvement in visual terms.

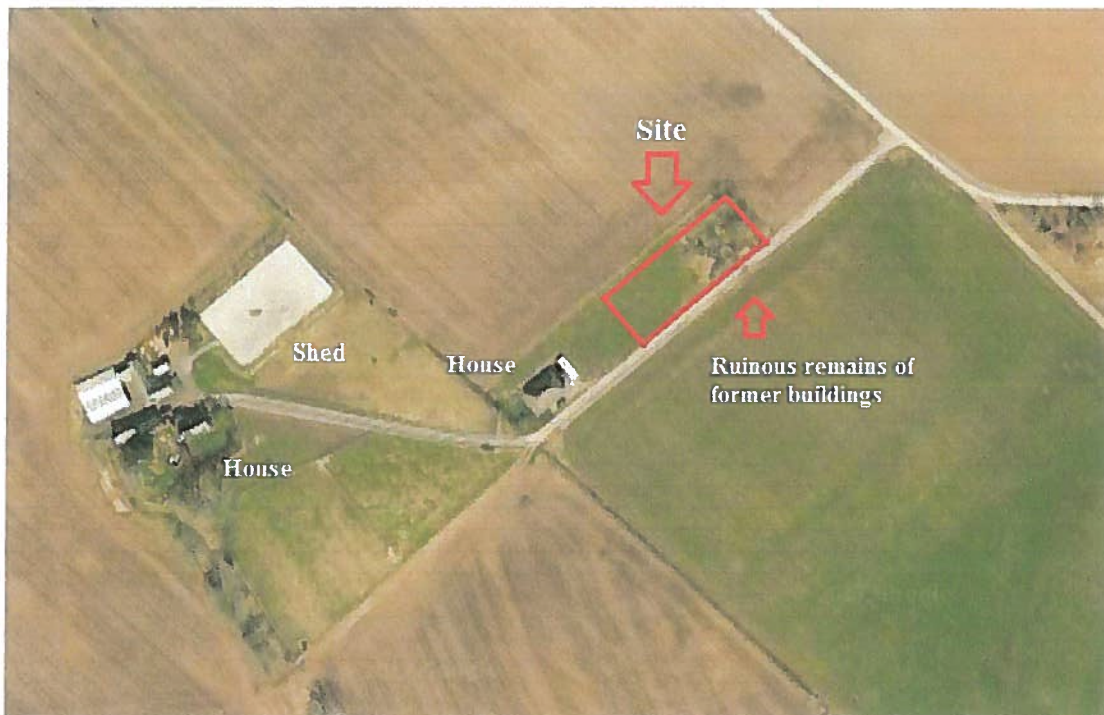
A further more general requirement of the policy RD3 requires sites to be clearly defined with natural containment and a good landscape framework. In the case this site, it is contained by an existing house curtilage, a road, belt of trees and a change in level which is a well established landscape feature and with post and wire fencing on the remaining rear boundary providing complete physical enclosure. The Case Officer objects to the presence of a post and wire fence as a boundary definition. However, I would point out that there are plenty of precedents where post and wire fences have been accepted as a means of enclosure, subject to new boundary landscaping and in this regard, I would refer to applications 14/01424/IPL and 14/01425/IPL; both these applications involved sites where the rear boundaries comprised post and wire



fencing. It is more important that the site is 'identifiable' with a good setting and provides a good 'landscape fit' for the intended new development so that it will blend in with local surroundings. The aerial photograph above clearly illustrates the physical and topographical features, including the boundary fencing which all combine to create what is a completely contained site, fully in line with the general policy requirements.

### **Placemaking Policies PM1A and PM1B Landscape issues (Reason 2 and 3 for Refusal)**

The Council's Placemaking policies PM1A and PM1B seek compatibility with the surroundings and local character in the context of any proposed development, the characteristics of site and likely impacts on both visual and residential amenity. Clearly, the applicant's intention is to build a modest one and a half storey house of simple rural proportions in a traditional form and respectful of the local vernacular and finished in a palette comprising wet dash, stone, timber and natural slate appropriate to its context and setting. The Case Officer has confirmed in his Report of Handling that the proposed house is of a high standard of design and has no objections to the layout on site.



In regard to amenity considerations, as already outlined above, the site is set well back from any main 'A' class public roads and any visual impact would be minimal and very localised. In addition, the proposed house would not impinge on the amenity of its neighbours through proximity or overlooking and does not raise any residential amenity issues and this is not contested. I am satisfied that the proposed development would not present any conflict with the placemaking policy PM1B as claimed as there would be no adverse impacts on local character and the proposed development would be respectful of the surroundings raising no visual or residential amenity issues.

It has also been suggested that the proposal would lead to 'ribbon development'. However, the official definition of ribbon development is as follows:

*'the building of houses along a main road, especially one leading out of a town or village.'*

Clearly, this would not be relevant to this particularly rural location which is served by a minor private access.

The Case Officer also refers to the proposed site establishing a precedent for further building. However, there is no concept of binding precedents in the planning system as each individual planning application is treated on its own individual merits.

Obvious contradiction where the development is judged to be acceptable under PM1A, but yet conflict with similar criteria in Policy PM1B, particularly as he feels the proposal would detract and destroy the character of the area. Policy PM1A states the following:

*'contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place'*

Clearly, the fact that the proposal does not conflict with the above statement of policy contradicts his own landscape assessment about eroding landscape character.

### **Neighbouring Development Sites (Less rigid policy interpretation)**

The following two sites lie to the north and south of the appeal site within a radius of approximately 250 metres (refer to plan below) and are the nearest recent development sites and in each case reflect a much more flexible interpretation of the HITCP.

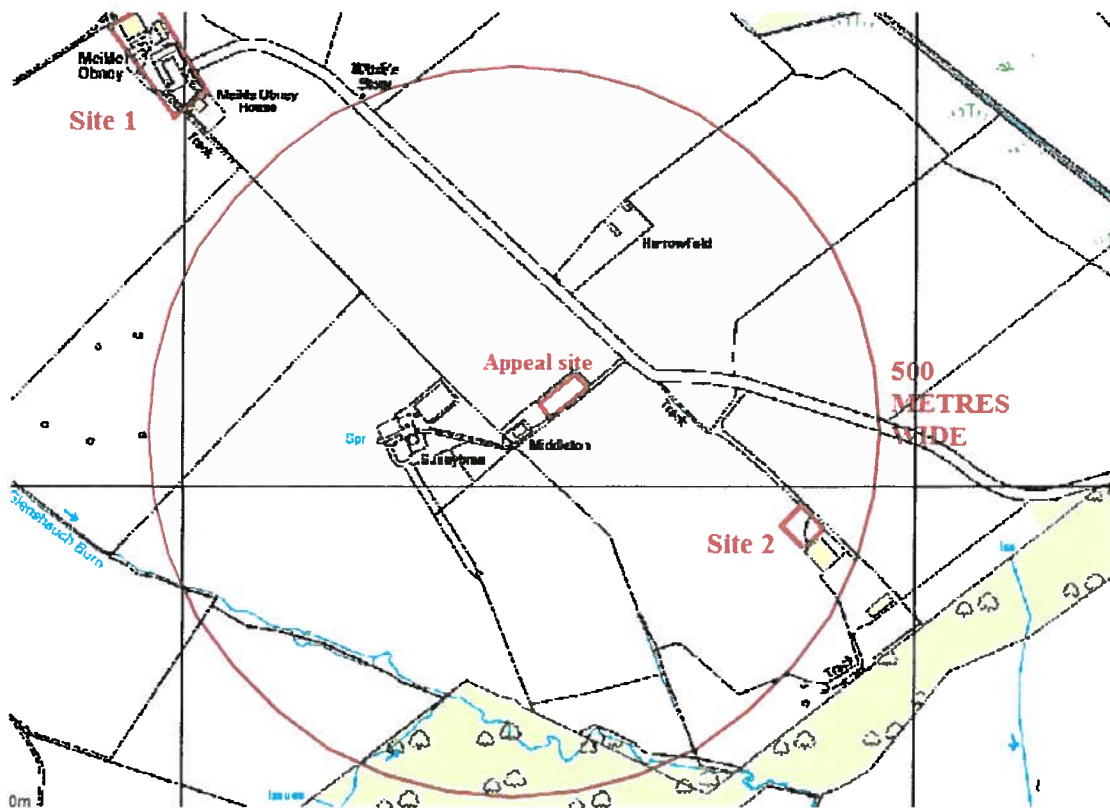
#### **Site 1 Land adjacent to Meikle Obney Farm Cottage**

Planning consent was recently granted under 14/02080/FLL (6 houses) 14/02081/FLL (5 houses) to demolish existing stone built steadings and erect a total of 11 new houses. The current HITCP would have applied which under the conversion of non domestic buildings operates a presumption in favour of conversion rather than demolition and replacement with new build housing. However, earlier lapsed consents for up to 18 houses on the site persuaded the planners that a case could be made for demolition, even though it was contrary to the spirit of the current policy which seeks to retain traditional stone buildings in the countryside. A total of 11 new detached executive style houses bearing little resemblance to a stone built farm steading conversion and yet, were not seen as detracting from the character of the local landscape.

#### **Site 2 Land 400 Metres South East Of Middleton**

An application for a new house next to an isolated permitted development farm shed was approved under 10/00532/FLL on grounds of economic need based on horse breeding with an occupancy condition attached. A new landscape context was to be

created by planning condition as the site was simply in the corner of an open field. However the site was recently sold and a change of housetype submitted under 15/01046/FLL and approved as being in line with the current HITCP and this time with the occupancy clause removed. Thereby granting consent for an isolated house in the countryside normally seen as directly contrary to policy RD4 and also with no concerns expressed with regard to visual impact or harm to the character of the landscape.



#### **ER6 Landscape (Reason 4 for Refusal)**

The Perth and Kinross Local Development Plan includes Supplementary Guide on Landscape as follows:

*'The Landscape Supplementary Guidance was adopted by the Council on 17 June 2015 and became the statutory supplementary guidance to the Adopted Local Development Plan. It has been produced to include the review and update of Local Landscape Designations in Perth and Kinross into the Council's planning policy framework. It also provides further advice on the implementation of Local Development Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes within the 11 Special Landscape Areas, and will help to bring forward land management initiatives to protect and enhance these areas.'*

This reason is invalid as this policy strictly applies within the 11 'Special Landscape Areas' but does not apply to the appeal site itself which lies outwith any of these designated areas, its application can therefore have no justification. Highlighting again the overly strict yet confusing application of Council policies.

The appeal site is unaffected by any other form of landscape designations.

**Policy bias against 'Local People'**

Policy RD4 'Housing in the Countryside' under Section 3.4 encourages housing opportunities for 'Local People', yet the recent planning history on neighbouring development sites referred to above, indicates a preference for open market housing based on a more relaxed interpretation of the Council's HITCP. Clearly, in this case the reasons for refusal have been applied in a very dogmatic matter and display obvious contradictions and in the case of ER6 an invalid reason. It is little wonder that my clients feel that bias has been exercised in favour of the larger developer unfairly penalising opportunities and aspirations for a local family.

**Further Procedure**

**The appellants would encourage that the Local Review Body to select the available option of a site visit to fully appreciate the site context in relation to its surroundings.**

Accordingly, this appeal should be allowed and planning permission granted.





## **APPEAL PORTFOLIO**

### **FOR PROPOSED NEW HOUSE**

### **AT MIDDLETON, MEIKLE OBNEY**

### **FOR MR A M GUILD**

## **STATEMENT**

This portfolio bids to clarify and confirm the following points which we strongly contest from points stated in the planning officer's refusal statements.

- a) The site is not a greenfield site as it without question was the site of a previous farmhouse and outbuildings complex as evidenced by on site rubble and structures and most tellingly, clearly is identified in this location by historical, official OS map documentation.
- b) The proposed site whilst not within a close group of houses, clearly lies central to several closely adjacent houses and farm buildings.
- c) The proposed site is not a stand out individual site set within pristine, unadulterated landscape.
- d) The site will not be openly visible from public access roads, namely the B867.
- e) Planning permissions have already been granted for 1 No. house to the south field area and 11 No. houses to the north field area all set within the same alleged pristine landscape (10/00532/FLL and 14/02080/FLL).

## **CONTENTS**

1. SATELLITE OVERVIEW OF SITE AND SURROUNDING AREA
2. PHOTOGRAPHS SHOWING VIEWS TO AND FROM SITE
3. HISTORIC OS MAP SHOWING PREVIOUS BUILDINGS
4. PLANNING PERMISSIONS GRANTED FOR ADJACENT SITES



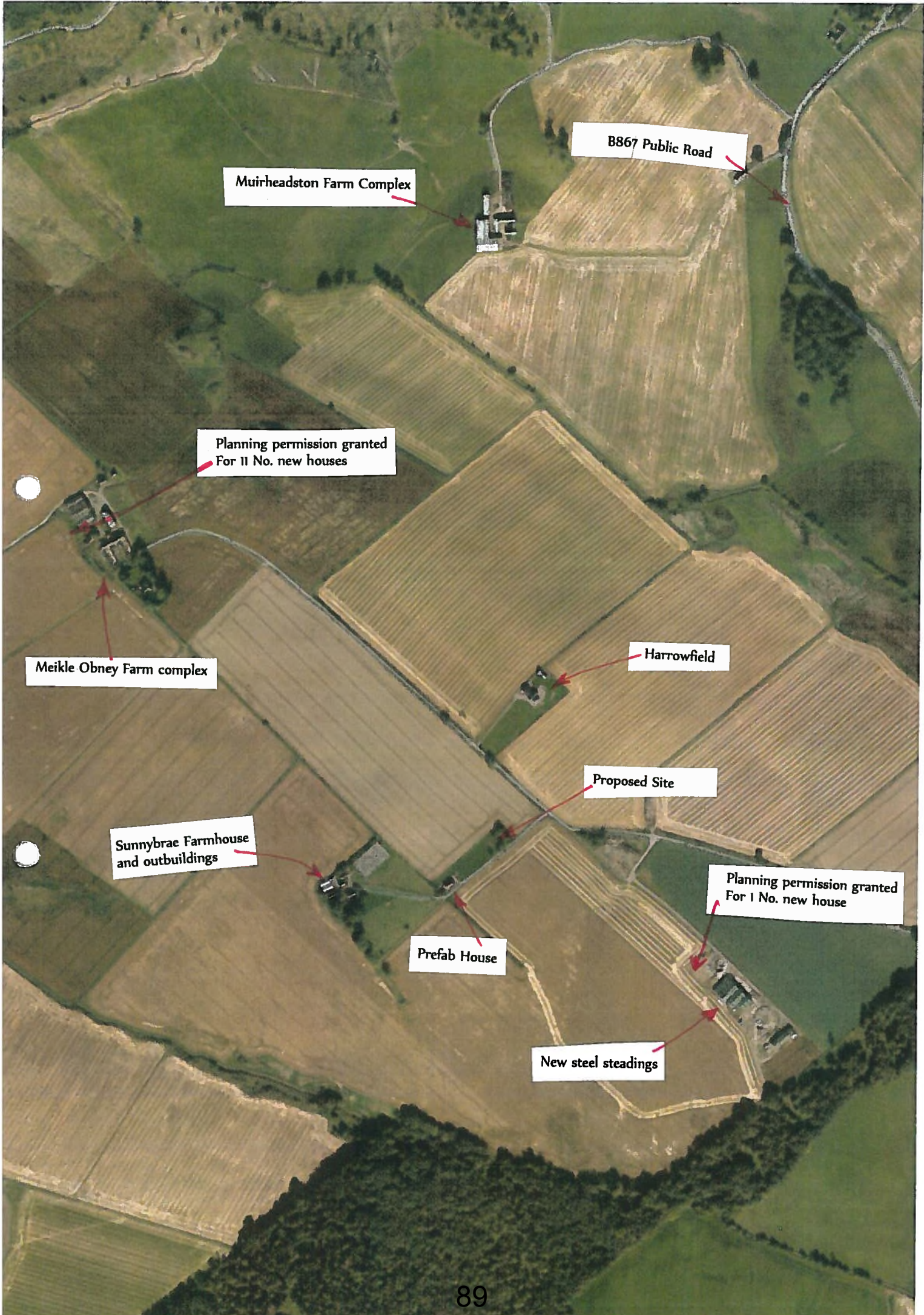
Harrowfield converted cottages

Proposed Site

1960's Prefab House

Sunnybrae Farmhouse and outbuildings





Muirheadston Farm Complex

B867 Public Road

Planning permission granted  
For 11 No. new houses

Meikle Obney Farm complex

Harrowfield

Proposed Site

Sunnybrae Farmhouse  
and outbuildings

Planning permission granted  
For 1 No. new house

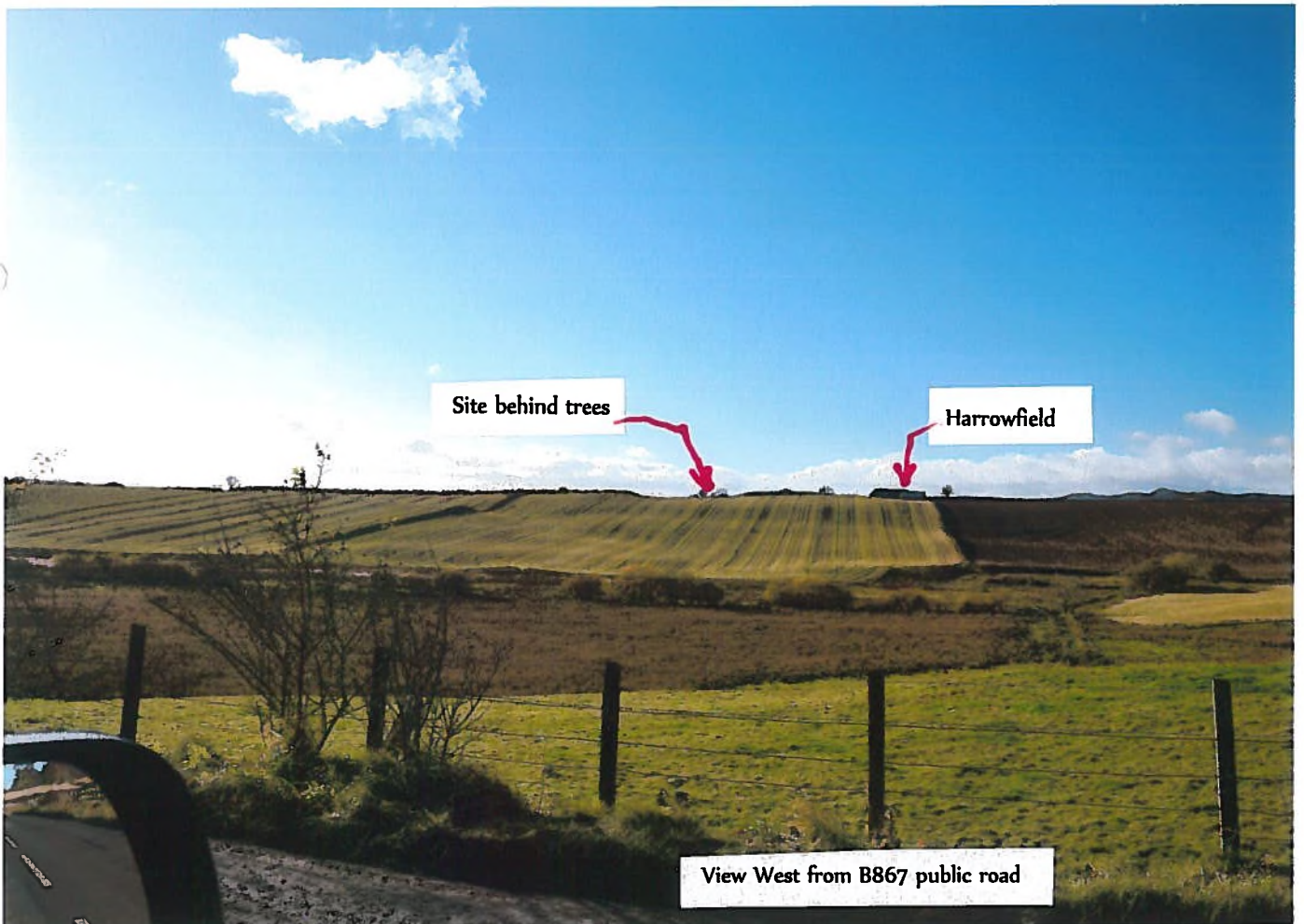
Prefab House

New steel steadings









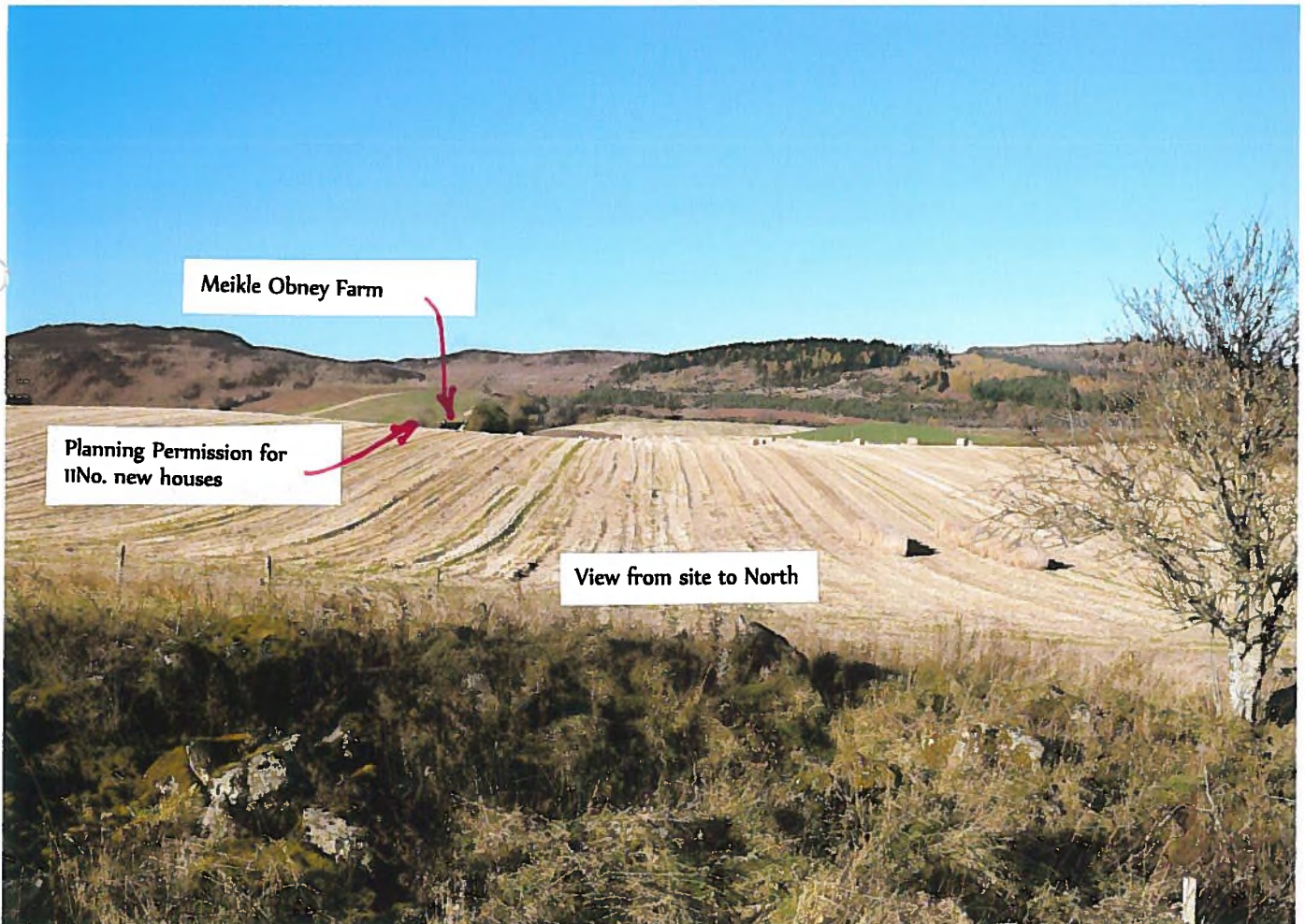




Pre fab house (neighbor)

Sunnybrae Farm and outhouses

View from site to West



Meikle Obney Farm

Planning Permission for 11 No. new houses

View from site to North

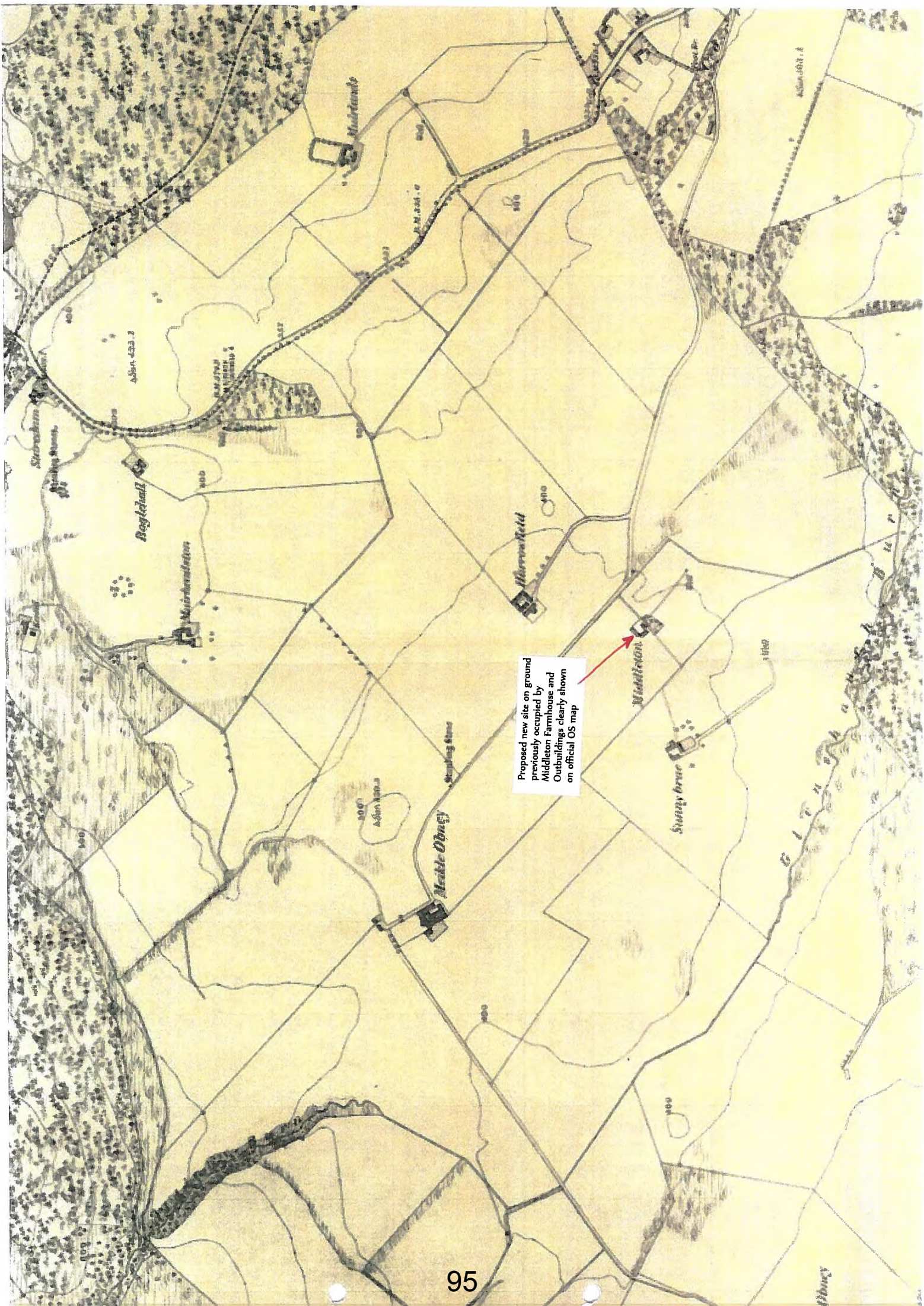






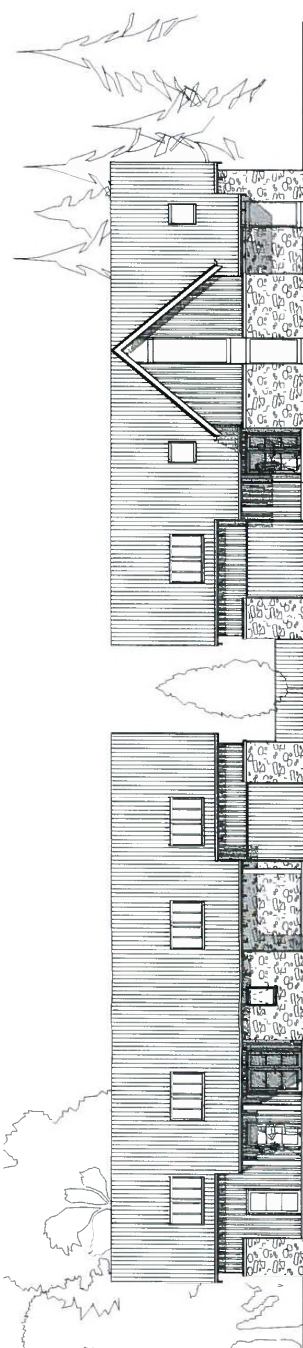






Proposed new site on ground previously occupied by Middleton Farmhouse and Outbuildings clearly shown on official OS map



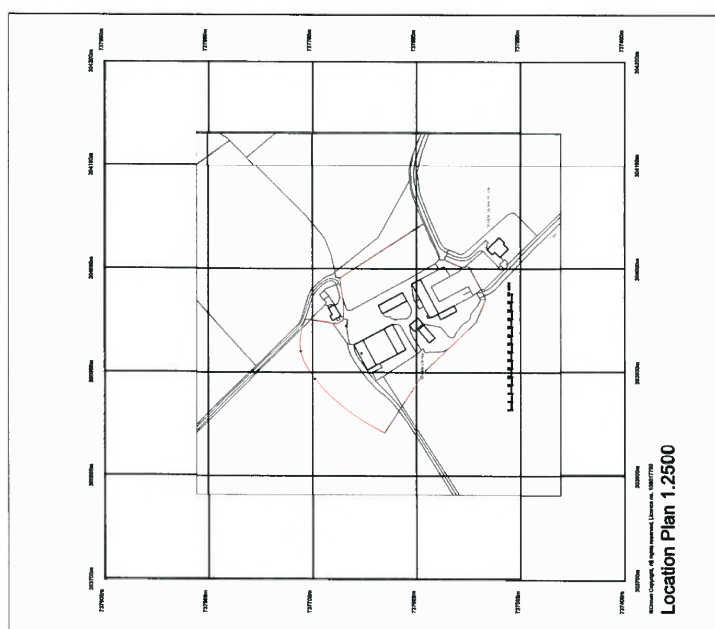
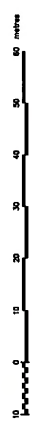


North Elevation  
Proposed North Elevation 1.100



Phase A

Existing floor area of built structure - 3633m2



Location Plan 1.2500

| Station | Northings | Eastings | Remarks |
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# Print Version

Close Window Print

## Summary

|                              |                                                                     |
|------------------------------|---------------------------------------------------------------------|
| <b>Reference</b>             | 14/02080/FLL                                                        |
| <b>Alternative Reference</b> | 000105218-001                                                       |
| <b>Application Received</b>  | Mon 01 Dec 2014                                                     |
| <b>Application Validated</b> | Thu 11 Dec 2014                                                     |
| <b>Address</b>               | Land 80 Metres South Of Meikle Obney Farm Cottage Waterloo Bankfoot |
| <b>Proposal</b>              | Erection of 6 dwellinghouses                                        |
| <b>Status</b>                | Decided                                                             |
| <b>Decision</b>              | Approve the application                                             |
| <b>Decision Issued Date</b>  | Fri 06 Feb 2015                                                     |
| <b>Appeal Status</b>         | Unknown                                                             |
| <b>Appeal Decision</b>       | Not Available                                                       |

## Further Information

|                                |                                                      |
|--------------------------------|------------------------------------------------------|
| <b>Application Type</b>        | planning permission local                            |
| <b>Decision</b>                | Approve the application                              |
| <b>Actual Decision Level</b>   | Delegated Decision                                   |
| <b>Expected Decision Level</b> | Not Available                                        |
| <b>Case Officer</b>            | John Williamson                                      |
| <b>Community Council</b>       | Not Available                                        |
| <b>Ward</b>                    | Strathtay                                            |
| <b>Applicant Name</b>          | Tayvalley Homes                                      |
| <b>Agent Name</b>              | OSA                                                  |
| <b>Agent Company Name</b>      | Not Available                                        |
| <b>Agent Address</b>           | Paul O'Shea 3 Bowerswell Waterloo Perthshire PH1 4FG |
| <b>Agent Phone Number</b>      | Not Available                                        |

**Environmental Assessment Required** No

## Contacts

### Agent

OSA

**EMAIL** osheaarchitecture@hotmail.co.uk

**Phone** 01738 787533

### Ward Councillors

Councillor Grant Laing

**Address** Redgalle 11 Park Grove Spittalfield Perth PH1 4LH

Councillor Barbara Vaughan OBE

**Address** Taymount House Caputh Perth PH1 4JJ

### Important Dates

|                                           |                 |
|-------------------------------------------|-----------------|
| <b>Application Received Date</b>          | Mon 01 Dec 2014 |
| <b>Application Validated Date</b>         | Thu 11 Dec 2014 |
| <b>Neighbour Consultation Expiry Date</b> | Sat 24 Jan 2015 |
| <b>Decision Issued Date</b>               | Fri 06 Feb 2015 |
| <b>Permission Expiry Date</b>             | Mon 05 Feb 2018 |

**Environmental Impact Assessment Received** Not Available

### Related Information

There are 29 documents associated with this application.

There are 0 cases associated with this application.







# Print Version

Close Window Print

## Summary

|                              |                                     |
|------------------------------|-------------------------------------|
| <b>Reference</b>             | 10/00532/FLL                        |
| <b>Alternative Reference</b> | Not Available                       |
| <b>Application Received</b>  | Fri 26 Mar 2010                     |
| <b>Application Validated</b> | Mon 12 Apr 2010                     |
| <b>Address</b>               | Meikle Obney Farm Waterloo Bankfoot |
| <b>Proposal</b>              | Erection of a dwellinghouse         |
| <b>Status</b>                | Decided                             |
| <b>Decision</b>              | Approve the application             |
| <b>Decision Issued Date</b>  | Tue 20 Sep 2011                     |
| <b>Appeal Status</b>         | Unknown                             |
| <b>Appeal Decision</b>       | Not Available                       |

## Further Information

|                                |                                                    |
|--------------------------------|----------------------------------------------------|
| <b>Application Type</b>        | planning permission local                          |
| <b>Decision</b>                | Approve the application                            |
| <b>Actual Decision Level</b>   | Delegated Decision                                 |
| <b>Expected Decision Level</b> | Not Available                                      |
| <b>Case Officer</b>            | David Niven                                        |
| <b>Community Council</b>       | Auchtergaven                                       |
| <b>Ward</b>                    | Strathtay                                          |
| <b>Applicant Name</b>          | James Paton And Co                                 |
| <b>Agent Name</b>              | Jacobsen French Architects                         |
| <b>Agent Company Name</b>      | Not Available                                      |
| <b>Agent Address</b>           | The Studio Old Mains Cadzow Avenue Glasgow G46 6RD |
| <b>Agent Phone Number</b>      | Not Available                                      |

**Environmental Assessment Required** No

## Contacts

### Ward Councillors

Councillor Grant Laing

**Address** Redgalle 11 Park Grove Spittalfield Perth PH1 4LH

Councillor Barbara Vaughan OBE

**Address** Taymount House Caputh Perth PH1 4JJ

## Important Dates

|                                           |                 |
|-------------------------------------------|-----------------|
| <b>Application Received Date</b>          | Fri 26 Mar 2010 |
| <b>Application Validated Date</b>         | Mon 12 Apr 2010 |
| <b>Neighbour Consultation Expiry Date</b> | Not Available   |
| <b>Decision Issued Date</b>               | Tue 20 Sep 2011 |
| <b>Permission Expiry Date</b>             | Sat 20 Sep 2014 |

**Environmental Impact Assessment Received** Not Available

## Related Information

There are 32 documents associated with this application.

There is 1 case associated with this application.

There are 2 properties associated with this application.



**TCP/11/16(505) – 17/01299/FLL – Erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth**

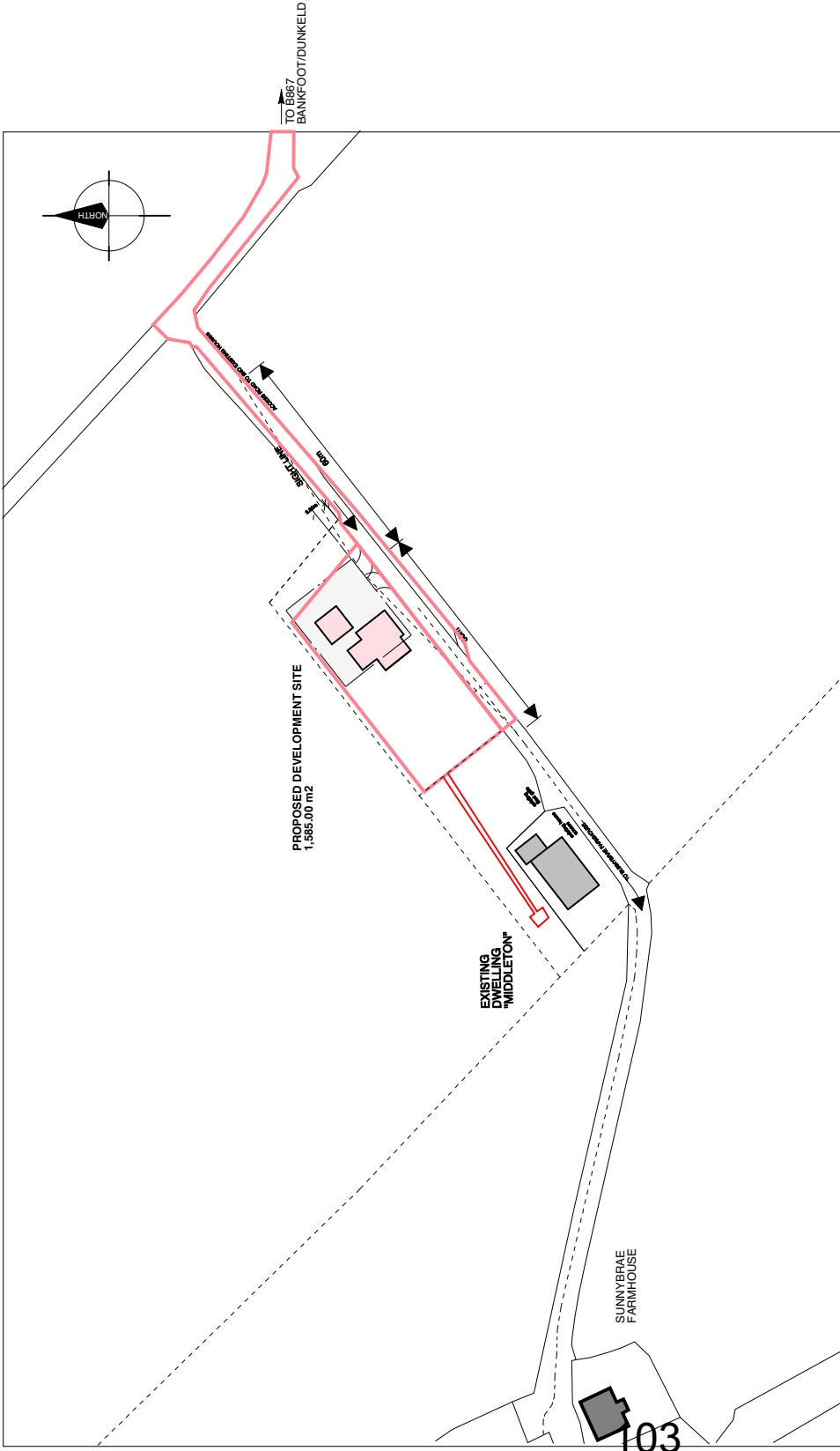
**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 61-62)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 63-72)*

**REFERENCE DOCUMENTS**







0 10 20 30 40 50  
1:1250

PROPOSED NEW DWELLING AT MIDDLETON, WATERLOO,  
NR BANKFOOT, PERTSHIRE  
FOR MR & MRS M GUILD

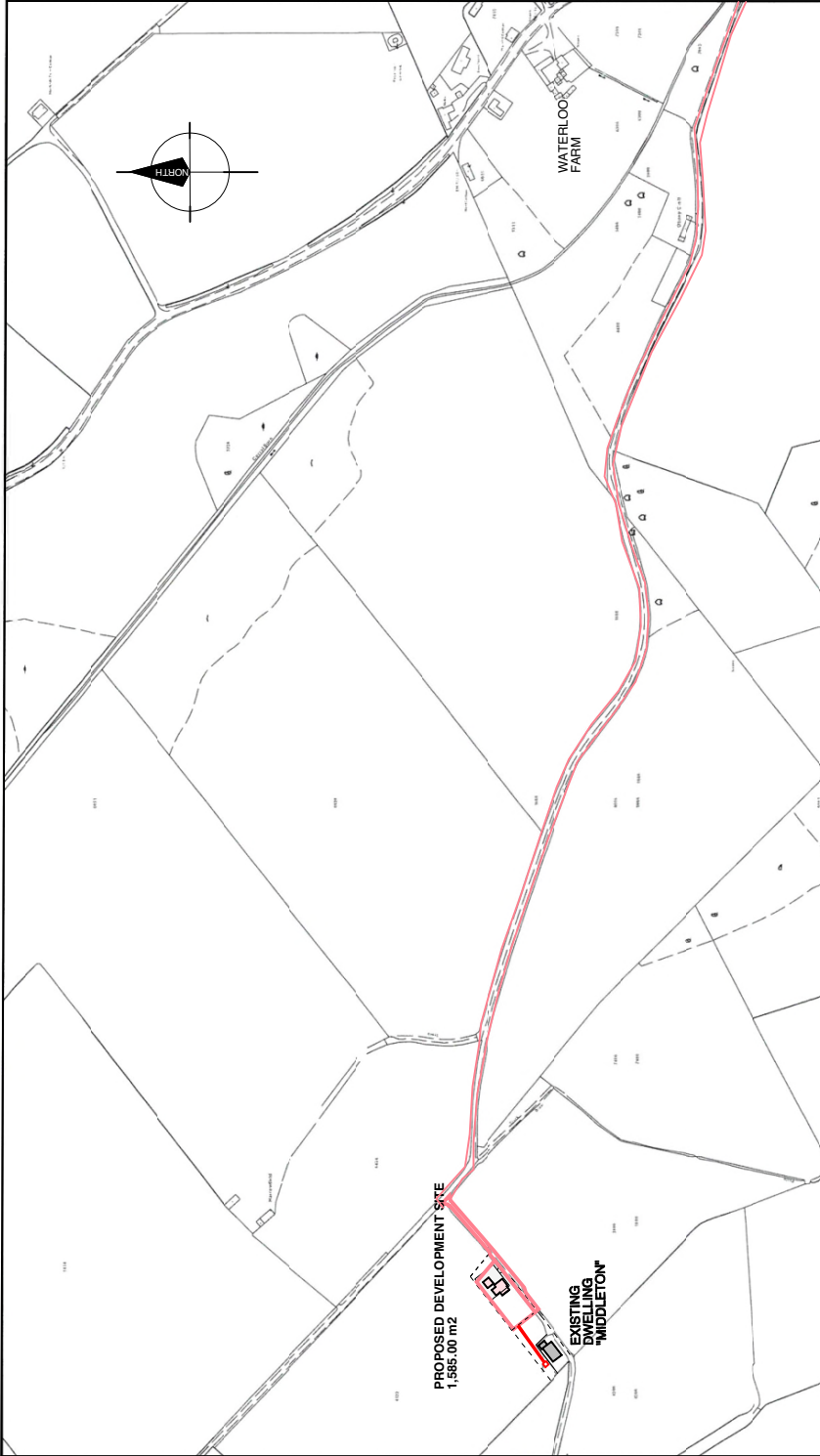
LOCATION PLAN

**CFY DESIGN @ OLD FASKALLY**  
architecture in the Highland Perthshire community

Drig No.: **P230** [ **A** ] **2B**  
Scale: 1:1250 Date: 04/17 Drawn: PM



The Lodge, Old Faskally, Kilmarnock  
Perthshire PH16 5LG  
Telephone: 01796 473 436  
Mobile: 07796 473 635  
e-mail: cfydesign@oldfaskally.co.uk



PROPOSED NEW DWELLING AT MIDDLETON, WATERLOO,  
NR BANKFOOT, PERTSHIRE  
FOR MR & MRS M GUILD

LOCATION MAP

**CFY DESIGN @ OLD FASKALLY**  
architecture in the Highland Perthshire community

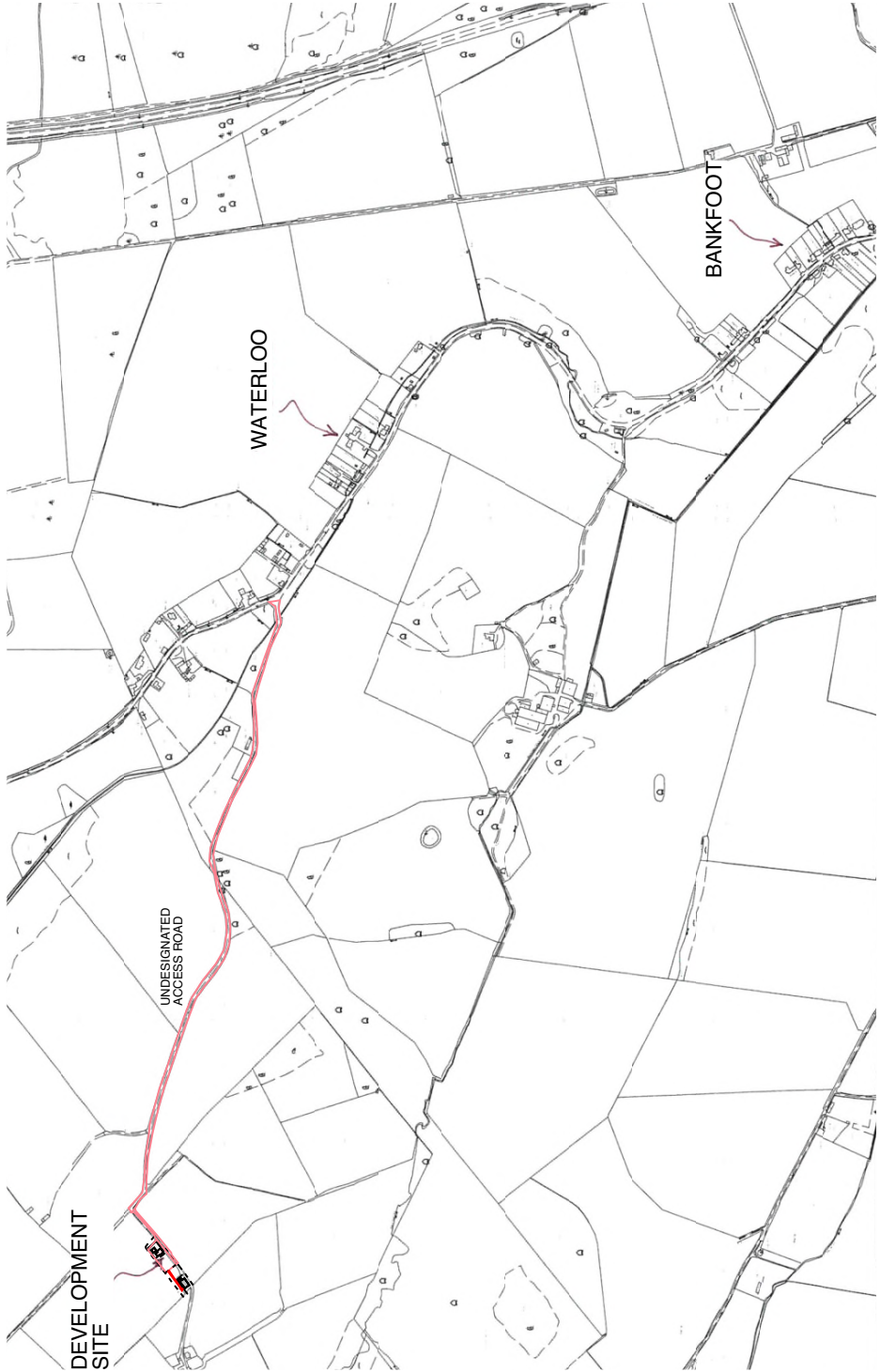
Drwg No.: P230 [ A ] 1B

Scale: 1:5000 date: 04/17 Drawn: PM



The Lodge, Old Faskally, Kilmacrae  
Perthshire PH16 5LG  
telephone: 01796 473 436  
mobile: 07778 473 635  
e-mail: cfydesign@oldfaskally.co.uk

DUNKELD  
B867



PROPOSED NEW DWELLING AT MIDDLETON, WATERLOO,  
 NR BANKFOOT, PERTSHIRE  
 FOR MR & MRS M GUILD

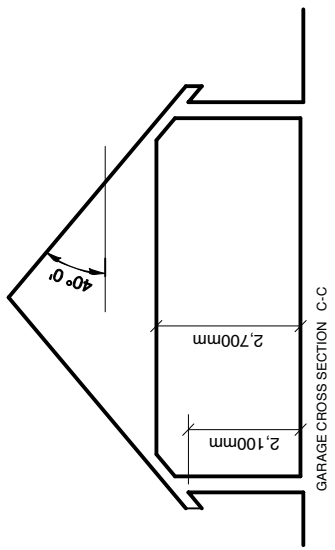
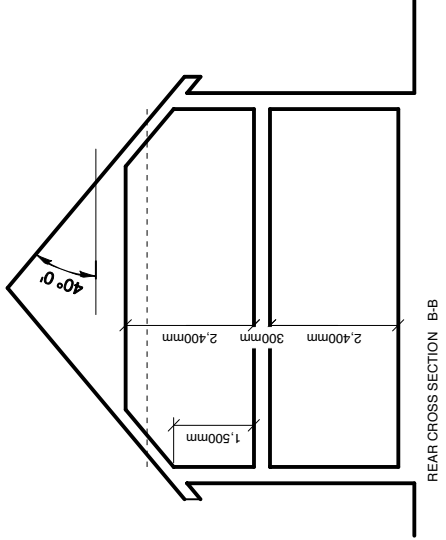
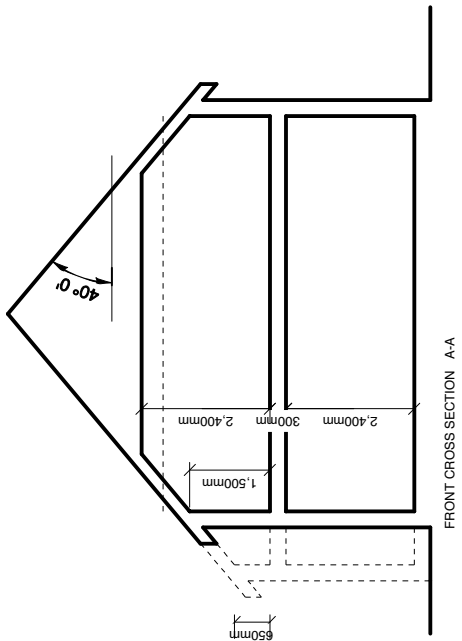
LOCATION MAP 1:10,000

**CFY DESIGN @ OLD FASKALLY**  
 architecture in the Highland Perthshire community

Drig No.: P230 [ A ] 4  
 Scale: 1:10000 Date: 04/17 Drawn: PM



The Lodge, Old Faskally, Killcraigs  
 Perthshire PH16 5LG  
 telephone: 01796 473 436  
 mobile: 07792 473 635  
 e-mail: cfydesign@oldfaskally.co.uk



PROPOSED NEW DWELLING AT MIDDLETON, WATERLOO,  
 NR BANKFOOT, PERTSHIRE  
 FOR MR & MRS M GUILD

SCHEME DESIGN - CROSS SECTIONS  
**CFY DESIGN @ OLD FASKALLY**  
 architecture in the Highland Perthshire community

Drng No.: P230 [ D ] 3A  
 Scale: 1:100 Date: 04/17 Drawn: PM

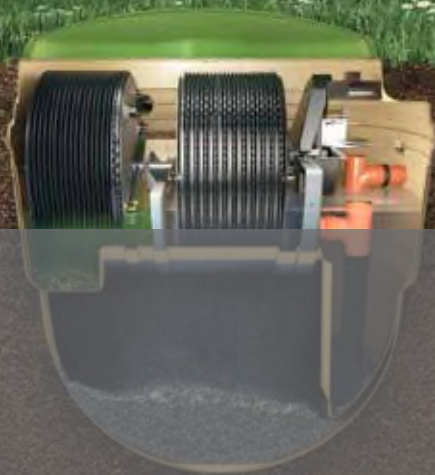


The Lodge, Old Faskally, Killcombie  
 Perthshire PH16 5LG  
 telephone: 01796 473 436  
 website: www.cfydesign.co.uk  
 e-mail: cfydesign@oldfaskally.co.uk

**BioDisc®**

# DOMESTIC WASTEWATER SOLUTIONS

PREMIUM SEWAGE TREATMENT PLANT FOR HOMES FROM  
THE EXPERTS IN WASTEWATER TREATMENT







**WORLD LEADER**  
in quality wastewater  
management solutions

# 60 YEARS OF EXPERTISE

## Kingspan Klargester

For over 60 years, Kingspan Klargester has designed and manufactured innovative ways to treat, pump, separate and recycle wastewater. We pioneered the world's first GRP septic tank and the patented RBC (Rotational Biological Contactor) BioDisc® wastewater treatment system - leading change in our sector and setting industry standards around the world.

As established global market leaders, we offer a diverse range of innovative and 100% compliant wastewater treatment solutions for domestic, commercial and industrial applications. We give you relevant advice and support throughout the wastewater treatment purchasing process based on our in-depth local knowledge and expertise.

## The Wastewater Solutions Experts

Kingspan Klargester are the wastewater management experts with over 60 years of innovation and knowledge. Our mission is to design and manufacture premium tried and tested wastewater management solutions on a global scale whilst offering one of the largest and most technologically advanced wastewater ranges available.

Operating in 85 countries worldwide, we offer a global distribution network backed by experienced sales and technical teams. Our support teams provide focused customer service from delivery scheduling to consultancy and installation guidance. We give you the confidence of support over the lifetime of the product and beyond.



**85**  
COUNTRIES  
WORLDWIDE



# BioDisc®

## **Kingspan Klargester BioDisc® wastewater treatment plant**

Our Kingspan Klargester BioDisc® sewage treatment range benefits from a wealth of industry experience and knowledge that allowed us to bring to market the first Rotational Biological Contactor treatment system over 40 years ago.

The patented BioDisc® is engineered to treat wastewater to the highest level of standards. In terms of ongoing service and maintenance, it offers one of the best returns on investment compared to other treatment processes. Each BioDisc® is designed to ensure 100% compliance with industry requirements, including national and international regulations such as BS EN12566.

The aim of BioDisc® is simple - quality product and quality customer service for total peace of mind.



## EXPERTISE

- › With over 60 years' experience delivering high performance and reliable wastewater treatment systems worldwide, you can trust Kingspan Klargester.

## RELIABILITY

- › BioDisc uses the tried and tested Rotating Biological Contactor technology. This proven technology ensures continued high performance and hassle free sewage treatment for the entire lifetime of your product.

## TRUST

- › Kingspan Klargester provide you with the confidence that comes from a world leading wastewater brand. Our experienced team offer guidance on choosing your correct plant right through to aftersales service and maintenance.





BioDisc®

# PROTECTING YOUR HOME AND THE ENVIRONMENT

ULTIMATE RELIABILITY

## 4 EASY STEPS TO THE PERFECT WASTEWATER TREATMENT SOLUTION



### Step 1

Contact us and we'll arrange for a local Kingspan Klargester expert to visit your home for a full site assessment, should you need it.



### Step 2

Our professional team will work with you to help choose the correct BioDisc® model.



### Step 3

A Kingspan professional can be arranged to commission and activate your tank.



### Step 4

We offer tailored service and maintenance packages for your BioDisc® treatment plant.





**KINGSPAN KLARGESTER**  
Expertise, Reliability and Trust



# KEY BENEFITS

In an increasingly regulated world with new Environment Agency and SEPA standards, it's more important than ever to choose a sewage treatment plant that delivers peace of mind by guaranteeing safe and reliable treatment of wastewater.

BioDisc® from Kingspan Klargester is built on the back of 60 years' experience and offers the following benefits:

## LOW RUNNING COSTS

The robust patented design of the BioDisc® treatment plant offers complete peace of mind. With low running costs and minimal servicing and maintenance required, the BioDisc® is a high-quality lifetime investment that helps safeguard the health of you and your family.



## FULLY COMPLIANT SOLUTION

BioDisc® is tested and certified to European standard EN 12566, the European standard for small treatment plants and was awarded its Performance Certificate by delivering high levels of pollution removal (up to 97.5%). As a homeowner you can rest assured that the BioDisc® will operate optimally at all times, saving you time, money and hassle.



## EXPERTISE AND KNOWLEDGE

BioDisc® is backed by 60 years' of expertise and technical knowledge. Our expert team is on hand to guide you on the best choice of sewage treatment system for your home.



\*Subject to stock levels and other conditions. Free delivery from our distribution hubs.



# BioDisc®

## HOW IT WORKS

The Rotational Biological Contactor (RBC) is central to the operation of each Kingspan Klargester BioDisc®. It supports a biologically active film or biomass onto which aerobic micro-organisms, naturally found in sewage, become established. Natural breakdown of sewage can then occur as described below.

| UNIT SIZE                      | SINGLE HOUSE                |                             | MULTIPLE HOUSES             |                              |
|--------------------------------|-----------------------------|-----------------------------|-----------------------------|------------------------------|
|                                | BA                          | BA-X                        | BB                          | BC                           |
| Population Equivalent          | 1 House<br>up to 4 bedrooms | 1 House<br>up to 7 bedrooms | 2 House<br>up to 8 bedrooms | 3 House<br>up to 12 bedrooms |
| Overall diameter / Width (mm)  | 1995                        | 1995                        | 1995                        | 2450                         |
| Standard drain inlet (mm)      | 750*                        | 750*                        | 750*                        | 600†                         |
| Standard outlet (mm)           | 835                         | 835                         | 835                         | 685                          |
| Depth from invert to base (mm) | 1400                        | 1400                        | 1400                        | 1820                         |
| Pipework Diameter (mm)         | 110                         | 110                         | 110                         | 110                          |
| Sludge storage period (Approx) | 12 Months                   | 9 Months                    | 6 Months                    | 7 Months                     |
| Standard power supply          | Single Phase                | Single Phase                | Single Phase                | Single Phase                 |
| Motor rating                   | 50W                         | 50W                         | 50W                         | 75W                          |
| Empty weight (KG)              | 325 Kgs                     | 350 Kgs                     | 350 Kgs                     | 650 Kgs                      |

\* BA-BB 450/1250 † BC 11000



**PRIMARY SETTLEMENT TANK**  
Wastewater and sewage flows into the primary settlement tank where the large solids are retained for future removal.



**FIRST STAGE BIOLOGICAL TREATMENT**  
The liquor and fine solids then flow into the Biological Treatment Zone 1 where the first stage of treatment occurs.

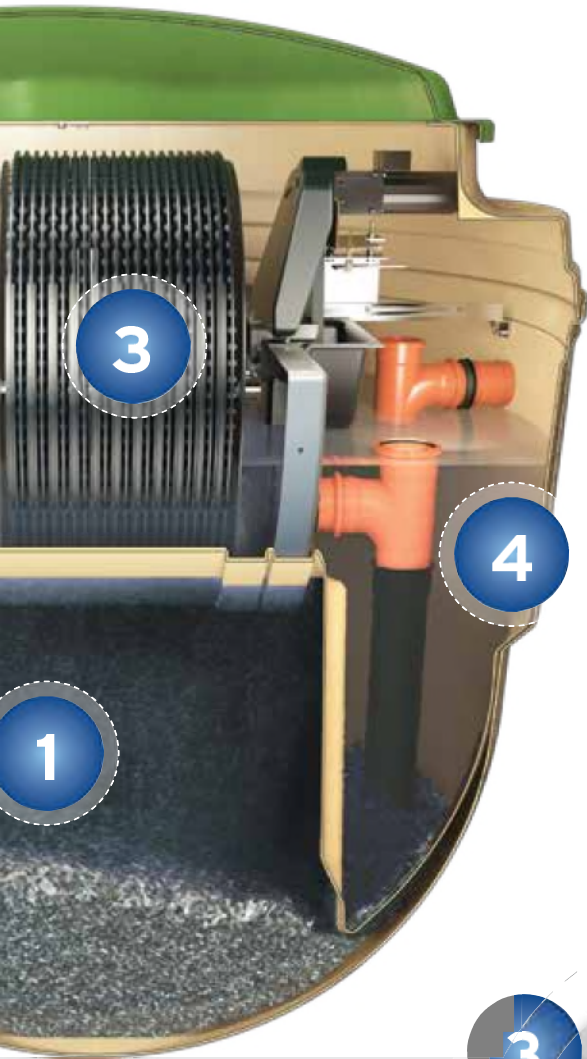


**KINGSPAN KLARGESTER**  
Expertise, Reliability and Trust



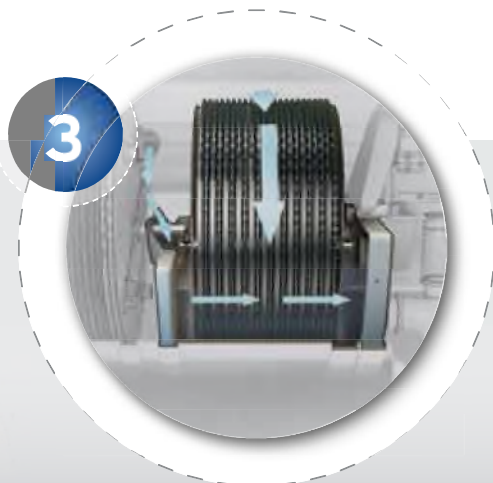
**ROTATING BIOLOGICAL CONTACTOR (RBC)**

The RBC comprises banks of vacuum formed polypropylene media supported by a steel shaft. This is slowly rotated by a low energy consumption electric motor and drive assembly.



**BioDisc® from Kingspan Klargester**

For further technical information and videos on the BioDisc® treatment plant visit our website at [kingspanklargester.com](http://kingspanklargester.com)



**SECOND STAGE BIOLOGICAL TREATMENT**

The liquor is then fed forward at a controlled rate into Biological Treatment Zone 2 for further cleaning.



**FINAL SETTLEMENT TANK**

The clean liquid passes into the final settlement tank where it can be discharged to ground or water course.





**BioDisc®**

# CHOOSING THE CORRECT SEWAGE TREATMENT PLANT FOR YOUR HOME

At Kingspan Klargester we offer a full range of options and professional insight to help you choose the perfect sewage treatment plant for

your home. All our compact BioDisc® models cater for properties housing between 4-16 people. The premium BioDisc® sewage treatment system is available in four sizes for all types of domestic applications.

For single house applications we offer the BA and BAX models and, for multiple homes, the Kingspan Klargester BB and BC BioDisc®

models. Because various inlet and outlet options are available, we carry out a free comprehensive site assessment to ensure the correct system model and size for your home.







# WHAT DETERMINES MY CHOICE OF SEWAGE TREATMENT PLANT?

The BioDisc® is technically engineered with high performance and quality in mind. Each component of the BioDisc® has been manufactured and chosen with care, to ensure continuous operation of a tried and tested wastewater treatment process.

What else do I need to consider when choosing my sewage treatment plant?

- ✓ • **The size of treatment plant needed**  
We'll take you through the best practice guidelines from British Water's 'Flows and Loads' sizing criteria to help you make the correct choice.
- ✓ • **Ground conditions around the plant**  
We'll establish whether it's a wet or dry site to determine the choice of backfill used on the tank.
- ✓ • **Wastewater discharge options**  
With the new Environmental Agency regulations for domestic plants, it's now more important than ever to take responsibility for wastewater discharges.
- ✓ • **Ground conditions around the plant**  
Kingspan Klargester offer a range of drain invert level options to match your site conditions.





# REED BEDS

For some installations, Kingspan Klargester BioDisc treatment plants are used alongside a reed bed filtration process to further enhance the quality of the effluent migrating into drainage fields or a surrounding watercourse. Reed beds are an optional extra and are supplied separately from the BioDisc sewage treatment plant.

## Benefits

- › Tertiary treatment for new applications with tight discharge consents
- › Satisfies new building regulations
- › Improved effluent quality for existing works
- › Very low maintenance
- › Aesthetically pleasing and environmentally friendly
- › Easy to install and maintain

| DESIGN                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advanced Patented design delivers superior performance                                                                                                                                             |
| Pre-fabricated to ensure correct sizing                                                                                                                                                            |
| Modules designed with a hydraulic gradient across the length of the units                                                                                                                          |
| Performance tested in Germany to EN12566-3 in combination with a Part 3 plant                                                                                                                      |
| Modular system comprising of: <ul style="list-style-type: none"> <li>• Two individual reed beds = single house application</li> <li>• Four individual reed beds = two house application</li> </ul> |
| Adjustable outlet weir allows water level control                                                                                                                                                  |
| One piece GRP moulding installed flush to the ground                                                                                                                                               |
| Reeds and GRP beds supplied. Washed pea gravel, 'growing' media by others (not included)                                                                                                           |
| Effluent discharge is typically improved by at least 50%, providing reduced BOD and suspended solids                                                                                               |
| Provides rooting zone depth of 600mm (required by Phragmites Australis)                                                                                                                            |





**KINGSPAN KLARGESTER**  
Expertise, Reliability and Trust

# CUSTOMER SUPPORT

We stand by the quality and performance of Kingspan Klargestar products and our support doesn't stop once your tank is installed. We're on standby 24/7 with guidance on servicing and maintenance and offer tailored warranty options. Our trained professional support team is only a phone call away.

### Peace of mind with extended warranty options

We offer an extended and tailored warranty or bond on your sewage treatment plant to suit your needs and budget. This cost effective package offers the benefits of scheduled maintenance inspections to ensure your system performs at optimum levels at all times.

### Customer support when you need it

Our friendly local customer service team are on hand with professional advice. We operate a dedicated helpline on 01296 633 000 and a support email address for customers on [klargestar@kingspan.com](mailto:klargestar@kingspan.com)

### Service and maintenance

We recommend that you service your BioDisc sewage treatment plant once a year. Under new Environment Agency regulations, it's now your responsibility to ensure smooth running of your plant. Our in house Service department offer a range of service packages including Gold, Silver and Bronze to cater for all homeowners' needs. To find out more about how you could benefit from a tailored service package from Kingspan, call us on **0844 846 0500** or email [helpingyou@kingspan.com](mailto:helpingyou@kingspan.com).



WE OFFER AN EXTENDED  
**2 YEAR  
GUARANTEE\***

ON YOUR BioDisc® TREATMENT PLANT.

Register at:  
[kingspanenviro.com/guarantee](http://kingspanenviro.com/guarantee)

\*One year guarantee offered on the domestic BioDisc plant as standard. You must register your BioDisc guarantee online to avail of the extended two year guarantee.

# BioDisc®



## UK

College Road North,  
Aston Clinton, Aylesbury,  
Buckinghamshire, HP22 5EW  
T: +44 (0) 1296 633000  
F: +44 (0) 1296 633001  
E: [klargestere@kingspan.com](mailto:klargestere@kingspan.com)  
W: [www.kingspanklargestere.com](http://www.kingspanklargestere.com)

## Ireland

Kingspan Klargester  
Unit 10, Decoyway Road  
Carnbane Business Park  
Newry, BT35 6QH  
T: +44(0)28 3026 6799  
E: [klargestereinfo@kingspan.com](mailto:klargestereinfo@kingspan.com)  
W: [www.kingspanklargestere.com/ie](http://www.kingspanklargestere.com/ie)



GB: 0844 846 0500  
NI: 028 3836 4600  
ROI: 048 3836 4600  
[helpingyou@kingspan.com](mailto:helpingyou@kingspan.com)  
[www.kingspanenviro.com/service](http://www.kingspanenviro.com/service)

## Scotland

T: +44 (0) 1355 248484

## Germany

Kingspan Klargester  
Siemensstr. 12a, D-63263  
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T: +49 (0) 69 3036400  
E: [klargesterde@kingspan.com](mailto:klargesterde@kingspan.com)  
W: [www.kingspanklargestere.com/de](http://www.kingspanklargestere.com/de)

## Norway /Sweden

Ytterstad 11, A  
Skjerveim 47, 1410 Kolbotn  
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E: [klargesterno@kingspan.com](mailto:klargesterno@kingspan.com)  
W: [www.kingspanklargestere.com/no](http://www.kingspanklargestere.com/no)  
[www.kingspanklargestere.com/se](http://www.kingspanklargestere.com/se)



Disclaimer: We take every care and precaution to ensure that information in this document is accurate at the point of publish but with continuous product development the details given in this document are subject to alteration without notice.

Kingspan Klargester - Biodisc Domestic Brochure - English- June 2016



**Supporting Planning Statement**

**for**

**the Erection of a Dwellinghouse on land adjacent to  
Middlebank, Waterloo, Bankfoot**

**for**

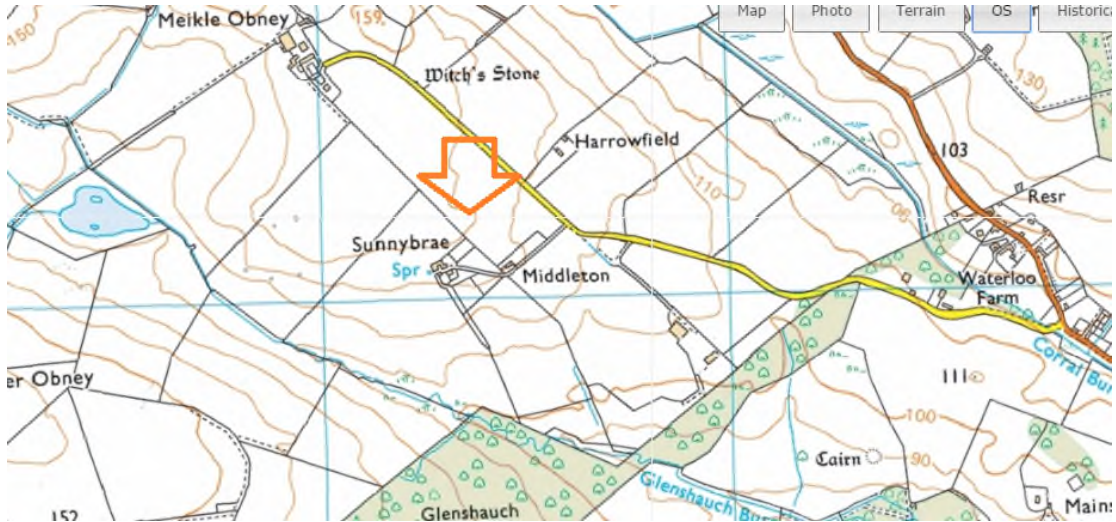
**Mr and Mrs Mike Guild**



**John Culbert**  
**Chartered Town Planner**  
**7<sup>th</sup> May 2017**

## The Site and Location

The site about two miles due north west of Bankfoot within the Meikle Obney area and comprises the stone remains of the former Middleton Farmhouse and outbuildings. Access is via the Meikle Obney unclassified road turning off at Waterloo village from the A class Bankfoot to Dunkeld Public Road.



The site area extends to about 0.25ha and comprises a small maintained lawn area to one end and the duntakings from the former buildings within the other half of the site where a group of trees combined with a significant drop in level on the east boundary forming a distinctive landscape feature. The site itself is closely associated with a small building group comprising the bungalow known as 'Middleton' immediately adjacent to the site and its neighbour immediately to the west known as 'Sunnybrae', a farmhouse with separate stone built steading.

The former remains of the original Middleton farmhouse which are very much in evidence on site can be authenticated directly from the historical map below.

*Source: Historical OS Map 1843-1882*



## Pre-application Enquiry

A Pre-application enquiry was submitted to the Council in May 2016 and a response was received from Mr David Niven who was unsupportive of our initial proposal which was based on a basic outline sketch proposal; he appeared to be unconvinced on the boundary definition and appeared to class the site as ‘Greenfield’ as opposed to what is clearly a ‘Brownfield’ opportunity. However, he did stress that his initial comments were purely desk base and he had not had the opportunity of visiting the site to be better able to more fully assess the context and the surroundings.

## The Proposal

The applicant seeks to develop the site for a one and a half storey 3 bedroomed dwellinghouse of traditional form and using a combination of natural stone facing and wet dash render with a roof clad with natural slate.



The design details and selection of external finishes was partly modelled on the nearby house to the north east of the site known as ‘Harrowfield’ which sits very comfortably in its rural setting as evident in the photo below.



### **National policy and Guidance**

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

### **Development Plan**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **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.

It is also an essential general requirement of the RD3 that all new developments should take place within a clearly defined site with natural containment and a good landscape framework.

### **PM1A Placemaking**

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

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 adaptation.

### **PM1B Placemaking**

All proposals should meet all eight of the placemaking criteria as follows:

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

### **Policy Appraisal.**

The site lies within the landward area within the adopted Local Development Plan 2014, the most relevant policy guidance is comprised in **Policy RD3: 'Housing in the Countryside'** and its associated SPG 2012 on Housing in the Countryside, which is the most recent expression of Council policy towards new housing in the open countryside. The 2012 guide identifies various categories of development opportunity under Sections 1-6. In this case two sections would appear to be particularly relevant as follows:

.In summary, under Section 1 '*Building groups*', the policy encourages the extension of existing building groups into well defined sites. It is also an essential general requirement of the policy that all new developments should take place within a clearly



defined site with natural containment and a good landscape framework. In addition, under Section 6 '*Rural Brownfield land*' the policy identifies opportunities for new development on sites formerly occupied by buildings where it would either remove dereliction or could be judged as resulting in a positive environmental improvement.

The proposed site is situated within the context of a small building group as defined in the policy as constituting at least **three** significant buildings, not necessarily houses but at least of cottage size. Immediately adjacent to the proposed plot is a single storey house known as 'Middleton' and immediately beyond that is the farmhouse known as 'Sunnybrae' with a significant steading building to its rear, thereby qualifying under the policy as a building group. The proposed site forms a logical extension to this small building group, being well contained within established boundaries and benefits from a group of semi mature trees and a physical change in level ( a containing topographical feature) at its far end which would act as a physical stop or buffer to any further development beyond as illustrated in the photo below.



Development would also be appropriate in terms of the existing building pattern and would not detract from the amenity of the other houses in the group. Understandably, the planner in his initial desk based assessment was not immediately aware of the physical attributes of the site and the fact that characteristics of the group are very typical of other rural groups within the surrounding area. It would certainly appear that the proposal would be very much in line with the objectives and requirements of Section 1.

In terms of Section 6 where it relates to '*Rural Brownfield land*', the proposed site originally comprised the site of the former 'Middleton Farmhouse' and its associated outbuildings as evidenced in the copy of the historical map dating back to 1882 and would certainly qualify under this section of the policy. The stone remains of these buildings are still very much in evidence on site where they collectively present an appearance of significant dereliction all to the detriment of the visual and residential amenity of neighbours. The policy simply requires a site to have been formerly occupied by buildings and two alternative requirements of either (a) removing

dereliction or (b) constituting an environmental improvement. The historical map provides firm evidence of former buildings and the evidence on site of the ruinous remains certainly constitutes dereliction detrimental to visual amenity. The site is identifiable as a potential building plot and there is no other alternative feasible use for the ground. The policy also allows up to five houses on rural brownfield sites, but in this case the applicant is only seeking consent for a single house. A further requirement is the landscaping/remedial works for the site which in this case, includes the retention of existing trees and the laying out of the garden to include a pond feature and further tree planting. The tidying up and redevelopment of this site would certainly result in a local environmental improvement as additionally required under the policy and the proposal would appear to more than satisfy all the essential qualifying policy criteria.



The planning officer in his response to the pre-application enquiry under 'rural brownfield land' appeared to expect evidence of a recognisable ruinous building on site, rather than the lower expectation of the policy which simply requires the site to have been formerly occupied by buildings. The proposed house is on the site of the former Middleton farmhouse and steading as evidenced on historical maps and I

would again stress that the stone downtakings are still very much in evidence on site as illustrated in the photos above. Clearly, all these positive aspects will be self evident to the planning officer when he has the opportunity of visiting the site.

A further more general requirement of the policy which requires sites to be clearly defined with natural containment and a good landscape framework. In the case this site, it is contained by an existing house curtilage, a road, belt of trees and a change in level which is a well established landscape feature and with post and wire fencing on the remaining rear boundary providing complete physical enclosure. I would also point out that there are plenty of precedents where post and wire fences have been accepted as a means of enclosure, subject to new boundary landscaping and in this regard, I would refer to applications 14/01424/IPL and 14/01425/IPL; both these applications involved sites where the rear boundaries comprised post and wire fencing. It is more important that the site is 'identifiable' with a good setting and provides a good 'landscape fit' for the intended new development so that it will blend in with local surroundings. The aerial photograph above clearly illustrates the physical and topographical features, including the boundary fencing which all combine to create what is a completely contained site, fully in line with the general policy requirements.

The Council's Placemaking policies PM1A and PM1B seek compatibility with the surroundings and local character in the context of any proposed development, the characteristics of site and likely impacts on both visual and residential amenity. Clearly, the applicant's intention is to build a modest one and a half storey house of simple rural proportions in a traditional form and respectful of the local vernacular and finished in a palette comprising wet dash, stone, timber and natural slate appropriate to its context and setting.



In regard to amenity considerations, as already outlined above, the site is set well back from any main 'A' class public roads and any visual impact would be minimal and

very localised. In addition, the proposed house would not impinge on the amenity of its neighbours through proximity or overlooking and does not raise any residential amenity issues. I am satisfied that the proposed development would not present any conflict with the placemaking policies PM1A and PM1B as there would be no adverse impacts on local character and the proposed development would be respectful of the surroundings raising no visual or residential amenity issues.

### **Developer Contributions**

In terms of the approved Developer Contributions 2012 document, financial contributions are presently being sought for new housing within the school catchment of areas operating at over 80% capacity. The Bankfoot local primary school is not currently operating at over its 80% capacity, and to this end there would not at this time be a requirement for any educational contribution.

In terms of the Supplementary Guidance relating to ‘Transport Infrastructure’ approved in April 2014, the site lies within a PTF Full Contribution Area.

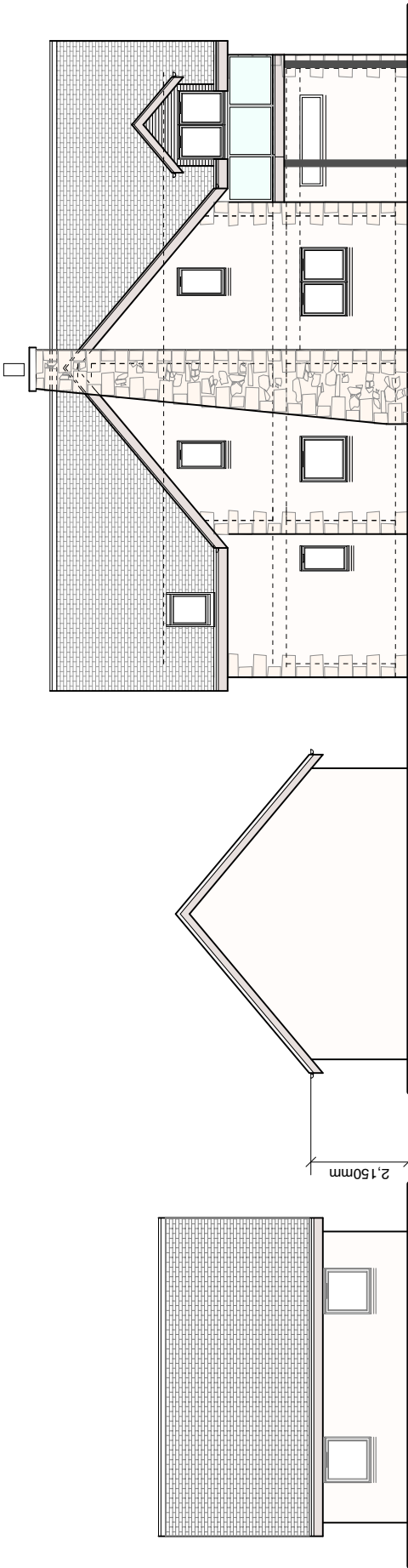
The applicant would be happy to enter into a Section 75 Agreement on the basis of a phased payment arrangement in this regard.

### **Conclusion**

It would certainly appear that the proposal is fully compliant with the SPG 2012 relating to ‘Housing in the Countryside’ in particular regard to *‘building groups’* and *‘rural brownfield land’*. The obvious suitability of the site itself as being a clearly defined site in regard to landscape fit, fulfilling general policy siting requirements. In addition, the proposal respects the local vernacular character in regard to design and external finishes together with additional landscaping; the applicant would be happy to accept any necessary planning conditions in this regard. It is our view that development would blend in with the surroundings and would not raise any visual or residential amenity issues all compliant with the Placemaking policies PM1A and PM1B, where relevant to rural houses in the countryside.







**NORTH / REAR ELEVATION**

**WEST ELEVATION OF GARAGE**

**WEST GABLE ELEVATION**

- ROOFS FINISHES :** SLATE CLADDING WITH ZINC RIDGES AND VALLEYS  
 SLOPE FLASHING WITH ZINC  
 DORMERS TO FACES AND CHIMNEYS TO BE CLAD IN  
 COLOURED UPVC WEATHERBOARDING  
 ROOF PITCH 40 DEG
- EAVES FINISHES :** COLOURED UPVC EAVES AND VERGE CLADDING SYSTEM  
 WITH PVC GUTTERS & DOWNPIPES
- WALLS :** GENERAL FINISH TO BE WHITE SMOOTH CEMENT RENDER  
 WITH STONE QUOINS  
 CHIMNEY TO BE CONSTRUCTED WITH DENFIND COURSED  
 STONE AND QUOINS
- WINDOWS :** COLOURED POWDER COATED ALUMINIUM EXTERIOR WITH  
 TIMBER INTERNAL FRAME
- DOORS :** COLOURED POWDER COATED ALUMINIUM EXTERIOR WITH  
 TIMBER INTERNAL FRAME
- BALCONY :** STRUCTURAL GLASS BALUSTRADE WITH STAINLESS STEEL  
 POSTS



PROPOSED NEW DWELLING AT MIDDLETON, WATERLOO,  
 NR BANKFOOT, PERTSHIRE  
 FOR MR & MRS M GUILD d

SCHEME DESIGN - NORTH & WEST ELEVATIONS

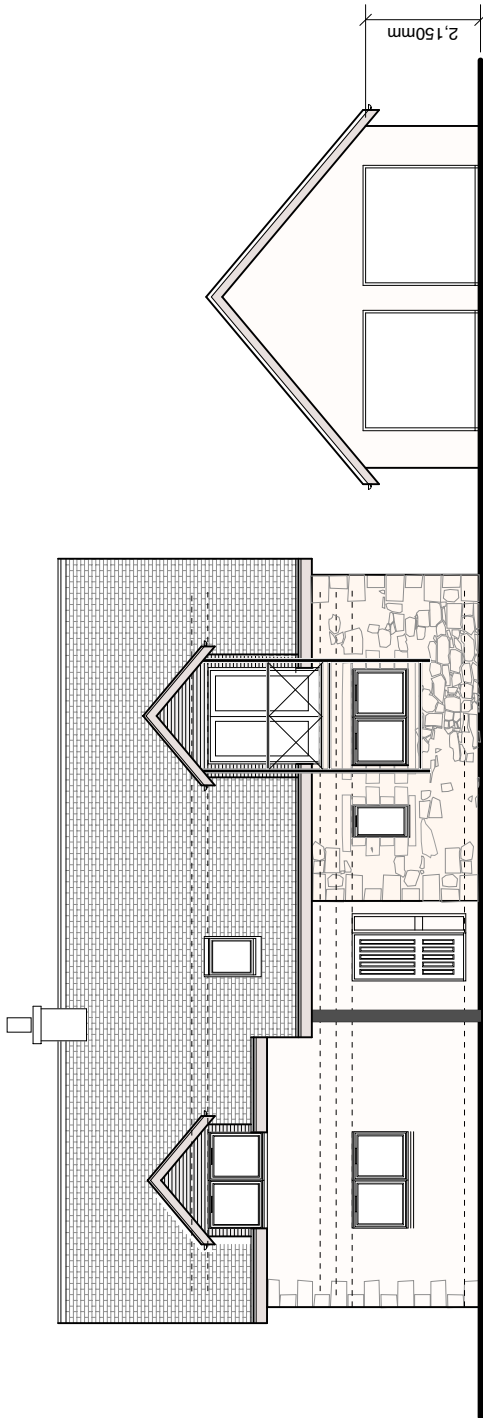
**CFY DESIGN @ OLD FASKALLY**  
 architecture in the Highland Perthshire community

Draw No.: **P230** [ D ] **5A**

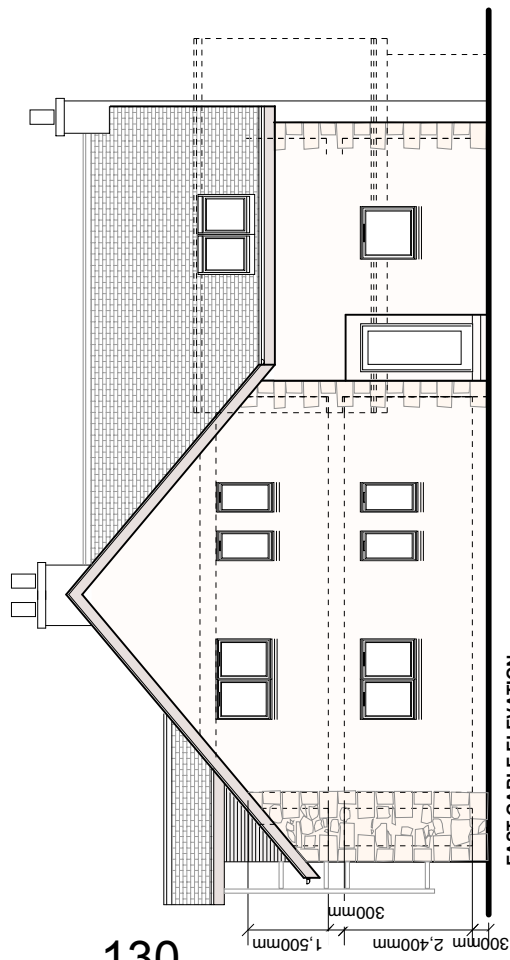
Scale: **1:100** Date: **04/17** Drawn: **PM**



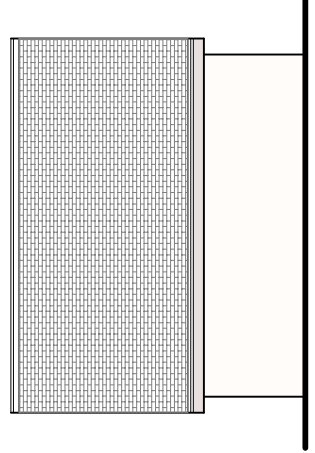
The Lodge, Old Faskally, Killecrankie  
 Perthshire PH16 5LG  
 Telephone: 01796 473 488  
 Website: www.cfydesign.co.uk  
 Email: cfydesign@oldfaskally.co.uk



SOUTH / FRONT ELEVATION



EAST GABLE ELEVATION



EAST ELEVATION OF GARAGE

- ROOFS FINISHES : SLATE CLADDING WITH ZINC RIDGES AND VALLEYS  
DORMERS TO CHIMNEYS TO MATCH ROOF  
DORMERS TO FACES AND CHEEKS TO BE CLAD IN  
COLOURED UPVC WEATHERBOARDING  
ROOF PITCH 40 DEG
- EAVES FINISHES : COLOURED UPVC EAVES AND VERGE CLADDING SYSTEM  
WITH PVC GUTTERS & DOWNPIPES
- WALLS : GENERAL FINISH TO BE WHITE SMOOTH CEMENT RENDER  
WITH STONE QUOINS  
CORNER WALLS TO BE CONSTRUCTED WITH DENFIND  
COURSED STONE AND QUOINS
- WINDOWS : COLOURED POWDER COATED ALUMINIUM EXTERIOR WITH  
TIMBER INTERNAL FRAME
- DOORS : COLOURED POWDER COATED ALUMINIUM EXTERIOR WITH  
TIMBER INTERNAL FRAME
- BALCONY : STRUCTURAL GLASS BALUSTRADE WITH STAINLESS STEEL  
POSTS



PROPOSED NEW DWELLING AT MIDDLETON, WATERLOO,  
NR BANKFOOT, PERTSHIRE  
FOR MR & MRS M GUID

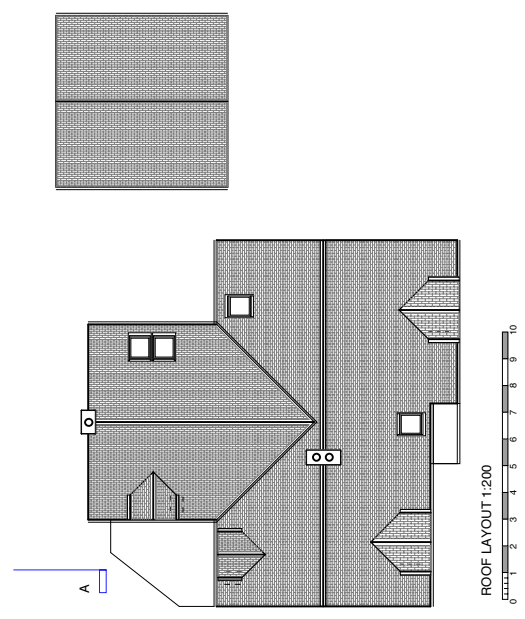
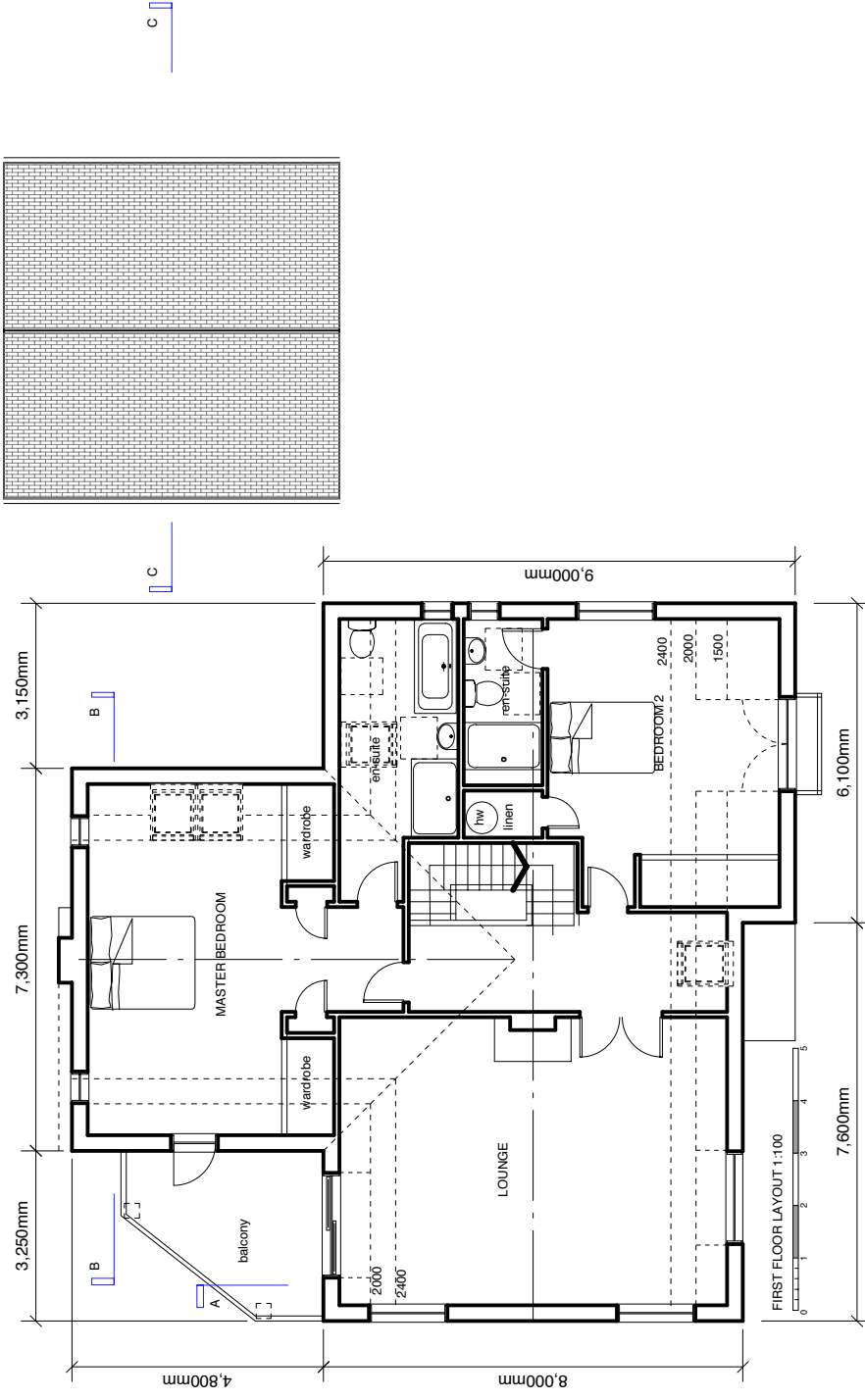
SCHEME DESIGN - SOUTH & EAST ELEVATIONS

**CFY DESIGN @ OLD FASKALLY**  
architecture in the Highland Perthshire community

Dirg No.: **P230** [ D ] **4B**  
Scale: **1:100** Date: **04/17** Drawn: **PM**



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Website: www.cfydesign.co.uk  
email: cfydesign@oldfaskally.co.uk



PROPOSED NEW DWELLING AT MIDDLETON, WATERLOO,  
 NR BANKFOOT, PERTSHIRE  
 FOR MR. & MRS M GUILD  
 SCHEME DESIGN - FIRST FLOOR LAYOUT & ROOF PLAN

**CFY DESIGN @ OLD FASKALLY**  
 architecture in the Highland Perthshire community

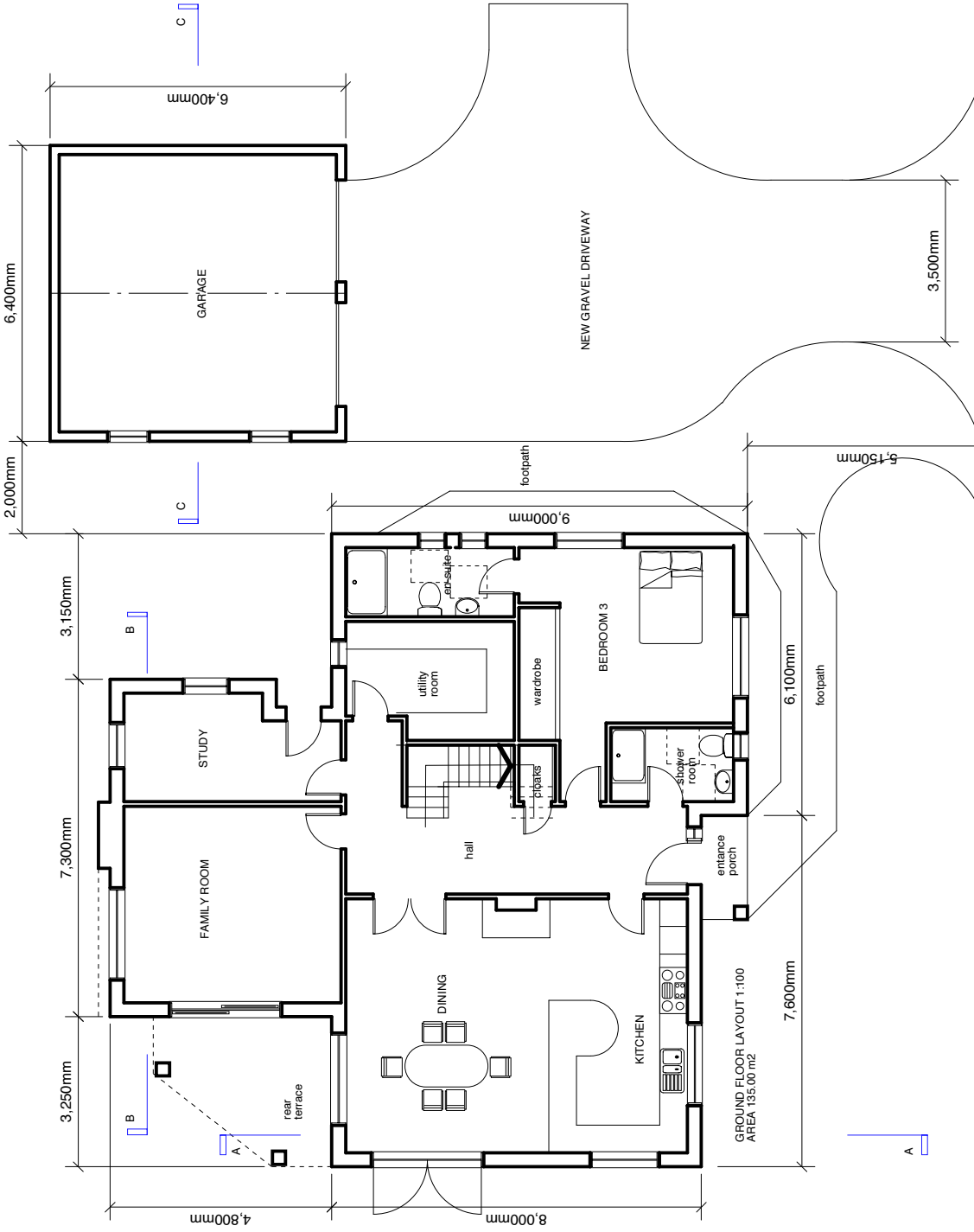
Drg No.: **P230 [ D ] 2C**  
 Scale: 1:100 Date: 04/17 Drawn: PM



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 website: www.cfydesign.co.uk  
 e-mail: cfydesign@oldfaskally.co.uk



BOUNDARY FENCE



PROPOSED NEW DWELLING AT MIDDLETON, WATERLOO,  
 NR BANKFOOT, PERTSHIRE  
 FOR MR & MRS M GUILD

SCHEME DESIGN - GROUND FLOOR LAYOUT

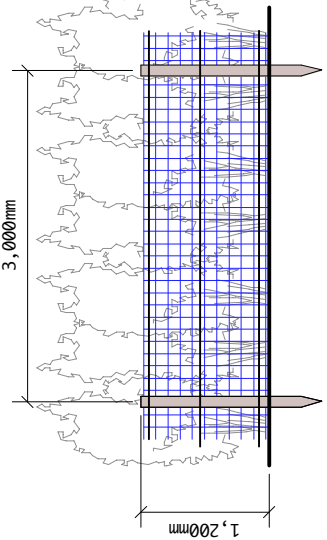
**CFY DESIGN @ OLD FASKALLY**  
 architecture in the Highland Perthshire community

Drq No.: P230 [ D ] 1C  
 Scale: 1:100 Date: 04/17 Drawn: PM



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 e-mail: cfydesign@oldfaskally.co.uk

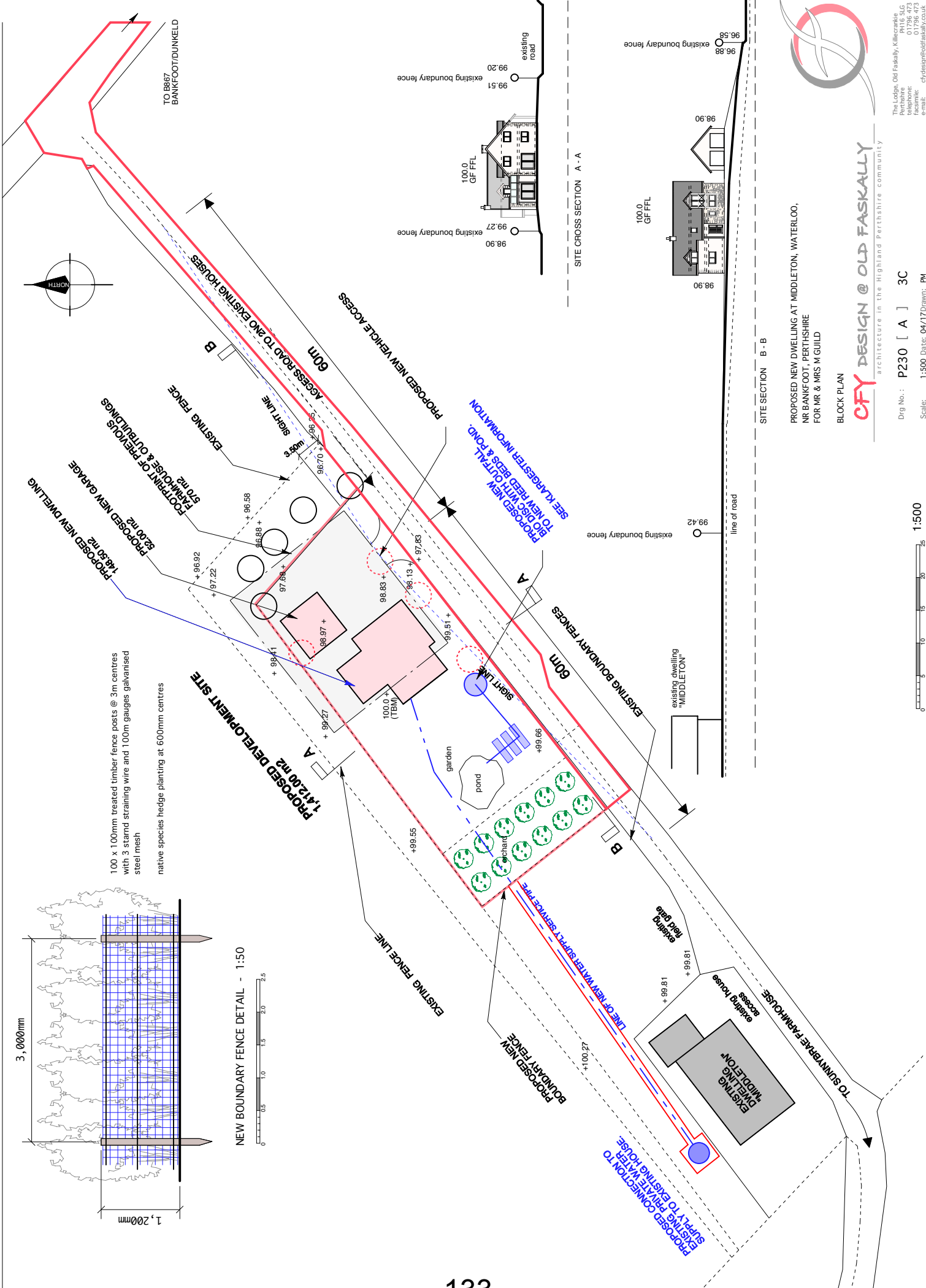
FARM ROAD



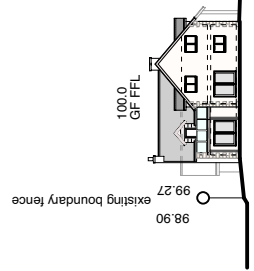
NEW BOUNDARY FENCE DETAIL - 1:50

100 x 100mm treated timber fence posts @ 3m centres  
with 3 strand straining wire and 100mm gauges galvanized  
steel mesh

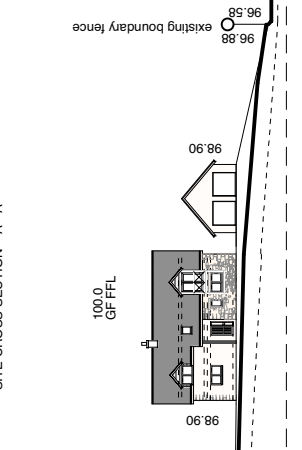
native species hedge planting at 600mm centres



TO 8867  
BANKFOOT/DUNKELD



SITE CROSS SECTION A - A



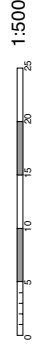
SITE SECTION B - B

PROPOSED NEW DWELLING AT MIDDLETON, WATERLOO,  
NR BANKFOOT, PERTSHIRE  
FOR MR & MRS M GUILD

BLOCK PLAN

**CFY DESIGN @ OLD FASKALLY**  
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Drig No.: P230 [ A ] 3C  
Scale: 1:500 Date: 04/17/Drawn: PM



1:500



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mobile: 07778 166 635  
e-mail: cfydesign@oldfaskally.co.uk





**TCP/11/16(505) – 17/01299/FLL – Erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth**

## **REPRESENTATIONS**



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 17/01299/FLL

Our ref ALS

Date 11/08/2017

Tel No 

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### RE: Erection of a dwellinghouse and garage Land 70 Metres North East Of Middleton Waterloo Bankfoot for Mr Mike Guild

I refer to your letter dated 08/08/2017 in connection with the above application and have the following comments to make.

**Water** (assessment date – 11/08/17)

#### Recommendation

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

#### Comments

The development is for a dwelling house in a rural area with private water supplies (including Meikle Obney supply) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water please note the following condition and informative/s. No public objections relating to the water supply were noted at the date above.

#### PWS - Informative 2

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







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

|                                                 |                                                                               |                             |                                          |
|-------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------|------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01299/FLL                                                                  | <b>Comments provided by</b> | Tony Maric<br>Transport Planning Officer |
| <b>Service/Section</b>                          | Transport Planning                                                            | <b>Contact Details</b>      | [REDACTED]                               |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse and garage                                        |                             |                                          |
| <b>Address of site</b>                          | Land 70 Metres North East Of Middleton<br>Waterloo<br>Bankfoot                |                             |                                          |
| <b>Comments on the proposal</b>                 | Insofar as the roads matters are concerned, I do not object to this proposal. |                             |                                          |
| <b>Recommended planning condition(s)</b>        |                                                                               |                             |                                          |
| <b>Recommended informative(s) for applicant</b> |                                                                               |                             |                                          |
| <b>Date comments returned</b>                   | 18 August 2017                                                                |                             |                                          |



# Comments for Planning Application 17/01299/FLL

## Application Summary

Application Number: 17/01299/FLL

Address: Land 70 Metres North East Of Middleton Waterloo Bankfoot

Proposal: Erection of a dwellinghouse and garage

Case Officer: Sean Panton

## Customer Details

Name: Mrs ANGELA SCOTT

Address: Market Chambers, Caledonian Road, Perth PH1 5NJ

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Road Safety Concerns

Comment: Comment of objection from Wyllie and Henderson, Solicitors on behalf of J. A. H. Chalmers, Esq, heritable proprietor of adjacent farm and lands of Meikle Obney, Waterloo, Bankfoot PH1 4AS, registered in the Land Register of Scotland under PTH43321.

Our client objects to this planning application on the following grounds:-

1. Our client was not notified of this planning application despite the fact that the subjects to which the application relates is situated in the middle of our client's property.
2. Our client is concerned about the adverse impact of the increased burden of usage of the water supply and drainage serving the development.
3. Our client is concerned about the adverse impact of the increased burden of usage of the access road to the development.
4. The footprint of the previous farmhouse and outbuildings does not accord with our client's understanding of the footprint of the former farm buildings. Our client believes the farmhouse was located on his property, to the south east of the proposed development.
5. It is our client's understanding that this is a Greenfield site and therefore should not be developed for residential purposes.

6. Our client understands that the existing house on the site was built there as a replacement for the former farmhouse and steading, on condition that no further development of housing would be permitted on the site.

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

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                                                           |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>         | 17/01299/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                   | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse and garage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                                                           |
| <b>Address of site</b>                   | Land 70 Metres North East Of Middleton, Waterloo, Bankfoot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                                                           |
| <b>Comments on the proposal</b>          | <p><b>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.</b></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><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Auchtergaven Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The site is within the reduced Transport Infrastructure contributions area.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b> | <p><b>Summary of Requirements</b></p> <p>Education: £0</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                                                           |



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|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | <p>Transport Infrastructure: £2,639 (1 x £2,639)</p> <p><b>Total: £2,639</b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Recommended informative(s) for applicant</b></p> | <p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Remittance by Cheque</b></p> |

The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.

Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:

Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH15GD

**Bank Transfers**

All Bank Transfers should use the following account details;

**Sort Code:** 834700

**Account Number:** 11571138

Please quote the planning application reference.

**Direct Debit**

The Council operate an electronic direct debit system whereby payments may be made over the phone.

To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:

- a) Your card details.
- b) Whether it is a Debit or Credit card.
- c) The full amount due.
- d) The planning application to which the payment relates.
- e) If you are the applicant or paying on behalf of the applicant.
- f) Your e-mail address so that a receipt may be issued directly.

**Transport Infrastructure**

For Transport infrastructure contributions please quote the following ledger code:

1-30-0060-0003-859136

**Indexation**

All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.

**Accounting Procedures**

Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.

**Date comments returned**

25 September 2017



## **CHX Planning Local Review Body - Generic Email Account**

---

**From:** Angela L. Scott [REDACTED]  
**Sent:** 19 December 2017 12:54  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE Review of Planning Application Ref 17/011299/FLL - Waterloo, Bankfoot

**Importance:** High

Dear Sirs,

We act on behalf of J.A.H.Chalmers and we submitted representations on behalf of our client in respect of Mr M Guild's application for planning permission for the erection of a dwellinghouse at Waterloo, Bankfoot.

We should be obliged if you would ensure that our client's original representations are considered in your review of the decision and on behalf of our client we wish to add a further representation for consideration, namely:

It is understood that the planning application includes a proposal to create a bellmouth for a new access to the proposed new dwellinghouse at a point along the access road, other than the current access which serves the existing dwellinghouse.

Our client objects to the formation of a second access point from the road and to the creation of a bellmouth, which he believes would have an adverse impact on the visual and scenic qualities of the landscape.

We should be most obliged if you would acknowledge receipt of this further representation and please confirm it will be taken into consideration in your review decision.

Thank you.

--

**Angela Scott** BA(Hons) LLB Dip LP NP WS  
Partner

**Wyllie & Henderson**  
Solicitors & Estate Agents

[REDACTED]

Partners : Ian K Lindsay & Angela L Scott

This email does not constitute or form part of a contract or unilateral obligation.





**TCP/11/16(507) – 17/01628/FLL – Change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 151-188***)
- (b) Decision Notice (***Pages 163-164***)
  - Report of Handling (***Pages 165-171***)
  - Reference Documents (***Pages 183-187***)
- (c) Representations (***Pages 191-198***)

**TCP/11/16(507) – 17/01628/FLL – Change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100078443-001

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:

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="Miss"/>                       | You must enter a Building Name or Number, or both: * |                                                      |
| Other Title:         | <input type="text"/>                                    | Building Name:                                       | <input type="text" value="Suite 1"/>                 |
| First Name: *        | <input type="text" value="H"/>                          | Building Number:                                     | <input type="text"/>                                 |
| Last Name: *         | <input type="text" value="McAllister"/>                 | Address 1 (Street): *                                | <input type="text" value="The Bungalow"/>            |
| Company/Organisation | <input type="text" value="Grizzly Beards Barber Shop"/> | Address 2:                                           | <input type="text" value="Aberfeldy Business Park"/> |
| Telephone Number: *  | <input type="text"/>                                    | Town/City: *                                         | <input type="text" value="Aberfeldy"/>               |
| Extension Number:    | <input type="text"/>                                    | Country: *                                           | <input type="text" value="Scotland"/>                |
| Mobile Number:       | <input type="text"/>                                    | Postcode: *                                          | <input type="text" value="PH15 2AQ"/>                |
| 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" value="The Bungalow"/>              |
| Address 2:                                                            | <input type="text" value="Aberfeldy Business Park"/>   |
| Address 3:                                                            | <input type="text" value="Dunkeld Road"/>              |
| Address 4:                                                            | <input type="text"/>                                   |
| Address 5:                                                            | <input type="text"/>                                   |
| Town/City/Settlement:                                                 | <input type="text" value="Aberfeldy"/>                 |
| Post Code:                                                            | <input type="text" value="PH15 2AQ"/>                  |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="749372"/> | Easting | <input type="text" value="286037"/> |
|----------|-------------------------------------|---------|-------------------------------------|



## 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)

Change of use from office (class 4) to barbers (class 1) (in retrospect)

## 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 see attached Notice of Review 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)

Planning application forms, drawings, decision notice, Report of Handling and Notice of Review Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/01628/FLL

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

22/09/2017

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

19/10/2017

## 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

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: 12/12/2017



## Notice of Review Appeal Statement

### 1. Introduction

- 1.1 This appeal statement should be read in conjunction with the Notice of Review Appeal submitted on behalf of Grizzly Beards Barber Shop for the change of use from office (class 4) to barbers (class 1) (in retrospect) at Suite 1 The Bungalow Aberfeldy Business Park, Dunkeld Road, Aberfeldy.
- 1.2 The planning application (17/01628/FLL) (DOC1) was refused by Perth & Kinross Council on 19<sup>th</sup> October 2017 (DOC2).
- 1.3 The proposal requires to be considered under the terms of the key development plan policies and these are set out in appointed officer's Report of Handling (DOC3) namely Policies ED1A and RC4 within the Perth & Kinross Local Development Plan 2014.
- 1.4 We contest the council's 2 reasons for refusal of the planning application and the justification that was given for those reasons within the Report of Handling and request that the LRB allow this appeal subject to conditions.

### 2. Response to Council's Reasons for Refusal

- 2.1 From the reasons for refusal (DOC2) and the council's Report of Handling (DOC3) it can be seen that the key issue in this case relates to a matter of principle and the acceptability or otherwise of the small-scale change of use within an area designated for employment uses where it is considered by the council that such a retail use should only ever be located within the town centre.
- 2.2 Whilst the site is designated under Policy ED1A in the adopted Local Development Plan this has not prevented other non-Class 4, 5 and 6 uses from being allowed and accepted within the same employment area.
- 2.3 A variety and mix of uses already exist in the business park and the variety of employment that is provided, and that diversification of business is key to the success of business park. This proposal

increases the employment as the unit was a linen store (which provided no employment), and now employs two members of staff which meets the objectives of the council's aspiration to increase employment opportunities particularly within rural areas. Indeed, the Report of Handling recognises that *'the economic impact of the proposal is likely to have some positivity on the local area due to an element of public contact. There will also be some economic gain from the construction/ conversion stage of the proposal.'*

- 2.4 The business park already has within it a gym which was given consent for change of use to Class 11 in January 2016. In the same building is the ABC nursery, which is a class 10 use that was given consent in 2013. It had been deemed acceptable as part of the policy to provide employment for 6 members of staff and provide accommodation for about a dozen children. The same building also has a laundry in it. This is a new business providing services to the hotel and hospitality trade. Elsewhere the economic area also has a mechanics workshop and a coffee roaster and sales office.
- 2.5 The key point is that all the above businesses are thriving and are providing employment. None of them are traditional 'business, industry or storage and distribution' (Class 4, 5 or 6) uses which is effectively the reason why this particular application was refused permission.
- 2.6 The area is being retained for employment generating uses and new businesses are created and the business park allows them to thrive. This is one of those new businesses which has nowhere else to operate in Aberfeldy.
- 2.7 The unit was previously unlet for a period of 7 months from December 2016 without success until the current applicants decided to lease the unit.
- 2.8 The application attracted no letters of objection from anyone.
- 2.9 The responses received from consultees also raised no objections. The Transportation department had no objections, the Developer contributions officer had no comments and Environmental Health had no objections subject to a standard noise control condition.
- 2.10 The unit that is subject to this appeal is extremely small-scale amounting to only 14 sqm. The overall loss of 'business space' is therefore totally negligible and will have no impact on the council's overall business land supply or on the Aberfeldy Business Park whatsoever.



- 2.11 The applicant chose to locate here as the unit was the perfect size and was available at the right time for the business to open. Any of the more traditional town centre units that do become available are always much larger in size and too big and too expensive for this type of small scale business.
- 2.12 Although the barbers are not ancillary to any adjoining business use, it does provide an ancillary service type use for local businesses/traders and also provides employment. Policy ED1A states that '*retail uses in employment areas will **not generally** be acceptable*', but this clearly doesn't actually prevent exceptions from being allowed. The Report of Handling has misquoted this part of the policy by leaving out this important wording which is crucial to the interpretation of enabling some flexibility. It has also been confirmed in the Report of Handling that the barbers shop doesn't detract from the amenity, especially residential areas and the local road network is suitable for the traffic generated by the use which accords with the requirements of Policy ED1A.
- 2.13 The council have already previously shown flexibility and allowed other non-Class 4, 5 and 6 uses as exceptions within the same business park. In addition, it is recognised that retail uses are also now prevalent even in other more traditional industrial estates e.g. Inveralmond Industrial Estate where the council has clearly accepted that exceptions can be allowed to support and complement existing businesses.
- 2.14 Due to the limited size and location of the unit within an economic area where there are already a mix of other types of use, this is considered to be an example of where an exception could also be allowed for this particular use.
- 2.15 Although the barbers shop is a retail use, any approval could be conditioned so as to restrict the use of the unit to a barbers shop only and this would therefore prevent any further change to mainstream retail and therefore would not set a precedent for any further proposals as has been claimed by the council in their Report of Handling.
- 2.16 We would therefore respectfully request that this Notice of Review is supported on the basis of the exceptional circumstances of the limited size and location of the unit and also the needs and requirements of this particular business, subject to any conditions that may be considered necessary by the Local Review Body which could include restricting the change of use to barbers shop only.



# PERTH AND KINROSS COUNCIL

Grizzly Beards Barber Shop  
c/o Fearn Macpherson Chartered Architects  
Rob Macpherson  
Unit 4  
Dunkeld Road  
Aberfeldy  
PH15 2AQ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 19th October 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01628/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 22nd September 2017 for permission for **Change of use from office (class 4) to barbers (class 1) (in retrospect)** Suite 1 The Bungalow Aberfeldy Business Park Dunkeld Road Aberfeldy for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy ED1A of the Perth and Kinross Local Development Plan 2014 as the proposed retail use does not comply with the uses identified for this site. The proposal would also set a precedent for future retail development within the Aberfeldy Business Park.
2. The proposal is contrary to Policy RC4 of the Perth and Kinross Local Development Plan 2014 as the proposed use does not comply with the sequential approach which seeks to direct retail uses towards town centres first.

## **Justification**

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

## **Notes**

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

### Plan Reference

17/01628/1

17/01628/2

17/01628/3

17/01628/4

17/01628/5

## REPORT OF HANDLING

### DELEGATED REPORT

|                        |              |      |
|------------------------|--------------|------|
| Ref No                 | 17/01628/FLL |      |
| Ward No                | P4- Highland |      |
| Due Determination Date | 21.11.2017   |      |
| Case Officer           | Sean Panton  |      |
| Report Issued by       |              | Date |
| Countersigned by       |              | Date |

**PROPOSAL:** Change of use from office (class 4) to barbers (class 1) (in retrospect).

**LOCATION:** Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy, PH15 2AQ.

**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:** 11<sup>th</sup> October 2017

**SITE PHOTOGRAPHS**



**BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site is a Suite 1, The Bungalow, Aberfeldy Business Park. The site forms part of an existing Employment Area as set within the Perth & Kinross Local Development Plan 2014. The application seeks detailed

permission to change the use of the building from an office (Class 4) to barbers (Class 1). The application has been submitted in retrospect.

Externally, there are only minimal changes proposed. This includes the addition of double doors on the south elevation. Internally, there will be minimal changes to the original layout of the building.

## **SITE HISTORY**

None.

## **PRE-APPLICATION CONSULTATION**

No pre-application consultation undertaken.

## **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 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 adaptation.

**Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

**Policy TA1B - Transport Standards and Accessibility Requirements**

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

**Policy ED1A - Employment and Mixed Use Areas**

Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

**Policy EP8 - Noise Pollution**

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

**Policy RC4 – Retail and Commercial Leisure Proposals**

The location for retail and commercial leisure facilities should follow a sequential approach in which locations for such development are considered in a defined order.

**Policy RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

**OTHER POLICIES**

Development Contributions and Affordable Housing Guide 2016

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

**CONSULTATION RESPONSES**

**Environmental Health:**

No objection to the proposed development subject to a condition being added to the consent in relation to plant equipment.

Transport Planning:  
No objection to the proposed development.

Contributions Officer:  
No comment to make on the application.

## **REPRESENTATIONS**

No letters of representations were received regarding this proposal.

## **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               | Not Required |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 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 site is within an area identified as an Employment and Mixed Use Area within the adopted Local Development Plan; therefore Policy ED1A - Employment and Mixed Use Areas is directly applicable. This is in addition to the Placemaking Policies PM1A and PM1B which apply to ensure that development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. Policies EP8 - Noise Pollution and TA1B - Transport Standards and Accessibility Requirements will also be applied to ensure that the proposal is consistent with the relevant provisions of the identified Local Development Plan.

Policy ED1A states that "areas identified for employment use should be retained for such use". This policy aims to ensure areas that existing business can grow and economic opportunities can be realised. Parts (a) and (b) of policy ED1A states that appropriate development will not detract from the amenity of adjoining, especially residential, areas and that the local road network needs to be suitable for the traffic generated by the proposed use. The policy makes it clear that retail uses will not be permitted within zoned employment areas unless ancillary to an acceptable use. In this instance the proposal is not ancillary to any use. Whilst it is recognised that the scale of the retail proposed is small at 14m<sup>2</sup> of net trading space, it is considered in the view of the Strategy and Policy Team that this proposal will impact on local availability of serviced land and buildings for business, industry or storage and distribution uses as it sets a precedent in Aberfeldy Business Park for future development. Furthermore, Policy RC4 – Retail and Commercial Leisure Proposals requires that retail proposals should follow a sequential approach starting with town centres. Overall, the use is considered to be contrary to Policy ED1A and Policy RC4.

### **Design and Layout**

The proposal is to change the use of the building from an Office (Class 4) to barbers (Class 1) and it is indicated that the intended operator is Grizzly Beards. Externally, there are only minimal changes proposed. This includes the addition of double doors on the south elevation. I have no concerns with the provision of these double doors as it will make a more suitable entrance to the unit than what presently exists.

Any new signage for the proposed unit will be required to be submitted under a separate application for Advertisement Consent. An informative will be added to the consent highlighting this. It is therefore considered that there are no design and layout issues as part of this application.

### **Landscape and Visual Amenity**

Externally, there are only minimal changes proposed. This includes the addition of double doors on the south elevation. As such, it is considered that these alterations are relatively minor and will have no impact upon the landscape character and visual amenity of the surrounding area.

### **Residential Amenity**

The nearest residential receptor is approximately 40metres from the proposed development. This is considered to be an acceptable distance for a Class 1 use. A Class 1 use in this location is unlikely to have any negative impact upon the nearest residential receptors. Environmental Health was consulted as part of this proposal and highlighted that they have no objection to make, subject to a condition being added to the consent in relation to noise from plant equipment. As noise of equipment can be controlled via condition, I therefore have no concerns with the proposal in relation to residential amenity.

## **Roads and Access**

The proposal has shared car parking facilities capable of accommodating at least 10 vehicles. This is considered to be sufficient to accommodate the level of traffic likely to be generated by the proposal. Furthermore, my colleagues in Transport Planning were consulted as part of this proposal and have no objection to make. I therefore have no concerns in relation to roads and access.

## **Drainage and Flooding**

The proposed change of use is not considered to raise any drainage or flooding implications.

## **Developer Contributions**

The Contributions Officer was consulted as part of this proposal and highlighted that they have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Guidance.

## **Economic Impact**

The economic impact of the proposal is likely to have some positivity on the local area due to an element of public contact. There will also be some economic gain from the construction/ conversion stage of the proposal.

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for 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.**

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

- 1 The proposal is contrary to Policy ED1A of the Perth and Kinross Local Development Plan 2014 as the proposed retail use does not comply with the uses identified for this site. The proposal would also set a precedent for future retail development within the Aberfeldy Business Park.
- 2 The proposal is contrary to Policy RC4 of the Perth and Kinross Local Development Plan 2014 as the proposed use does not comply with the sequential approach which seeks to direct retail uses towards town centres first.

### **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**

Not Applicable.

### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01628/1

17/01628/2

17/01628/3

17/01628/4

17/01628/5

**Date of Report** 19<sup>th</sup> October 2017







Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100066738-001

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)

Change of use of part Office Suite from Class Use Four (Offices) to Class Use One (Shop).

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

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

No  Yes – Started  Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

18/09/2017

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

Bank delays caused application fee cheque not being available until now.

## 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

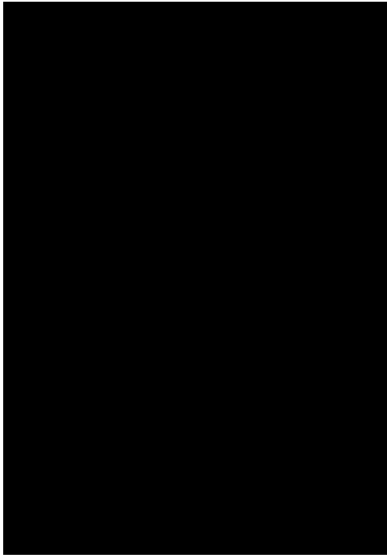
|                       |                                       |                                                      |                |
|-----------------------|---------------------------------------|------------------------------------------------------|----------------|
| Company/Organisation: | Fearn Macpherson Chartered Architects |                                                      |                |
| Ref. Number:          |                                       | You must enter a Building Name or Number, or both: * |                |
| First Name: *         | Rob                                   | Building Name:                                       | Unit 4         |
| Last Name: *          | Macpherson                            | Building Number:                                     |                |
| Telephone Number: *   | 01887 820098                          | Address 1 (Street): *                                | Dunkeld Road   |
| Extension Number:     |                                       | Address 2:                                           |                |
| Mobile Number:        |                                       | Town/City: *                                         | Aberfeldy      |
| Fax Number:           |                                       | Country: *                                           | United Kingdom |
|                       |                                       | Postcode: *                                          | PH15 2AQ       |
| Email Address: *      | rob.macpherson@fearnmacpherson.com    |                                                      |                |

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                            |                                                      |                                                                                       |
|----------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------|
| Title:               | Miss                       | You must enter a Building Name or Number, or both: * |                                                                                       |
| Other Title:         |                            | Building Name:                                       |  |
| First Name: *        | H                          | Building Number:                                     |                                                                                       |
| Last Name: *         | McAllister                 | Address 1 (Street): *                                |                                                                                       |
| Company/Organisation | Grizzly Beards Barber Shop | Address 2:                                           |                                                                                       |
| Telephone Number: *  |                            | Town/City: *                                         |                                                                                       |
| Extension Number:    |                            | Country: *                                           |                                                                                       |
| Mobile Number:       |                            | Postcode: *                                          |                                                                                       |
| Fax Number:          |                            |                                                      |                                                                                       |
| Email Address: *     |                            |                                                      |                                                                                       |

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

The Bungalow

Address 2:

Aberfeldy Business Park

Address 3:

Dunkeld Road

Address 4:

Address 5:

Town/City/Settlement:

Aberfeldy

Post Code:

PH15 2AQ

Please identify/describe the location of the site or sites

Northing

749372

Easting

286037

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

14.20

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Office

## 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?

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)? \*

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

---

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-  
Please include details of SUDS arrangements on your plans  
Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

---

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

Yes  
 No, using a private water supply  
 No connection required

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

---

### Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

---

### Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

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

---

### Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

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

Existing provisions are in place.

## Residential Units Including Conversion

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

Yes  No

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

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 1 Retail (non-food)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

14

If Class 1, please give details of internal floorspace:

Net trading spaces:

13

Non-trading space:

1

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## 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

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

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

Certificate B

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr J Woolnough

Address:

[REDACTED]

Date of Service of Notice: \*

19/09/2017



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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Rob Macpherson

On behalf of: Grizzly Beards Barber Shop

Date: 19/09/2017

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 principal 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: Mr Rob Macpherson

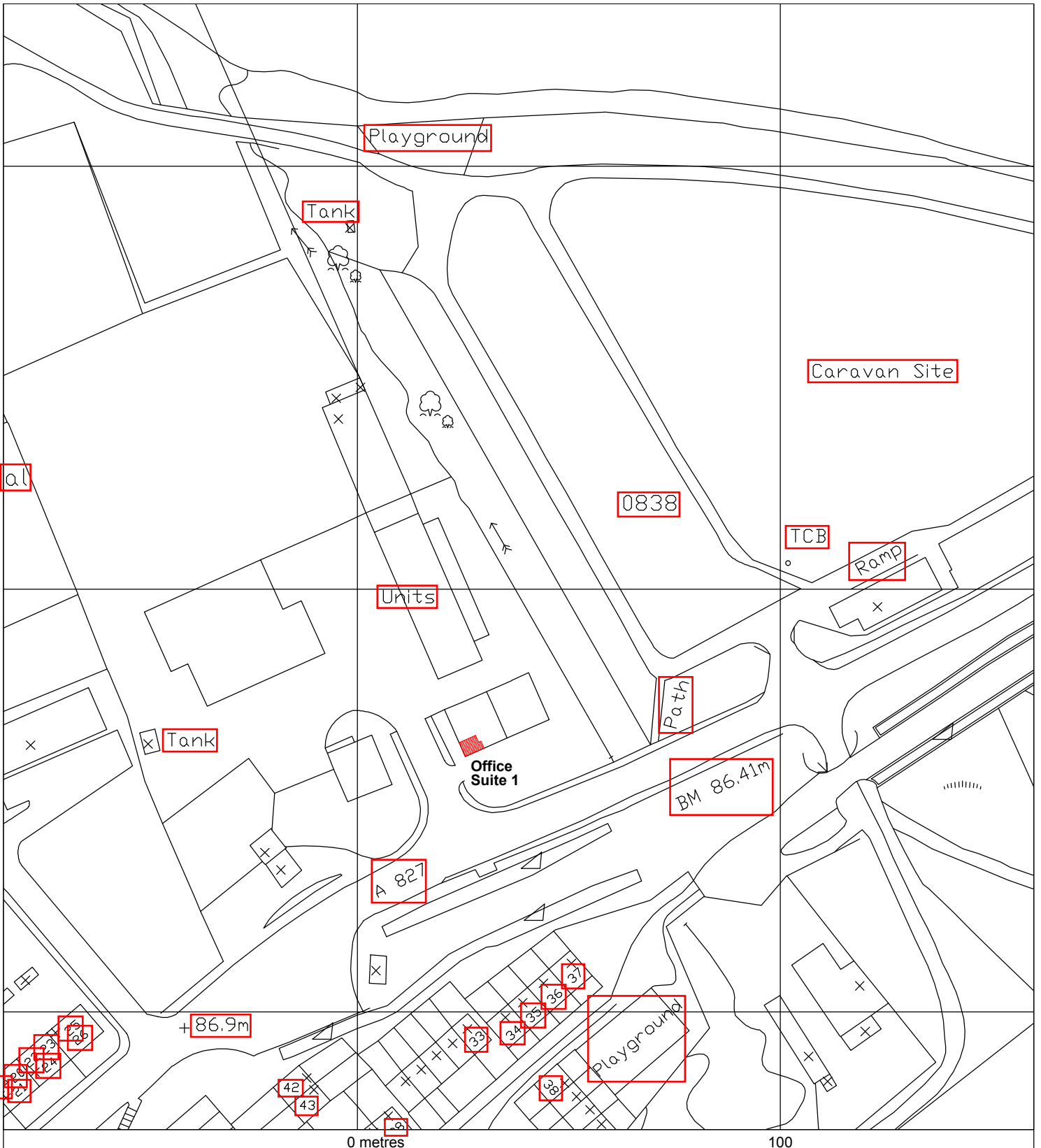
Declaration Date: 19/09/2017

## Payment Details

Cheque: 

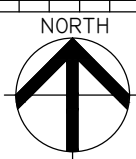
Created: 19/09/2017 18:08





LOCATION PLAN Scale: 1:1250

Crown copyright. All rights reserved. Licence Number 100007150

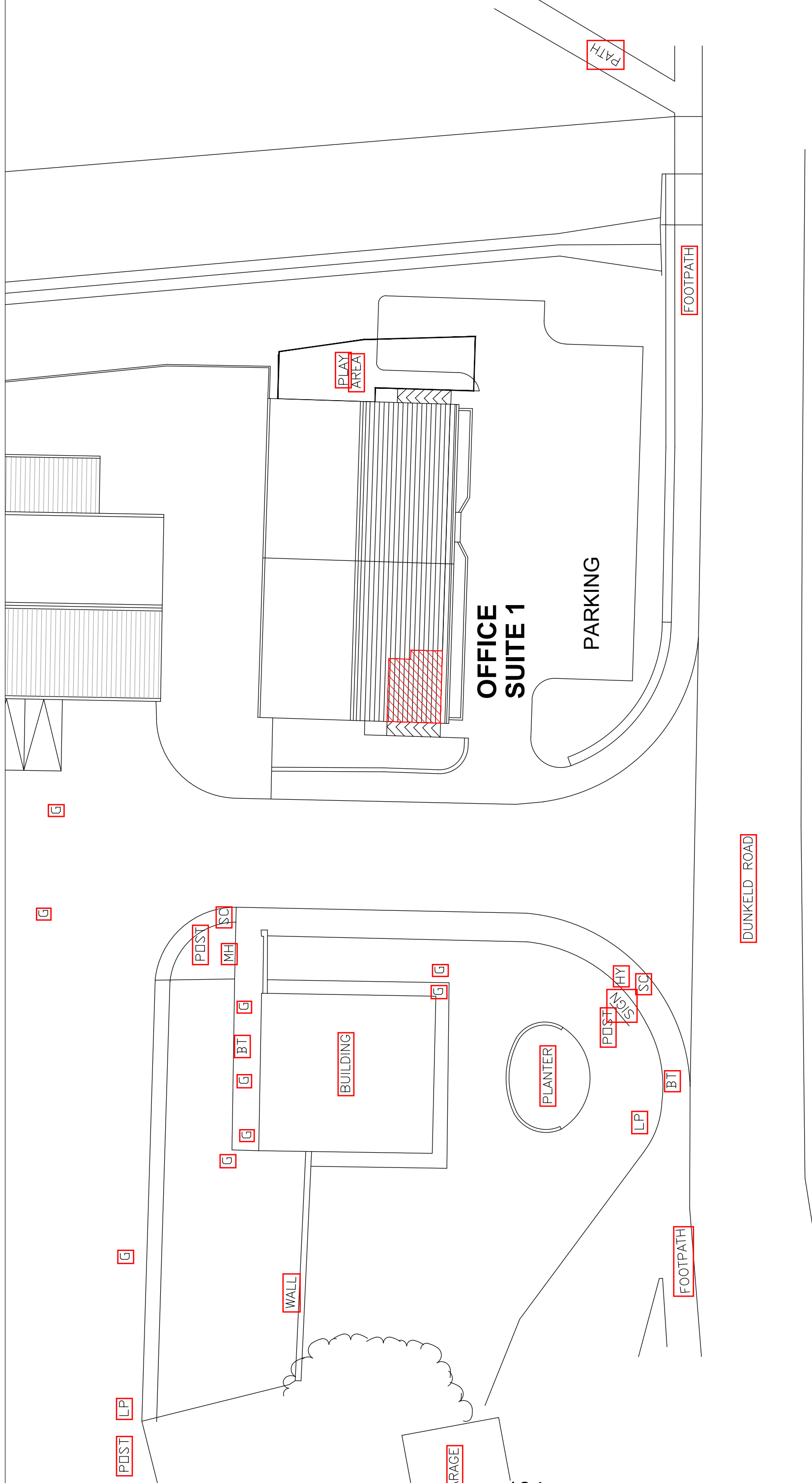


Project  
**OFFICE SUITE 1**  
**THE BUNGALOW, DUNKELD ROAD**  
**ABERFELDY PH15 2AQ**

|                                 |                        |
|---------------------------------|------------------------|
| Drawing<br><b>LOCATION PLAN</b> | Date<br>SEPTEMBER 2017 |
|                                 | Scale<br>1:1250 @ A4   |
| Drg No.<br><b>1078P01</b>       | Rev.                   |

**FEARN  
 MACPHERSON**  
 CHARTERED ARCHITECTS

Unit 4 Dunkeld Road  
 ABERFELDY  
 Perthshire  
 PH15 2AQ  
 Tel: (01887) 820098  
 Fax: (01887) 829455



|                                                                                                                        |                        |                    |
|------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|
| Project<br>OFFICE SUITE 1<br>THE BUNGALOW, DUNKELD ROAD<br>ABERFELDY PH15 2AQ                                          | Date<br>SEPTEMBER 2017 | Rev.               |
| Drawing<br>SITE PLAN                                                                                                   | Scale<br>1:250 @ A3    | Dig No.<br>1078P02 |
| Unit 4 Dunkeld Road<br><b>ABERFELDY</b><br>Perthshire<br><b>PH15 2AQ</b><br>Tel: (01887) 820098<br>Fax: (01887) 829455 |                        |                    |

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MACPHERSON**  
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10 metres 0 50

**SITE PLAN** Scale: 1:1250

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**SITE PLAN**  
THE BUNGALOW, DUNKELD ROAD  
ABERFELDY PH15 2AQ

**SCALE**  
1:250 @ A3

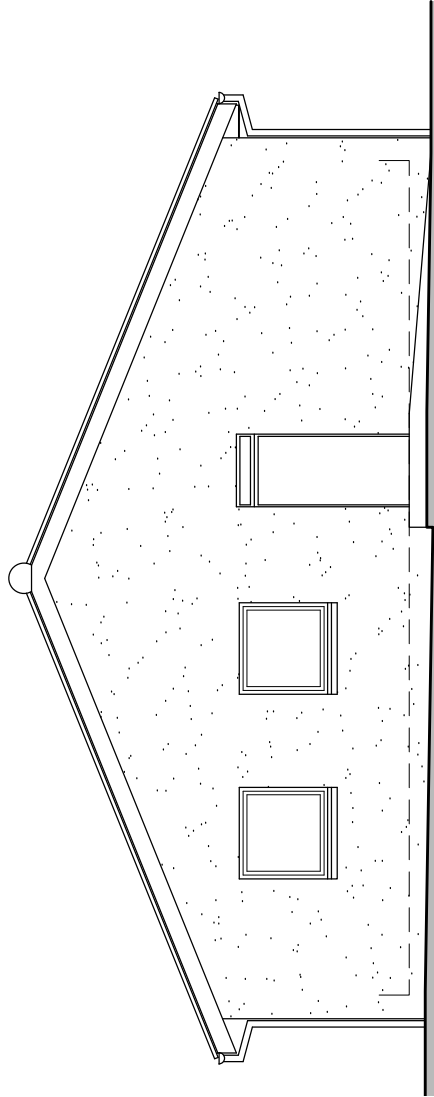
**DATE**  
SEPTEMBER 2017

**REV.**

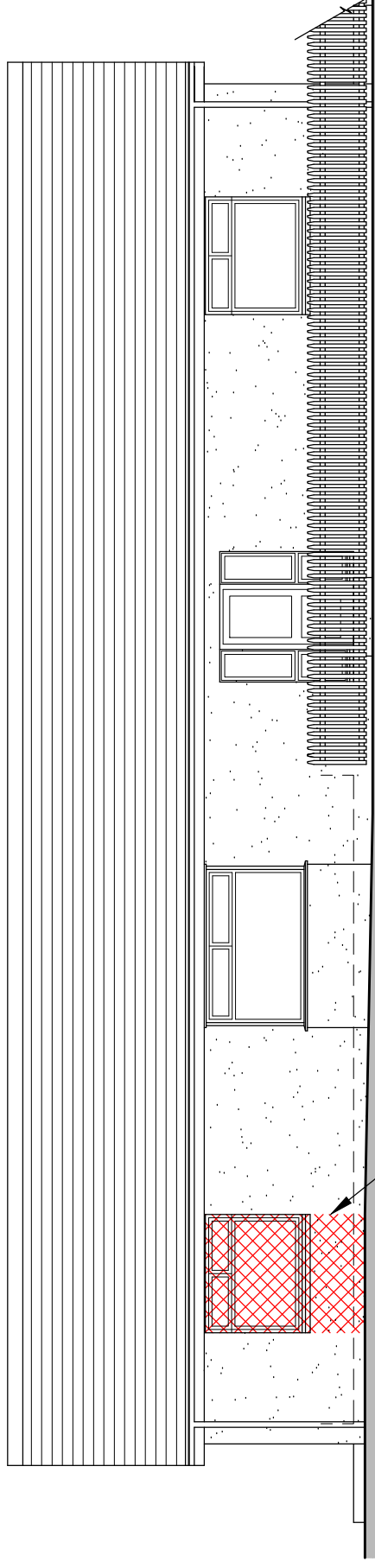
**DIG NO.**  
1078P02

Unit 4 Dunkeld Road  
**ABERFELDY**  
Perthshire  
**PH15 2AQ**  
Tel: (01887) 820098  
Fax: (01887) 829455



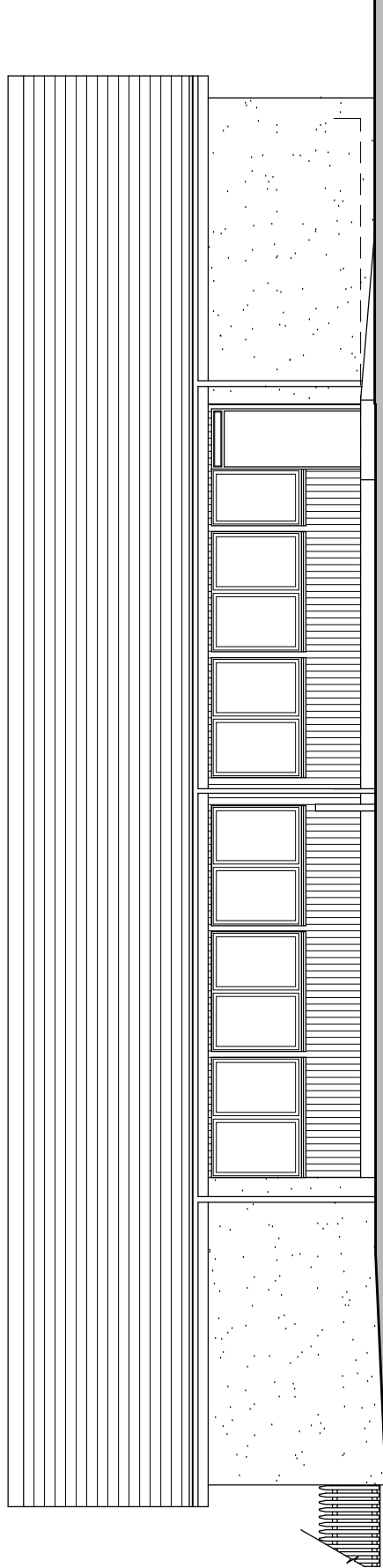


WEST ELEVATION

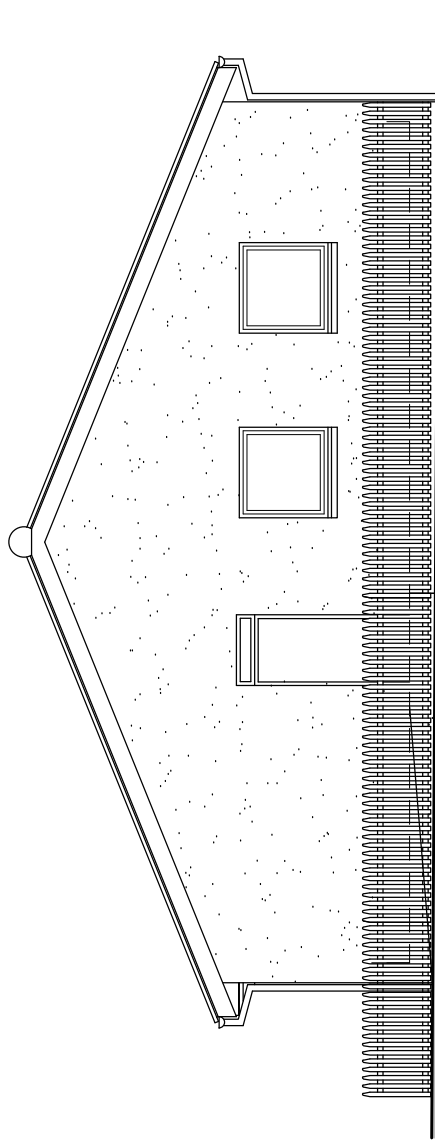


SOUTH ELEVATION

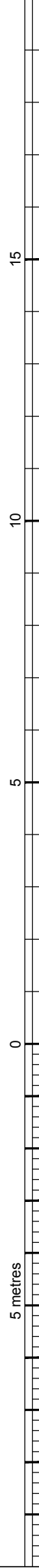
Remove existing window and wall below to create new door opening



NORTH ELEVATION



EAST ELEVATION

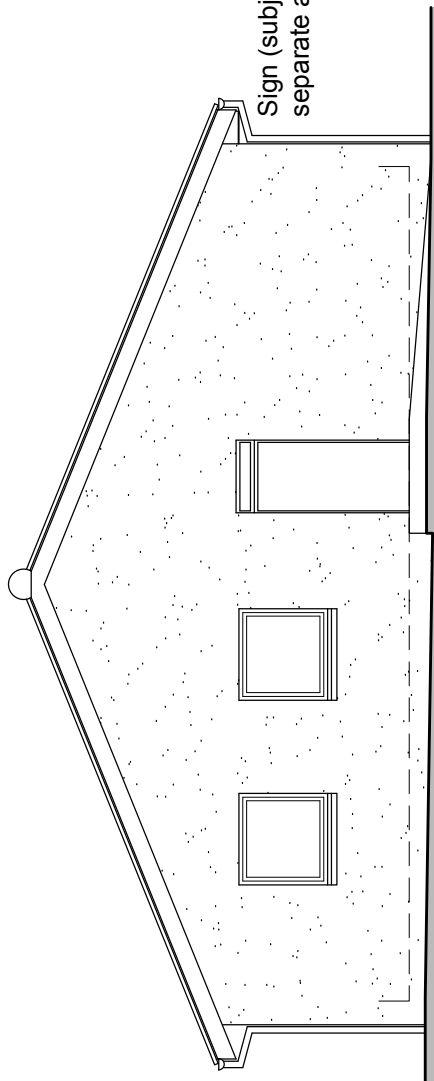


OFFICES - PROPOSED CHANGE OF USE  
EXISTING ELEVATIONS @ SCALE 1.100

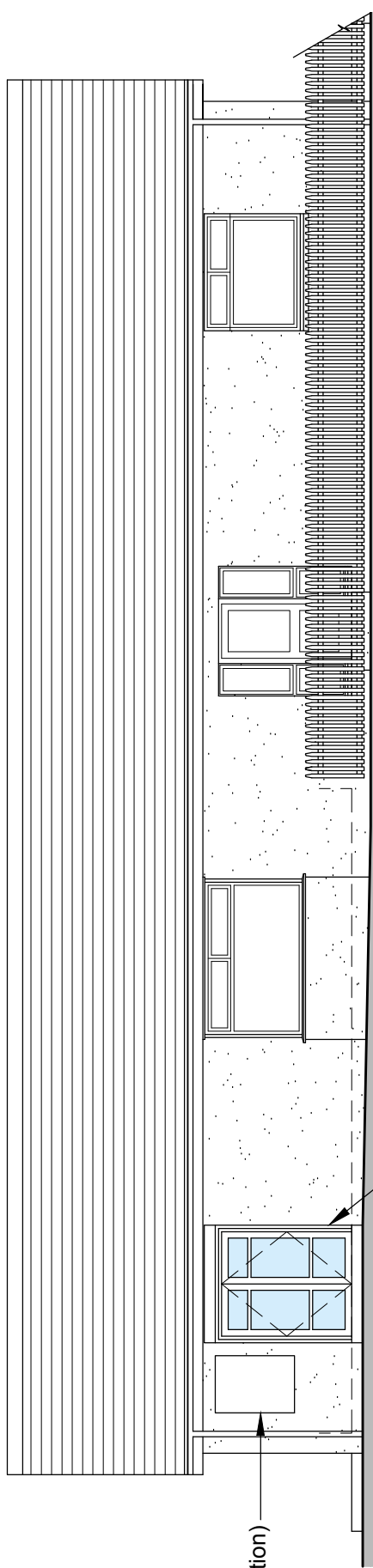
|                                                                               |  |                        |
|-------------------------------------------------------------------------------|--|------------------------|
| Project<br>OFFICE SUITE 1<br>THE BUNGALOW, DUNKELD ROAD<br>ABERFELDY PH15 2AQ |  | Date<br>SEPTEMBER 2017 |
| Drawing<br>EXISTING ELEVATIONS<br>CHANGE OF USE                               |  | Scale<br>1.100 @ A3    |
|                                                                               |  | Dwg No.<br>1078P12     |
|                                                                               |  | Rev.                   |

Unit 4 Dunkeld Road  
ABERFELDY  
Perthshire  
PH15 2AQ  
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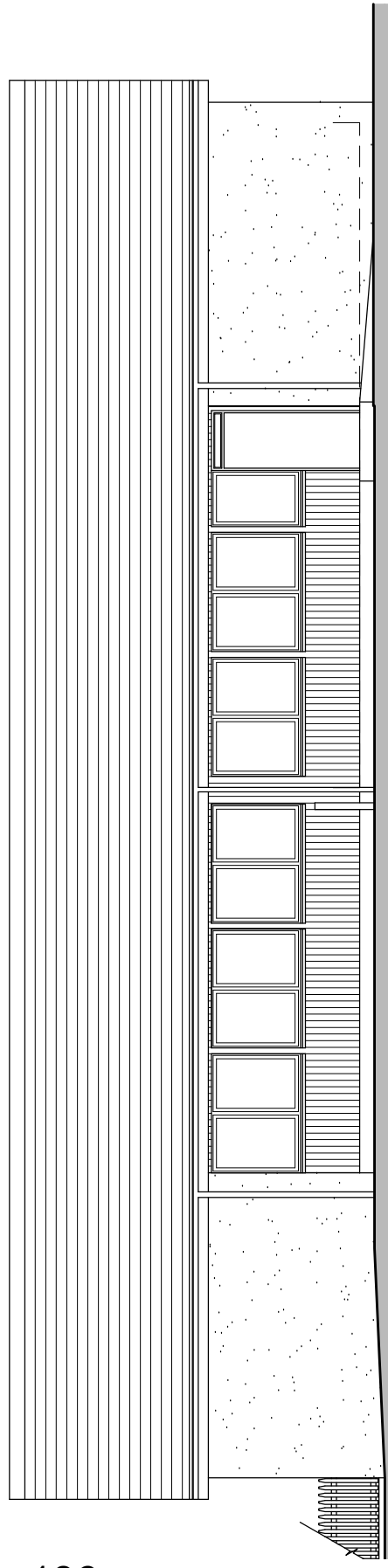


WEST ELEVATION

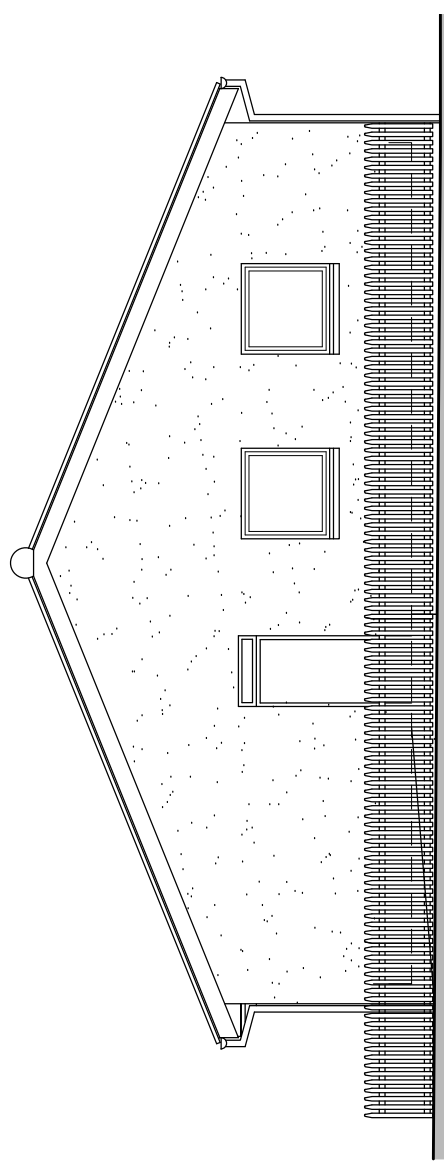


SOUTH ELEVATION

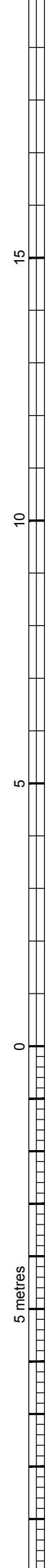
New double glazed uPVC double door



NORTH ELEVATION

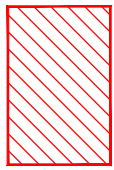
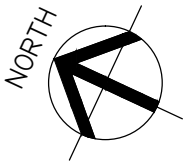


EAST ELEVATION

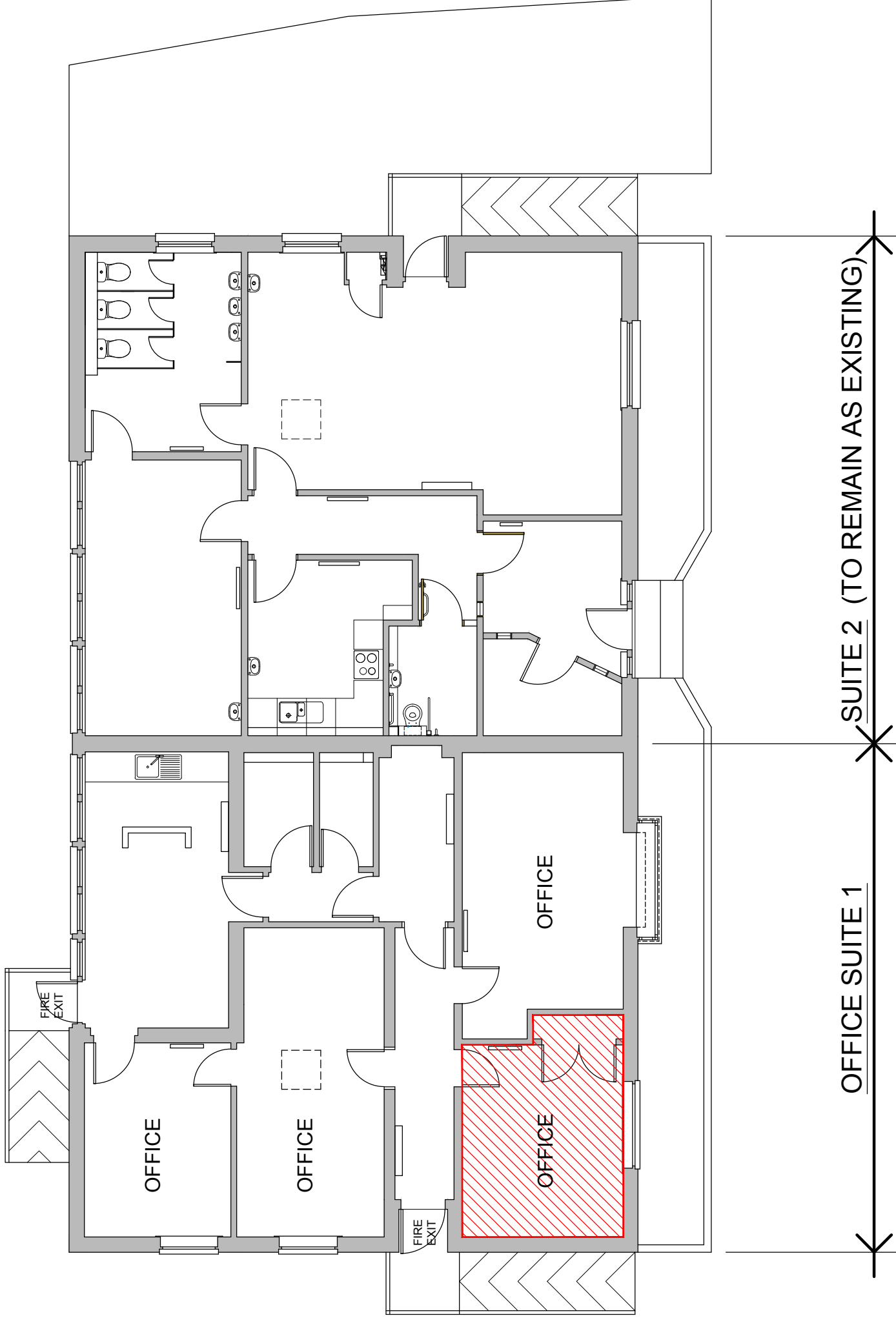


**OFFICES - PROPOSED CHANGE OF USE  
PROPOSED ELEVATIONS @ SCALE 1.100**

|                                                                                                                                                                               |  |                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------|
| Project<br><b>OFFICE SUITE 1</b><br>THE BUNGALOW, DUNKELD ROAD<br>ABERFELDY PH15 2AQ                                                                                          |  | Date<br>SEPTEMBER 2017 |
| Drawing<br><b>PROPOSED ELEVATIONS</b>                                                                                                                                         |  | Scale<br>1:100 @ A3    |
| Dwg No.<br><b>1078P13</b>                                                                                                                                                     |  | Rev.                   |
| Unit 4 Dunkeld Road<br><b>ABERFELDY</b><br>Perthshire<br><b>PH15 2AQ</b><br>Tel: (01887) 820098<br><b>FEARN MACPHERSON</b><br>CHARTERED ARCHITECTS ©THIS DRAWING IS COPYRIGHT |  |                        |



AREA FOR  
CHANGE OF USE



5 metres



**OFFICES - EXISTING AND PROPOSED CHANGE OF USE  
FLOOR PLAN @ SCALE 1.100**

Project  
**OFFICE SUITE 1  
THE BUNGALOW, DUNKELD ROAD  
ABERFELDY PH15 2AQ**

Drawing  
**FLOOR PLAN - PROPOSED  
CHANGE OF USE**

Date SEPTEMBER 2017

Scale 1:100 @ A3

Rev.

Dwg No.  
**1078P11**

**FEARN  
MACPHERSON**  
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**TCP/11/16(507) – 17/01628/FLL – Change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 163-164)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 165-171)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 183-187)*





**TCP/11/16(507) – 17/01628/FLL – Change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy**

## **REPRESENTATIONS**



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

|                                                 |                                                                                                                      |                             |                                                                           |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>                | 17/01628/FLL                                                                                                         | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                          | Strategy & Policy                                                                                                    | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>                  | Change of use from office (class 4) to barbers (class 1) (in retrospect)                                             |                             |                                                                           |
| <b>Address of site</b>                          | Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy PH15 2AQ                                     |                             |                                                                           |
| <b>Comments on the proposal</b>                 | I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Guidance. |                             |                                                                           |
| <b>Recommended planning condition(s)</b>        |                                                                                                                      |                             |                                                                           |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                      |                             |                                                                           |
| <b>Date comments returned</b>                   | 03 October 2017                                                                                                      |                             |                                                                           |



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

|                                                 |                                                                                     |                             |                                     |
|-------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Planning Application ref.</b>                | 17/01628/FLL                                                                        | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                          | Transport Planning                                                                  | <b>Contact Details</b>      | ██████████<br>████████████████████  |
| <b>Description of Proposal</b>                  | Change of use from office (class 4) to barbers (class 1) (in retrospect) at Suite 1 |                             |                                     |
| <b>Address of site</b>                          | The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy, PH15 2AQ            |                             |                                     |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I have no objections to this proposal.   |                             |                                     |
| <b>Recommended planning condition(s)</b>        |                                                                                     |                             |                                     |
| <b>Recommended informative(s) for applicant</b> |                                                                                     |                             |                                     |
| <b>Date comments returned</b>                   | 03 October 2017                                                                     |                             |                                     |





# Memorandum

To Development Quality Manager From Regulatory Service Manager  
Your ref 17/01628/FLL Our ref MP  
Date 16 October 2017 Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission  
RE Change of use from office (class 4) to barbers (class 1) (in retrospect) Suite 1 The  
Bungalow Aberfeldy Business Park Dunkeld Road Aberfeldy PH15 2AQ  
for Grizzly Beards Barber Shop**

I refer to your letter dated 27 September 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

I have few concerns regarding this application but as there are residential properties across the road located around 40 metres away, I would recommend the undernoted condition.

Condition

**EH10** All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.





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

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 201-278***)
- (b) Decision Notice (***Pages 265-266***)
  - Report of Handling (***Pages 281-293***)
  - Reference Documents (***Pages 237, 255-256 and 267-278***)
- (c) Representations (***Pages 295-316***)



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

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

\* Do you agree to correspondence regarding your review being sent by e-mail?  Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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



**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

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

**Site inspection**

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

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

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

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



**Statement**

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

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

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

PLEASE SEE ATTACHED STATEMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes  No

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

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



**List of documents and evidence**

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

PLEASE SEE ATTACHED LIST OF SUPPORTING DOCUMENTATION

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

**Checklist**

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

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

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

**Declaration**

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

Signed

[Redacted Signature]

Date

[Redacted Date]

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

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





## **STATEMENT – NOTICE OF REVIEW**

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

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

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

## **SITE BACKGROUND AND BUSINESS OVERVIEW**

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

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

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

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

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

The agricultural business is registered and complies with:

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

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

Mr McFadzean is also an active member of the

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

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

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

## **BACKGROUND TO PROPOSED DWELLING HOUSE**

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

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

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

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

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

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

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

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

**The planning application was refused for the following four reasons:**

**POINT No.1**

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

The Housing in the Countryside supplementary guidance states that

*New Houses in the Open Countryside.*

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

*3.3 Economic Activity*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## **POINT No.2**

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

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

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

The Housing in the Countryside Policy also states

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

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

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

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

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

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

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

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

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

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

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

**Houses recently constructed adjacent to the applicant site**



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

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

House at position B

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

East Elevation



West Elevation





Houses at position C viewed from the site at A.

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

All within very close proximity to the public highway



House at position D

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



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



### **POINT No.3**

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

#### PM1B

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

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

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

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

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

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

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

#### **POINT No.4**

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

#### **PM4**

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

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

## **CONCLUSION**

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

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

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

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

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

Therefore we trust you can commit to favourable support.





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100058901-001

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

## Type of Application

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

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

## Description of Proposal

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

Erection of new dwelling house

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

|                       |                                  |                                                      |
|-----------------------|----------------------------------|------------------------------------------------------|
| Company/Organisation: | AMA                              |                                                      |
| Ref. Number:          |                                  | You must enter a Building Name or Number, or both: * |
| First Name: *         | Alastair                         | Building Name: <input type="text"/>                  |
| Last Name: *          | Mitchell                         | Building Number: 15                                  |
| Telephone Number: *   | 07780814268                      | Address 1 (Street): * Sandeman Place                 |
| Extension Number:     |                                  | Address 2: Luncarty                                  |
| Mobile Number:        |                                  | Town/City: * Perthshire                              |
| Fax Number:           |                                  | Country: * Scotland                                  |
|                       |                                  | Postcode: * PH1 3RJ                                  |
| Email Address: *      | rachelmitchell134@btinternet.com |                                                      |

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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



## Site Address Details

Planning Authority:

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

Easting

## 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)

|                                  |                                           |                    |                                         |
|----------------------------------|-------------------------------------------|--------------------|-----------------------------------------|
| Title:                           | <input type="text" value="Mr"/>           | Other title:       | <input type="text"/>                    |
| First Name:                      | <input type="text" value="John"/>         | Last Name:         | <input type="text" value="Russell"/>    |
| Correspondence Reference Number: | <input type="text" value="16/01900/FLL"/> | Date (dd/mm/yyyy): | <input type="text" value="30/05/2017"/> |

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

## Site Area

Please state the site area:

7817.20

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

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

## Access and Parking

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

Yes  No

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

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

Yes  No

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

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

4

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

2

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

## Water Supply and Drainage Arrangements

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

Yes  No

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

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

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

What private arrangements are you proposing? \*

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

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

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

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## Waste Storage and Collection

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

Yes  No

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

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

## Residential Units Including Conversion

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

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

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

Do you have any agricultural tenants? \*

Yes  No

## Certificate Required

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

Certificate E

# Land Ownership Certificate

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

Certificate E

I hereby certify that –

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

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

Or

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

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

Name:

Address:

Date of Service of Notice: \*

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

Signed: Alastair Mitchell

On behalf of: Mr Douglas MacFadzean

Date: 16/07/2017

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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



Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

Mitigation Calculation Labour Report

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Alastair Mitchell

Declaration Date: 16/07/2017



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

Dear Mr Russell

**Proposed New House at South Balado Farm, Balado, Perthshire**

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

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

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

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

Regards

Alastair Mitchell  
On behalf of Mr D MacFadzean

## **Design Statement**

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

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

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

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

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

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

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

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

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





## D S McFadzean

### LABOUR PROFILE CALCULATION

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

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

ANNUAL LABOUR REQUIREMENT

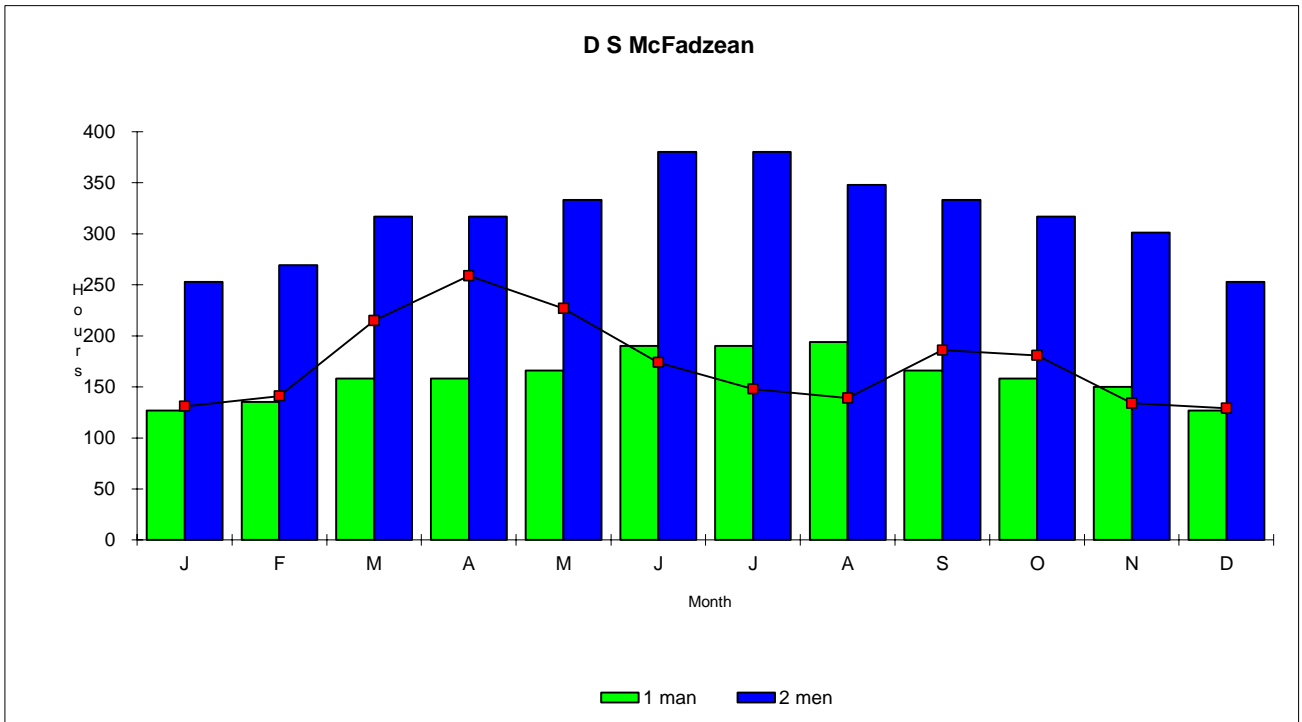
**D S McFadzean**

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

MONTH BY MONTH LABOUR REQUIREMENT

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

Labour Profile chart







**Planning Proposal  
Justification**

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

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

**REPORT PREPARED BY:**

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*FS 543419*

**January 2017**

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## **INTRODUCTION**

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

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



## **BACKGROUND INFORMATION**

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

**His agricultural business is registered and complies with:**

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

**The lands at Balado extend to approximately 100 acres.**

**The typical cropping areas are as follows.**

|                             |                   |
|-----------------------------|-------------------|
| <b>Rotational Grassland</b> | <b>- 40 acres</b> |
| <b>Silage 2 cuts</b>        | <b>- 20 acres</b> |
| <b>Forestry</b>             | <b>- 40 acres</b> |

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

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

**A forestry commission plan is in place for this woodland.**

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

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

## **NEED FOR ON-SITE ACCOMMODATION**

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

**Currently there are 115 sheep and two bulls at Balado.**

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

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

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

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

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

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

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

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

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

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

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

## **SUMMARY & CONCLUSIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## **LABOUR PROFILE**

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

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

This can be summarised as follows:

|                  | <b>Hours</b> |
|------------------|--------------|
| <b>Grassland</b> | <b>324</b>   |
| <b>Woodland</b>  | <b>40</b>    |
| <b>Cattle</b>    | <b>1180</b>  |
| <b>Sheep</b>     | <b>520</b>   |
| <b>Total</b>     | <b>2,064</b> |

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

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

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

**APPENDIX I**

**LABOUR PROFILE**



COD Ref: 5335-16

10th October 2016

Mr D McFadzean  
14 Viewlands Place  
Perth  
PH1 1BS

Dear Sirs,

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

### Proposal

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

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

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

Yours faithfully

PP

[Redacted signature]

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

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

If telephoning ask for:  
Sheena Jamieson

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

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sir/Madam

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

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

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

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

### **Advice for the planning authority**

#### **1. Phosphorous mitigation**

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

Continued....



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

Perth Strathearn House

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

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

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

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

## **2. Flood Risk**

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

### **Detailed advice for the applicant**

## **3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Fife Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence.

Continued....

The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved.

## **Regulatory advice for the applicant**

### **4. Regulatory requirements**

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Pentland Court, The Saltire Centre, GLENROTHES, KY6 2DA

Tel. 01592 776910

If you have any queries relating to this letter, please contact me by telephone on 01738 448193 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours faithfully

Planning Service

ECopy to: [rachelmitchell134@btinternet.com](mailto:rachelmitchell134@btinternet.com)

[JRussell@pkc.gov.uk](mailto:JRussell@pkc.gov.uk)

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*





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

Dear Mr Russell and Ms A Condliffe

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

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

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

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

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

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

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

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

Livestock numbers:-

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

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

Finishing Sheep 165 fattened & sold this year.

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

Other farming practices carried to date for the management of this livestock:-  
20 acres of grassland regeneration from last year's harvest stubble with ongoing grazing management.

400 bales of hay conserved for winter feed.

50 tonnes of spring barley grown.

12 tonnes of straw conserved for winter feed & bedding.

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

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

Cattle Handling and Penning facilities constructed on farm.

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

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

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

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

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

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

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

We look forward to hearing from you.

Regards

Alastair Mitchell  
Mob 07780814268



# PERTH AND KINROSS COUNCIL

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

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 26th October 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

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

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

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable at this location.
2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of development does not respect the character and amenity of the place.
3. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

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

### **Justification**

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

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

### **Plan Reference**

**17/01250/1**

**17/01250/2**

**17/01250/3**

**17/01250/4**

**17/01250/5**

**17/01250/6**

**17/01250/7**

**17/01250/8**

**17/01250/9**

**17/01250/10**

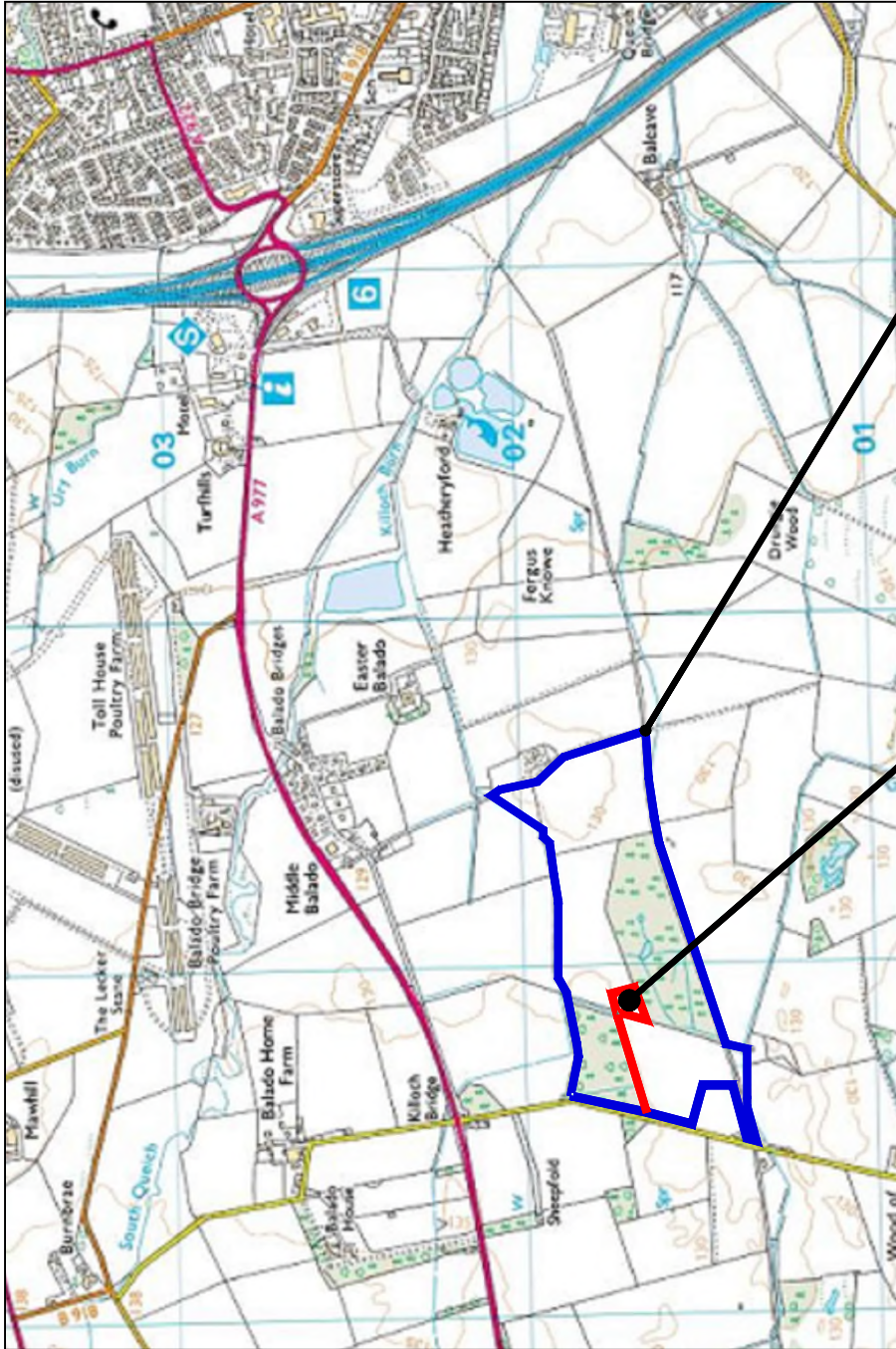
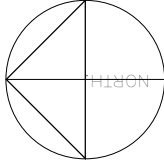
**17/01250/11**

**17/01250/12**

**17/01250/13**

**17/01250/14**





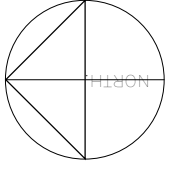
Location Plan  
Not to Scale

PROPOSED SITE OF NEW DWELLING HOUSE  
SHOWN IN RED

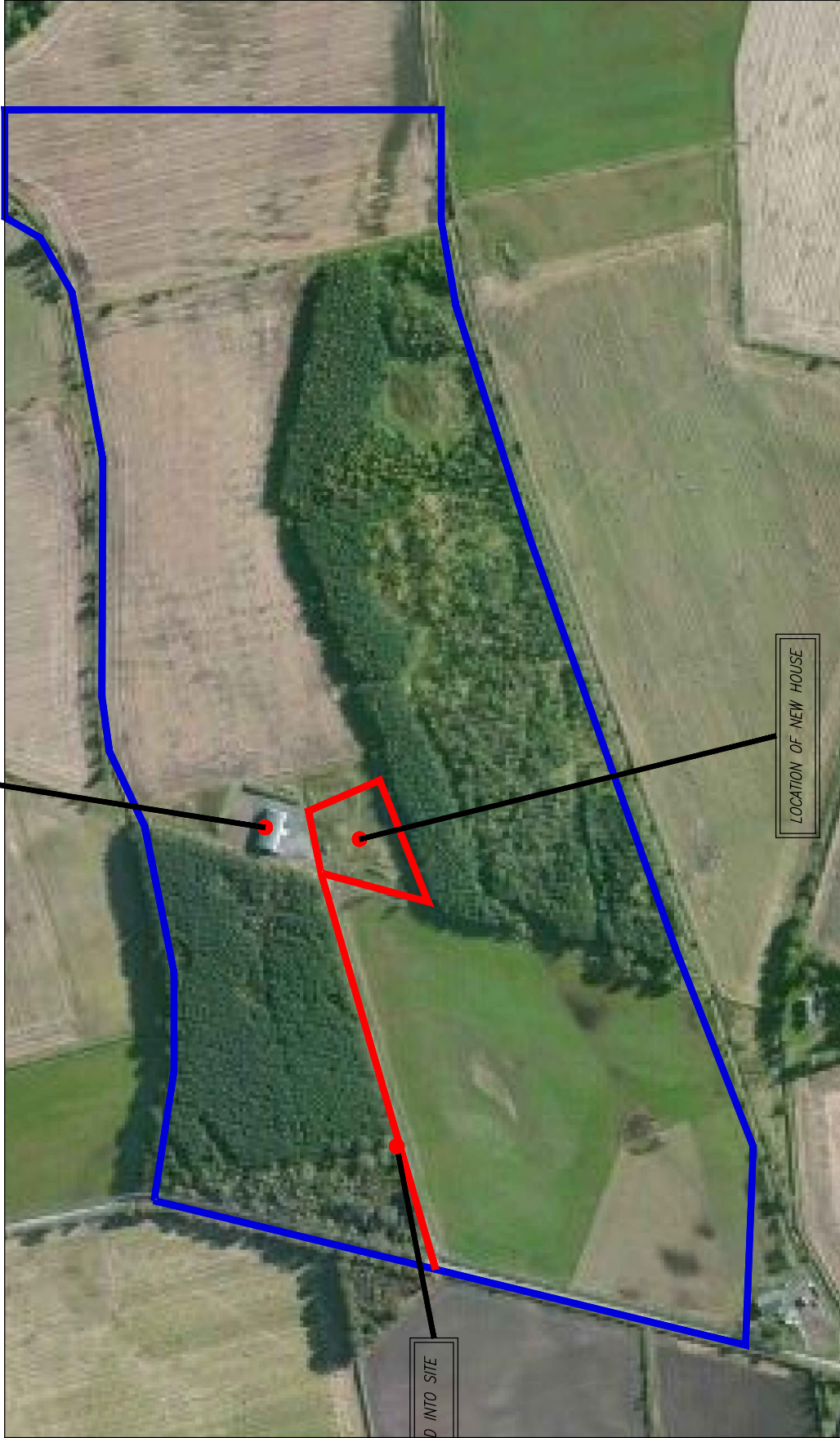
ALL LAND IN THE OWNERSHIP OF THE APPLICANT  
SHOWN IN BLUE

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

Scale NTS



LOCATION OF EXISTING SHED ALREADY  
CONSTRUCTED ON THE SITE



LOCATION OF NEW HOUSE

ACCESS ROAD INTO SITE

Location Map  
Not to Scale

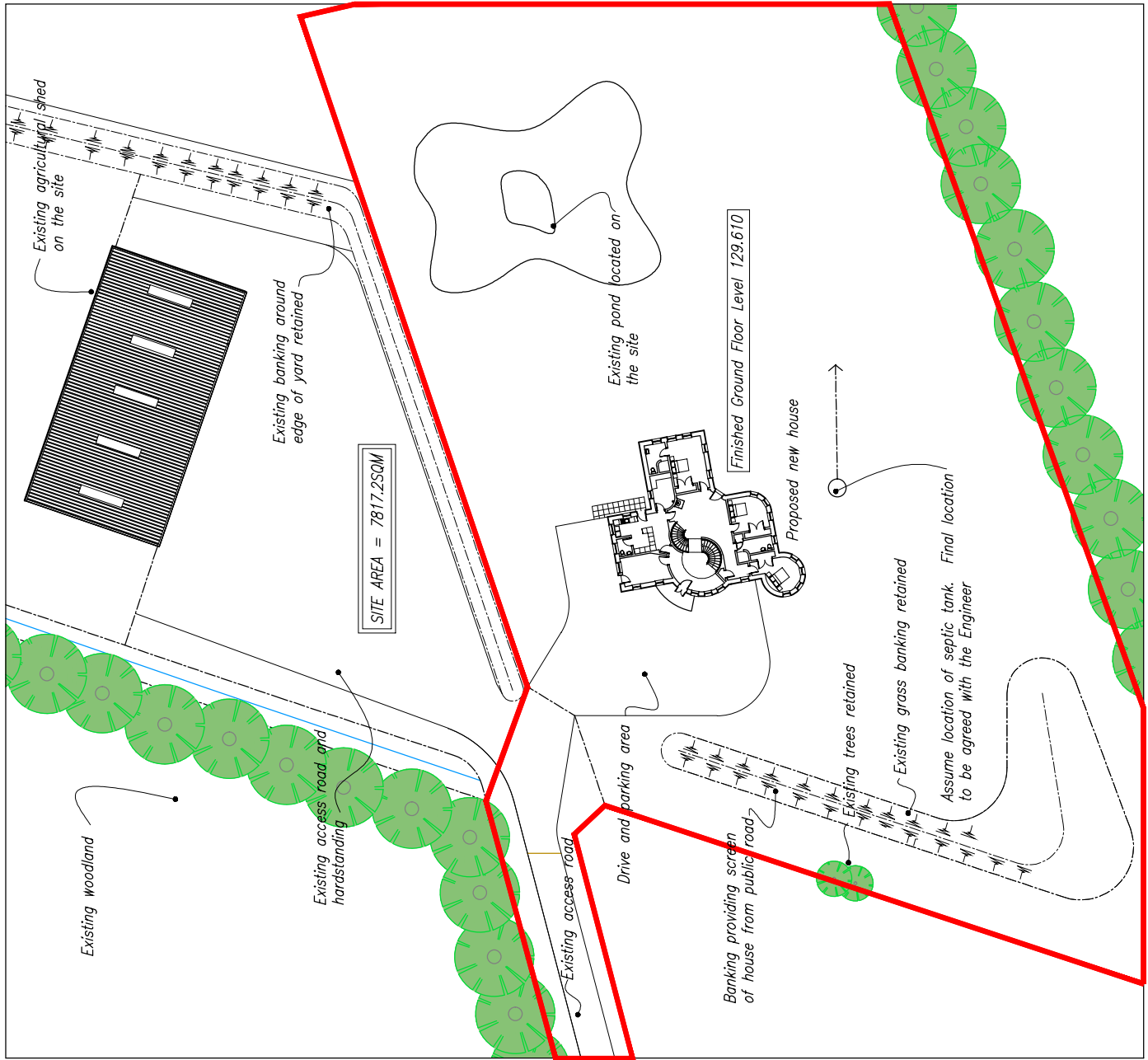
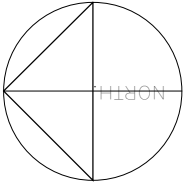
Proposed New House at,  
Balado, Kinross, for  
Mr McFadzean

Location Map  
Drawing No. PL/51A

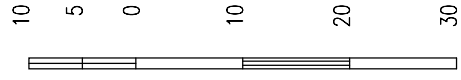
Scale NTS







SITE AREA = 7817.2SQM



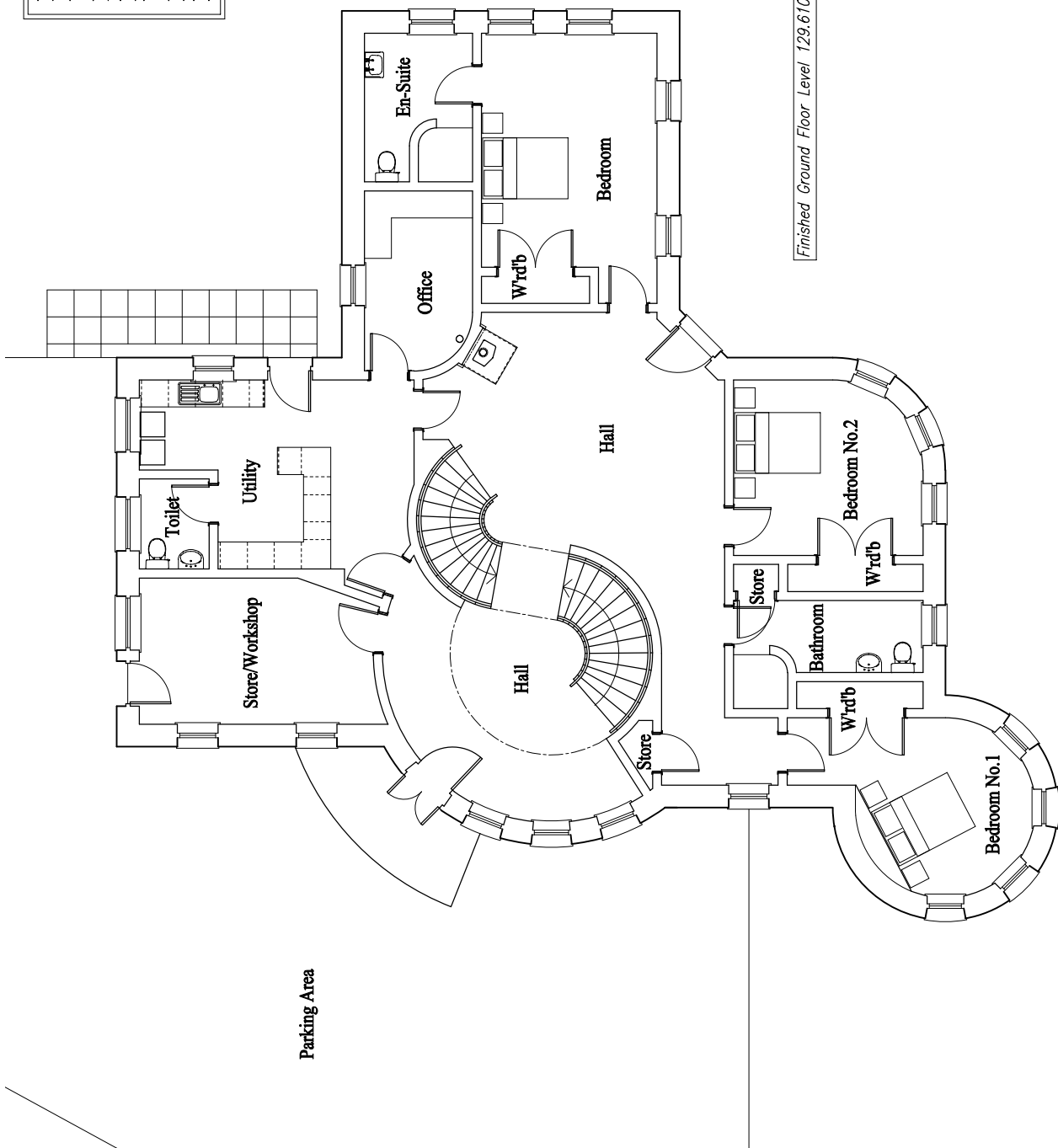
Rev B - Stop heights added Nov 16

**Proposed New House at ,  
Balado, Kinross, for  
Mr McFadzean**  
Site Plan  
Drawing No. PL/53A  
Scale 1:500

**Proposed Site Plan  
Scale 1:500**

**Material Specification**

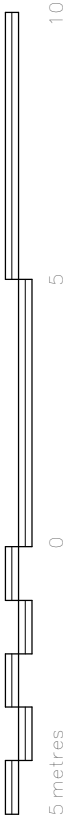
- Walls:-** Hempcrete walls finished off white
- Roof:-** Curved zinc roof
- Flat Roof:-** Metal sheet cladding
- Windows:-** Timber windows finished white
- Doors:-** Timber doors
- Rainwater Goods:-** Aluminium gutter and downpipes



**Proposed Ground Floor Plan**

Scale 1:100

Scale 1:100



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

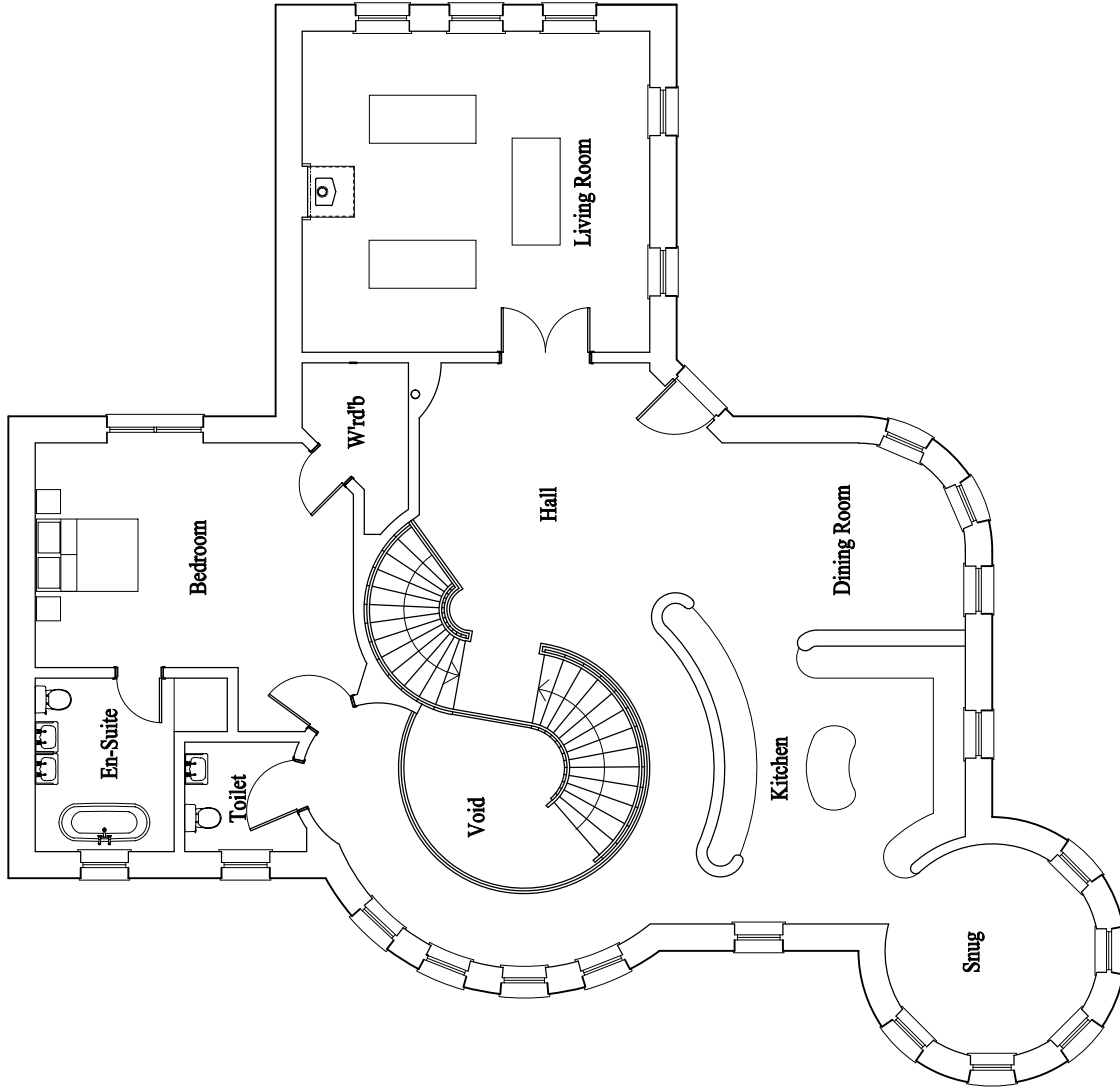
Proposed Ground Floor Plan

Drawing No. PL/54A

Scale 1:100

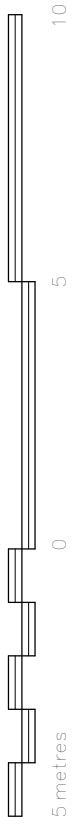
**Material Specification**

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



**Proposed First Floor Plan  
Scale 1:100**

Scale 1:100



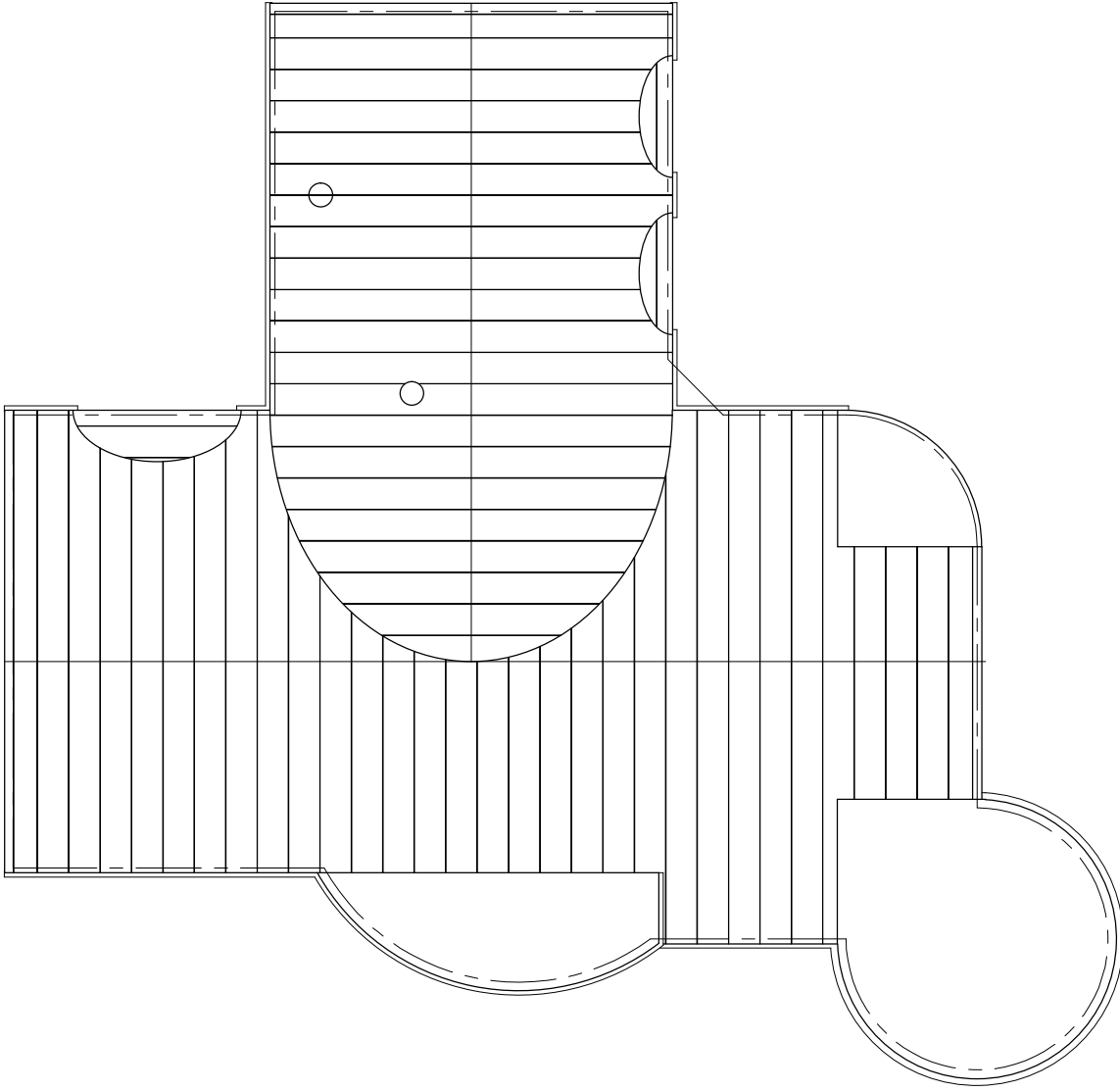
**Proposed New House at ,  
Balado, Kinross, for  
Mr McFadzean**

Proposed First Floor Plan  
Drawing No. PL/55A

Scale 1:100

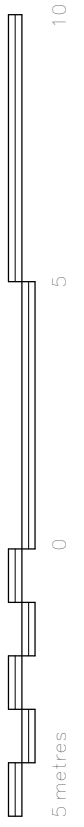
**Material Specification**

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



**Proposed Roof Plan**  
**Scale 1:100**

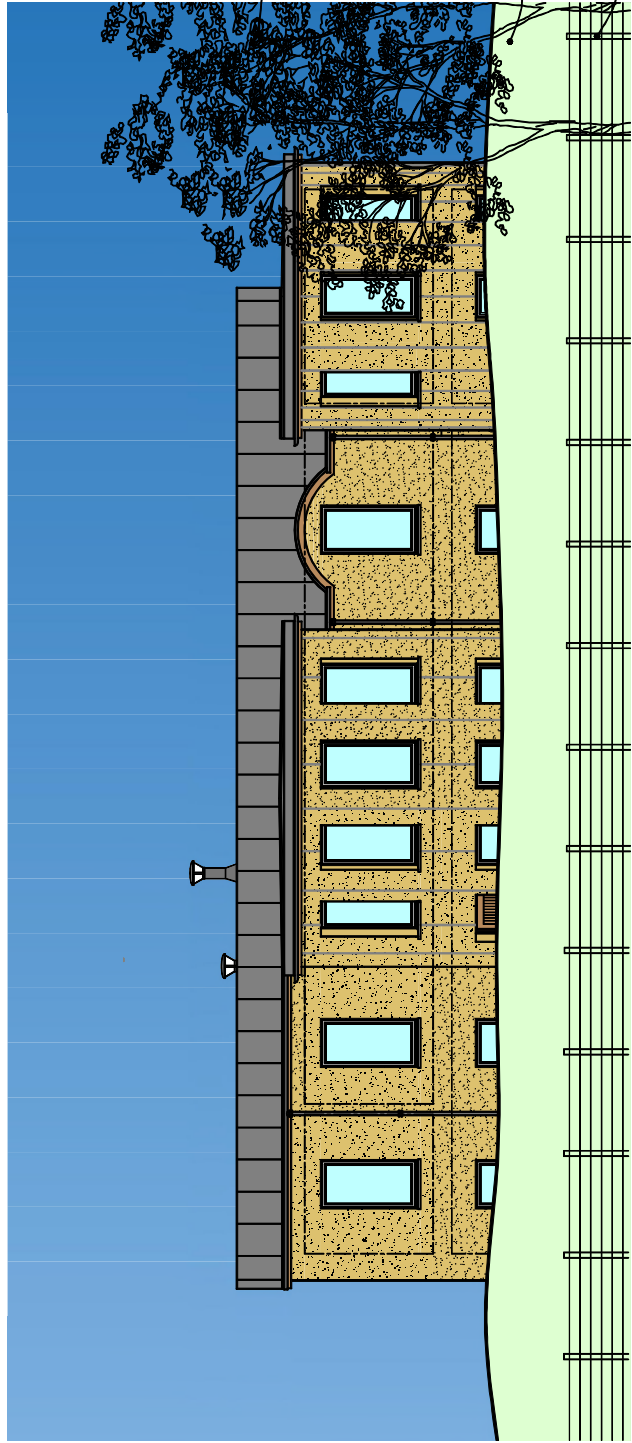
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**Proposed New House at ,  
Balado, Kinross, for  
Mr McFadzean**  
Proposed Roof Plan  
Drawing No. PL/56A

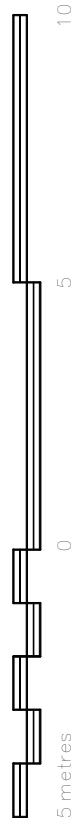
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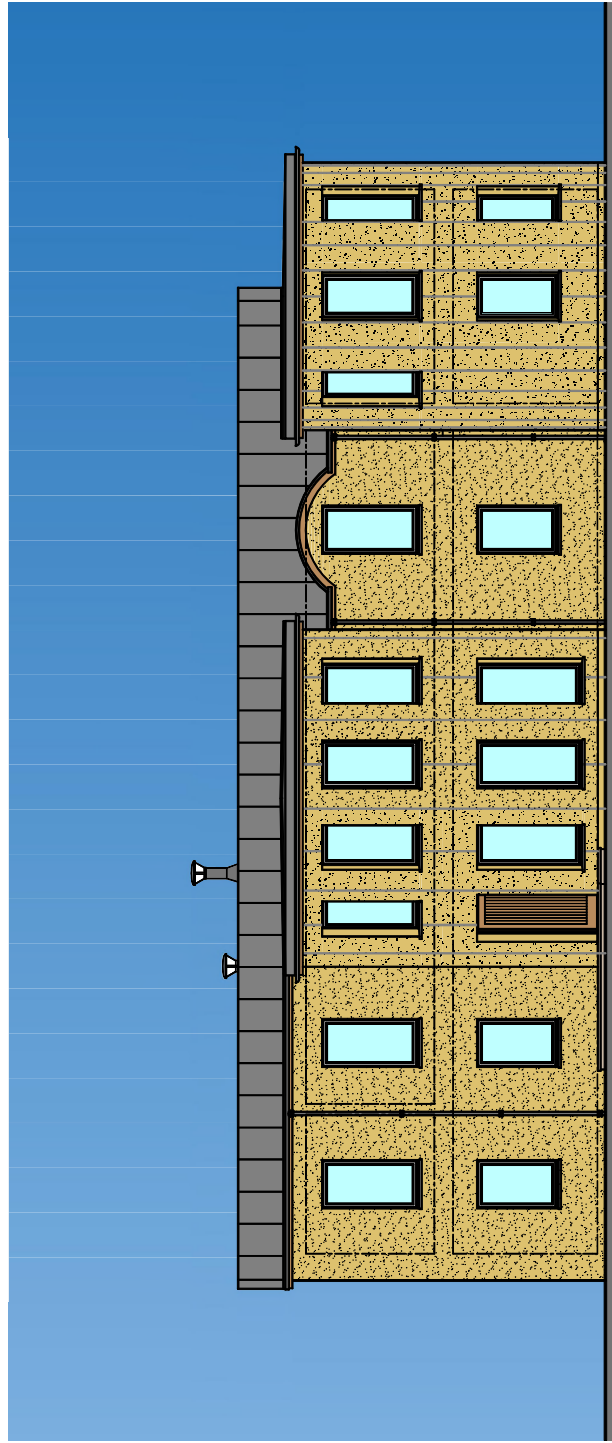


Proposed West Elevation from Field  
Scale 1:100

Scale 1:100



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



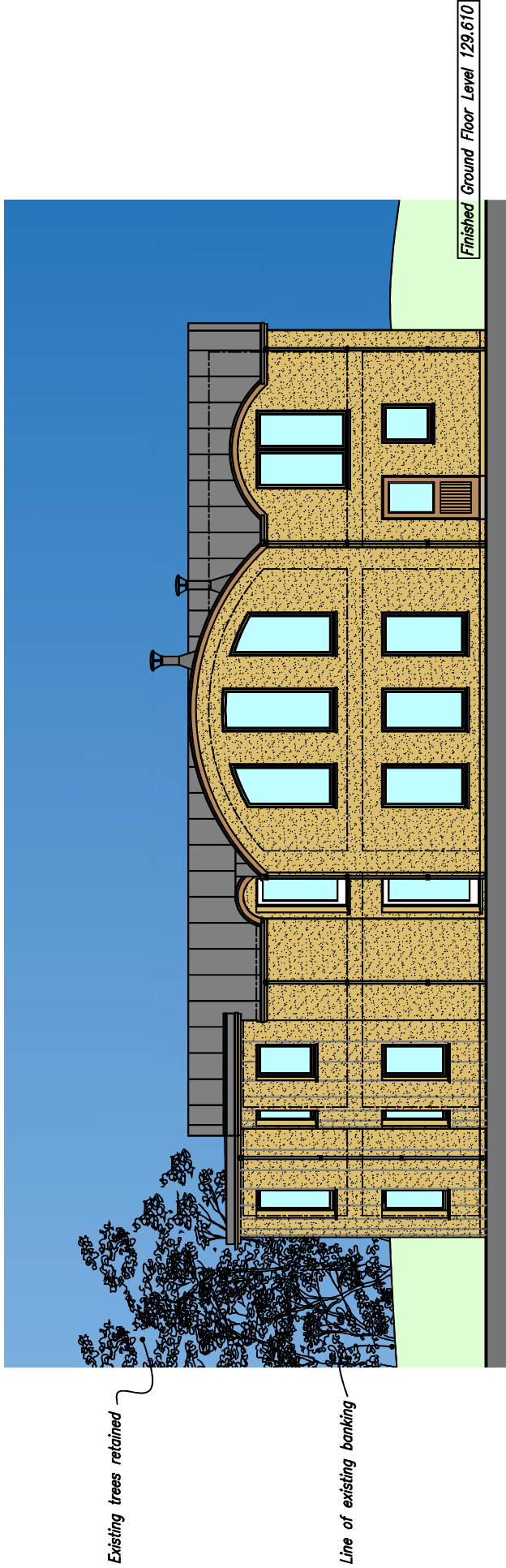
Proposed West Elevation from Field  
Scale 1:100

Finished Ground Floor Level 129,610

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

Proposed West Elevations  
Drawing No. PL/57A

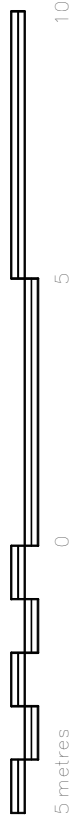
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Proposed East Elevation

Scale 1:100

Scale 1:100



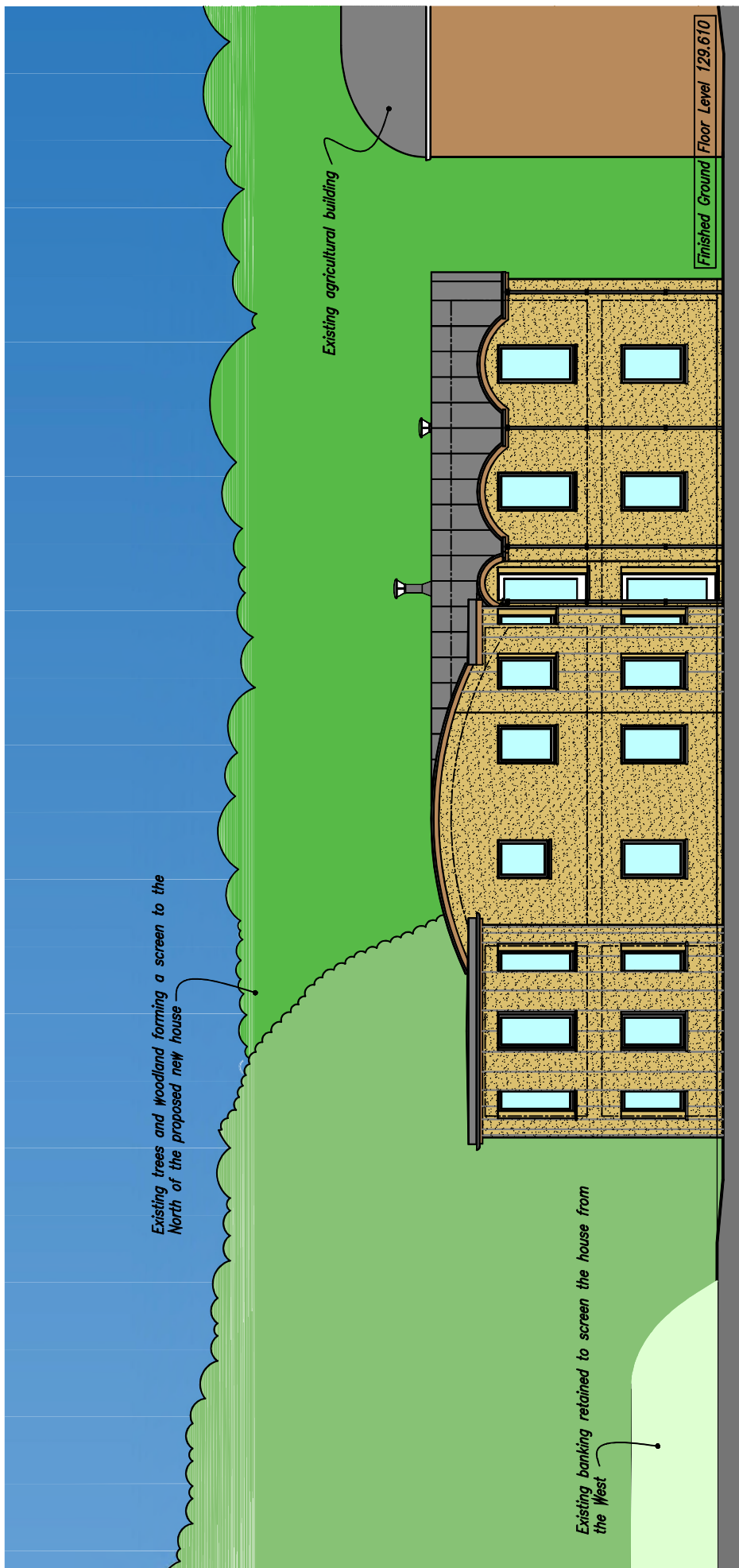
Material Specification

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

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

Proposed East Elevations  
Drawing No. PL/58A

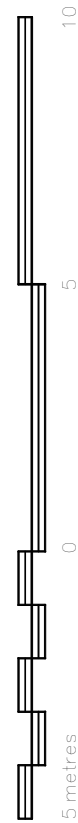
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Proposed South Elevation

Scale 1:100

Scale 1:100



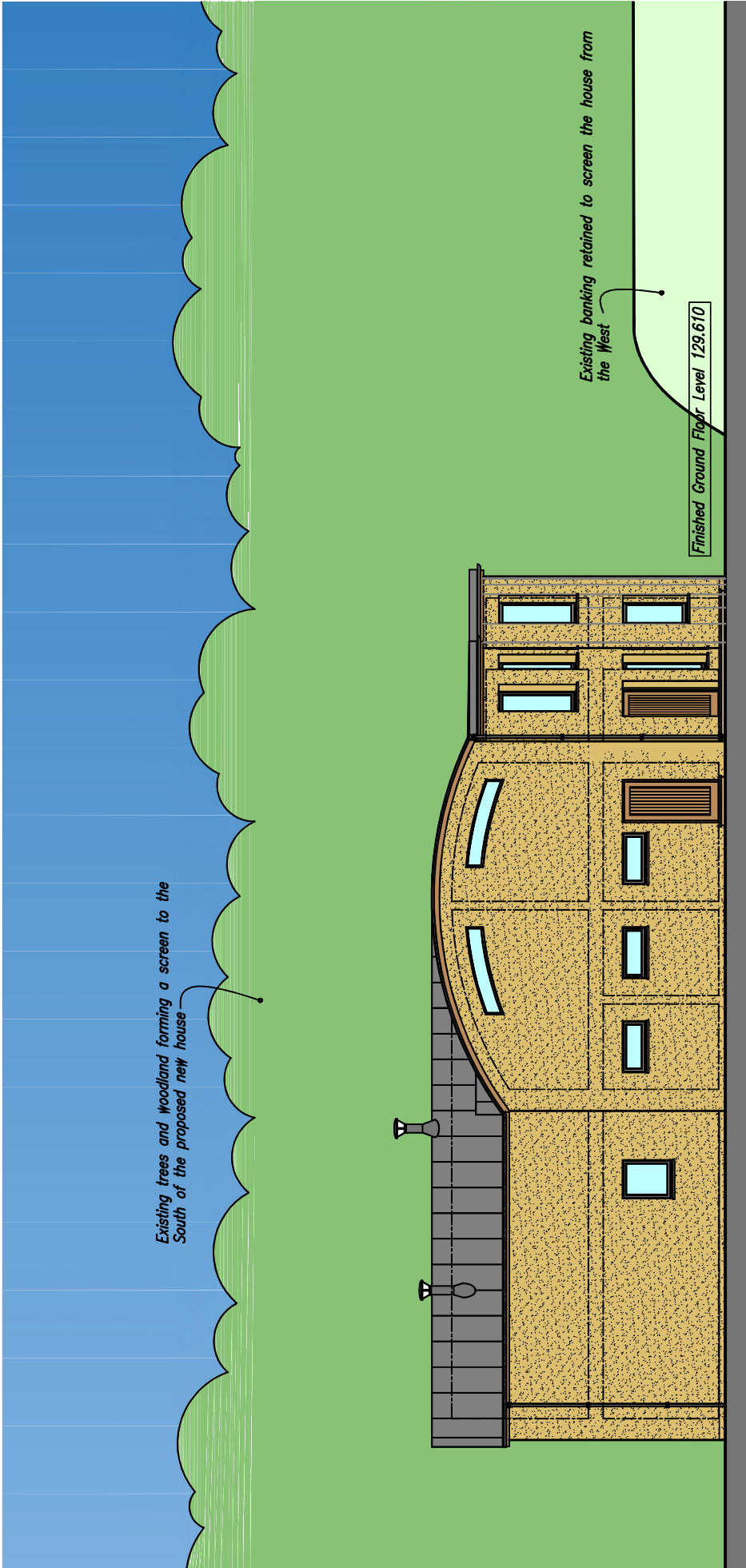
**Material Specification**

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

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

Proposed South Elevations  
Drawing No. PL/59A

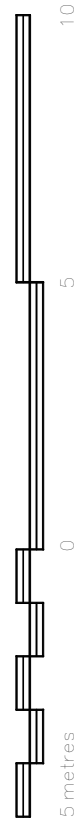
Scale 1:100



Proposed North Elevation

Scale 1:100

Scale 1:100



**Material Specification**

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

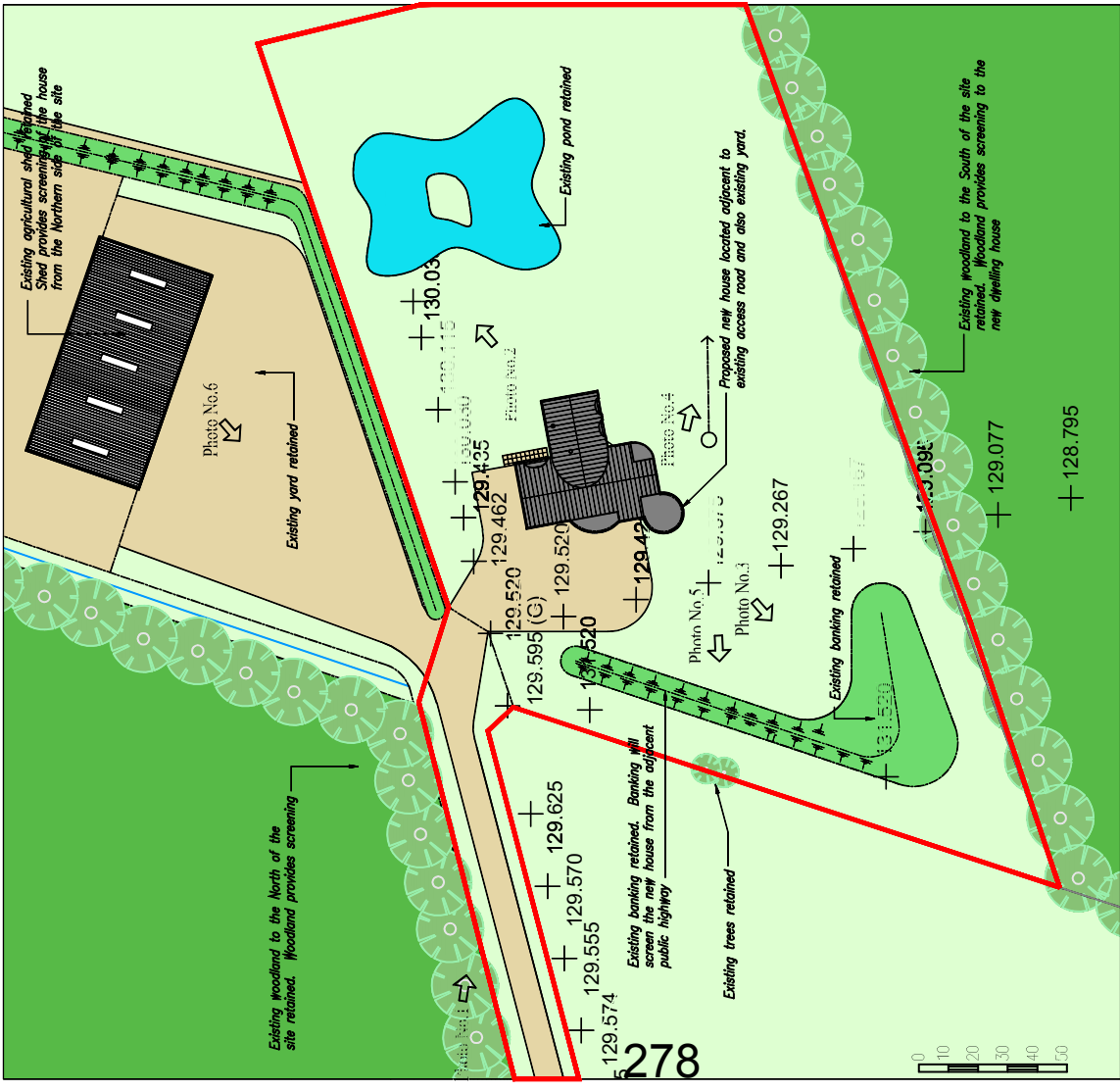
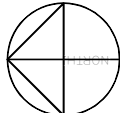
Proposed New House at,  
Balado, Kinross, for  
Mr MacFadzean

Proposed North Elevations  
Drawing No. PL/60A

Scale 1:100



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



Proposed Site Plan  
Scale 1:500

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



Photo 1 - View from Public Highway



Photo 2 - View from site towards the North East

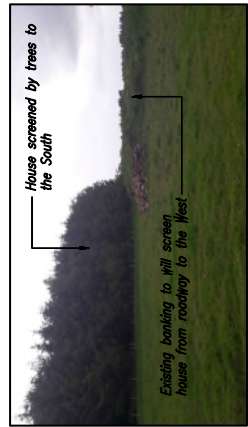


Photo 3 - View from site towards the South East



Photo 4 - View from site towards the East

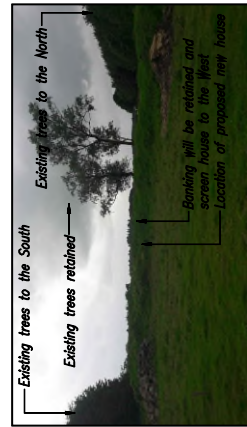


Photo 5 - View from site towards the West

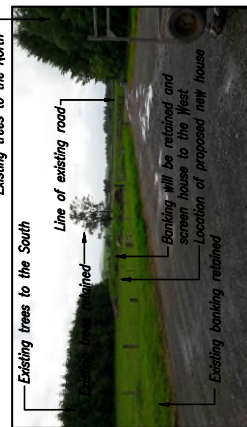
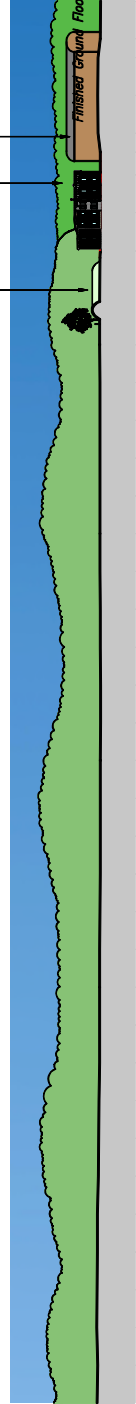


Photo 6 - View from yard towards South West

Existing woodland provides screening to the North  
Existing banking provides screening



Proposed Cross Section through Site  
Scale 1:1000

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

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

**REPORT OF HANDLING**

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





# REPORT OF HANDLING

## DELEGATED REPORT

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

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 400 Metres North East Of Leepark Coldrain

### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 9 August 2017

### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

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

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

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

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

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

## **SITE HISTORY**

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

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

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

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

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

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

## **PRE-APPLICATION CONSULTATION**

Pre-application Reference: 16/01900/FLL

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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

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

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy PM3 - Infrastructure Contributions

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

#### Policy PM4 - Settlement Boundaries

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

#### Policy RD3 - Housing in the Countryside

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

#### Policy TA1B - Transport Standards and Accessibility Requirements

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

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

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

#### Policy NE1A - International Nature Conservation Sites

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

#### Policy NE1B - National Designations

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

#### Policy EP7A - Drainage within the Loch Leven Catchment

Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

#### Policy EP7B - Drainage within the Loch Leven Catchment

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

#### Policy EP7C - Drainage within the Loch Leven Catchment

Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

### OTHER POLICIES

#### **Tayside Landscape Character Assessment**

#### **Kinross Landscape Character Assessment**

#### **Loch Leven SPG**

#### **Development Contributions**

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

#### **Housing in the Countryside Guide**

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

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

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

### **CONSULTATION RESPONSES**

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

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

Transport Planning – No objection.

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

Environmental Health – No response within consultation period.

Scottish Water – No objection.

Local Flood Prevention Authority – No objection.

Mr James Alexander – No response within consultation period.

## **REPRESENTATIONS**

None received.

## **ADDITIONAL INFORMATION RECEIVED:**

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

## **APPRAISAL**

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

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

## Policy Appraisal

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

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

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

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

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

### Essential Workers Dwelling Assessment:-

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

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

### Economic Need:-

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



## SAC report October 2016 Labour Profile:-

### **D S McFadzean**

#### LABOUR PROFILE CALCULATION

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

## SAC report January 2017 Labour Profile:-

#### LABOUR PROFILE CALCULATION

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

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

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

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

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

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

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

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

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

### **Design and Layout**

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

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

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

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

## **Landscape**

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

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

## **Residential Amenity**

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

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

## **Roads and Access**

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

## **Drainage and Flooding**

### Loch Leven

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

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

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

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

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

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

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

### **Developer Contributions**

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

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period due to protracted discussions with SEPA regarding the acceptability of the Phosphorus Mitigation at the site.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

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

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

#### **Justification**

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

#### **Informatives**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01250/1

17/01250/2

17/01250/3

17/01250/4

17/01250/5

17/01250/6

17/01250/7

17/01250/8

17/01250/9

17/01250/10

17/01250/11

17/01250/12

17/01250/13

17/01250/14

**Date of Report 25.10.2017**





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

## **REPRESENTATIONS**



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

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

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Recommended informative(s) for applicant</b></p> | <p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:<br/> Perth and Kinross Council<br/> Pullar House<br/> 35 Kinnoull Street<br/> Perth<br/> PH15GD</p> <p><b>Bank Transfers</b></p> <p>All Bank Transfers should use the following account details;<br/> <b>Sort Code:</b> 834700<br/> <b>Account Number:</b> 11571138</p> |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <p>Education Contributions<br/>For Education contributions please quote the following ledger code:<br/>1-30-0060-0001-859136</p> <p>Direct Debit<br/>The Council operate an electronic direct debit system whereby payments may be made over the phone.<br/>To make such a payment please call 01738 475300 in the first instance.<br/>When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p> |
| <b>Date comments returned</b> | 31 July 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



3<sup>rd</sup> August 2017

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



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

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

Dear Sir/Madam

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

**Please quote our reference in all future correspondence**

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

#### **Water**

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

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



## **Surface Water**

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

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

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

### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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](http://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](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Lisa Lennox**

Development Operations Analyst

[Lisa.lennox2@scottishwater.co.uk](mailto:Lisa.lennox2@scottishwater.co.uk)

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

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



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

If telephoning ask for:  
Sheena Jamieson

10 August 2017

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

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sirs

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

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

**Advice for the planning authority**

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

**1. Phosphorous Mitigation**

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



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

**Perth Strathearn House**

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

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

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

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

## **Regulatory advice for the applicant**

### **2. Regulatory requirements**

- 2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA, Pentland Court, The Saltire Centre, Glenrothes, KY6 2DA, Tel. 01592 776910

If you have any queries relating to this letter, please contact me by telephone on 01738 448193 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours faithfully

Sheena Jamieson  
Senior Planning Officer  
Planning Service

ECopy to: Alastair Mitchell, AMA, [rachelmitchel134@btinternet.com](mailto:rachelmitchel134@btinternet.com)



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

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### Disclaimer

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

309

### Perth Strathearn House

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

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



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

If telephoning ask for:  
Sheena Jamieson

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

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sir/Madam

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

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

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

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

### **Advice for the planning authority**

#### **1. Phosphorous mitigation**

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

Continued....



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

#### **Perth Strathearn House**

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

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

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

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

## **2. Flood Risk**

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

### **Detailed advice for the applicant**

## **3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Fife Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence.

Continued....

The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved.

## **Regulatory advice for the applicant**

### **4. Regulatory requirements**

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Pentland Court, The Saltire Centre, GLENROTHES, KY6 2DA

Tel. 01592 776910

If you have any queries relating to this letter, please contact me by telephone on 01738 448193 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours faithfully

Planning Service

ECopy to: [rachelmitchell134@btinternet.com](mailto:rachelmitchell134@btinternet.com)

[JRussell@pkc.gov.uk](mailto:JRussell@pkc.gov.uk)

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*





**TCP/11/16(509) – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 319-372***)
- (b) Decision Notice (***Pages 375-376***)
  - Report of Handling (***Pages 377-392***)
  - Reference Documents (***Pages 393-406***)
- (c) Representations (***Pages 407-422***)



**TCP/11/16(509) – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**

**Agent (if any)**

Name KAREN LAVER & MALCOLM  
 Address WESTMILL BATHY AUCHTERARDER  
 Postcode PH3 1DP  
 Contact Telephone 1   
 Contact Telephone 2   
 Fax No   
 E-mail\*

Name ARCHITECO  
 Address 43 ARCYLL ST. DUNOON  
 Postcode PA23 7HG  
 Contact Telephone 1 01369 701 988  
 Contact Telephone 2   
 Fax No   
 E-mail\* contact@architeco.co.uk

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

Yes  No

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

Planning authority PETH & KINLOSS

Planning authority's application reference number 17/01524/FU

Site address LAND AT UPPER CLON, AUCHTERARDER N-711807 E-296616

Description of proposed development ERECTION OF ZERO CARBON DWELLING & ASSOCIATED SMALL HOLDING FOR SUSTAINABLE LIVING.

Date of application 01/09/17

Date of decision (if any) 19/10/17

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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



**Statement**

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

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

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

PLEASE SEE ATTACHED APPEAL STATEMENT.

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

Yes  No

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

**List of documents and evidence**

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

APPEAL STATEMENT & APPENDICES AS ATTACHED.

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

**Checklist**

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

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

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

**Declaration**

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

Signed

[Redacted Signature Box]

Date

19/12/17

## **K Laver & D Malcolm, Land at Upper Cloan – 1271**

### **Proposed Zero Carbon Dwelling & Associated Land Management Proposal**

**Planning Application Number: 17/01524/FLL**

#### **Appeal Statement - 19/12/17**

The Local Review Body is requested to consider this application and approve it in for the following 3 reasons each of which are expanded below:

1 - the Report of Handling does not accurately reflect the submitted application which was for a sustainable eco house **and** associated small holding to be run on sustainable grounds: it merely describes it as a 'dwelling house and outbuilding', which clearly does not reflected the intended proposal, particularly in the context of the Housing in the Countryside policy.

2 - the Report of Handling does not fairly assess the application against Part 3.5 of the Council's policy on Housing in the Countryside which gives encouragement to 'pilot projects for eco houses for which a countryside location is necessary' and discriminated against this proposal in contrast to others which have been enthusiastically approved.

3 - the refusal notice attempts to argue that the proposal would have a detrimental impact on the Ochils Special Landscape Area without reasonably making that case and, in particular, in misreading the Tayside Landscape Character Assessment.

#### 1 Nature of the proposal

The proposal as expressed in the planning application is for 'a new zero carbon dwelling and associated smallholding for sustainable living following the principles of permaculture' the accompanying report 'Permaculture Briefing Document' (appendix 1) and Proposed Site Plan (appendix 2) indicate how the smallholding will be laid out and how the eco house will function in the context of this smallholding. In registering the application only as 'the erection of a dwelling house and outbuilding' it is clear that this error has impacted on how the application has been considered since the appraisal does not consider sufficiently the linkages between the house and the operation of the land.

#### 2 Housing in the Countryside Policy

The Report of Handling and the Refusal Notice claim that the proposal is contrary to the Local Development Plan Housing in the Countryside Policy (RD3) and the associated Supplementary Guidance. It is submitted in fact that the proposal does completely comply with Para 3.5 '*Pilot projects creating eco-friendly houses: Such proposals may be supported where a rural setting is required and the project is linked to the management of land or use of land for sustainable living.*' We argue that the proposal is entirely within the letter and spirit of this part of the policy.

Our accompanying planning statement shows that a very similar house and small holding was given consent at Croftness, Aberfeldy in 2014 (13/01386/FLL) (appendix 3 is the Report of Handling for the Croftness Approval). This was an application by the same

Agent and was designed to similar principles. This was enthusiastically supported by the planner officer who gave it consent under delegated powers noting: *It is considered that the Design Statement which includes the detailed house design principles and land management plan and modelling comprises a satisfactory, comprehensive and recognised approach in achieving sustainable living through the adoption and implementation of permaculture principles and is considered to be in accordance with the Council's Housing in the Countryside Guide 2012. The proposal is also generally in accordance with National Planning Policy which encourages sustainable development and renewable energy production.*

The current Report of Handling does concede that precedent is a material consideration but the officer tries to distance the two applications by arguing, firstly, that the passage of time and that housing expectations have developed in the last three years having implications for the pilot project criteria; and, secondly, that the location of the two houses differs in that the Croftness house is within walking distance to a settlement.

Addressing these two points:

Firstly '*implications for the pilot project criteria*' regarding the passing of time are not specified. The Report of Handling stating that technology has advanced over the years between these application, however, the agent has seen little advancement in mainstream building design, with technological advancements being restricted to battery technology. Despite this little advancement in building design, the agent has moved on since planning was granted for the first application, developing and detailing the SIP system to be the most advanced and energy efficient to date. It should be made quite clear that there is no definition of SIP and the construction proposed at this site is extremely advanced.

Secondly, following guidance from Sustrans report, Active Travel, Active Scotland, the Application site is also within walking distance to a settlement, as noted in our application. Furthermore, the Croftness house is in a very sensitive location adjacent to the Birks and highly prominent from across the Tay valley. The 'eco-house' part of the Housing in the Countryside Policy requires the house to be in a 'rural location' for the land management aspects so the Cloan application should not be criticised for being in such a location.

The lack of clarity on the first point, and the incorrectness of the second point, highlights that the precedence should, in fact, have been a material consideration.

The Planning Officers argue that the house and its operation are not groundbreaking enough, nor constitute a pilot project, yet do not advise what would make it acceptable. It is also significant that the Council has never issued any guidance on what constitutes a 'pilot eco house' and officers have been too quick to dismiss this one. They have had to resort to Wikipedia for their definition of 'pilot project', rather than something more profound. It should be noted that this particular aspect of the policy has been in the Housing in the Countryside Policy for many years and in renewing the Policy in 2014 the Council chose to keep this aspect of it. The Report of Handling therefore implies that the period for such pilot projects is over, but that in itself is a change of policy which the Council should take a decision on the next time the policy is reviewed, rather than Officers making policy changes 'on the hoof'.

We submit that the house is to be 'passive', at the cutting edge of sustainability and associated with its own highly sustainable and creative small holding. The house design is the culmination of four years of research and development and, although the proposal is for a SIP house (which the officer notes as common), the detailing of the house is so advanced that there are no thermal bridges within the SIP kit. This has required extensive thermal modelling, looking at every junction, in order to achieve this – this, in itself, is pioneering, required the use of cutting edge software, and took a substantial amount of research, development and testing. The details developed for this house have not been used elsewhere, as yet, but will inform future house designs.

Part of this pioneering proposal is the use of coppicing for wood gasification for the energy production of the house. This only merits a brief note in the Report of Handling but is very pertinent to the pilot project criteria. Wood gasification for heat and electricity on a domestic scale is relatively untested and is, in fact, extremely rare in the UK. The use of this plant requires the 'outbuilding' noted in the application. With a lack of appropriate information on performance, we have no idea of how successful this will be and is directly appropriate for a pilot project. Post Occupancy Evaluation of the energy production will provide an excellent resource for evaluating the efficiency of this system, as well as the suitability for wood gasification plants for dwellings. If successful, this will be taken forward and specified for future projects where suitable woodlands exist for coppicing, thereby expanding the use of zero carbon technology along with providing an excellent mechanism for woodland management. This also reinforces the requirement for a rural location.

Officers are also critical of the sustainable rural living aspects of the proposal, based on the principles of permaculture, as being too vague. Permaculture, in its very nature, is taken over a long period of time. The land needs careful observation over at least four seasons, with every detail noted, to see what naturally grows and works. This information is then developed into a site specific strategy. By noting the briefing document as 'vague' in the Report of Handling misses the whole idea behind permaculture. It is not land management by force but uses a holistic approach to enhance the existing eco-system to provide sustenance. We cannot dictate how the permaculture scheme will look as this is a site specific system of land management developed over years of following permaculture principles.

There is no greater sustainable way of living than Permaculture, derived from the term Permanent Agriculture. The briefing document provides the basis for land management and the energy solution is site specific due to the on-site resources of the woodland. This proposal illustrates how sustainable living can be accomplished at this site.

These same principles were proposed at the Croftness house and there Officers welcomed the proposal without hesitation. In any event, details of land management and cropping etc go beyond the limits of planning control and the application gives enough detail for the LRB to understand what the land management regime will be. The two aspects of the proposal need to be read together, as at the Croftness house.

Interestingly, a second pilot eco house approved under this part of the policy at Chapelhill, Trinity Gask by Committee in 2013 (12/01283/FLL) gave no information at all about rural land management other than that it was a smallholding. Why is this the application of this part of the policy being assessed so diversely by the Council?



Looking at a specific from the Report of Handling, the suitability of the water feature is raised, however, this has been specifically addressed in the Design Statement and appears to have been overlooked by the Planning Officer, as has the information relating to the polytunnel. This has been a result of the Planning Officer copying much of the Report of Handling from the previous application's Report of Handling and, in our opinion, this illustrates that this application has not been given the due consideration it deserves, with many of the arguments for refusal in the original application being addressed but not taken into consideration.

Officers' argument that the passage of time means that such a house and application is no longer radical or a pilot project cannot be supported. The Report of Handling makes reference to the Sullivan Report - 'A Low Carbon Building Standards Strategy for Scotland' and its aspirations to make all Scottish houses sustainable by 2016-7. However, this report dates from 2007 and the supplementary Sullivan report of 2013 (which the Report of Handling does not mention) accepts that these targets have not been achieved and this target and that of the Scottish Government Building Standards will be many years in the future. The Report of Handling has therefore misrepresented this issue and Scotland and Perth and Kinross are still needing pilot projects to help educate the wider public about sustainable housing. As we understand it, very few zero-carbon or passive houses have been erected in Perth and Kinross to date and therefore there is still a need for exemplary developments of this type since the Council is quite rightly committed to encouraging them through its policy on eco houses. This is the second application by Architeco in Perth and Kinross - the former being the Croftness application - and this practice is committed to trialling 'eco houses which don't look like earth ships' and has offered to share this experience with the Council. This is in the spirit of the Council's Sustainable Design and Zero Carbon Development Supplementary Guidance 2014, which, for some reason the Report of Handling does not make reference to.

With the Report of Handling including a statement referring to potential legislation for 2030, and then stating that even if this application had met the future criteria that it would still not be sufficiently ground-breaking, highlights the resistance to proper consideration of approval under this Para 3.5 of the Policy.

Officers also consider that there is no mechanism for ensuring that the house and grounds are managed in a sustainable way. The applicant would have no objections to conditions reflecting these aspirations, but as a 'passive house' in practice it can only operate in such a way. They also make reference to it being connected to the grid, but this is necessary to allow the export of surplus energy. It should be noted that the planning officer who dealt with the Aberfeldy application felt it unnecessary to raise this issue at Croftness, so why is it an issue in this case?

Officers also raise concern about detailed siting issues associated with the siting criteria contained in the Housing in the Countryside Policy. As they concede, the house will be sited against a backdrop of trees which will soften its impact in longer views (there are no near at hand public views of the site). In their wider appraisal of the impact of the proposal they express concern about the effectiveness of the boundary treatment of the wider field. Unfortunately, they have confused the siting criteria between that required for a single house with the boundaries associated with the wider small holding, which do not need to have the same firm boundaries, although in practice the wider sites edges are well defined by being enclosed by trees and a stream.

### 3. Landscape Impact

The third reason for refusal relates to impact on landscape. The Report of Handling makes reference firstly to the Tayside Landscape Character Assessment. The site lies within the category of Igneous Hills - Ochils. The Report of Handling makes particular mention that: 'in the TLCA it is noted that there are a few areas that allow arable cultivation to take place but the TLCA considers that reversion to grassland should be encouraged in some of these areas. In this case the change of the application site from grazing to permaculture use would conflict with the landscape character type.' Whilst that may be true of the Ochils in general, the Report of Handling fails to note that on page 181-2 specific mention is made, in contrast to the above generality about grazing, the impact of the Gleneagles Estate has on the maintenance of the agricultural landscape and this site lies within this Estate. This means that this area is characterised by quite intensive agriculture, with associated estate and agricultural buildings and in this context a new small holding with associated house is quite appropriate.

It is surprising that the Report of Handling does not make reference to the Council's more recent Landscape Supplementary Guidance 2015 adopted to support LDP Policy ER6. This Guidance, which is much more up to date than the TLCA, identifies the Ochils as an Special Landscape Area, significantly, the Forces of Change identified within the Ochils are to do with forestry and tall structures rather than rural housing. There is nothing in this guidance which would argue for refusal of this application and no detailed justification is given to the claim this proposal would impact on the nature of the landscape of the Ochils. In addition to the above, with the site already accommodating a mobile communications mast, the impact of a dwelling and associated land management scheme is negligible. Reference is also made to Placemaking policies PM1A and B in the refusal notice but the justification for the refusal is not well articulated. In particular, reference to PM1B is not very relevant since this policy is surely about urban as opposed to rural placemaking.

#### Summary

Through its LDP policies and Supplementary Guidance on Housing in the Countryside and Sustainable Development and Zero Carbon Development the Council clearly wishes to support the development of eco houses combined with sustainable rural living. The application in front of you is an exemplar of this approach and very similar to the one approved under delegated powers 3 years ago which received warm support from planning officers. There are no technical nor policy issues against this development in this location and it is submitted that this innovative proposal should not only be approved, but positively welcomed by Members, despite the misgivings of Officers.



**Appendix**

**(Page 6)**

**1 – Permaculture Briefing Document**

**Pages 7 - 38**

**2 – Site Plan as Proposed**

**Page 39**

**3 – Croftness Report of Handling**

**Page 40 - 46**

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## Briefing Document

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*Project:* Proposed Dwelling and permaculture garden, Auchterarder.

*Client:* Karen Laver & David Malcolm

*Reference number:* 1271

*Date:* 31 August 2017

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*Note: Permaculture is an on-going learning and adaptation to the natural world. Certain strategies implemented may require observation, review and continued development.*

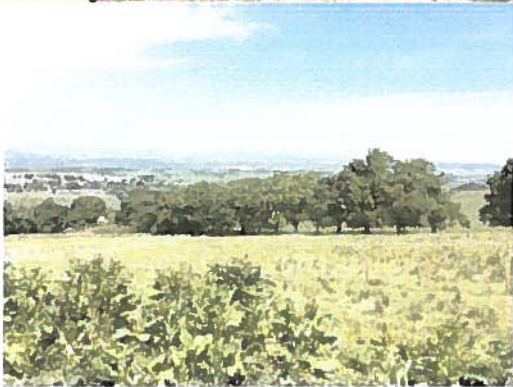
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## 2 Project Overview

This proposal is for a new zero carbon dwelling located near Auchterarder as part of a sustainable living proposal. The strategy to achieve this is by the design & construction of a low energy passivhaus, located within a land management area, using permaculture techniques. It looks like a "normal" house. This hides the extensive energy modeling and site-specific optimization that has been carried out. Our goal as architects is mainstream zero carbon homes.

The site lies 1.5km south of the A9 Motorway and 300m East of Nether Cloan. Access to the site is via an existing track opposite Cloan House.

The plot is well defined by woodland to three and a half sides, with a line of mature trees and a stream where there is no woodland. An existing Telecommunication Mast is located in the South corner of the site at the highest point.



The proposal, besides from the dwelling, extends to a land management scheme, following the principles of permaculture, for sustainable living.

There is an existing stable, which will be kept to house the livestock and horse's to work within the permaculture design. Positioned close to the access road is ideal for maintenance by the family. It is directly connected to a grazing area ensuring the animals have ample space and security. Hot composting could be set up to allow heating for the stables.



The site has an existing small rubble wall; it is desirable that it be reinstated. This will define a strong boundary to the site and create a pleasing aesthetic to the proposal. Using traditional dry stonewall techniques further tying the proposal to the site.

This will be annotated on the site plan for reference. We are proposing to locate the house down hill from the existing telecommunication mast (previously approved planning application with reference number: 05/00545/TD). The mast had been previously discussed as coming down. This is why we have updated the house location from our previous application ref No: (17/00329/FLL) The mast is now being proposed to stay where it is.



### **House Design:**

The dwelling has three bedrooms; one on the ground floor and two on the first floor. A full height space for dining and kitchen and a sunroom facing Northwest overlooking the full plot. The house has been designed as a co-generational home with the ground floor bedroom for an elderly relative.

### **Passive House Standard:**

The building uses sympathetic design and materials and it will be super- insulated to Passivhaus standards, including high performance, triple glazed doors and windows.

An extremely high level of air tightness is aimed for. A heat recovery ventilation system will be installed. The house will have coppicing rights to the adjacent woodland, which will provide all of the required heating and hot water energy.

### **Heat Load = 4.5kW:**

Preliminary energy modeling indicates that the design could have a heat load of just 4.5kW. This ensures the coppice will be able to fully meet the requirements for hot water and heating demands.

### **Zero Carbon:**

Further to this the house will be zero carbon as it is proposed that the electricity and heating will all be produced via the coppiced woodland through the wood gasifier and solar panels.

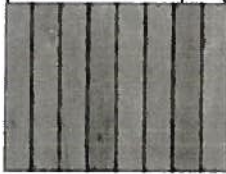
### **Working the Land:**



The design is storey and a half, with the house positioned to run parallel with the contours. The topography rises to the Southeast of the site, ensuring the new building will not break the skyline. Siting the house to the South of the site allows this elevated position to provide good surveillance over the remaining site to allow monitoring of livestock, other animals, and food vegetation.

### **Materials:**

In keeping with the sustainable living, a simple palette of materials is proposed. Walls will be finished in render to the gables, with timber cladding to the North & South elevations. The roof proposal is for profile metal sheet to be in keeping with the rural context. This material has a high-recycled content and is fully recyclable at the end of its life. Windows require to be high performance triple glazed for energy efficiency and internal comfort.



(Images are indicative of material palette.)

## **3 Permaculture Principles**

"Permaculture is about creating sustainable human habitats by following natural patterns." It derives its name from "PERMANent agriCULTURE"

In this case we are designing a full plot, which can continuously, all year round provide for the inhabitants, without reliance on external factors. Everything the family of three will need for food shall be provided for. The surplus product can be used to support other avenues within the plot such as rare breed animals, chickens and sale of produce to local outlets. There are potential local outlets such as:

**Auchterarder**- Corbie & Cheip, Café Kisa, Jon & Fernandas Restaurant.

**Crieff (20mins drive)** - J, L Gill Greengrocer, The Handy Shop fresh fruit & veg and Crieff and Strathearn Country Markets.

One way of seeing permaculture is as a DESIGN SYSTEM, of looking at how elements are placed in relation to each other in order to maximize their efficiency in creating a self-sustaining, low input/high output, non exploiting whole.

This is not only beneficial for inhabitants but ensures a balanced ecosystem where every animal, insect and plant can benefit from each other within a loop cycle.

This will also involve fully understanding the disadvantages and benefits of each aspect of the garden and finding systems to work in place of energy intensive continual maintenance.

## **4 Local Trade and Support**

Supporting the local community and industry wherever possible is important for the integration of the design.

The decision to use Structural Insulated Panels (SIPs) construction was thoroughly thought through. Using local knowledge and skill is an important consideration within permaculture principles and linking this to all aspects of this project is desirable.

Looking at the construction industry and local trades within the area, JML Contracts based in Auchterarder, Perthshire offer the perfect mix of locality, energy efficient construction and sustainable materials. SIPs are manufactured and processed under factory controlled conditions and can be fabricated to minimize waste for even complex designs.

The polyurethane (PUR) core of insulation in Structural Insulated Panels is CFC/HCFC-free with zero Ozone Depletion Potential and has a low Global Warming Potential (GWP). The outer skins of SIPs panels are manufactured from Orientated Strand Board (OSB). This is made from young fast growing trees, which are deliberately grown in plantations accredited by the Forest Stewardship Council (FSC). Young trees produce oxygen and remove more carbon dioxide from our atmosphere than mature trees and are renewable, recyclable, biodegradable and non-toxic. Unparalleled thermal efficiency combined with high build-speed and low site wastage makes SIPs a very cost effective, and sustainable way of achieving up to passive house standards.

## 5 Zone and design Strategy

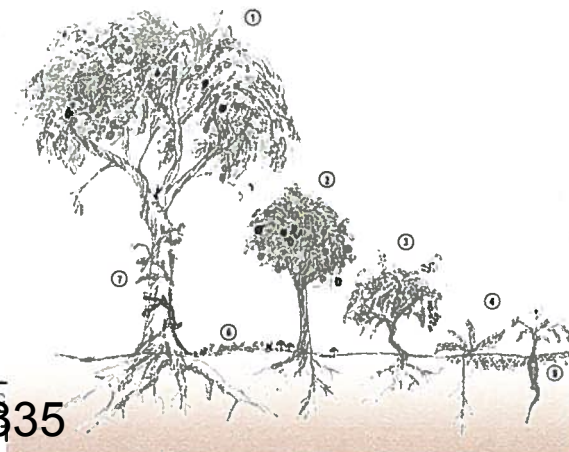
The plot has been divided into zones for organizing the use and requirements of each. Zones closer to the house will be those which require frequent upkeep and observation while those further will be less intensive and frequented less.

Zone 0: The house itself and immediate exterior. The principles that can be observed here have more to do with conservation of heating, energy and water. As we have proposed a highly insulated and airtight design with an estimated heat load of just 4.5kW, it can be seen that a lot can be designed into the fabric itself. The decision to use a wood gasifier to supply the heating, energy and hot water to the property means that the coppiced woodland can support the house and its inhabitant's energy needs. This supplemented with solar panels on the south roof elevation will dramatically reduce the reliance of power from the grid connection, further creating a fully sustaining plot.

With the addition of grey water harvesting feeding into the pond through a filtration system and reed bed, rain water collection from the roof for the plant watering, there will be little input needed from the mains connection for garden maintenance.

Zone1: This zone surrounds the house and will predominantly be planted with herbs and other short growing plants and flowers. Crops such as strawberry or raspberry's can be grown within this area. If a greenhouse is desired it is best suited to being close to the house for maintenance, attention to the surrounding context is important for the placement of a greenhouse as it will require good sunlight.

Zone2: Perennial plants will typically be planted here and if interested would be an ideal spot for placing bee hives, a Polly-tunnel and large compost bins as it is within a central spot with good access to both zone 1, 2 and 3. Current bushes and orchard trees are ideal to be planted here. These should be planted with companion plants, which will help the soil to be maintained yearly and reduce the potential of soil degradation. It would be a good idea to include the seven layers of planting:



Canopy: large fruit & nut trees

Low tree layer: dwarf fruit trees

Shrub layer: currants & berry bushes

Herbaceous: comfrey, beets, herbs

Rhizosphere: root vegetables

Ground cover: strawberry's etc

Vertical layer: climbers & vines

(Modified from: Quercusrobur at the English language Wikipedia, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=5965942>)

Crop beds will also be placed here for longer growing fruit and vegetables. A 3-year crop cycle is suggested for this area, which will be based on a three-plot rotation. It is suggested to split the site into 8 plots keeping two asides for specialist planting and have two groups of three. The first year Plot 1- Brassicas, Plot 2- Legumes and salad crops and Plot 3- Root vegetables. Mulching will be the main care and maintenance proposed.

Zone3: Main crops will be planted here. As the area provided will be more than enough to produce crops for a family of three. The surplus can be used for trade purposes. This area will be diverse with a variety of grains, fruit or vegetables again planted with companion plants to aid the maintenance of soil year on year.

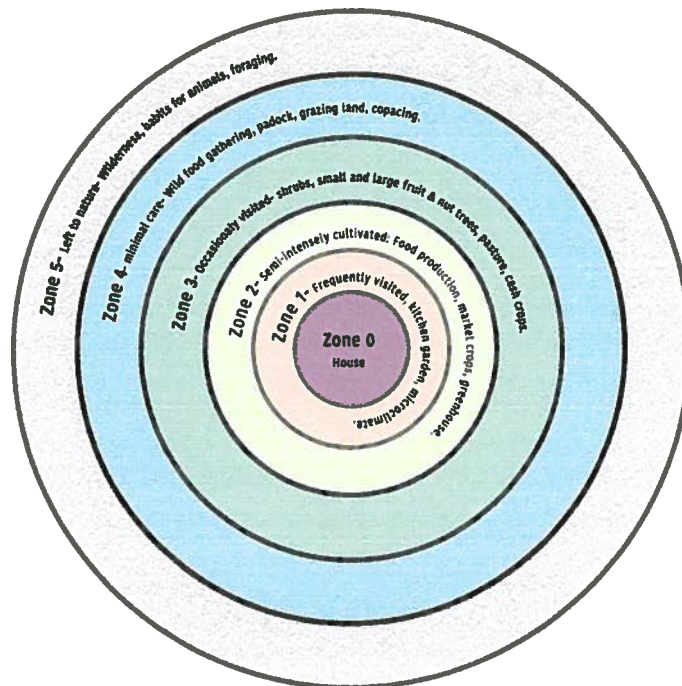
There is a paddock located next to the growing area, which would be ideal for chickens. If they are to be kept a chicken tractor can be used to aid the soils maintenance, and keep unwanted pests at bay.

Zone4: This area is to be very low maintenance. It includes a large grazing area for the possibility of horses or other rare breed animals. This includes the bio-diverse pond to encourage a range of animals and insects to inhabit the space. This along with the existing stream will also provide an area for the animals to drink without requiring constant maintenance from the family.

A section of the woodland here will be used for sustainable coppicing to power the wood gassifier providing the house with energy and heat, further ingraining the connection with house and place, offering management of the woodland.

Zone5: This area is not to have any human intervention. It is to be left to nature and enjoyed and appreciated for such. Natural ecosystems will be set up and it will encourage animals to inhabit the area and nurture connections between nature the garden and house. Mushrooms may be able to grow within this area, which can be foraged for.





(Architeco, 2017)

**Sectors:** Considering the energy's (wind, water, sun, shade, etc.) that flow through the site can drastically affect the way we use the land. As the site is on a substantial slope it was necessary to recommend a way to deal with planting on the steepest area. Wind barriers are naturally sited around the site and no hard walls have been used to separate areas as these could lead to frost pockets forming. The house benefits from the southeast orientation for solar heat gain. The Stables are sheltered and close to the access road for ease of access and movement of supplies for the animals. This is also directly next to the grazing area and unmanaged area. Monitoring the site over the first year will give a good basis for how to carry forward any design revisions, which have been noted due to specific monthly energy factors.

## 6 Drainage & Pond Design

The standard drainage test is to dig a square hole one spade deep, fill it with water and note the time to drain away. In a dry period this should not be longer than 1 hour. There is a problem if it takes any longer. Fill the hole a second time to get a more accurate account of soil drainage. On a site basis, a drainage system of pipes below the growing strata can be inserted on an oblique grid or herringbone grid draining to the lowest point, into the site pond. For clay soils the herringbone grid should have a maximum spacing of 4m with up to 8m spacing for other soils. Be careful that any water problems are not transferred to the neighbouring land. It may be advisable to consult SEPA\* about the final run-off/outflow. (Minister's Forward 2013)

The soil for the site is assumed to be compact sandy clay based with local boulder rocks. This is an assessment from the closest British Geological Survey Maps. A soil investigation should still be carried out to fully assess soil condition and inform the best drainage practice.

## 7 Access

The site paths are 1m wide with a material that will allow the use of wheelbarrows and such and allow access to all areas of the site. The paths are arranged to cross the contours at a diagonal to reduce the slope and others follow the contours to cross the site. These paths will have

auxiliary routes to allow access into specific growing areas throughout the site, these paths will be less defined and more on a desire line basis.

It may be desirable to have some paths covered with arched trellis, which vine plants can grow. This allows an otherwise unplanted area to support growth, while also adding a shaded and dry area within the garden.



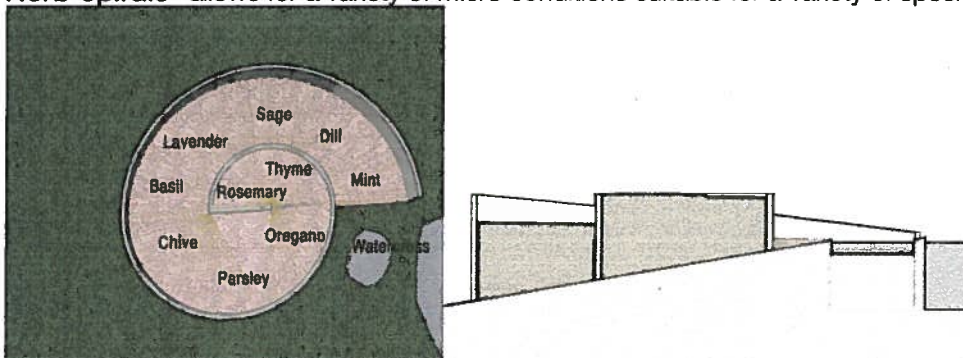
There is a vehicle road right up to the house and one which cuts across the site next to the stables. This route allows for easy harvest and transport of produce from the main growing area. This also separates the animals from the produce further as given the chance they may eat all the crops.

## 8 Planting Strategy

Within each zone different planting techniques can be implemented. Intermittent planting can save whole areas of crop from being hit all at once by any specific disease or invasive bugs or insects.

Issues that do arise can be dealt with implementing a new system to maintain balance rather than more invasive pesticides and chemicals.

**Herb spirals-** allows for a variety of micro conditions suitable for a variety of species.



**Raised beds with mulching and subsequent no-dig planting-** can aid the growth and health of the plants and soil.

**Keyhole beds-** maximizes the edge condition to the planting area providing easy access to all plants while minimizing the compaction of the usable soil, creates a good habitat.

**Agroforestry-** where fruit trees are planted, companion agricultural and horticultural crops to create a diverse mixture of planting that aid and maintain each other.

**Swales-** shallow ditches that collect water, usually dug out along a contour to sink water. Hydrates the soil and prevents water running downhill and eroding the landscape.

**Berms-** raised plots that prevent runoff. Designed along with swales the two can direct water to plant beds. This conserves water and prevents soil erosion.

**Terraces-** layered steps into the sloping hillside to prevent water running downhill, gives a flat area for easy access and planting.

**Composting-** Hot composting can be used. Typically this is done with three boxes one for new material, one with material composting and the last with usable compost. While the materials are composting it radiates heat this can be utilized for other uses such as heating spaces or aiding the growth of seedlings.

## 9 Year Round Food

As being completely self-sustaining is a desire, it is important to ensure the garden is providing crops all year round with surpluses which can be used as an income stream to pay for maintenance. Within the UK we have four seasons and as such requires careful consideration of when we plant what and how we can benefit from that yield for the short and long term.

### Example plots:

"A single person could just about manage with half an acre of rich land"(A & G Bridgewater p11)

"Two people in this day and age would need more like two acres"(A & G Bridgewater p11)

"We could quite comfortably provide for ourselves and our family on 15 acres of reasonable ground. Some people manage very well with a lot less." Dot & Tim North Wales, (Tott, 2015)

"Five acres of medium to good land in a temperate climate, and the knowledge, you could grow all the food necessary for a large family." (Seymour, 2009)

"Five acres of good well-drained land, you could support a family of, say six people and have occasional surpluses to sell" (Seymour, 2009)

From these examples it can be seen that the land available here will be far more than what is required to feed a family of three. This means that there should be a surplus that can be sold or putting back into the garden via livestock or composting.

This table is not exhaustive and only provides examples of potential plants and seeds that can be used each month, dependent on location, soil and climatic conditions.



| Month | Sow                                                                                                                     | Plant                                                                                    | Available                                                                                                                                                                                               |
|-------|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jan   | Broad Beans                                                                                                             | Bare rooted fruit trees, bushes, garlic.                                                 | Cabbage, savoy, broccoli, brussels sprouts, kale, leeks, salsify, spinach, lettuce, celeriac, (beets, carrots, onions, parsnips, potatoes, shallots, swedes, tomatoes, garlic, apples, pears)           |
| Feb   | Peppers, Cabbage, leeks, broad beans.                                                                                   | Bare rooted fruit trees, bushes, garlic.                                                 | Cabbage, savoy, broccoli, brussels sprouts, kale, leeks, salsify, spinach, lettuce, celeriac, rhubarb, (beets, carrots, onions, parsnips, potatoes, shallots, swedes, tomatoes, garlic, apples, quinoa) |
| Mar   | Cabbage, tomatoes, leeks, carrots, lettuce, peppers, pears, onions, turnips, broad beans, spinach, celeriac, salads     | Bare rooted fruit trees, bushes, onions & potatoes.                                      | Broccoli, cabbage, kale, salsify, chickweed, (Beets, parsnips, garlic, potatoes, tomatoes, turnips, apples)                                                                                             |
| Apr   | Carrots, brassicas, leeks, radishes, peas, beans, spinach, beets, lettuce, parsnips, swedes, squash, corvettes, salads. | Onions, potatoes, perennial herbs & vegetables.                                          | Broccoli, cabbage, leeks, spring onions, spinach, rhubarb, salsify, herbs, nettles, (beets, onions, tomatoes, garlic, quinoa, potatoes)                                                                 |
| May   | Beets, brassicas, lettuce, runner beans, salads, sweetcorn, spinach, squash, turnips, quinoa.                           | Squashes, sweetcorn, perennial herbs & vegetables.                                       | Broccoli, cabbage, lettuce, spinach, nettles, spring onions, (onions, garlic, potatoes, tomatoes)                                                                                                       |
| Jun   | Beets, brassicas, salads, spinach, peas, turnips.                                                                       | Leeks, tomatoes, sweetcorn, runner beans, squash, peppers, perennial herbs & vegetables. | Broad beans, carrots, cauliflower, cabbage, lettuce, onions, potatoes, peas, radish, spinach, turnips, gooseberries, rhubarb, strawberries, nettles, herbs, edible flowers, (quinoa, tomatoes)          |
| Jul   | Beets, brassicas, carrots, Swedes, spinach, lettuce.                                                                    | Runner beans, sweetcorn, squashes, leeks, perennial herbs & vegetables.                  | Beans, beets, carrots, lettuce, cabbages, lettuce, peas, onions, potatoes, spinach, garlic, radishes,                                                                                                   |

|     |                                    |                                                  |                                                                                                                                                                                                                                                                              |
|-----|------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aug | Brassicas, spring onions, spinach. | Cabbages, perennial herbs & vegetables.          | gooseberries, cherries, plums, blackcurrants, herbs, (tomatoes)<br>Beans, beets, carrots, lettuce, cabbages, lettuce, peas, onions, potatoes, spinach, garlic, radishes, squashes, marrows, gooseberries, raspberries, blackcurrants, vegetables & herbs, (quinoa, tomatoes) |
| Sep | Brassicas, beets, lettuce, salads. | Cabbages, perennial herbs & vegetables.          | Beans, cabbage, beets, carrots, cauliflower, lettuce, squashes, marrows, onions, potatoes, peppers, peas, spinach, tomatoes, plums, apples, blackberries, peaches, vegetables and herbs, quinoa, (garlic)                                                                    |
| Oct | Broad beans, salads.               | Bare rooted fruit trees, bushes, garlic, onions. | Runner beans, cabbage, leeks, beets, lettuce, squashes, onions, potatoes, spinach, tomatoes, pears, apples, blackberries, (quinoa)                                                                                                                                           |
| Nov | Broad beans.                       | Bare rooted fruit trees, bushes, garlic.         | Beets, broccoli, cabbage, carrots, leeks, onions, potatoes, parsnips, spinach, apples, pears, (quinoa, garlic, tomatoes)                                                                                                                                                     |
| Dec | Broad beans.                       | Bare rooted fruit trees, bushes.                 | Broccoli, cabbage, carrots, celeriac, leeks, kale, onions, potatoes, parsnips, salsify, swede, turnip, parsnip, (beets, garlic, tomatoes)                                                                                                                                    |

(Burnett, 2016)

### Companion Planting Chart

The following is a guideline for companion planting vegetables. Keep in mind that companion planting is not the same for everyone, everywhere; it will require experimentation to find what works best in your area.

| Vegetable               | Companion                                                                                                                                  | Antagonist                                                                         | Insight                                                                                              |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>Asparagus</b>        | Basil, Coriander, Dill, Parsley, Carrots, Tomatoes, Marigolds                                                                              | Garlic, Potatoes, Onions                                                           | Marigolds, Parsley, Tomato protect from asparagus beetles                                            |
| <b>Beans</b>            | Beets, Brassicas, Carrot, Cabbage, Cauliflower, Cucumber, Celery, Chards, Corn, Eggplant, Peas, Potatoes                                   | Alliums (chives, garlic, leeks, onions), Peppers, Tomatoes For Broad Beans: Fennel | Corn is a natural trellis, and provides shelter for beans. Beans provide nitrogen to soil.           |
| <b>Beets</b>            | Brassicas (ie. broccoli, Brussels sprouts, cabbage, cauliflower, collard greens, kohlrabi, turnip), Kohlrabi, Garlic, Lettuce, Onion, Sage | Pole and Runner Beans                                                              | The beans and beets compete for growth. Composted beet leaves add magnesium to soil when mixed.      |
| <b>Broccoli</b>         | Basil, Bush Beans, Chamomile, Cucumber, Dill, Garlic, Lettuce, Marigold, Mint, Onion, Potato, Radish, Rosemary, Sage, Thyme, Tomato        | Grapes, Mustard, Oregano, Strawberry, Tomato                                       | Rosemary repels cabbage fly. Dill attracts wasps for pest control.                                   |
| <b>Brussels Sprouts</b> | Dill, Potato, Thyme                                                                                                                        | Strawberry, Tomato                                                                 | --                                                                                                   |
| <b>Cabbage</b>          | Beets, Bush Beans, Celery, Chamomile, Dill, Mint, Onion, Potato, Oregano, Rosemary, Sage                                                   | Beans (Pole and Runner), Mustards, Peppers, Strawberry, Tomato                     | Celery, onion and herbs keep pests away. Rosemary repels cabbage fly.                                |
| <b>Carrots</b>          | Beans (Bush and Pole), Garlic, Lettuce, Onion, Parsley, Peas, Rosemary, Tomato                                                             | Dill, Parsnip                                                                      | Beans provide nitrogen in soil, which carrots need. Onion, parsley and rosemary repel the carrot fly |
| <b>Cauliflower</b>      | Beans, Celery, Oregano, Peas, Tomato                                                                                                       | Strawberries                                                                       | Beans provide the soil with nitrogen, which cauliflower needs.                                       |
| <b>Celery</b>           | Bush Beans, Cabbage, Dill, Leeks, Marjoram, Tomatoes                                                                                       | Parsnip, Potato                                                                    | --                                                                                                   |
| <b>Chives</b>           | Basil, Carrots, Marigold, Parsley, Parsnip, Strawberries, Tomato                                                                           | Beans                                                                              | --                                                                                                   |
| <b>Corn</b>             | Beans, Cucumbers, Marjoram, Parsnip, Peas, Potatoes, Pumpkin, Squash, Zucchini                                                             | Tomato                                                                             | Tomato worm and corn earworm like both plants. Beans and peas supply nitrogen.                       |
| <b>Cucumber</b>         | Beans, Celery, Corn, Dill, Lettuce, Peas, Radish                                                                                           | Potato, Sage, strong aromatic herbs, Tomato                                        | Cucumbers grow poorly around potatoes and sage.                                                      |
| <b>Dill</b>             | Cabbage, Corn, Cucumbers, Dill, Fennel, Lettuce, Onions                                                                                    | Cilantro, Tomato                                                                   | Cross-pollinates with cilantro, ruining both. One only a few plants that grows well with Fennel.     |
| <b>Eggplant</b>         | Beans, Marjoram, Pepper, Potato                                                                                                            | --                                                                                 | --                                                                                                   |
| <b>Kohlrabi</b>         | Beets, Lettuce, Onions                                                                                                                     | Strawberries, Pole                                                                 | Lettuce repels earth flies.                                                                          |



|                     |                                                                                              |                                                                |                                                                                                                                          |
|---------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Leek</b>         | Carrots, Celery, Lettuce, Onions                                                             | Beans, Tomato<br>Beans, Peas                                   | Companion attributes are the same as garlic, onion, chives(alliums).                                                                     |
| <b>Lettuce</b>      | Beans, Beets, Carrots, Corn, Marigold, Onions, Peas, Radish, Strawberries                    | Parsley                                                        | Mints repel slugs (which feed on lettuce).                                                                                               |
| <b>Marigold</b>     | Brassicas (broccoli, etc), Cucurbits (cucumber, etc), Peppers, Tomato, and most other plants | --                                                             | It is said that you can plant Marigolds throughout the garden, as they repel insects and root-attacking nematodes (worm-like organisms). |
| <b>Onions</b>       | Beets, Cabbage, Carrots, Lettuce, Marjoram, Rosemary, Savory, Strawberry, Tomato             | Beans, Peas                                                    | Repels aphids, the carrot fly, and other pests.                                                                                          |
| <b>Parsley</b>      | Asparagus, Beans, Radish, Rosemary, Tomato                                                   | Lettuce                                                        | Draws insects away from tomatoes.                                                                                                        |
| <b>Peas</b>         | Beans, Cabbage, Carrots, Celery, Corn, Cucumber, Lettuce, Marjoram, Parsnip, Potato, Sage    | Alliums (Chives, Garlic, Onion, Shallots)                      | --                                                                                                                                       |
| <b>Potato</b>       | Beans, Cabbage, Corn, Eggplant, Horseradish, Marjoram, Parsnip                               | Celery, Cucumber, Pumpkin, Rosemary, Strawberries, Tomato      | Cucumber, tomato and raspberry attract harmful pests to potatoes. Horseradish increases disease resistance.                              |
| <b>Pumpkin</b>      | Beans, Corn, Radish                                                                          | Potato                                                         | --                                                                                                                                       |
| <b>Radish</b>       | Cabbage, Corn, Cucumber, Eggplant, Lettuce, Marjoram, Parsnip                                | --                                                             | Radish is often used as a trap crop against some beetles (flea & cucumber).                                                              |
| <b>Sage</b>         | Beans, Cabbage, Carrots, Peas, Rosemary, Strawberries                                        | --                                                             | Repels cabbage fly, some bean parasites.                                                                                                 |
| <b>Spinach</b>      | Beans, Lettuce, Peas, Strawberries                                                           | --                                                             | Natural shade is provided by beans and peas, for spinach.                                                                                |
| <b>Squash</b>       | Fruit trees, strawberries                                                                    | --                                                             | Similar companion traits to pumpkin.                                                                                                     |
| <b>Strawberries</b> | Borage, Bush Beans, Caraway                                                                  | Broccoli, Cabbages                                             | The herb, Borage, is likely the strongest companion.                                                                                     |
| <b>Tomatoes</b>     | Alliums, Asparagus, Basil, Borage, Broccoli, Carrots, Cauliflower, Celery, Marigold, Peppers | Brassicas, Beets, Corn, Dill, Fennel, Peas, Potatoes, Rosemary | Growing basil about 10 inches from tomatoes increases the yield of the tomato plants.                                                    |
| <b>TUCCIP</b>       | Peas                                                                                         | --                                                             | --                                                                                                                                       |

(VegetableGardeningLife, 2015)

## 10 Crop Requirements

Human Energy Requirements and growing capacity from the garden.



The number of calories a person needs per day is specific to the individual. Height, weight, gender, age and activity level all affect your requirement. Three main factors are required to calculate how many calories your body needs per day.

1. Basal metabolic rate (BMR) this is the amount of energy your body requires to function at rest.
2. Physical activity that takes into account your daily activities, and inputs such as weight, height etc.
3. The thermic effect of food is also considered which is the energy required to breakdown the food you eat.

For the purpose of this exercise we will average the amount of calories required by the family of three to the basic NHS recommendation of 2500kcal for men and 2000kcal for women. (Choices, 2016)

Taking these figures for the year the family of three will require:

2,372,500 kcal total per year.  $((2500+2000+2000) \times 365 = 2372500 \text{ kcal})$

On average 438kg of fruit and veg of food is required per year for three people. (Hugo, 2017)

Taking 2 kg of produce per square meter (How many m<sup>2</sup> you need to cultivate in order to be self-sustainable? 2017) for three people on a diet of 438kg fruit and veg per year would require 219m<sup>2</sup> of garden space. This is based on a supplemented diet with nuts and meat, which should be considered. Zone 2 alone has an area of 2383m<sup>2</sup> taking 2 kg of produce per square meter would give you roughly 3042kg of food, roughly giving you 6200 calories per day. This supplemented with produce from the animals, zone 1 and the orchard will provide an ample amount of calories for the family of three.

This is all dependent on crop, yield and individual species etc.

The list below demonstrates one account of how many plants a family may require for a years worth of food. This is subjective as to what you may prefer to eat but can be used as a starting point for planting quantities.

**Asparagus:** about 10-15 plants per person

**Beans (Bush):** about 15 plants per person

**Beans (Pole):** 2-4 poles of beans per person

**Beets:** about 36 plants per person.

**Broccoli:** 3-5 plants per person

**Cabbage:** 2-3 plants per person

**Carrots:** about 100 seeds per person (1/4 oz would be plenty for a family of six)

**Cauliflower:** 2-3 plants per person

**Collards:** about 5 plants per person

**Corn:** start out with 1/2 lb. seeds for the family and adjust as needed

**Cucumbers:** 3-6 plants per family

**Eggplant:** 3-6 plants per family

**Lettuce:** 4-5 plants per person

**Okra:** 3-4 plants per person

**Onions:** 12-15 plants per person

**Parsnips:** 12-15 plants per person

**Peas:** about 120 plants per person

**Peppers:** 3-5 plants per person

**Spinach:** about 15 plants per person

**Squash (including Zucchini):** about 10 per family

**Sweet Potatoes:** about 75 plants per family

**Tomatoes:** about 20 plants per family  
**Turnips:** about 1/4 lb seeds per family

The Table to the right gives an average of how many kg of produce can be obtained from a hectare of land. This is one account and in practice a variety of factors may affect the outputs however it can be used as a broad estimate of what to expect.

|                          |                                                                 |
|--------------------------|-----------------------------------------------------------------|
| wheat                    | 8,000 kg / ha                                                   |
| barley                   | 7,000 kg / ha                                                   |
| potatoes                 | 45 000 kg / ha                                                  |
| beet                     | 70,000 kg / ha, accounting for approximately 11,000 kg of sugar |
| onion                    | 46,000 kg / ha                                                  |
| winter rape              | 5,000 kg / ha                                                   |
| peas                     | 4,000 kg / ha                                                   |
| beans                    | 3,000 kg / ha                                                   |
| carrots                  | 40,000 kg / ha                                                  |
| tomatoes                 | 5,000 kg / ha                                                   |
| chicory                  | 350,000 kg / ha                                                 |
| leek                     | 30,000 kg / ha                                                  |
| Brussels sprouts         | 20,000 kg / ha                                                  |
| broccoli                 | 8,000 kg / ha                                                   |
| zucchini                 | 3,000 kg / ha                                                   |
| Chinese cabbage          | 30,000 kg / ha                                                  |
| flax                     | 6,600 kg of straw and 900 kg grain / ha                         |
| apples                   | 40,000 kg / ha (13 yrs, from 5th yr)                            |
| pears                    | 25,000 kg / ha (35 yr, from the 7 yr)                           |
| wine in the Netherlands: | 5,000 l or 8,500 bottles / ha                                   |

## 11 Livestock

Rare breed animals can be a beneficial addition to the plot. Looking at the input and outputs of keeping such animals helps to evaluate their success within a plot.

**Inputs:** Time/care, food, water, medicine/vaccines, space, other variants dependent on animal.

**Outputs:** Manure, plot maintenance/grassing, pest control, food, offspring, income, enjoyment, and other variants dependent on animal.

With livestock the possibility of hot composting is very viable. This can aid many other activities within the garden as the compost radiates heat. Seed maturing, heating other areas such as a shed or greenhouse is achievable.

Different animals will require different amounts of space. Within the plan we have set aside 12313m<sup>2</sup> roughly 3 acre for grazing and housing of animals. It would be advantageous to defiantly keep some chickens (six hens is recommended to get started) and one cock if you would like to bead chicks.

Chicken Space- 6m<sup>2</sup> roughly

Ducks- 20m<sup>2</sup> per bird: Will require a lake or pond.

Geese- 20m<sup>2</sup> per bird

Birds will generally be let out over areas of the garden and moved frequently within a bounded area or in a chicken tractor.

Chicken tractors are popularly used as they keep the chickens caged and safe in a designated area while allowing them freedom to move from house to exterior space. Top right is an example of a simple small chicken tractor.

Horses will be kept and will be stay within the existing stables. Annual basis Cost.

Feed cost (£260 - £520).

Hay/Straw £1040 - £1560

Other supplements can vary in price.

Vets fees £70

Insurance £240 - £480

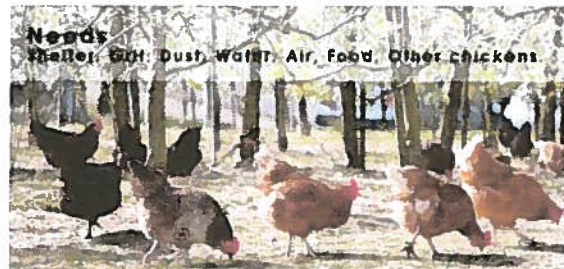
Dentist £50 - £70

Worming £40 - £105

Extras £1000

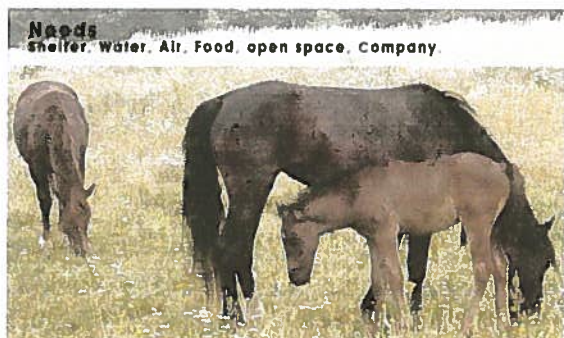
(Ltd, A.I., ....)

Cows, pigs or goats are all viable options for supporting the plot: these will take up the majority of the livestock rearing area.



**Needs**  
Shelter, Sun, Dust, Water, Air, Food, Other chickens

**Products & Behaviour:**  
Eggs, Meat, Feathers, Manure, Scratching, Foraging, Methane, Co<sub>2</sub>, Breeding, Flying, Fighting.



**Needs**  
Shelter, Water, Air, Food, open space, Company

**Products & Behaviour:**  
Entertainment, Meat, Leather, Manure, Grazing, Methane, Co<sub>2</sub>



**Needs**  
Shelter, Water, Air, Food, Space, Hills, Other goats.

**Products & Behaviour:**  
Meat, Milk/Cheese, Wool, Horn, Leather, Manure

Products from these animals will support the family and farm. There are possibilities of selling the products from the animals for added income.

Products like goats cheese could be sold to local product manufacturers setting up a micro business and promoting local produce etc.



## 12 Energy Usage and production

Energy Calculations Draft.

### Energy Performance Evaluation 1271 Laver, Auchterarder

# Preliminary

#### Key Values

##### General Project Data

Project Name: Laver, Auchterarder  
 City Location: Auchterarder  
 Latitude: 56.29° N  
 Longitude: 3.67° W  
 Altitude: 131.00 m  
 Climate Data Source: Strusoft server  
 Evaluation Date: 9 Feb 2017 17:42:51

##### Heat Transfer Coefficients

Building Shell Average: 0.32 [W/m²K]  
 Floors: 0.15 - 0.15  
 External: 0.13 - 1.71  
 Underground: --  
 Openings: 0.70 - 1.33

##### Building Geometry Data

Gross Floor Area: 261.8 m²  
 Treated Floor Area: 215.3 m²  
 External Envelope Area: 390.4 m²  
 Ventilated Volume: 538.79 m³  
 Glazing Ratio: 9 %

##### Specific Annual Values

Net Heating Energy: 42.99 kWh/m²a  
 Net Cooling Energy: 0.00 kWh/m²a  
 Total Net Energy: 42.99 kWh/m²a  
 Energy Consumption: 49.99 kWh/m²a  
 Fuel Consumption: 49.56 kWh/m²a  
 Primary Energy: 66.36 kWh/m²a  
 Fuel Cost: -- GBP/m²a  
 CO<sub>2</sub> Emission: 1.20 kg/m²a

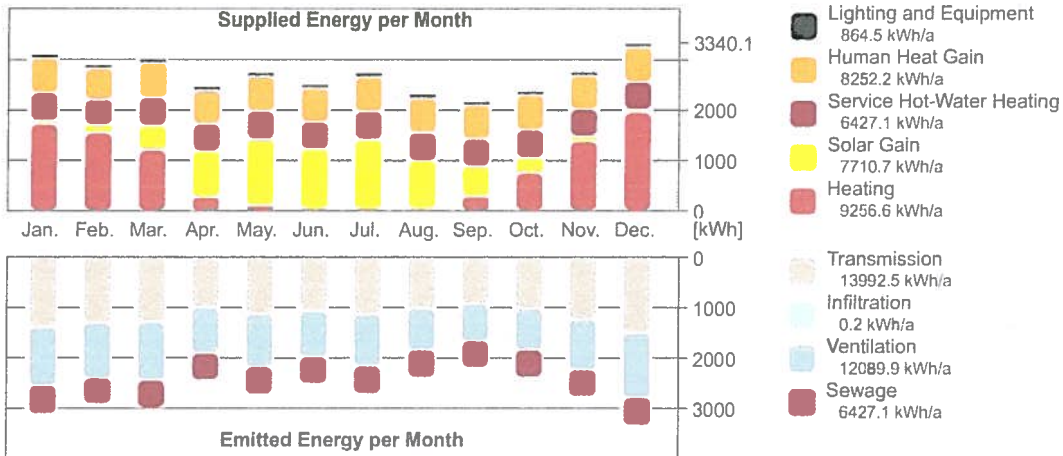
##### Building Shell Performance Data

Infiltration at 50Pa: 0.09 ACH

##### Degree Days

Heating (HDD): 4020.46  
 Cooling (CDD): 395.67

#### Project Energy Balance



#### Thermal Blocks

| Thermal Block             | Zones Assigned | Operation Profile | Gross Floor Area m² | Volume m³     |
|---------------------------|----------------|-------------------|---------------------|---------------|
| 001 GF Thermal Block      | 7              | Residential       | 137.4               | 317.51        |
| 002 FF Thermal Block      | 5              | Residential       | 109.7               | 186.67        |
| 003 GF Cold Thermal Block | 3              | Residential       | 13.4                | 33.48         |
| 004 FF Cold Thermal Block | 1              | Residential       | 1.2                 | 1.12          |
| <b>Total:</b>             | <b>16</b>      |                   | <b>261.8</b>        | <b>538.79</b> |

## Energy Performance Evaluation 1271 Laver, Auchterarder

# Preliminary

### 001 GF Thermal Block - Key Values

| Geometry Data         |        |                | Heat Transfer Coefficients |             |                      |
|-----------------------|--------|----------------|----------------------------|-------------|----------------------|
| Gross Floor Area:     | 137.4  | m <sup>2</sup> | Floors:                    | U value     | [W/m <sup>2</sup> K] |
| Treated Floor Area:   | 115.5  | m <sup>2</sup> | External:                  | 0.15 - 0.15 |                      |
| Building Shell Area:  | 181.6  | m <sup>2</sup> | Underground:               | 0.13 - 0.23 |                      |
| Ventilated Volume:    | 317.51 | m <sup>3</sup> | Openings:                  | -           |                      |
| Glazing Ratio:        | 14     | %              |                            | 0.88 - 1.33 |                      |
| Internal Temperature  |        |                | Annual Supplies            |             |                      |
| Min. (22:00 Feb. 06): | 20.00  | °C             | Heating:                   | 9256.56     | kWh                  |
| Annual Mean:          | 21.57  | °C             | Cooling:                   | 0.00        | kWh                  |
| Max. (18:00 Jul. 10): | 32.33  | °C             |                            |             |                      |
| Unmet Load Hours      |        |                | Peak Loads                 |             |                      |
| Heating:              | 0      | hrs/a          | Heating (23:00 Dec. 21):   | 4.19        | kW                   |
| Cooling:              | 138    | hrs/a          | Cooling (01:00 Jan. 01):   | 0.00        | kW                   |

### 002 FF Thermal Block - Key Values

| Geometry Data         |        |                | Heat Transfer Coefficients |             |                      |
|-----------------------|--------|----------------|----------------------------|-------------|----------------------|
| Gross Floor Area:     | 109.7  | m <sup>2</sup> | Floors:                    | U value     | [W/m <sup>2</sup> K] |
| Treated Floor Area:   | 88.7   | m <sup>2</sup> | External:                  | -           |                      |
| Building Shell Area:  | 181.0  | m <sup>2</sup> | Underground:               | 0.13 - 1.71 |                      |
| Ventilated Volume:    | 186.67 | m <sup>3</sup> | Openings:                  | -           |                      |
| Glazing Ratio:        | 6      | %              |                            | 1.10 - 1.33 |                      |
| Internal Temperature  |        |                | Annual Supplies            |             |                      |
| Min. (24:00 Dec. 21): | 11.82  | °C             | Heating:                   | 0.00        | kWh                  |
| Annual Mean:          | 22.97  | °C             | Cooling:                   | 0.00        | kWh                  |
| Max. (19:00 Jul. 15): | 46.59  | °C             |                            |             |                      |
| Unmet Load Hours      |        |                | Peak Loads                 |             |                      |
| Heating:              | 3503   | hrs/a          | Heating (01:00 Jan. 01):   | 0.00        | kW                   |
| Cooling:              | 1917   | hrs/a          | Cooling (01:00 Jan. 01):   | 0.00        | kW                   |

### 004 FF Cold Thermal Block - Key Values

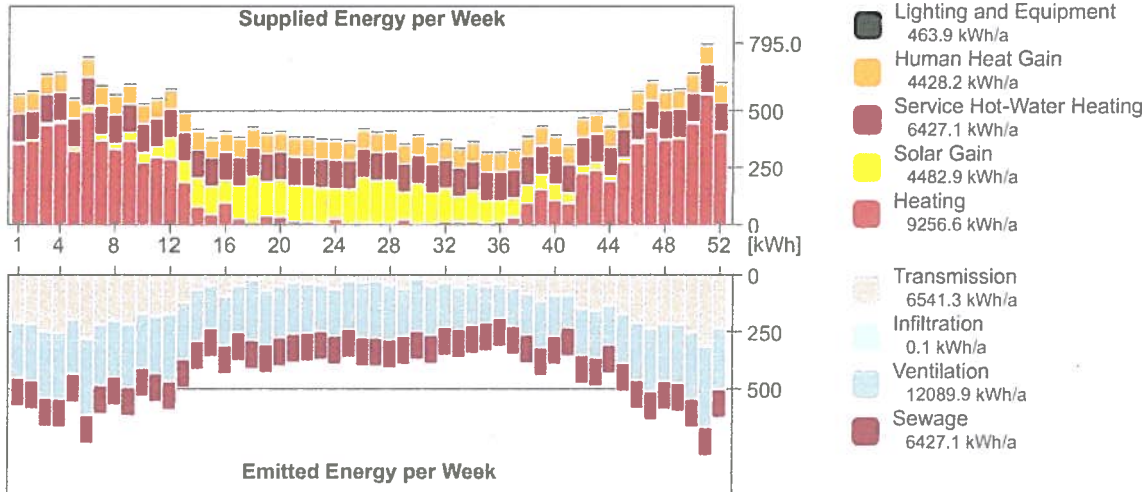
| Geometry Data         |       |                | Heat Transfer Coefficients |             |                      |
|-----------------------|-------|----------------|----------------------------|-------------|----------------------|
| Gross Floor Area:     | 1.2   | m <sup>2</sup> | Floors:                    | U value     | [W/m <sup>2</sup> K] |
| Treated Floor Area:   | 0.8   | m <sup>2</sup> | External:                  | -           |                      |
| Building Shell Area:  | 1.9   | m <sup>2</sup> | Underground:               | 0.13 - 0.14 |                      |
| Ventilated Volume:    | 1.12  | m <sup>3</sup> | Openings:                  | -           |                      |
| Glazing Ratio:        | 0     | %              |                            |             |                      |
| Internal Temperature  |       |                | Annual Supplies            |             |                      |
| Min. (11:00 Dec. 22): | 12.46 | °C             | Heating:                   | 0.00        | kWh                  |
| Annual Mean:          | 23.36 | °C             | Cooling:                   | 0.00        | kWh                  |
| Max. (23:00 Jul. 09): | 41.22 | °C             |                            |             |                      |
| Unmet Load Hours      |       |                | Peak Loads                 |             |                      |
| Heating:              | 3438  | hrs/a          | Heating (01:00 Jan. 01):   | 0.00        | kW                   |
| Cooling:              | 2218  | hrs/a          | Cooling (01:00 Jan. 01):   | 0.00        | kW                   |

## Energy Performance Evaluation

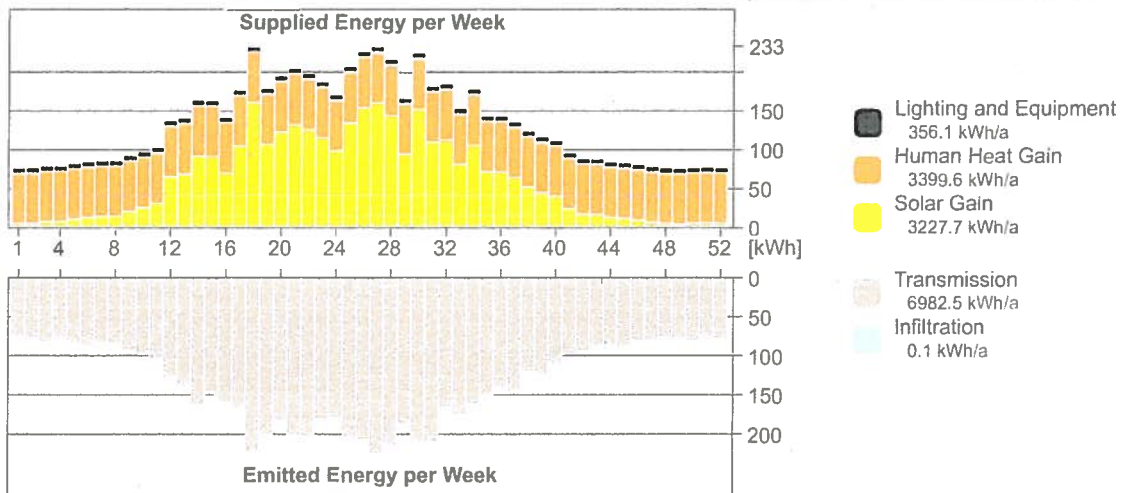
1271 Laver, Auchterarder

# Preliminary

### 001 GF Thermal Block Energy Balance



### 002 FF Thermal Block Energy Balance

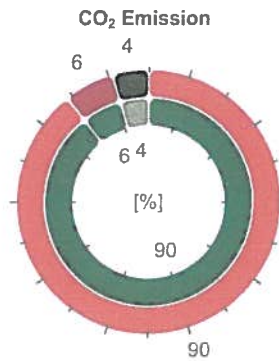
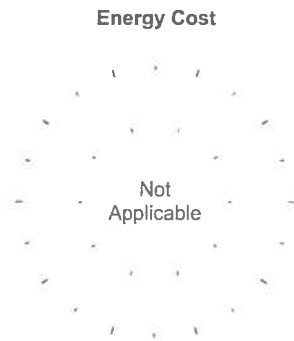




## Energy Performance Evaluation

1271 Laver, Auchterarder

# Preliminary



### Energy Sources

Renewable

■ Solar (Thermal & PV)

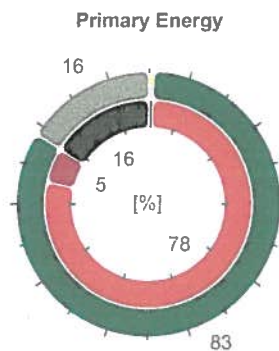
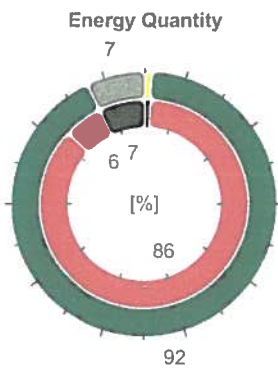
■ Wood

Secondary

■ Electricity

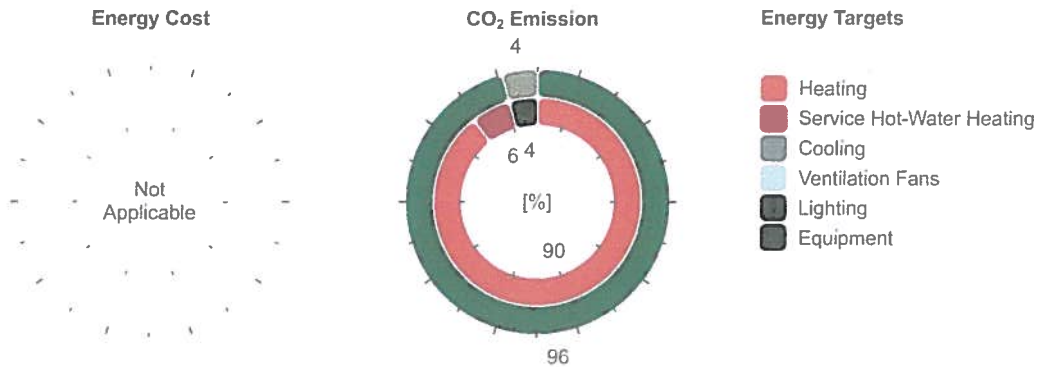
### Energy Consumption by Sources

| Source Type   | Energy                                                     |                   |                  | Cost<br>GBP/a  | CO <sub>2</sub> Emission<br>kg/a |
|---------------|------------------------------------------------------------|-------------------|------------------|----------------|----------------------------------|
|               | Source Name                                                | Quantity<br>kWh/a | Primary<br>kWh/a |                |                                  |
| Renewable     | <span style="color: yellow;">■</span> Solar (Thermal & PV) | 92                | 92               | NA             | 0                                |
|               | <span style="color: green;">■</span> Wood                  | 9899              | 11879            | 0              | 247                              |
| Secondary     | <span style="color: grey;">■</span> Electricity            | 772               | 2317             | --             | 11                               |
| <b>Total:</b> |                                                            | <b>10763</b>      | <b>14288</b>     | Not Applicable | <b>259</b>                       |



## Energy Performance Evaluation 1271 Laver, Auchterarder

# Preliminary



### Environmental Impact

| Source Type | Source Name          | Primary Energy<br>kWh/a | CO <sub>2</sub> emission<br>kg/a |
|-------------|----------------------|-------------------------|----------------------------------|
| Renewable   | Solar (Thermal & PV) | 92                      | 0                                |
|             | Wood                 | 11879                   | 247                              |
| Secondary   | Electricity          | 2317                    | 11                               |
| Total:      |                      | <b>14288</b>            | <b>259</b>                       |

Co2 emissions from Coppice- reabsorbed allowing zero carbon to be achieved.

Energy Performance Evaluation

1271 Laver, Auchterarder

Preliminary

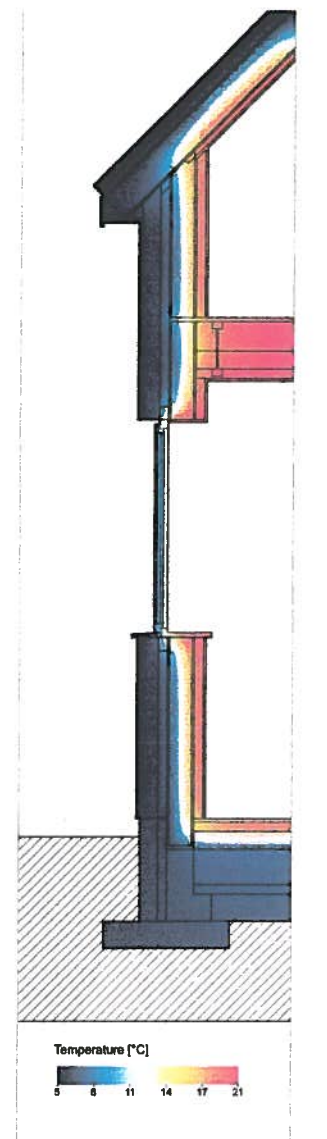
Renewable Building System Summary

| Building System              | Annual Energy Generated<br>kWh | Renewable Energy Cost<br>GBP |
|------------------------------|--------------------------------|------------------------------|
| ⚡ Photovoltaic System        | 92                             | 0.0                          |
| 🔥 Biofuel-based Heating      | 9899                           | 0.0                          |
| Total LEED Renewable Energy: | 9991                           | 0                            |
| Total:                       | 9991                           | 0                            |

**Thermal bridging:**

The design has ensured that thermal bridging is kept to a minimum to ensure no energy is wasted from heat escaping and cold entering the house. Our calculations highlight risk areas, so that the design can resolve any possibility of unnecessary thermal bridges ensuring the building is as efficient as possible.

This also allows us to evaluate whether the wall build chosen is best suited to the chosen site and design. Doing this at an early stage helps us to make more informed decisions to ensure a building that is as sustainable and energy efficient as possible.



**A wood gassifier** is a gasification unit which converts timber or charcoal into wood gas, a syngas consisting of atmospheric nitrogen, carbon monoxide, hydrogen, traces of methane, and other gases, which - after cooling and filtering - can then be used to power an internal combustion engine or for other purposes.

Wood gasification is a very clean way to make biogas. The wood acts as a solar store as wood gas is a form of solar chemistry. It is the perfect complement to solar photovoltaic as you can tap into energy day or night and even during winter, leveling out the issues with peak time energy from solar.

The Gassifier can be used intermittently with the provision of solar panels to ease usage and materials for the gassifier.

Recommended batches run for 2-6 hours dependent on feedstock capacity for the wood. Use in the morning, solar during the day and a fill at night is easy and cost efficient.

**Power output:** 3-20 kilowatts / hr is a realistic output. Each kilowatt-hour requires about 2.5 pounds of dry wood (dependent on machine used).

A 10-kilowatt generator is usually preferred as it is a good blend of power and efficiency.

Below are some examples of gasification units available (others are available, as many gasification units are home made kits, this means they vary on specific technical details)

## L.E.A.F GENERATOR



Here is a simple unit that is cost effective. It can be used to run a 7kW generator.

Size: 7kW

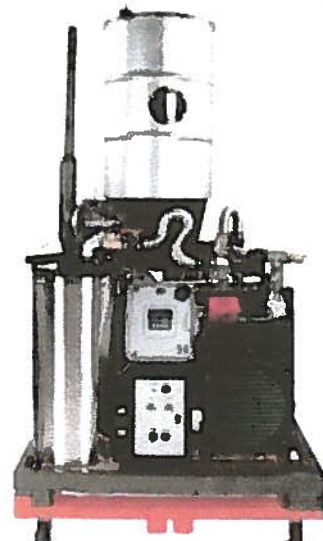
Type: Down Draft Gasifier

Uses: Battery charging, household uses, appliances

Fuel: wood blocks/chips

(Ewings, 2014)

## ALL POWER LABS



Size: 20 kW

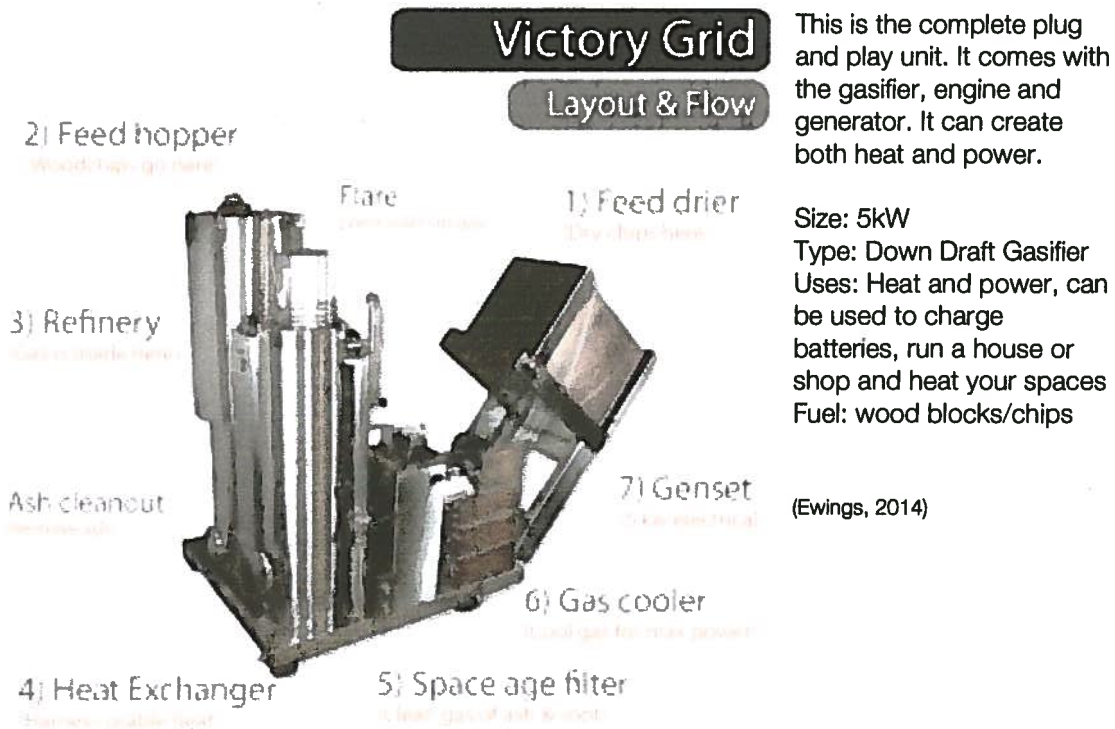
Type: Down Draft Gasifier

Uses: Heat and power, can be used to charge batteries, run a house or shop and heat your spaces

Fuel: wood blocks/chips

(Ewings, 2014)

## VICTORY GASIFIER



## 13 Silviculture/Coppicing

Coppicing is a traditional method of woodland management, which produces a highly efficient fast growing, sustainable timber source, without the need to replant. Implementing this can increase biodiversity as well as keeping a traditional craft alive.

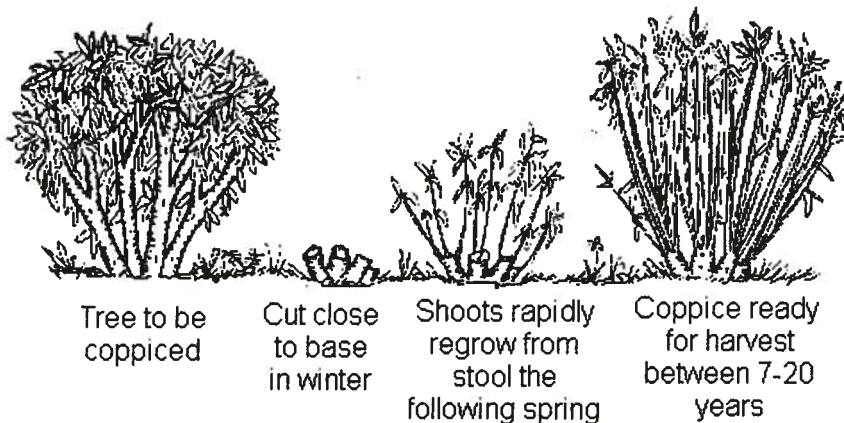


Coppicing takes advantage of the fact that many trees make new growth from the stump or roots, if cut down. In a coppiced wood, young tree stems are repeatedly cut down to near ground level. In subsequent growth years, many new shoots will emerge, and, after a number of years the coppiced tree, or *stool*, is ready to be harvested, and the cycle begins again.

Typically coppiced woodland is harvested in sections on a rotation. This ensures there is a crop available each year somewhere in the woodland. Coppicing has the effect of providing a rich variety of habitats, as the woodland always has a range of different-aged coppice growing within it, beneficial for biodiversity. The cycle length depends upon the species cut, the local custom, and the use to which the product is put. (Lawton, 2012)

Alder, Birch coppices poorly, beech coppices better in wetter west.

Most frequently coppiced species are oak, hazel, ash, willow, field maple and sweet chestnut. (Giraffe, 2011)



(Image come from English Wikipedia page: <http://en.wikipedia.org/wiki/Coppice> this is an updated version of [Image: Coppice1.png](#) with clearer text. (del) (cur) 19:31, 27 July 2006)

Some animals can eat the newly growing tree stems before they have matured. This can either be protected or cut higher than the animal can reach to protect the growth.

**Alder:** Opinion varies, works best well seasoned.

**Apple:** Splendid/ It bums slowly and steadily when dry, with little flame, but good heat. Good scent. Must season well

**Ash:** Best burning wood; has both flame and heat, and will burn when green, as it has low moisture content. Will bum even better dry.

**Beech:** Best when well seasoned

**Birch:** The heat is good but it burns quickly with a bright flame. Nice smell, works well when mixed with other woods that burn more slowly.

**Cedar:** Good when dry. It gives little flame but much heat, and the scent is beautiful.

**Cherry:** Burns slowly, with good heat. Wood with the advantage of scent and does not spit.

**Chestnut:** Mediocre. Apt to shoot embers. Small flame and heating power.??

**Cypress:** Burns well but fast when seasoned, and may spit

**Douglas Fir:** Poor. Little flame or heat.

**Elder:** Mediocre. Very smoky. Quick burner, with not much heat.

**Elm:** To bum well it needs to be kept for two years. Even then it will smoke. Very high water content – more water than wood.

**Hawthorne:** burns well

**Hazel:** Good, burns fast without spitting. but has other uses, so you might not want to burn it

**Holly:** Good, will bum when green, but best when kept a season.

**Hornbeam:** Good, burns well

**Horse Chestnut:** Good flame and heating power but spits a lot.

**Laburnum:** Totally poisonous tree, acrid smoke, taints food and best never used.

**Larch:** Crackles and spits, scented, and fairly good for heat. Oily soot in chimneys

**Laurel:** Has brilliant flame.

**Lime:** Poor. Burns with dull flame.

**Maple:** Good.

**Oak:** Dry oak is excellent for heat, burning slowly and steadily with a good heat. Seasoned for 2 - 3 years is best.

**Pear:** Slow and steady, good heat and a good scent.

**Pine:** Burns with a splendid flame, but apt to spit. Needs to be well seasoned. Gives off a large number of resins.

**Plane:** Burns pleasantly, but is apt to throw sparks if very dry.

**Plum:** Good heat and scent.

**Poplar:** Burns slowly with little heat – better for making matchsticks

**Rhododendron:** The thick old stems, being very tough, bum well.

**Robinia (Acacia):** Burns slowly, with good heat, but with acrid smoke.

**Rowan:** Burns well

**Spruce:** Burns too quickly and with too many sparks.

**Sweet chestnut:** burns well when seasoned but sends out sparks. Only for use in a stove with door closed!

**Sycamore:** Burns with a good flame, with moderate heat. Useless green.

**Walnut:** Good, and so is the scent. Aromatic wood.

**Willow:** Poor. It must be dry to use, and then it burns slowly, with little flame. Apt to spark.

**Yew:** Last but among the best. Burns slowly, with fierce heat, and the scent is pleasant.

(Davis, 2012)



| Density (kg/m <sup>3</sup> ) | Softwood Species                 | Hardwood Species                      |
|------------------------------|----------------------------------|---------------------------------------|
| >800                         |                                  | Hawthorn,                             |
| 710-800                      |                                  | Ash, Beach, Apple, Pear               |
| 610-700                      | Yew,                             | Birch, Cherry, Oak, Walnut, Sycamore, |
| 510-600                      | Cedar, Douglas fir, Larch, Pine, | Chestnut, Elm,                        |
| 410-500                      | Hemlock, Spruce,                 |                                       |
| <400                         | Willow, Alder                    |                                       |

## Woods Calorific Value (CV)

There are three factors which affect woods CV or the amount of available heat per unit of fuel:

1. Species Choice
2. Wood Density
3. Moisture Content

General differences in species are that hard woods are denser and soft woods tend to contain more resin. When compared at the same moisture content CV species shows little variation. The main differences between species are moisture content when the timber is green, at the time of felling, and the rate at which this moisture is lost during seasoning.

For the above table it can be seen that the wood density of Hawthorn is twice as much as willow.

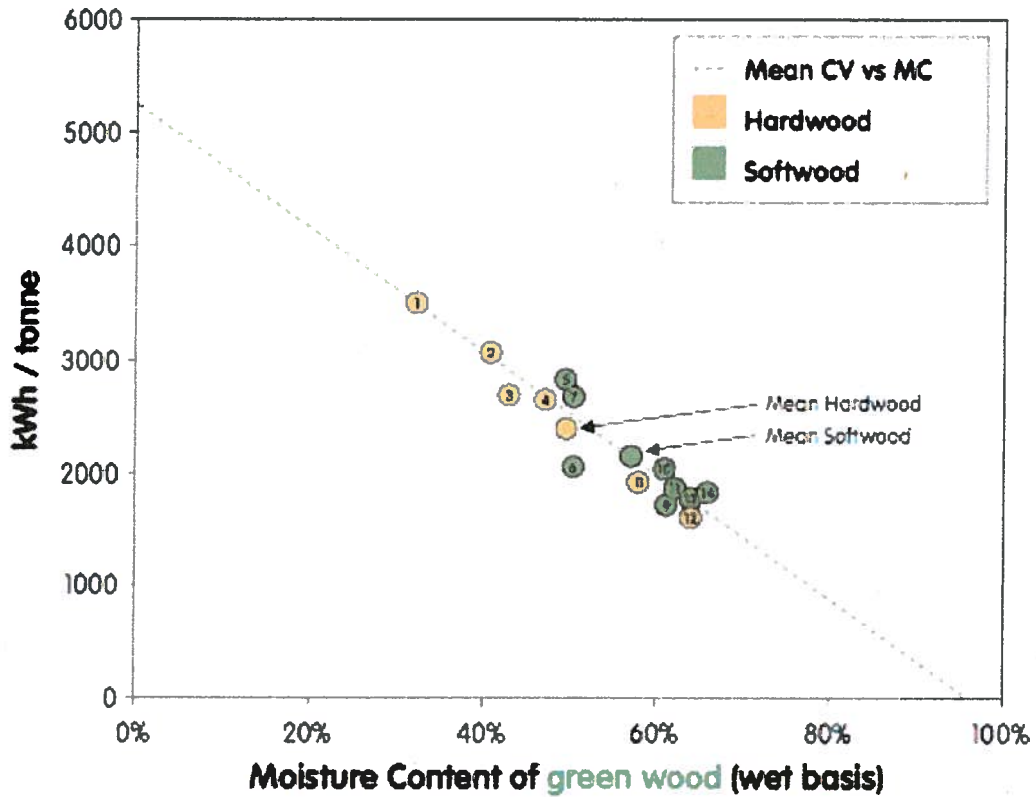
“As hardwood species are generally denser than softwood species, a tonne of hardwood logs will occupy a smaller space than a tonne of softwood logs. Dense woods will burn for longer than a less dense woods, this means you will need fewer top ups to keep a log stove burning. If you measure wood by volume you will generally receive more kilowatt hours (kWh) of heat from a cubic metre (m<sup>3</sup>) of hardwood than softwood. However, softwoods are often cheaper and easier to source.” (HM Government, 2010)

Wood Moisture Content is the weight of water in a piece of wood, expressed as a percentage over the dry weight of wood. Fresh cut trees can have wood moisture contents over 200%, while completely dried wood will have wood moisture contents of 0%.

$$\frac{\text{Weight of water in a given sample}}{\text{Total weight of the sample}} \times 100 = \text{MC\% (wet basis)}$$

For example if a freshly sawn timber weighted 50lbs and once dried weighted 20lbs you would divide 30lbs (weight of water) by 20lbs (dry wood weight) X100 = 150% MC

As Calorific value relates to specific batches and drying conditions among others, it can be difficult to compare x to x however the table bellow gives a general concept of how each species can perform.



| Graph Reference No. | Species                      | Green MC (wet basis) | kWh per Green tonne |
|---------------------|------------------------------|----------------------|---------------------|
| 1                   | Ash                          | 32%                  | 3448                |
| 2                   | Sycamore                     | 41%                  | 3044                |
| 3                   | Birch                        | 43%                  | 2668                |
| 4                   | Oak                          | 47%                  | 2635                |
| 5                   | European Larch               | 50%                  | 2722                |
| 6                   | Douglas Fir                  | 51%                  | 2596                |
| 7                   | Japanese & hybrid Larch      | 51%                  | 2653                |
| 8                   | Elm                          | 58%                  | 1915                |
| 9                   | Sitka Spruce                 | 61%                  | 1705                |
| 10                  | Western Hemlock              | 61%                  | 2040                |
| 11                  | Silver Fir                   | 62%                  | 1855                |
| 12                  | Poplar                       | 64%                  | 1610                |
| 13                  | W Red Cedar & Lawson Cypress | 64%                  | 1755                |
| 14                  | Norway Spruce                | 65%                  | 1787                |

(HM Government, 2010)

In general there are some species that have been proven through experience to work better for burning within wood gasification than others.

Most frequently coppiced species are: oak, hazel, ash, willow, field maple and sweet chestnut. (Giraffe, 2011)

"Yields of 20 tonnes of firewood per hectare per year are feasible." (andrews, graham)

The area of woodland coppicing is 5255m<sup>2</sup>. By using a woodland coppicing rotation it can be expected to achieve around 8 tonnes per year from the designated woodland area. This includes time for cut specimen to grow and mature ensuring the woodland is maintained appropriately.

## 14 Water management and harvesting

Water management will be an important factor for the permaculture garden. As the site is on a steady slope with a stream to the east most boundary it is ideal to set up a feed off from, to ensure the soil is well watered. Attention to the details of this setup will be vital as maintaining the right balance for crop diversity is important.

A drip system with a manual close will be perfect as it offers a slow steady exposure of water which is easily turned on and off. This system ensures there is little effect to the stream and lower pond.

Gray water reclamation from the home will be implemented to feed into the pond and stream after filtration. Reducing the waste of water from the home while also adding to the irrigation system to be set up for the crops within the garden.

## 15 Conclusion & Summary

This proposal has great potential to create a special area of well-managed land. An example of how sustainable living can be implemented and well engrained into its location. Every aspect of this plot feeds and supports another all linking back to how the inhabitants work with the land.

- **Design Aesthetic** – A mainstream zero carbon house. Although it may look normal extensive energy modeling and site-specific optimization has gone into ensuring the design achieves zero carbon.

- **Design Detail** – The building uses sympathetic design and materials and will be super- insulated to Passivhaus standards, including high performance, triple glazed doors and windows. Thermal bridging is kept to a minimum dramatically reducing the waste in heat escaping and cold entering the house. An extremely high level of air tightness is aimed for and a heat recovery ventilation system will be installed. Every aspect of the house is designed to be as sustainable and energy efficient as possible.
- **Local Trades** – the project is designed to benefit from the knowledge of local trades and support the businesses within the area. Exemplifying the possibilities of good design and local trades within the area of Perth and Kinross.
- **On site produce** – All the required food for the family can be cultivated from the designated land with ample produce to spare for resale to outlets such as farmers markets. This also provides an additional income for the family.
- **Energy generation** – The coppiced woodland supplemented with solar panels will provide all of the required energy and heating for the house year round. This allows zero carbon to be achieved.
- **Waste Management** – Gray water will be collected and fed into a filtration system and linked to ponds and irrigation for the planting area. Food, animal and garden waste will be composted creating a waste cycle to minimizing the output from the household.
- **Permaculture principles** - will allow the land to be nourished, maintained and build a natural ecosystem for the area.

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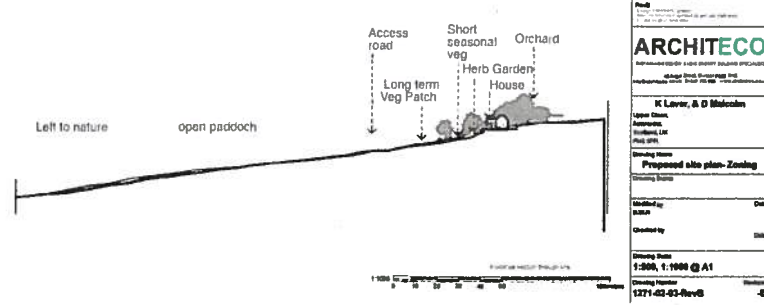
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**Legend**

- Evergreen trees
- Berry bushes
- Apple trees
- Pear trees
- Plum trees
- Dwarf fruit trees
- Fruit & Nut trees Various
- Large Alder tree
- Large Willow tree
- Existing site lines and indicative layout

Winded zone



Planning consent of Council required and appropriate planning conditions may be required. ARCHITECTO

**ARCHITECTO**

ARCHITECTS & DESIGNERS

11 Lower, & D Midland

Upper Glen, Ardara, Galway, Co. Galway

091 900 0000

www.architecto.ie

Project: Proposed site plan - Zoning

Client: [Redacted]

Design: [Redacted]

Scale: 1:500, 1:1000 @ A1

Date: 13/11/2018

Rev: 0



### 16.1.1.1.1 REPORT OF HANDLING

### 16.1.1.1.2 DELEGATED REPORT

16.1.1.1.3

16.1.1.1.4

|                                   |                             |             |      |
|-----------------------------------|-----------------------------|-------------|------|
| 16.1.1.1.5 Ref No                 | 16.1.1.1.6 13/01386/FLL     |             |      |
| 16.1.1.1.7 Ward No                | 16.1.1.1.8 N4- Highland     |             |      |
| 16.1.1.1.9 Due Determination Date | 16.1.1.1.10                 | 06.10.2013  |      |
| 16.1.1.1.11 Case Officer          | 16.1.1.1.12 Mark Williamson |             |      |
| 16.1.1.1.13 Report Issued by      | 16.1.1.1.14                 | 16.1.1.1.15 | Date |
| 16.1.1.1.16 Countersigned by      | 16.1.1.1.17                 | 16.1.1.1.18 | Date |

16.1.1.1.19

16.1.1.1.20

**PROPOSAL:**

16.1.1.1.21 Erection of dwellinghouse

**LOCATION:**

Land 130 Metres North East of Croftness, Farmhouse Aberfeldy

16.1.1.1.22 **SUMMARY:**

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

16.1.1.1.23 **DATE OF SITE VISIT:** 25 September 2013

**SITE PHOTOGRAPHS** - attached

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

Brief Description

The application site is a 1.9 ha area of grazing land forming part of the agricultural land holding of Mains of Croftness which is situated to the south of Aberfeldy on land between the A826 to the east and the Birks o' Aberfeldy and the Moness Burn to the west. The site is a sloping site and contained within a wooded landscape framework.

This is a detailed proposal for the erection of an eco-house and associated land management proposals based upon a detailed and recognised sustainable living model and concept.

The proposed dwellinghouse is situated to the south east of the application site and comprises a 2 storey traditionally styled dwellinghouse. The proposed dwellinghouse will be "near zero carbon and highly insulated to Passivhaus standards", including high performance triple glazed windows and doors. A high level of air tightness is proposed and a heat recovery ventilation system. Coppicing of woodland will provide all the required heating and hot water energy supplemented by solar thermal energy. Energy modelling has concluded that "coppicing will be able to provide all the hot water and heating". A coppice processing workshop and boiler house is proposed to the east of the dwellinghouse. The land management proposals for sustainable living are based on "permaculture principles" where 6 zones are proposed on the wider site. These are outlined below:-

“Zone 0 - this is the house where aims would be to reduce energy and water needs, harnessing natural resources such as sunlight, and generally creating a harmonious, sustainable environment in which to live and work.

Zone 1 - nearest to the house and including a kitchen garden and herb spiral

Zone 2 - this is a vegetable garden with 2 allotments with crop rotation and chicken coup. 2 rainwater harvesting ponds in this zone allow for irrigation.

Zone 3 - organic mixed fruit orchard with living nitrogen fixing mulch growing between to suppress weeds and feed the trees

Zone 4 - coppicing woodland and ne shelter belt planting area

Zone 5 - is a seeded wildflower meadow with a pond and reed bed for on site water treatment.

The zones are separated by traditional laid hedges and connected by informal paths”.

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

A pre-application meeting took place on the 27 November 2012.

## **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

#### 16.1.1.1.24 DEVELOPMENT PLAN

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

#### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

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

#### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **OTHER POLICIES**

Perth and Kinross Local Development Plan 2014

The application site is within the landward area where the following policy is relevant:-

RD3: Housing in the Countryside

Other Policies:-

Perth and Kinross Council Housing in the Countryside Guide 2012

Perth and Kinross Council Primary Education and New Housing Development 2009

16.1.2

#### **16.1.3 CONSULTATION RESPONSES**

Education And Children's Services    No objections

Scottish Water                                    No objections

Environmental Health                            No objections

## REPRESENTATION

None

### Additional Statements Received:

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

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### Policy Appraisal

The application site is within the landward area of the adopted local plan and falls to be assessed under the Council's Housing in the Countryside Guide 2012. Under this guidance favourable consideration will be given to proposals for the construction of eco-friendly houses in the open countryside where a rural setting is required and that the project is closely linked to the management of land or the use of land for sustainable living. The proposal should also blend sympathetically with the landform and topography and not be detrimental to the surrounding landscape.

It is considered that the Design Statement which includes the detailed house design principles and land management plan and modelling comprises a satisfactory, comprehensive and recognised approach in achieving sustainable living through the adoption and implementation of permaculture principles and is considered to be in accordance with the Council's Housing in the Countryside Guide 2012. The proposal is also generally in accordance with National Planning Policy which encourages sustainable development and renewable energy production. The scale and overall design of the dwellinghouse is acceptable. There will be no adverse impact on the residential amenity of the proposed house or neighbouring houses as a result of the proposal as there is sufficient distances between properties.

The siting of the house to the south east corner of the site allows it to benefit from nearby woodland screening to the east and a rising wooded topography to the south ensuring the ridge does not breach the skyline. Further south on the rising ground there is existing housing at a higher elevation

which provides further favourable context for the siting of the proposed house in terms of 'landscape fit.' There is also existing housing to the west at Croftness at a higher elevation. It is considered therefore that the proposal is acceptable in terms of impact on the surrounding landscape and will blend sympathetically with the existing landform and nearby built development.

### **Roads and Access**

There are no objections to the proposal in terms of access and parking subject to conditions on parking spaces and turning facilities on the site.

The core path AFDY/111 provides access to the application site and a condition is recommended on any consent to protect it's use during building works and on completion.

### **Drainage and Flooding**

The Council's Flooding Section were consulted and have stated that there is a small section in the west corner of the application site that sits within the SEPA 1 in 200 year Fluvial Flood Map and therefore this area is at a medium to high risk of flooding. However, as this area is to be used for paddock/livestock grazing, the impact of flooding is low there are no objections raised.

### **Developer Contributions**

There is currently capacity at Breadalbane Academy Primary School and there is no requirement for an education contribution to be made in relation to this development.

### **Economic Impact**

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

### **Application Processing Time**

24 weeks

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. Having taken account of the material considerations there are none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Approve the application**

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

1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

To ensure that the development is carried out in accordance with the plans approved.

2 Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

3 Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

4 Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

5 The core path AFDY/111 which provides access to the application site shall not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the house is occupied.

To ensure continued public access along the public paths.

6 Prior to any works starting on site, details shall be submitted to and approved in writing by this Planning Authority of the monitoring equipment and processes to be used in the development to establish levels of energy use. The details agreed shall be fully operational to the satisfaction of this Council as Planning Authority prior to the occupation of the dwellinghouse and shall be maintained thereafter. All information and data collected through this monitoring shall be provided in writing to this Planning Authority on an annual basis unless otherwise agreed in writing by the Planning Authority.

The dwellinghouse has been approved under the Council's Housing in the Countryside Guide 2012 and to ensure that the success of the development can be monitored.

7 Prior to occupation of the dwellinghouse the applicant shall submit for the approval of the Planning Authority a detailed land management plan for the woodland management and horticultural use on the site associated with sustainable living. All information and data collected through this monitoring shall be provided in writing to this Planning Authority on an annual basis unless otherwise agreed in writing by the Planning Authority.

In the interests of sustainability.

### **Justification**

- 8 The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### **Informatives**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

13/01386/1  
13/01386/2  
13/01386/3  
13/01386/4  
13/01386/5  
13/01386/6

**Date of Report 04.03.2014**





**TCP/11/16(509) – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mrs Karen Laver  
c/o Architeco Ltd  
Colin Potter  
43 Argyll Street  
Dunoon  
Argyll  
PA23 7HG

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 19th October 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01524/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 5th September 2017 for permission for **Erection of a dwellinghouse and outbuilding** Land 150 Metres North West Of Upper Cloan Telecommunications Mast Auchterarder for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. Specifically the proposal fails to comply with category 3.5 as it is not a test pilot project or sufficiently ground-breaking to warrant a dwelling house in this countryside location. Furthermore there is no mechanism for ensuring the occupant or prospective purchaser of the site be required to live and operate the site in an ecologically sound and sustainable manner.

3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within the Ochil Special Landscape Area.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of the Ochils.
5. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

### **Justification**

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

### **Notes**

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

#### Plan Reference

17/01524/1

17/01524/2

17/01524/3

17/01524/4

17/01524/5

17/01524/6

17/01524/7

17/01524/8

**REPORT OF HANDLING**  
**DELEGATED REPORT**

|                        |                 |      |
|------------------------|-----------------|------|
| Ref No                 | 17/01524/FLL    |      |
| Ward No                | P7- Strathallan |      |
| Due Determination Date | 04.11.2017      |      |
| Case Officer           | John Russell    |      |
| Report Issued by       |                 | Date |
| Countersigned by       |                 | Date |

**PROPOSAL:** Erection of a dwellinghouse and outbuilding

**LOCATION:** Land 150 Metres North West Of Upper Cloan  
Telecommunications Mast Auchterarder

**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:** 21 September 2017

**SITE PHOTOGRAPHS**





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The site lies to 1.5km south of the A9 Motorway and 300m East of Nether Cloan. Access to the site is via an existing track opposite Cloan House. The access track passes through a number of gates and fields before entering the main body of the application site, at this point there is an existing stable to the left of the access track, which sits at a lower level than the track. From reviewing the site history there are no records associated with the erection of this structure.

The access track then travels in a southerly direction and climbs up the hill to the existing telecommunication mast in the South corner of the site (application 01/01453/TDPD and 05/00545/TD refer) this represents the highest point in the site. It is worthwhile noting that the planning authority previously received an application to relocate the existing telecommunication infrastructure to a new site however this was refused. The telecoms mast therefore remains on the site and the proposed dwelling associated with this application has been moved northwards below the mast.

It is worth noting that an earlier application 17/00329/FLL for a dwelling house on the site was refused. The agent confirms:-

*We have chosen to resubmit rather than appeal the previous decision since the location of the house has been moved and the nature of the proposal has been clarified to address the reasons for refusal and to respond to some of the comments made in the Report of Handling of the previous application. The previous application was lodged with the assumption that the communications mast on the site was to be relocated. This is no longer the case, with the mast*



*staying in its current location, requiring amendment to the application boundaries.*

## **SITE HISTORY**

01/01453/TDPD Installation of telecommunications equipment on 31 October 2001

03/00566/FOR Mixed workings on 25 April 2003 Application Permitted

05/00545/TD Extension to telecommunications mast, installation of 3 antenna and erection of 2 equipment cabinets 17 May 2005 Application Permitted

17/00329/FLL Erection of a dwellinghouse and outbuilding 27 April 2017 Application Refused

17/00401/FLL Installation of replacement telecommunications mast and associated works 25 May 2017 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 16/00740/PREAPP

## **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 adaptation.

**Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

**Policy PM3 - Infrastructure Contributions**

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

**Policy PM4 - Settlement Boundaries**

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

**Policy RD3 - Housing in the Countryside**

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

**Policy TA1B - Transport Standards and Accessibility Requirements**

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

**Policy 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.

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

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

Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy HE1A - Scheduled Monuments and Non Designated A

There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

## OTHER POLICIES

### **Development Contributions**

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

### **Housing in the Countryside Guide**

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

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

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

## **CONSULTATION RESPONSES**

Historic Environment Scotland – HES advise the development has the potential to affect Ogle Hill, fort which is recognised as being of national importance and is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 (SM 3073 Ogle Hill, fort).

HES do not have any comments to make on the proposals. They confirm that their decision not to provide comments should not be taken as support for the proposals.

Scottish Water – No objection.

Contributions Officer – The Primary Education and Auchterarder A9 Junction Developer Contributions are applicable to this development.

Transport Planning – Insofar as the Roads matters are concerned I have no objection subject to conditions.

## REPRESENTATIONS

The following points were raised in the 1 representation that objects to the proposal.

- Adverse effect on visual amenity.
- Inappropriate landuse.
- Out of character with the area.
- Prominent construction in a highly visible position in open countryside.
- Formation of a pond on a slope without showing the civil works necessary to retain water. Slopes would be a considerable height due to the steep slope.

These matters are covered in the appraisal section of this report.

## 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.

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

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

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

- (a) Building Groups.
- (b) Infill sites.
- (d) Replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

The proposal for the new dwelling should be assessed under criterion (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance. I therefore turn to the supplementary guidance that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3.

From my review it does not meet 3.1 Existing Gardens, 3.2 Flood Risk or 3.4 Houses for Local People.

Category 3.3 can provide for housing where there is a clear agricultural need or other rural business justification for key worker accommodation. However there is no existing business on the site that could justify operational need.

Category 3.5 can provide support to pilot projects creating eco-friendly houses where a rural setting is required and the project is linked to the management of land or use of land for sustainable living. It is this criterion that the application should be assessed against.

It is worthwhile noting the agent's criticism of the earlier refused application 17/00329/FLL incorporated into the updated Planning and Design Statement:-

*The design of the house and the proposals for sustainable land management are very similar to those approved enthusiastically as fulfilling the terms of this part of the Housing in the Countryside Policy by the planning officer in relation to PKC13/01386/FLL – Erection of a dwellinghouse 130 m north east of Croftness Farmhouse, Aberfeldy in 2013 and if these proposals were so positively received in a rural location in Aberfeldy it is hard to understand why such similar proposals are not acceptable here. In this former case, the proposal was accepted as a pilot project without hesitation.*

The agent has effectively raised the issue of precedence. This is a material consideration in the determination of an application.

However, every site presents different characteristics. In this case application 13/01386/FLL is located within walking distance to a settlement (Aberfeldy) when this site is not. Furthermore the passage of time between the 2013 application and 2017 application also makes a difference as changes and advances in construction technology will have implications for the pilot project criteria.

In light of this there is not sufficient similarity between the two applications referenced for precedent to be a material consideration of weight in the determination of this application.

Accordingly it is important to drill down on whether this proposal is a pilot project creating an eco-friendly house which requires to be located in this part of the countryside. The assessment then needs to look at how the project is linked to the management of land or use of land for sustainable living.

#### Is the house Design a pilot project creating a eco-friendly house?

The supporting statement confirms that the proposed dwelling will be insulated to Passivhaus Standards. A heat recovery ventilation system will be installed. The house will have coppicing rights to the adjacent woodland, which will provide all of the required heating and hot water energy. They also note that the house will be zero carbon as electricity and heating will all be produced via the coppiced woodland through a wood gasifier and solar panels. The preliminary energy modelling provided by the agent indicates that the design could have a heat load of just 4.5kW and they advise this would ensure the coppice would meet the requirements for hot water and heating demands.

The dwelling has three bedrooms; one on the ground floor and two on the first floor. There is a full height space for dining/kitchen and a sunroom facing North-west overlooking the full plot. Structural Insulated Panel Construction will form the main envelope of the building. Walls will be finished in render to the gables, with timber cladding to the North & South elevations. The roof

proposal is for profile metal sheet to be in keeping with the rural context. The agent confirms these materials have a high-recycled content and at the end of its life is fully recyclable.

A pilot project can be defined as a small scale preliminary study conducted in order to evaluate feasibility, time, cost, adverse events, and effect size (statistical variability) in an attempt to predict an appropriate sample size and improve upon the study design.

In this case I do not consider that the proposal meets this test as a pilot project.

The proposal relates to the construction of a house using a structural insulated panel system (SIPS). SIP kits are a common form of construction and there are a number of companies that manufacture the panels in factory conditions throughout the UK. This is a tried and tested form of construction and is therefore not a pioneering as required by the policy.

While I note the intention is to meet passivhaus standards it should be noted that this is also not a new concept. The passivhaus standard was developed in Germany in the early 1990s and the first dwellings to be completed to the passivhaus Standard were constructed in Darmstadt in 1991. The (BRE) British Research Establishment now confirms that 30,000 buildings are now constructed to the passivhaus standard with Passivhaus buildings constructed in every major European country, Australia, China, Japan, Russia, Canada the USA and South America. The passivhaus standard is therefore well tested and developed.

The agent also notes that the development is to be zero carbon as electricity and heating will be produced via the coppiced woodland through the wood gasifier and solar panels.

A report entitled 'A low carbon building standards strategy for Scotland' (the 'Sullivan Report') makes 56 recommendations to the Scottish government for challenging but realistic targets for housing and non-domestic buildings.

The majority of the recommendations are within the remit of the Scottish government's Building Standards Division, which has responsibility for setting Building Regulations within Scotland. The report recommends that 'net zero carbon' buildings (ie space and water heating, lighting and ventilation) are made a requirement by 2016/2017, if practical. In this case I do not consider that the proposal for carbon zero to be ground breaking enough given the existing requirements that are incorporated into the building regulations. I also note the building will be connected to the Grid.

There is a further recommendation in the Sullivan report for buildings to be 'total life zero carbon' by 2030. This is described as the building's total carbon emissions including those from construction and demolition as well as in use. While the agent has highlighted that the building could be recycled there is no breakdown showing the total life cycle. Even if this was provided I do not



consider that this would be sufficiently ground-breaking in the context of this housing in the countryside policy to warrant approval of the application in this countryside location.

How the project is linked to the management of land or use of land for sustainable living.

My assessment has already confirmed that this proposal is not a pilot project creating an eco-friendly house which requires a location in the countryside. This alone means the proposal cannot be supported under criterion 3.5 of the SPG. However for fullness I will also review the information submitted on land management.

The agent's supporting statement confirms that the area within the applicant's ownership will follow permaculture principles. They note that the site has been divided into zones ranging from Zone 0 to Zone 5 as follows:-

*Zone 0 is the house itself, with the remaining zoning being dependent on input required and frequency of tending.*

*Zone 1 is nearest to the house and includes the kitchen garden with short growing season vegetables. Wild flowers and herbs are spread in front of the house while two rainwater harvesting ponds allow for irrigation of the allotments. A herb spiral created the optimum conditions and aspect, from dry and sunny to shaded and damp, in a small area.*

*Zone 2 consists mainly of two areas: the crop rotation beds of long growing season vegetables and the fruit trees. Between the lines of fruit trees, an organic mixed fruit orchard, living nitrogen fixing mulch grows between to naturally suppress weeds, feed the tree fruit system and provide further food crop. Those two areas should provide the majority of fresh produce for the family using a system of crop rotation to ensure ground fertility is maintained.*

*Zone 3 includes the main farming crops for use or sale and paddock for regularly monitored and attended animals. It also includes the existing stables situated south west of the fence, anew larger paddock close to it and evergreen trees to act as a shelter belt.*

*Zone 4 includes the grazing field for the family's livestock as well as their horses. Zone 4 also includes part of the existing woodland area, which will be coppiced to supply the heat and hot water fuel requirements for the house. The coppicing will manage the woodland for the future. The management of the woodland will use only 10% of coppice annually for the heating requirements. This allows a 10 year regeneration and maintains the woodland ad infinitum. A pond with reed bed acts as the final on-site water treatment is located in the North-West end of the site, fed by an aerating stream and with an uneven edge to promote a variety of water plants and aquatic life. This can provide a sustainable watering hole for the animals*

*Zone 5 is an unmanaged wild natural ecosystem, as it exists in its natural form – an essential area for sustainable living. Beyond the site, a mature forest provides wind protection from the northerly winter winds. The boundaries of this zone extend beyond the plot and connect this undamaged ecosystem to the surrounding forest. The zones are separated by traditional laid hedges and connected by informal paths laid in loops allowing for the whole area to be attended to on a single walk round.*

From reading the agent's design statement and supporting brief associated with the permaculture zoning there are a lot of 'suggestions' or 'possibilities' of what could come forward to comply with the ethical aspirations and spirit of permaculture. However, there is a lack of detail on what will actually be secured. For instance there is no ground investigation on whether the pond in Zone 4 could be formed and there are no details on the extent of land engineering required to form this water feature. There is reference to the potential formation of a pollytunnel but there is no detail on how this will be formed. Furthermore there is no clarity on the mechanism for ensuring the occupant or prospective purchaser of the site be required to live and operate the site in an ecologically sound and sustainable manner.

#### Siting Criteria

Proposals for a new house falling within category 3 are required to demonstrate that they meet the siting criteria of the SPG. The proposed dwelling is located within the south-west corner of the field. There is containment to the west and south boundary with the existing trees to the south forming a backdrop. However there is no curtilage definition for the dwelling to the north or east of the site. I do not consider that the boundary treatment associated with the existing field creates an identifiable site for the dwellinghouse to be sited as required by criterion (c). Furthermore I consider that the scheme as proposed will conflict with criterion (d) as it will have a detrimental impact on the surrounding landscape and I explore this further under the landscape heading.

#### Overall Sustainability

The council's approach as set out in the new Housing in the Countryside Policy is to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported and the need to travel minimised. This proposal would be sited some distance from the nearest substantial settlement of Auchterarder. Its location would not provide any support for local existing communities or services. Occupants of the new dwelling would substantially or wholly rely on private transport as there is no local bus service in close proximity to the site. This proposal would therefore not meet with the general approach of the council's policy to sustainable rural development.

## Landscape

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria of Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes.

The site is located within the Ochill Hills Special Landscape Area (SLA) which lies between Strathearn and the Loch Leven basin. The northern edge of the Ochils is formed by the Strathallan and Strathearn valleys. The northern boundary is drawn along the he A9 from Greenloaning, past Blackford to Gleneagles from where the railway line forms the boundary.

The Ochils are the most significant hill range in central Scotland, cutting dramatically across the lowlands between Forth and Tay. The Ochils form a backdrop to a whole series of communities to north and south, and have a clear identity as a distinct landscape feature, the hill range therefore contributes to the setting of Strathearn and Strathallan.

The site is located on the northern scarp. Here geometric plantations and shelterbelts are prominent in this open, large scale landscape. These features often enclose areas of grazing. This agricultural use is considered to sit comfortably with the Igneous Hills landscape character type. In the Tayside Landscape Character Assessment it is noted that there are a few areas that allow arable cultivation to take place but the TLCA considers that reversion to grassland should be encouraged in some of these areas. In this case the change of the application site from grazing to permaculture use would conflict with the landscape character type.

I note that the Landscape Guidelines for the Ochil Hills Landscape Character Type in the TLCA notes the following:-

- **Encourage new development to reinforce the existing settlement pattern, focused on market towns and smaller villages outwith this landscape type. Discourage development in the open countryside.**
- **Encourage the appropriate conversion of redundant farm buildings. Guidance should be provided on the way buildings should be converted (including the provision of drives, garden s etc.) to prevent the suburbanisation of the countryside**

The proposal does not meet these guidelines. As a consequence I am of the view the proposal will erode local distinctiveness, diversity and quality of this Perth and Kinross landscape character area. It would detract from the character type's visual integrity, identity and scenic quality, thus contrary to Policy ER6.

Policy PM1A confirms that development must contribute positively, to the quality of the surrounding built and natural environment. In this case the siting of the development does not respect the character and amenity of this area of the Ochils and is contrary to policy PM1A.

From my review of Policy PM1B, the proposal also fails to create a sense of identity and erodes the character of the countryside (a).

### **Residential Amenity**

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

I do not consider that this proposal would have any detrimental impact on residential receptors or neighbouring agricultural/woodland uses. An acceptable level of residential amenity would be achieved for the occupants of the proposed dwelling if the existing telecommunications mast is removed or relocated.

Previous consultation with Environmental Health has confirmed that this area is served by private water supplies. To ensure the new development has an adequate and consistently wholesome supply of water and maintain water quality and supply in the interests of residential amenity conditional control is recommended. They also note that the development should take account of existing private water supplies in the vicinity of the site and/or septic drainage systems of neighbour.

### **Roads and Access**

There are no objections to the proposed dwellinghouse on technical roads or access grounds from Transport Planning. Comments on sustainable travel have already been discussed under the policy appraisal section.

### **Drainage and Flooding**

There are no flooding issues at the site. While the agent has highlighted that they intend to install a pond on the site that would comply with the SUDS principles there is not sufficient detail on whether this can be satisfactorily installed a matter that has also been pointed out in the letter of representation on the application.

### **Cultural Heritage**

Based on the consultation response from Historic Environment Scotland I do not consider that the development would significantly impact on Cultural Heritage assets to a level that would warrant refusal of the application. Accordingly given the scale of the development there is no conflict with Policy HE1A.

## **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 Community School of Auchterarder Primary School where there is a capacity issue. An education contribution of £6,460 is required.

### A9 Junction

The Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety. An A9 Junction contribution of £3,450 is required.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations identified in the agent's Design Statement and Briefing Document and find none that would justify overriding the adopted Development Plan or Supplementary Planning Guidance. 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 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location. Specifically the proposal fails to comply with category 3.5 as it is not a test pilot project or sufficiently ground-breaking to warrant a dwelling house in this countryside location. Furthermore there is no mechanism for ensuring the occupant or prospective purchaser of the site be required to live and operate the site in an ecologically sound and sustainable manner.
- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within the Ochil Special Landscape Area.
- 4 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of the Ochils.
- 5 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

#### **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**

17/01524/1

17/01524/2

17/01524/3

17/01524/4

17/01524/5

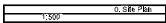
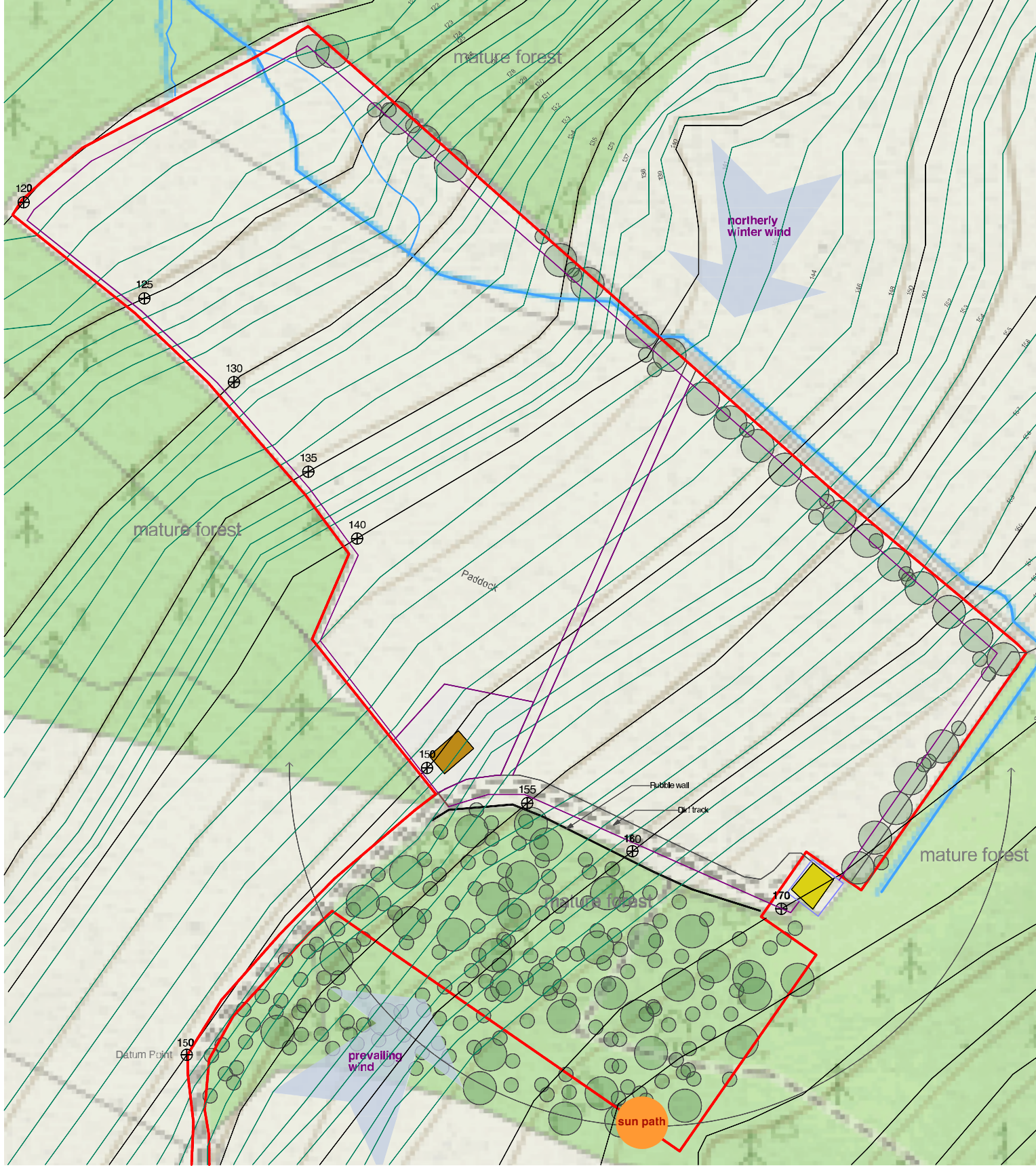
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17/01524/8

**Date of Report 18.10.17**





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**K Laver, & D Malcolm**  
 Project: 001  
 Author: K Laver, D Malcolm  
 Date: 12/11/10  
 Project: 1271-02-10

Drawing Name:  
**Site Plan Existing**

Drawing Status:

Modified by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Drawn by: \_\_\_\_\_  
 Checked by: \_\_\_\_\_ Date: \_\_\_\_\_


Drawing Scale:  
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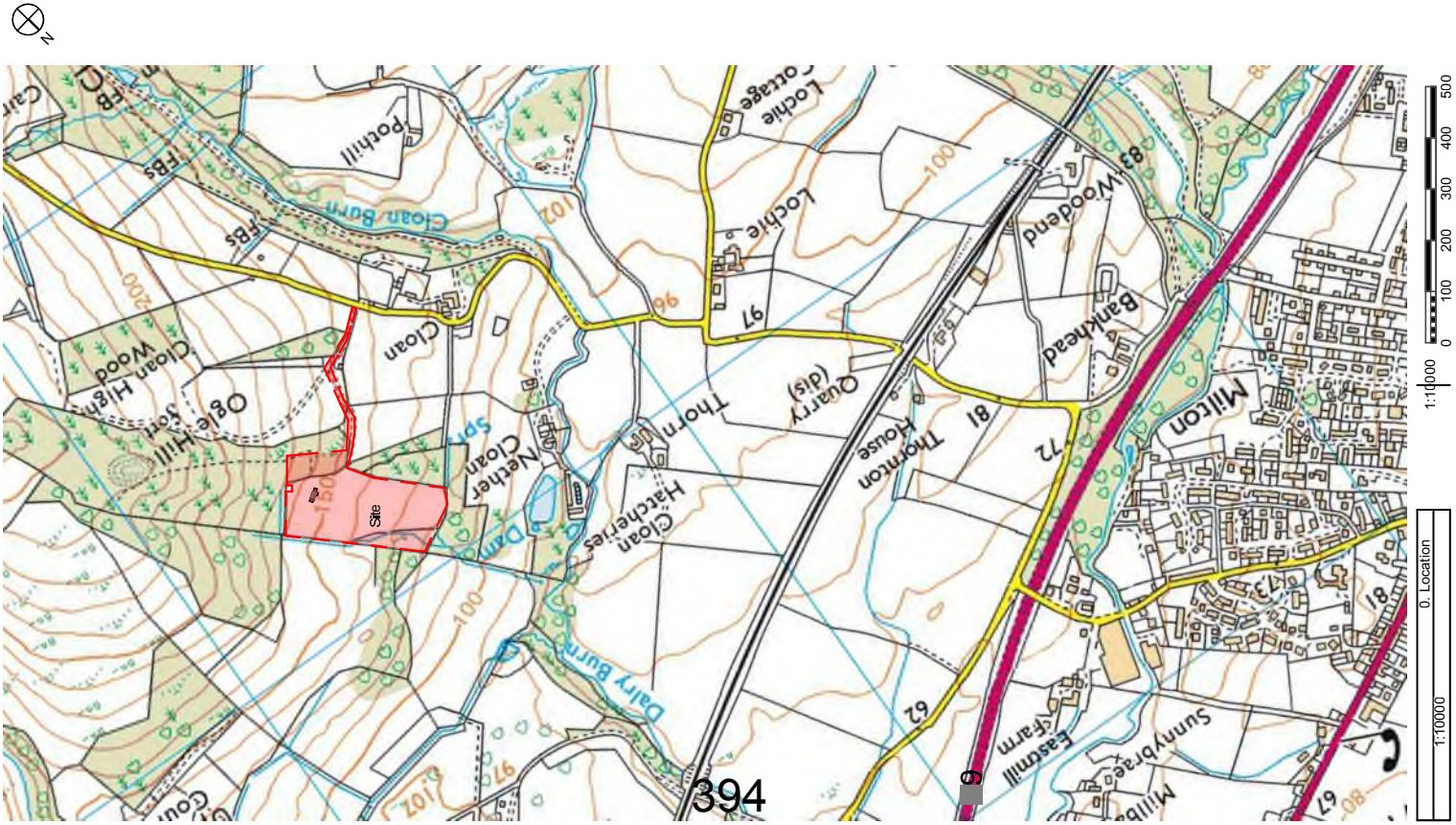
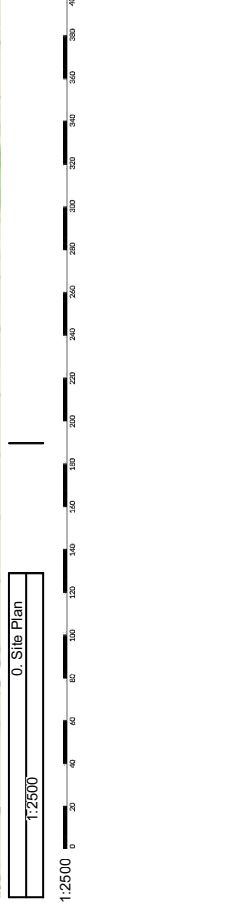
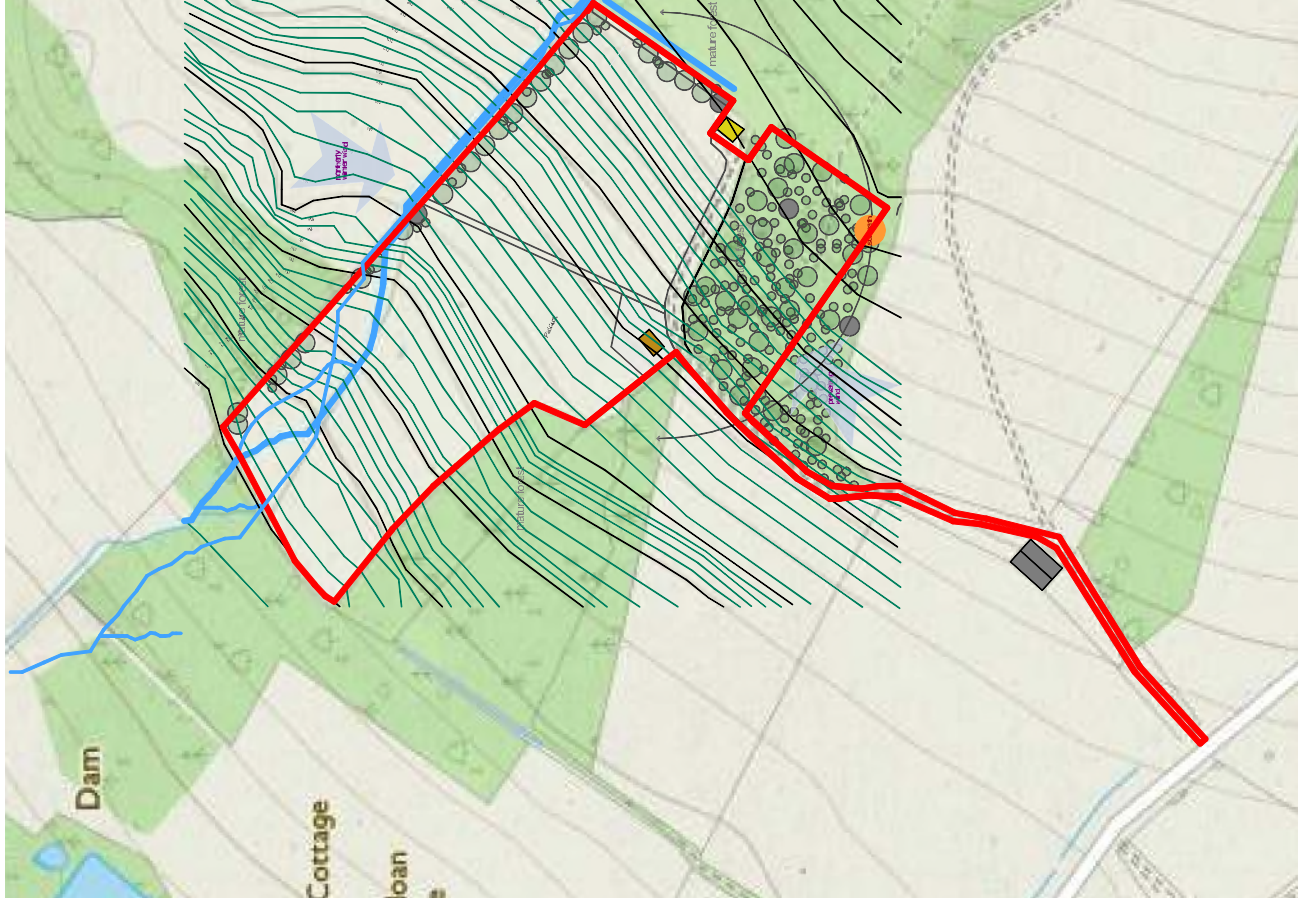
Drawing Number:  
**1271-02-10-RevB**

Revision: **-B**

- Legend**
- Existing Stables
  - Existing Telecommunications Mast with hard landscaping within the perimeter fence
  - Post and wire fencing
  - Wire security fencing
  - Gate
  - Existing trees with approximate location within the site



|                                                                                 |                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                      |                                                                    |                                                                                                                                                       |                                                           |                                                                                                                                                                                                                                                                                          |
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**Revision History**

**Project**

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Upper Cloan, Auterarder, Perth &  
Kinross, PH3 1PP, Scotland, UK

**Drawing Name**

**Ground Floor & First Floor**  
**Plans**

**Drawing Status**

**In Progress**

**Modified by**

**D.W.H**

**Date**

**31/08/2017**

**Checked by**

**Drawing Scale**

**1:100**

**Drawing Number**

**1271-02-04**

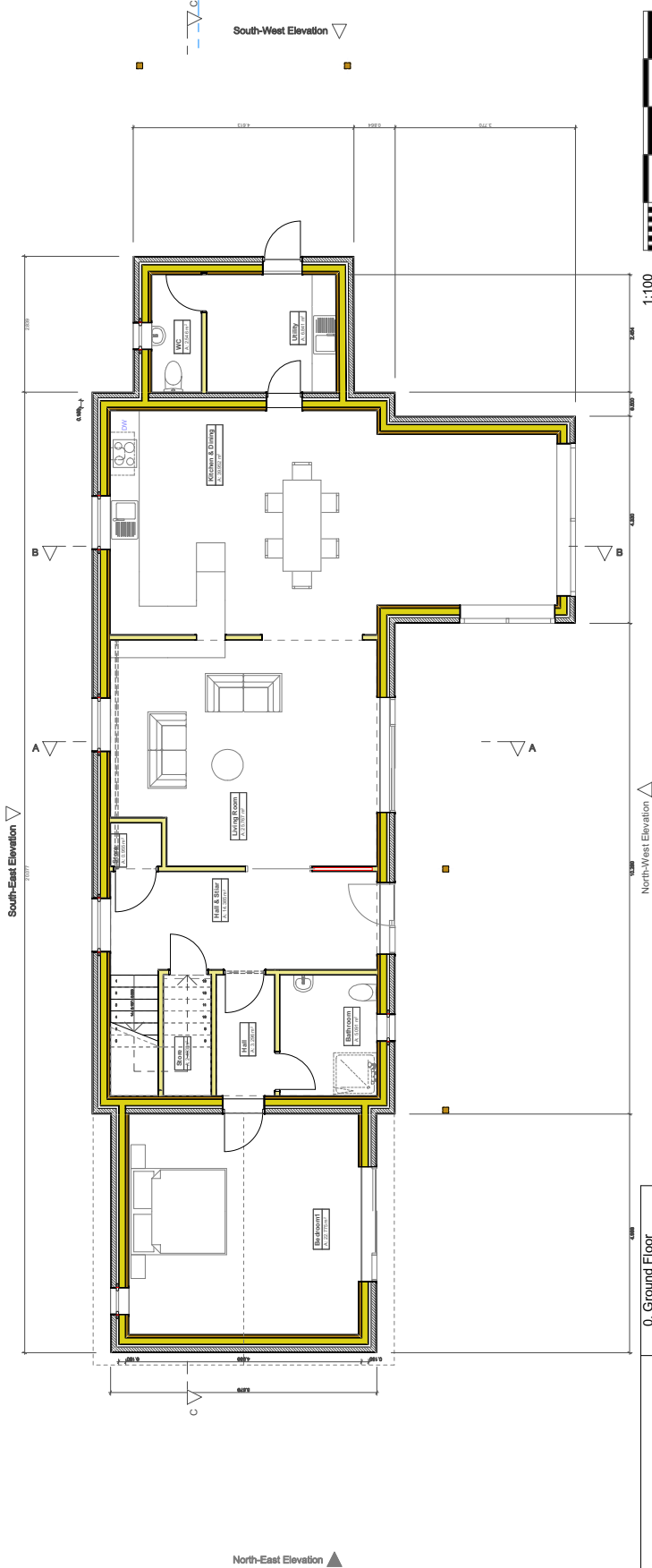
**Revision**

**-**

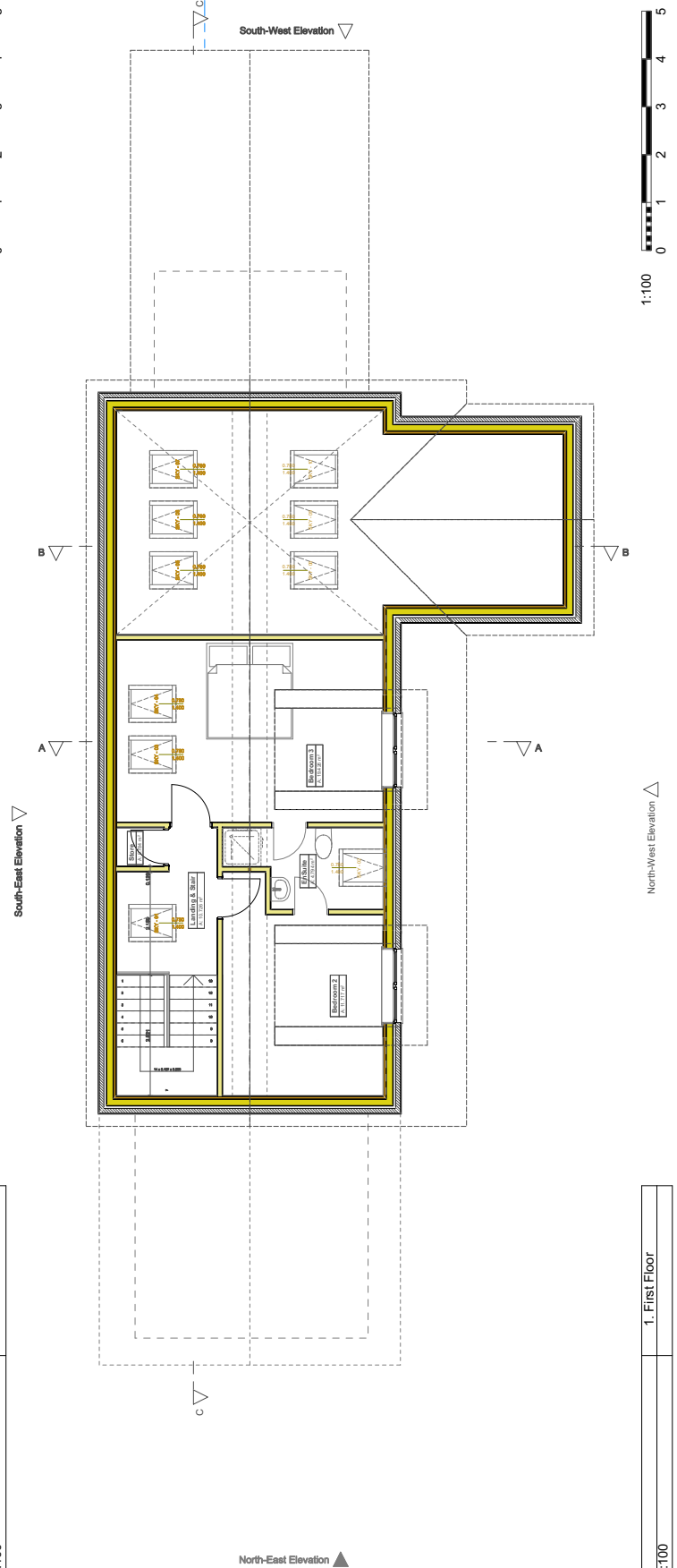
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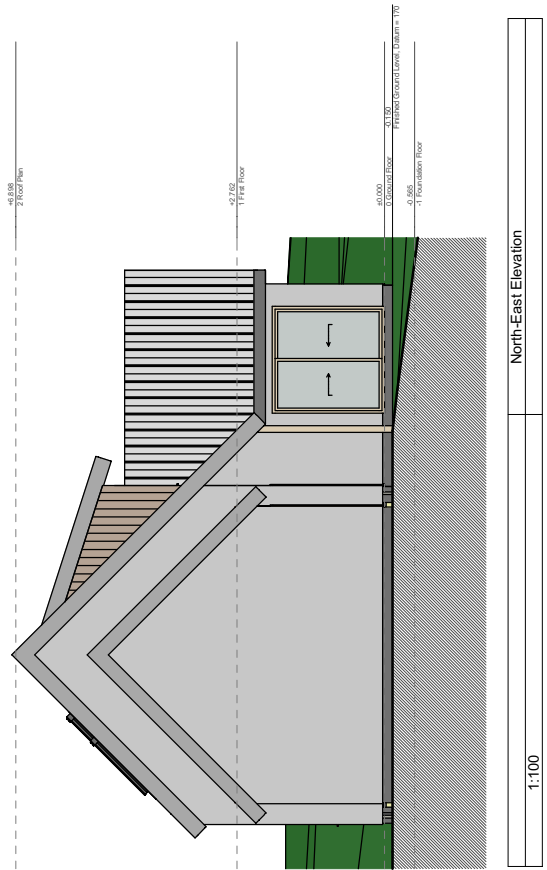
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**Revision History**  
 Rev A -  
 - Location plans updated for accuracy  
 - Plot boundary taken to public road  
 - Floor levels shown on elevations

**Project**  
 K Laver, & D Malcolm  
 Upper Cloan, Auterarder, Perth &  
 Kinross, PH3 1PP, Scotland, UK

**Drawing Name**  
 Elevations

**Drawing Status**  
 In Progress

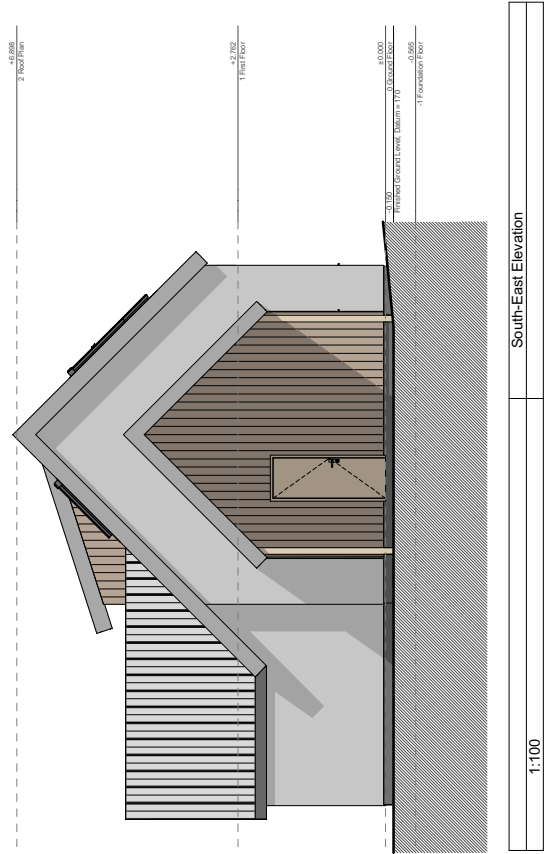
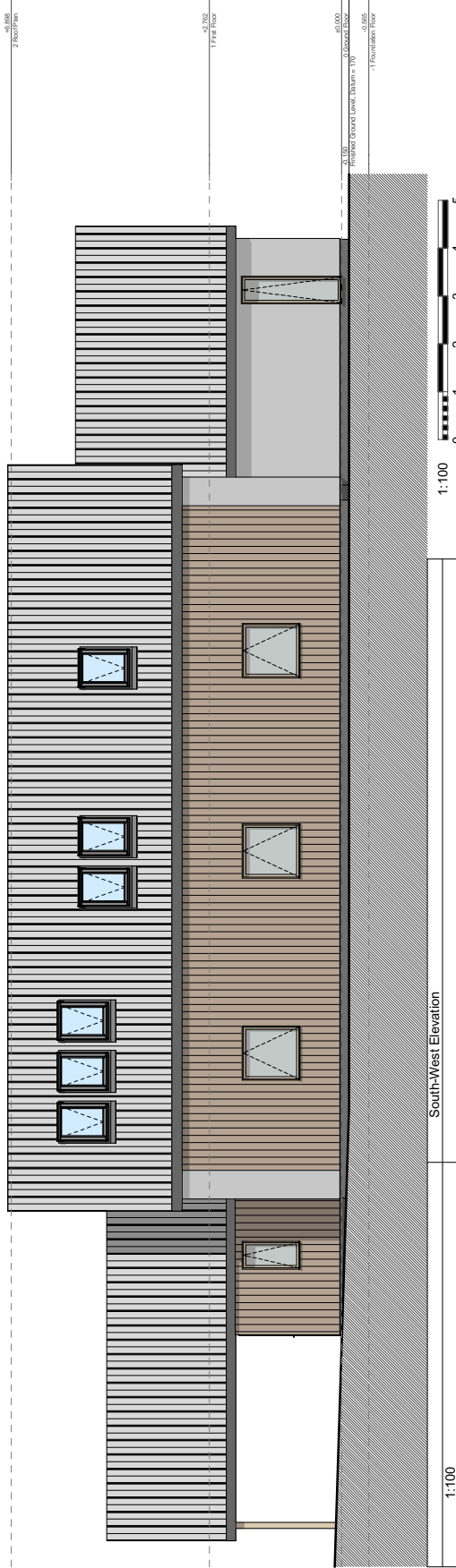
**Modified by**  
 D.W.H  
**Date**  
 31/08/2017

**Checked by**

**Drawing Scale**  
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**Drawing Number**  
 1271-02-05-RevA  
**Revision**  
 -A

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| <b>Revision History</b><br>Rev A -<br>- Location plans updated for accuracy<br>- Field boundary taken to public road<br>- Floor levels shown on elevations   |
| <b>Project</b><br>K Laver, & D Malcolm<br>Upper Cloan, Auterarder, Perth &<br>Kinross, PH3 1PP, Scotland, UK                                                 |
| <b>Drawing Name</b><br>Elevations                                                                                                                            |
| <b>Drawing Status</b><br>In Progress                                                                                                                         |
| <b>Modified by</b><br>D.W.H                                                                                                                                  |
| <b>Date</b><br>31/08/2017                                                                                                                                    |
| <b>Checked by</b>                                                                                                                                            |
| <b>Drawing Scale</b><br>1:100                                                                                                                                |
| <b>Drawing Number</b><br>1271-02-06-RevA                                                                                                                     |
| <b>Revision</b><br>-A                                                                                                                                        |

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Roof Plan  
1:500

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**Project**

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**Drawing Name**  
**Sections**

**Drawing Status**  
**In Progress**

**Modified by**  
**D.W.H**

**Date**  
31/08/2017

**Checked by**

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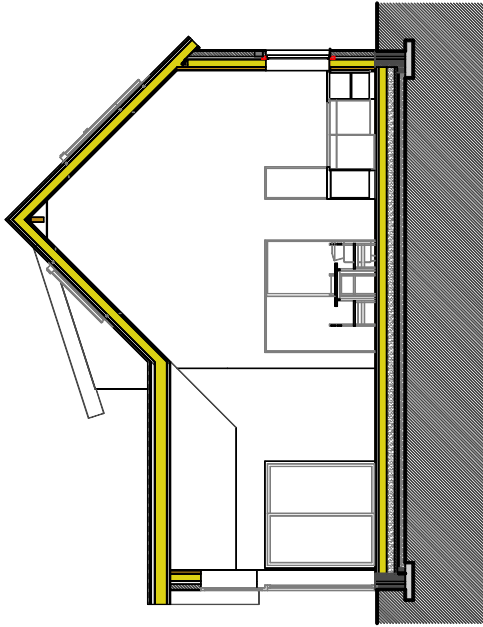
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**Revision**

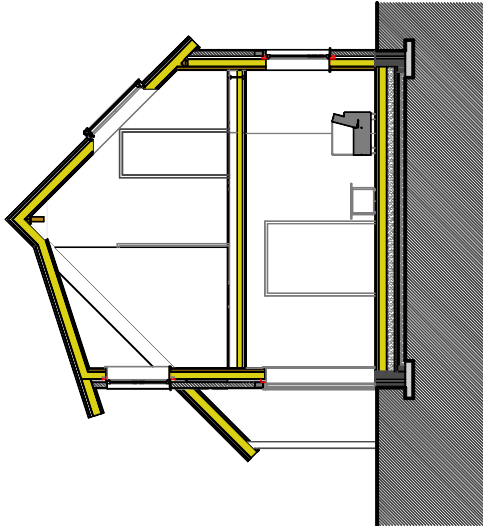
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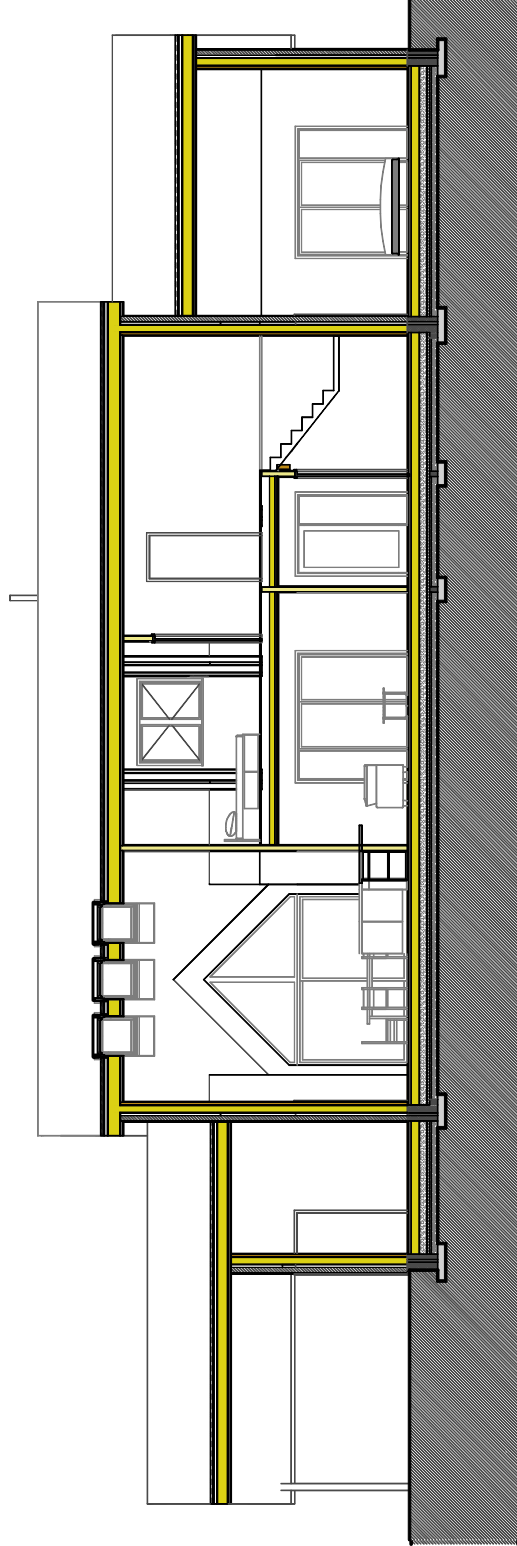
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**B Section**  
1:100  
0 1 2 3 4 5



**A Section**  
1:100  
0 1 2 3 4 5



**C-Section**  
1:100





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**Project**

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**Kinross, PH3 1PP, Scotland, UK**

**Drawing Name**

**Visualisation**

**Drawing Status**

**In Progress**

**Modified by** **D.W.H** **Date** **22/02/2017**

**Checked by**

**Drawing Scale**

**Drawing Number**

**1271-02-09**

**Revision**

**-**

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**Cloan, Auchterarder,  
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## **PLANNING AND DESIGN STATEMENT**

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### **Introduction**

This proposal is for a new zero carbon dwelling and associated smallholding for sustainable living following the principles of permaculture located at Cloan near Auchterarder.

The site lies 1.5km south of the A9 Motorway and 300m East of Nether Cloan. Access to the site is via an existing track opposite Cloan House. An existing telecommunication mast is in the south corner of the site at the highest point.

This application is a resubmission following refusal of application 17/00329/FLL. We have chosen to resubmit rather than appeal the previous decision since the location of the house has been moved and the nature of the proposal has been clarified to address the reasons for refusal and to respond to some of the comments made in the Report of Handling of the previous application. The previous application was lodged with the assumption that the communications mast on the site was to be relocated. This is no longer the case, with the mast staying in its current location, requiring amendment to the application boundaries.

### **Planning Policy Context**

#### Pilot projects creating eco-friendly houses

The proposal has been specifically developed to fulfill the Council's desire for pilot projects creating eco-friendly houses expressed in Section 3.5 of its Housing in the Countryside Policy by bringing together a zero carbon house with the use of land for sustainable living which requires a rural setting. The Planning Officer in the previous Report of Handling dismissed this proposal as a 'pilot project' by his own definition, but the Housing in the Countryside Policy offers no definition of 'pilot project' and he was wrong to dismiss it out of hand.

The design of the house and the proposals for sustainable land management are very similar to those approved enthusiastically as fulfilling the terms of this part of the Housing in the Countryside Policy by the planning officer in relation to PKC13/01386/FLL – Erection of a dwellinghouse 130 m north east of Croftness Farmhouse, Aberfeldy in 2013 and if these proposals were so positively received in a rural location in Aberfeldy it is hard to understand why such similar proposals are not acceptable here. In this former case, the proposal was accepted as a pilot project without hesitation.

The proposal also fulfill the Siting Criteria for houses in Category 3 by virtue of the way the entire site nestles into the landscape, with trees and the overall slope of the site containing the small holding which sits well below the skyline. The plot is well defined by woodland to three and a half sides, with a line of mature trees and stream where there is no woodland. In assessing this

application, it needs to be borne in mind that the Siting Criteria refer specifically to a house in the countryside, but this proposal under Section 3.5 is for a house and smallholding, so broader consideration needs to apply as to how the whole site fits into the landscape, which this does well.

As indicated above, this proposal fulfills perfectly the Council's desire to encourage eco-houses with associated sustainable rural living in the countryside. With the exception of the Aberfeldy example, which is still only in the course of construction, we are not aware of any similar proposals within Perth and Kinross for this innovative new way of low carbon, sustainable living and the Council should thus be supporting it.

#### Landscape Policy Context

LDP Policy ER6 on managing future landscape change is crucial, supplemented by Landscape Supplementary Guidance 2015. The site lies within the Ochil Hills Special landscape Area, however there is nothing in the Supplementary Guidance on the Ochils, and hence this site, which conflicts with this proposal in terms of either the Statement of Significance, its Special Qualities, its Forces for Change or its Objectives for Future Management. Indeed, this proposal for intensification of rural land use and agriculture within this landscape should be welcomed.

#### Sustainable Design and Zero Carbon Development SG 2014

In terms of the Council's Sustainable Design and Zero Carbon Development SG 2014, this proposal addresses in full the 9 central elements of that guidance and these are addressed in more detail below. It is Council policy that this document be used as a sustainability checklist on applications, but the previous Report of Handling failed to do so.

#### **Zero Carbon Design**

The house design of this current application has been the culmination of four years of developing a zero-carbon, low energy house that looks like mainstream housing. This is to serve the specific purpose of bringing low energy housing to the mainstream market and throwing off the 'earth ship' visual expectations of low impact dwellings. It is noteworthy that there were no objections to the house on design grounds in the previous application.

Architeco are leading the way in low energy design and the house, as designed, has all cold-bridging eliminated, with every junction thermally

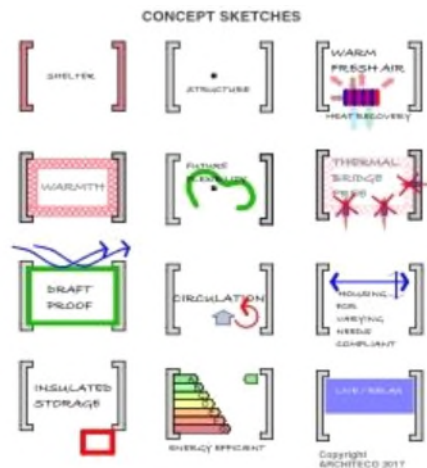


modelled and optimised. The house is, in fact, one of the first houses to be proposed under this rigorously designed solution and is very much a pilot project, with post-occupancy evaluation being proposed to determine exactly how well the house performs in reality which will allow comparison to the extensive energy modeling results, which far surpass the current Regulations' requirements. Furthermore, we are currently using an identical house type in rural locations in four separate regions (including Highland, Moray and the Outer Hebrides) in order to determine that the design is suitable for varying climactic conditions – a prerequisite of the brief in developing this house model, although finishing each house individually to suit the local design context.

This site forms part of this Scotland-wide Pilot Project and the results from the post-occupancy evaluation will be critical in determining the direction of the future model – a zero carbon low cost house suitable for all UK climatic regions. A rural site is required to allow direct comparison with the other dwellings. The applicant and the agent would be delighted to share the results of this post-occupancy evaluation with the planning authority as an input to its sustainable development strategy and in particular to assist the Council in the development of its 'Sustainable Design and Zero Carbon Development Supplementary Guidance' and to fulfill the 'pilot project' objective of the Housing in the Countryside Policy.

This document sets out the considerations required for Sustainable Design & Zero Carbon in Perth & Kinross and this planning application achieves these by:

- Minimizing energy consumption by adopting a fabric first approach
- Realises renewable energy opportunities by including a renewable energy strategy by using wood gasification.
- Encourages the use of passive and inclusive design by using site specific climate data and overshadowing features in the energy model and locates the house to allow the existing trees to form a shelter belt.
- Promotes efficient use of water and avoids run-off, with all surface and waste water being dealt with on-site as part of a re-oxygenating system.
- Increases the bio-diversity of the site using Permaculture.
- Uses off-site construction to minimise construction waste.
- Implementing on-site composting that feeds directly back into the site.



- Encourages sustainable travel – the site lies less than 2km from Auchterarder Town Centre.

On this last item, Sustrans report, Active Travel, Active Scotland, notes that “the majority of trips less than one mile should be made on foot, however up to 2 miles should be a perfectly acceptable distance for many people to walk. Local journeys between 2 and 5 miles are extremely suitable for cycling.” The site location is therefore within the ideal distance range for encouraging active journeys and reducing car use and also allowing the applicants to enjoy a rural location without the prerequisite of car ownership. With the increasing popularity of electric bicycles, longer and more frequent journeys by cycle are on the increase and these can be charged by the sustainable electrical generation on-site. The permaculture land use also reduces the requirement to travel, with the entire occupants food use being supplied on-site.

The Scottish Government’s Building Regulations Department recommends ‘net zero carbon’ buildings made a requirement by 2016/17, if practical. This is not currently a requirement and the zero carbon target has been repeatedly pushed back. We applaud the recommendation, however, currently it is just that. We are proposing a zero carbon dwelling now, with a building performing, for example, over 16 times better than that required by current regulations on airtightness alone! ([0.6ac/hr@50Pcls](#) to 10). The lack of progress with zero carbon houses at both the Scottish and Perth and Kinross contexts reinforces the need for good pilot projects to demonstrate the feasibility and desirability of this approach.

The house design is one and a half storey, with the house positioned to run parallel with the contours. The topography rises to the South-East of the site, ensuring the skyline will not be broken by the new building. Siting the house to the south of the site allows this elevated position to provide good surveillance over the remaining site to allow monitoring of livestock, other animals, and food vegetation. The dwelling has three bedrooms; one on the ground floor and two in the first floor. A full height dining and kitchen space with a sunroom facing North-West to the planted area of the plot.

The house will be Zero Carbon, the building uses sympathetic design and materials and it will be super-insulated to Passivhaus standards, including high performance, triple glazed doors and windows. An extremely high level of air tightness is aimed for. A heat recovery ventilation system will be installed. The house will have coppicing rights to the adjacent woodland, which will provide all of the required heating and hot water energy. Preliminary energy modeling indicates that the design could have a heat load of just 4.5kW. This ensures the coppice will be able to fully meet the requirements for hot water and heating demand.

In keeping with the sustainable living, a simple palette of materials is proposed. Walls will be finished in render to the gables, with timber cladding to the North & South elevations. The roof proposal is for profile metal sheet to be in keeping with the rural context. This material has a high recycled content and is fully recyclable at the end of its life.

## Land Management

This is not just an application for a zero carbon house, but for a small holding proposing sustainable rural living and land management for which a rural location is essential. The site has an area of 3.8 ha. The land will all be used for sustainable rural living, including the growing of food crops and animal husbandry. The site has been zoned using Permaculture principles. It is divided into 5 zones, which reflect the frequency of maintenance of the areas with the highest intensity areas being in closer proximity to the dwelling. By situating the most often used or serviced elements in a design closest to the home, it makes it easier to access them. This means less energy is expended to access them, making for a more energy efficient design. The irrigation uses water from ponds linked to the existing stream. The diversity of the trees and plants aims to maintain the composition of the soil and return it to its natural levels. Being based on forest gardening, the overall visual impact of permaculture is an increase in tree canopies, which will compliment this site with it being surrounded by woodland.

Permaculture, in its very nature, is taken over a long period of time. The land needs careful observation over at least four seasons, with every detail noted, to see what naturally grows and works. This information is then developed into a site-specific strategy. The permaculture brief was noted as 'vague' in the Report of Handling from the previous application; however, the whole idea behind permaculture is not land management by force but by using a holistic approach to enhance the existing eco-system to provide sustenance. The management plan which forms part of this application nonetheless indicates broadly how the various parts of the small holding will be used in land use terms and is sufficiently detailed to grant a planning consent. In any event, details of crops etc are not a matter to be dealt with by a planning permission. We cannot dictate how the permaculture scheme will look as this is a site-specific system of land management developed over years of following permaculture principles. The suitability of the water feature, for example, is sited where it is as the area is already waterlogged and there is a stream passing the area. The proposal enhances what is already there, rather than requiring extensive "land engineering". We have not provided detail on the polytunnel as this is a very straightforward way of extending the growing season.

Zone 0 is the house itself, with the remaining zoning being dependent on input required and frequency of tending.

Zone 1 is nearest to the house and includes the kitchen garden with short growing season vegetables. Wild flowers and herbs are spread in front of the house while two rainwater-harvesting ponds allow for irrigation of the allotments. A herb spiral creates the optimum conditions and aspect, from dry and sunny to shaded and damp, in a small area.

Zone 2 consists mainly of two areas: the crop rotation beds of long growing season vegetables and the fruit trees. Between the lines of fruit trees, an organic mixed fruit orchard, living nitrogen-fixing mulch grows between to

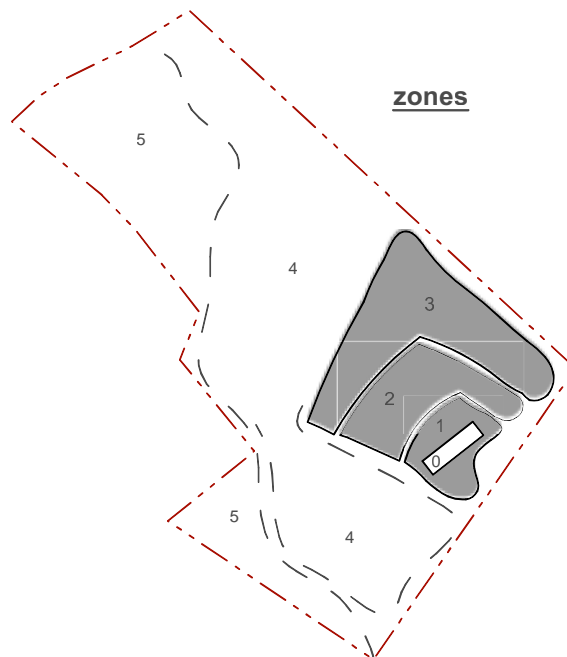
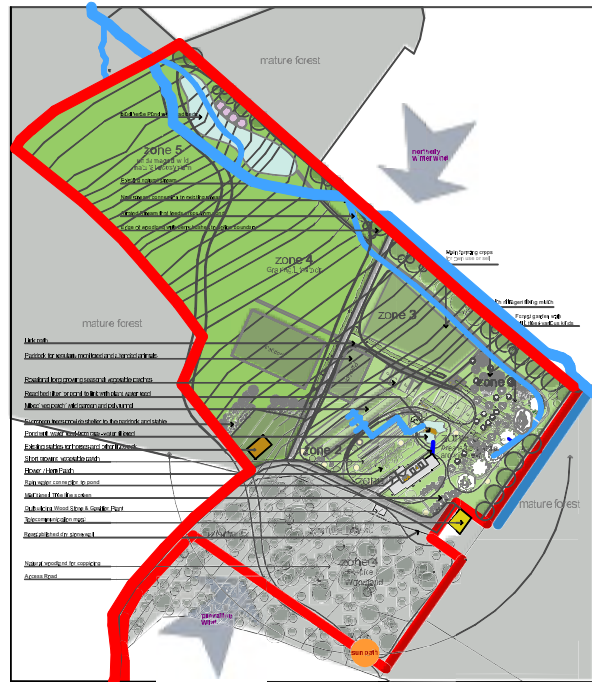
naturally suppress weeds, feed the tree fruit system and provide further food crop. Those two areas should provide the majority of fresh produce for the family using a system of crop rotation to ensure ground fertility is maintained.

Zone 3 includes the main farming crops for use or sale and a paddock for regularly monitored and attended animals. It also includes the existing stables situated south west of the fence, a new larger paddock close to it and evergreen trees to act as a shelterbelt.

Zone 4 includes the grazing field for the family's livestock as well as their horses. Zone 4 also includes part of the existing woodland area, which will be coppiced to supply the heat and hot water fuel requirements for the house. The coppicing will manage the woodland for the future. The management of the woodland will use only 10% of coppice annually for the heating requirements. This allows a 10-year regeneration and maintains the woodland ad infinitum.

A pond with reed bed acts as the final on-site water treatment is located in the North-West end of the site, fed by an aerating stream and with an uneven edge to promote a variety of water plants and aquatic life. This can provide a sustainable watering hole for the animals.

Zone 5 is an unmanaged wild natural ecosystem, as it exists in its natural form – an essential area for sustainable living. Beyond the site, a mature forest provides wind protection from the northerly winter winds. The boundaries of this zone extend beyond the plot and connect this undamaged ecosystem to the surrounding forest.





The zones are separated by traditional laid hedges and connected by informal paths laid in loops, allowing for the whole area to be attended on a single walk round.

One of the reasons for refusal of the previous application was to do with the lack of a mechanism for ensuring that the site was occupied and operated in an ecologically sustainable manner. This is not accepted as a legitimate reason for refusal since the Council's policy on such pilot projects clearly assumes this is not an issue and it is merely necessary to grant consent for both the house and the small holding as an integrated package.

### **Summary**

It is submitted that this proposal for a zero carbon house and associated small holding allowing sustainable rural living is in accordance with Section 3.5 of the Council's housing in the Countryside Policy and is an entirely appropriate pilot project for both a zero carbon house and sustainable rural living which the Council supports in policy terms, but where there few if any examples within Perth and Kinross. The proposal should therefore be supported as the planning authority supported the similar Croftness proposal in 2013.





**TCP/11/16(509) – 17/01524/FLL – Erection of a dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder**

## **REPRESENTATIONS**



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

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>         | 17/01524/FLL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                   | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse and outbuilding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                             |                                                                           |
| <b>Address of site</b>                   | Land 150 Metres North West Of Upper Cloan Telecommunications Mast Auchterarder                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                             |                                                                           |
| <b>Comments on the proposal</b>          | <p><b>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.</b></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><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Community School of Auchterarder Primary School.</p> <p><b>Auchterarder A9 Junction</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b> | <p><b>Summary of Requirements</b></p> <p>Education: £6,460<br/>A9 Junction: £3,450</p> <p><b>Total: £9,910</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                                                           |

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|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Recommended informative(s) for applicant</b></p> | <p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date</p> |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <p>of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:<br/> Perth and Kinross Council<br/> Pullar House<br/> 35 Kinnoull Street<br/> Perth<br/> PH15GD</p> <p><b>Bank Transfers</b><br/> All Bank Transfers should use the following account details;<br/> <b>Sort Code:</b> 834700<br/> <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b><br/> The Council operate an electronic direct debit system whereby payments may be made over the phone.<br/> To make such a payment please call 01738 475300 in the first instance.<br/> When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Education Contributions</b><br/> For Education contributions please quote the following ledger code:<br/> 1-30-0060-0001-859136</p> <p><b>A9 Junction</b><br/> For A9 Junction contributions please quote the following ledger code:<br/> 1-30-0060-0002-859136</p> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p> |
| <b>Date comments returned</b> | 07 September 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |





**By email to:**

[Developmentmanagement@pkc.gov.uk](mailto:Developmentmanagement@pkc.gov.uk)

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

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our ref: AMH/3073/10  
Our case ID: 300023250  
Your ref: 17/01524/FLL

08 September 2017

Dear Sir/Madam

Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013  
Land 150 Metres North West Of Upper Cloan Telecommunications Mast Auchterarder -  
Erection of a dwellinghouse and outbuilding

Thank you for your consultation which we received on 05 September 2017. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

| Ref    | Name           | Designation Type   |
|--------|----------------|--------------------|
| SM3073 | Ogle Hill,fort | Scheduled Monument |

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

### Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

### Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-)





HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

[historic-environment-guidance-notes/](#). Technical advice is available through our Technical Conservation website at [www.englished.org](http://www.englished.org).

Please contact us if you have any questions about this response. The officer managing this case is Mary Macleod who can be contacted by phone on 0131 668 8688 or by email on [mary.macleod@hes.scot](mailto:mary.macleod@hes.scot).

Yours faithfully

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

# Comments for Planning Application 17/01524/FLL

## Application Summary

Application Number: 17/01524/FLL

Address: Land 150 Metres North West Of Upper Cloan Telecommunications Mast Auchterarder

Proposal: Erection of a dwellinghouse and outbuilding

Case Officer: John Russell

## Customer Details

Name: Mr robert sinclair

Address: 49 Athollbank Drive, Perth, Perth And Kinross PH1 1NF

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Inappropriate Land Use
- Out of Character with the Area

Comment: This is a prominent construction in a highly visible position in open countryside and should therefore be denied permission.

The proposed layout drawing shows the formation of a pond on a slope without showing the civil works necessary to retain water. These would require to be of considerable height due to the steep slope.



18/09/2017

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



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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**PH3 Auchterarder Upper Cloan Ld 150 Mt Nth West of  
PLANNING APPLICATION NUMBER: 17/01524/FLL  
OUR REFERENCE: 750478  
PROPOSAL: Erection of a dwellinghouse and outbuilding**

**Please quote our reference in all future correspondence**

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

#### **Water**

- There is currently sufficient capacity in the Turret Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. The nearest main is approx. 800m from the proposed site.

#### **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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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](http://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](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

Angela.Allison@scottishwater.co.uk



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

|                                                 |                                                                                                                                                                                                                         |                             |                                     |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|
| <b>Planning Application ref.</b>                | 17/01524/FLL                                                                                                                                                                                                            | <b>Comments provided by</b> | Dean Salman<br>Development Engineer |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                      | <b>Contact Details</b>      | ██████████<br>████████████████████  |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse and outbuilding                                                                                                                                                                             |                             |                                     |
| <b>Address of site</b>                          | Land 150 Metres North West Of Upper Cloan Telecommunications Mast, Auchterarder                                                                                                                                         |                             |                                     |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.                                                                                                            |                             |                                     |
| <b>Recommended planning condition(s)</b>        | 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 access detail Figure 5.6. |                             |                                     |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                         |                             |                                     |
| <b>Date comments returned</b>                   | 18 September 2017                                                                                                                                                                                                       |                             |                                     |



**TCP/11/16(500) – 17/01074/IPL – Erection of a dwellinghouse (in principle), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 425-442***)
- (b) Decision Notice (***Pages 445-446***)
  - Report of Handling (***Pages 447-456***)
  - Reference Documents (***Pages 457-467***)
- (c) Representations (***Pages 469-480***)



**TCP/11/16(500) – 17/01074/IPL – Erection of a dwellinghouse (in principle), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**

**Agent (if any)**

Name LINDSAY WATT & STARION BROWN

Name

Address 1 KINNORTHRY  
HOLDINGS  
COUPAR ANGUS  
BLAIRGOWRIE  
PH13 9PN

Address

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\* [REDACTED]

E-mail\*

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

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

Yes  No

Planning authority PARRIS & KINROSS COUNCIL

Planning authority's application reference number 17/01074/1PL

Site address PART OF 1 KINNORTHRY HOLDING 100M NORTH WEST OF WEST KINNORTHRY HOUSE

Description of proposed development REVISION OF A DWELLING HOUSE (IN PRINCIPLE)

Date of application 22ND JUNE 2017

Date of decision (if any) 27TH JULY 2017

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



**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

SOME REASONS FOR REFUSAL ARE SUBJECTIVE AND CAN BE BETTER JUDGED AFTER A SITE INSPECTION

**Site inspection**

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

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

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

ENTIRE SITE CAN BE VIEWED FROM PRIVATE ROADWAY ADJOINING IT. A PUBLIC RIGHT OF WAY EXISTS ALONG THE ROADWAY.

**Statement**

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

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

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

SEE ASSAIGNED STATEMENT -

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

Yes  No

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

I HAVE COMMENTED ON MATERIAL RAISED BY THE CASE OFFICER AND THOSE COMMENTS MAY INCLUDE NEW MATERIAL.

**List of documents and evidence**

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

STATEMENT CONTAINING DETAILED REASONS FOR  
 SARKING REVIEW. STATEMENT CONTAINS MAPS & PHOTOS

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

**Checklist**


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

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

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

**Declaration**

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

Signed 

Date 25<sup>th</sup> OCTOBER 2017

## PERTH AND KINROSS COUNCIL

### APPLICATION TO REVIEW DECISION DATED 27<sup>TH</sup> JULY 2017

#### PLANNING APPLICATION NO 17/01074/1PL

We refer to the letter dated 27<sup>th</sup> July 2017 refusing the above application on a variety of grounds. We hereby apply for a review of your council officer's decision by your Local Review Body.

Before the application we reviewed the Local Development Plan, and also guidance issued by the Council in connection with housing in the countryside. We took advice from agents who had previously worked for many years in the planning department of another council. After considering these matters, and after taking into account the advice given, we decided that this plot of the three we considered would fit in best with the council's vision and make Kinnochtry "a place of first choice where people choose to live.....without creating an unacceptable burden on the planet".

We were therefore disappointed to receive a bald refusal of the application for a whole variety of reasons (many subjective) without the council entering into any discussion with our agents to seek further information or consideration of alternatives. Most of the points raised in the statement supporting the application were seemingly ignored. It appears to us that the case officer simply chose to take the safe option of refusing the application to avoid the possibility of criticism later. Following his refusal we looked carefully at his Report of Handling which gives more insight into his reasoning and it appears his refusal is based on the following reasons:-

1. The proposal represents a "sprawl" from a group of buildings into the open countryside.
2. The proposed site does not have established boundaries, and is contained only by a post and wire fence.
3. The proposal erodes the existing landscape.
4. The proposal does not contribute to a sense of place.
5. The proposed dwellinghouse would suffer by reason of the noise and odour from the agricultural activity at the steading.

We will deal with these in order.

**The development is a sprawl. /**

## **The development is a sprawl. /**

There is a group of buildings near the proposed site, consisting of West Kinnochtry House and a derelict steading which consists of several distinct buildings. Two hundred metres to the north, there is another “group” of 3 buildings, all dwellinghouses. There are three other “groups” of buildings in the Kinnochtry area and together they form the small community known as Kinnochtry. Each of those three groups has had applications granted extending the groups into the open countryside. Applications 07/00549/OUT and 550/OUT extend into an open field. I will refer to these in future as the “Anderson” applications. Application no 06/00092/FUL also extends into an open field. This application was for two houses. I will refer to this application as the “Keppie” application. Application No 15/02073/FLL was granted more recently and extends a group of farm buildings into the open countryside. I shall refer to this application as “Binnie” further in this application for review. The locations of all 3 applications are shown on the location map submitted along with this application for review.

It could be argued that the Anderson and Keppie applications were granted long ago, and the developments could not now proceed, but application 07/00579/FUL was granted in 2007, and the house was built during the summer of 2017, and even altered in terms of 16/01379/FLL, and is now occupied. I have marked these “McKenzie” on the location map. Thus any of these older applications could be developed, into open fields. Both the Anderson and Keppie applications extend existing groups of buildings into open countryside, and the Binnie application does that as well. None of these applications even had a post and wire fence round them. All “sprawl” in their own way.

## **No established boundaries**

The site of the current application was originally intended as a garden area. The main difficulty was the destructive nature of the prevailing winds, and on the south and west boundaries trees and shrubs were planted as wind breaks. The north wind, though infrequent, is also damaging, so similar bushy shrubs were planted along the north boundary. The eastern boundary is the private road from which access would be obtained, but on the other (eastern) side of the road is a

head high hedge which has been there for decades. A photograph is attached showing how the post and wire fence has been engulfed by growth on the western boundary. The other boundaries are similar.

All of this planting is now mature, and at least 10 years old. The site has never been “open farmland”, and is not likely to be such ever again. Attached is a plan of the steading in 1901, and you will see that the yard at the back of the steading represents, with slight boundary changes, the area permission is sought for in this application.

When choosing this site for possible development we also took into account that the steading would be developed at some time in the future – probably by our successors – and some open space at the rear will be required for access, parking, garages or simply for garden ground to facilitate the sensible development of the steading.

### **The proposed site erodes the landscape.**

Your policy ER6 very sensibly sets out to control any changes in the landscape. The present proposal is in a site where any change in the landscape would be barely discernible, and would in no way be detrimental to the surrounding land or buildings. Noticeably, none of the near neighbours objected to the application, and so are of the view that their environment would not be harmed.

The site is just visible from the public road to the south west, and is not visible from the south west until you are about a quarter mile away, by which time it is hidden by the hedge we mentioned earlier. Photographs are attached showing the view from the south west. You will have to look really hard to see the existing polytunnel.

The site is not visible from the south, being obstructed by the steading. From the south west it is barely visible, the landscape being dominated by the overhead power lines, the derelict steading, and by the highest of the group of three houses to the north. From the north the site will be visible, but the landscape is dominated by the steading.

In order to see any change to the surrounding landscape, people would actually have to go and seek it out, by going up the private roadway which leads to the site.

Both the Anderson and Keppie applications were granted in respect of land abutting the public road, and their effect on the surrounding landscape is substantial, and much more than our proposed site.

### **The proposed site does not contribute to a sense of place**

Placemaking as a concept has been identified by the Council as an important consideration when considering proposals for development. This is wise, and you have placed a helpful guide on the planning website. The case officer considers this application does not respect the character and amenity of the “place” and so should not be granted.

A “place” comes into existence when human activity gives meaning to it. The steading, West Kinnochtry House, and the three houses to the north all give meaning to this area, which at one time was an open field. Erecting a single storey house on this location will not affect this “place” in any material way, and certainly not to its detriment.

The place-making concept has also to be considered when applied to Kinnochtry as a whole. Attached is a copy of Timothy Pont’s map of the area dated around 1596. Kinnochtry is there, just above the loch or marsh which existed at that time. That community would have been almost entirely agricultural. It would not survive in the modern economy if it was entirely agricultural now.

Fortunately the community is now mixed, with some retirees, some professionals, and one person who runs an online business in Canada from his house via the internet.

### **The proposed dwelling would be affected by noise and odour from agricultural activity at the steading.**

The council policy EP8 only concerns noise pollution. It very sensibly enables you to prevent noisy applications from being placed next to users who would be adversely affected by that noise – such as dwellinghouses or nursing homes. It is sensible also to take into account odour when considering planning applications. This is adequately demonstrated by the chicken processing factory in Coupar Angus. The proposed site is not in any danger of being affected by either noise or odour, because agricultural activity in the steading does not happen.



The last time any agricultural activity occurred in the steading which would have produced noise or odour was in 2003, when the farmer who owns the other half of it kept half a dozen young cows over the winter, and then sold them on. Since then it has been used for storage of hay and of little used farm implements. It has now deteriorated to such an extent that it only small parts of it can be used for those purposes – and then only in an unsecured manner. The concerns expressed in 2007 when the previous application was refused were barely founded then, and ten years further on, after further deterioration, don't really make sense any more.

The steading was originally erected for the whole Kinnochtry farm of about 100 acres or more. After the war, it was divided into two holdings, both of 50 acres each. Each holding was given half of the steading to support it. When we bought our holding in 2001 it consisted of 50 acres and half the steading, and we have since sold 27 acres. The owner of the other holding sold 26 acres in 1986, and has now sold another 11 acres in 2017, leaving only the farmhouse and around 13 acres. There is no agricultural activity by any local business which justifies a steading of this size and form. No such activity is likely to happen in the future. It is much more likely to be converted to some other use.

## **Conclusion**

We feel the officer in this case made what he considered the “safe” decision to refuse the application, rather than risking possible criticism later for not adhering strictly to the development plan. We now ask the Local Review body to review his decision in light of the arguments in this statement.

It seems inconsistent for our plot to be considered as an unsatisfactory extension to a group of buildings when similar extensions were granted in the Anderson, Keppie and Binnie applications nearby. In addition if you look at the OS map of the steading in 1901, you will see that the area was already identifiable as a separate area then, and the boundaries since that time have only slightly changed.

It also seems inconsistent that our plot is considered not to have established boundaries, but only a post and wire fence, when the photographs show that the post and wire fence is engulfed with mature growth, and the Anderson, Keppie and Binnie applications don't even have post and wire fences at all.

The concepts of “eroding the landscape” and “not contributing to a sense of place” do not seem to have been applied to any of the nearby applications, and certainly not to the McKenzie application, as you will see from the photographs attached. It dominates the landscape to the north, and its height and appearance are totally alien to their surroundings. These two concepts are very subjective, and one person’s opinion will differ from another. If you consider them to be at all material, I would urge you to inspect the site for yourselves.

The steading will never be developed as an agricultural property. It was designed for the time horses were used in agriculture. It is the wrong design for modern needs. It is in the wrong place, and there is no large agricultural business local enough to use it. At present the only agricultural activity there is the storage of some hay, and our hens going round there to hide their eggs.

In all the above circumstances we would ask the Local Review Body to grant the application. Economic growth is needed in the countryside too, to enable this 500 year old community to sustain its existence and thrive.

---

Lindsay Watt

---

Marion Brown



Anderson



Keppie



Binnie



McKenzie





Fence on western boundary



View to the north



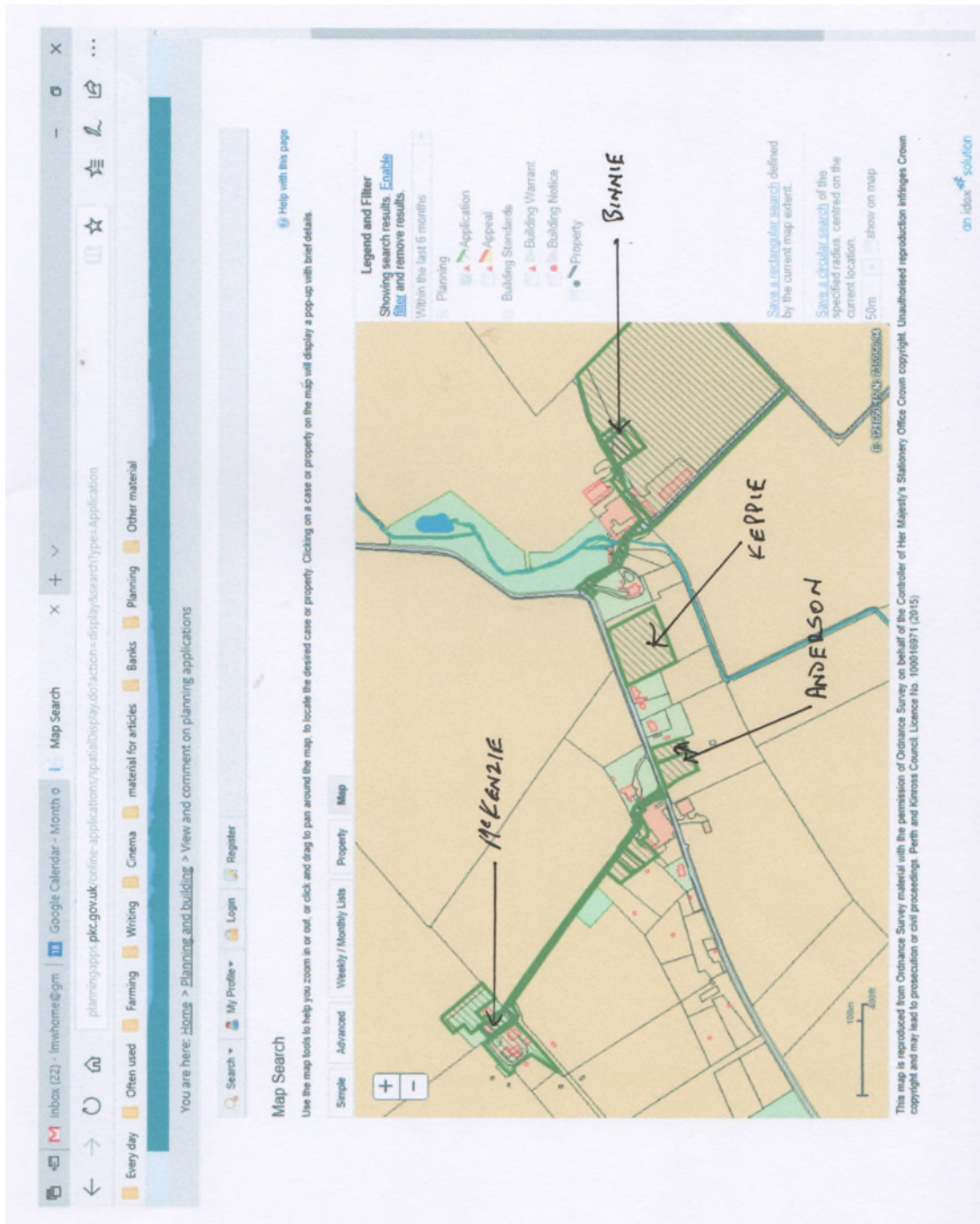
Condition of steading



Condition of steading



# Location plan





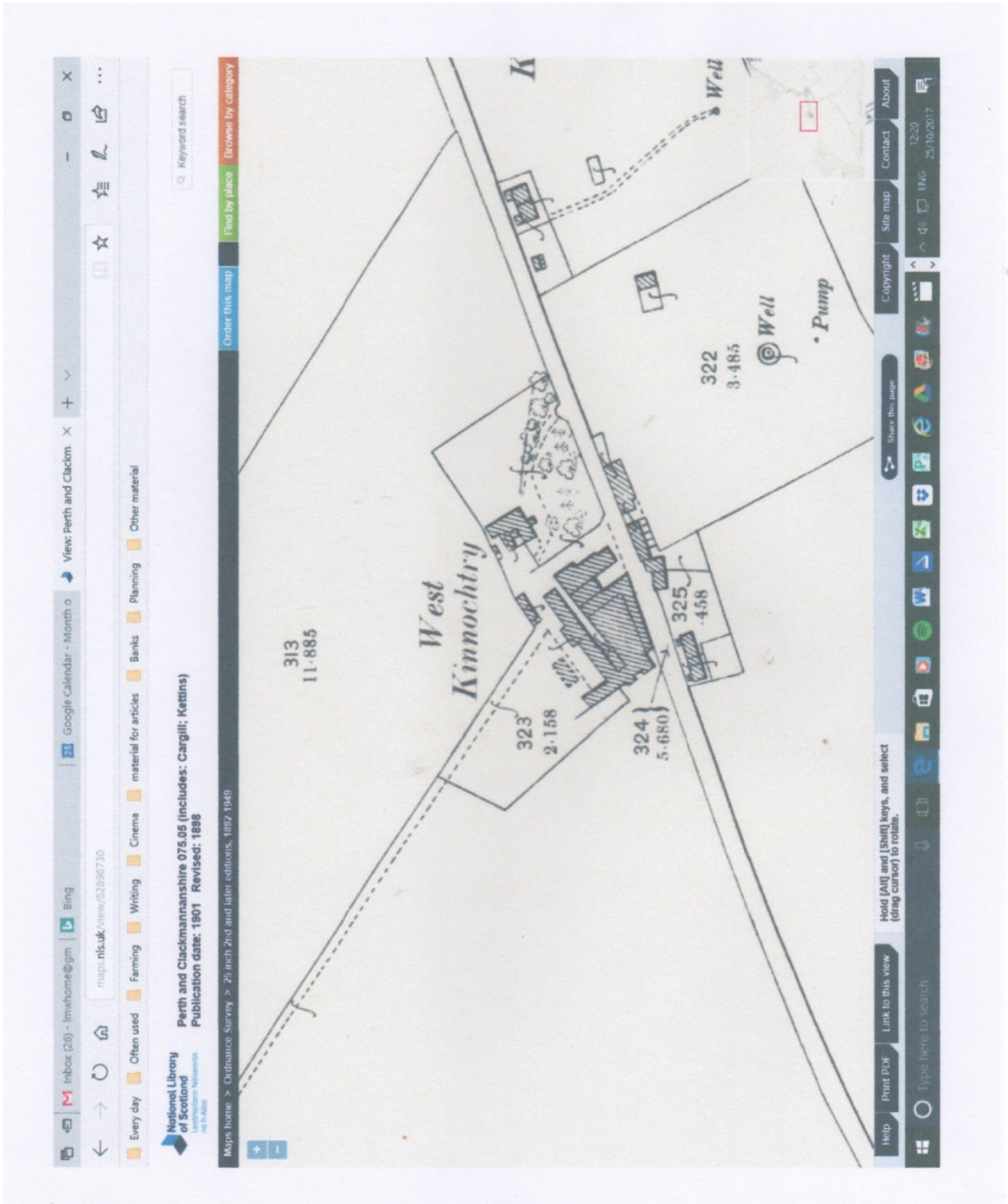


1596

View: [Lower Angus and Perthshire east of the Tay] - Pont 26 - Maps by Timothy Pont  
<http://maps.nls.uk/view/00002323>











**TCP/11/16(500) – 17/01074/IPL – Erection of a dwellinghouse (in principle), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mr Lyndsay Watt  
c/o Arthur Stone Planning And Architectural Design  
Alison Arthur  
Jamesfield Business Centre  
Jamesfield Business Centre  
Abernethy  
United Kingdom  
KY14 6EW

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 27th July 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 17/01074/IPL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 22nd June 2017 for permission for **Erection of a dwellinghouse (in principle) Land 100 Metres North West Of West Kinnochtry House Kinnochtry Coupar Angus** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

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

- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.
- 4 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
- 5 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
- 6 The proposal does not provide a satisfactory residential environment due to the proximity of the agricultural buildings to the south as there is the potential for future residents at this site to suffer annoyance from noise and odour from the agricultural activity, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

### **Justification**

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

### **Notes**

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

### **Plan Reference**

17/01074/1

17/01074/2

**REPORT OF HANDLING  
DELEGATED REPORT**

|                               |                |             |
|-------------------------------|----------------|-------------|
| <b>Ref No</b>                 | 17/01074/IPL   |             |
| <b>Ward No</b>                | P2- Strathmore |             |
| <b>Due Determination Date</b> | 21.08.2017     |             |
| <b>Case Officer</b>           | John Russell   |             |
| <b>Report Issued by</b>       |                | <b>Date</b> |
| <b>Countersigned by</b>       |                | <b>Date</b> |

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

**LOCATION:** Land 100 Metres North West Of West Kinnochtry House  
Kinnochtry Coupar Angus

**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:** 30 June 2017

**SITE PHOTOGRAPHS**



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application seeks planning permission in principle for the erection of a dwellinghouse on land to the north of the West Kinnochtry steading to the east of Burrelton. I note that there is a historic refusal on the site for a dwellinghouse, application 07/02522/FUL refers.

The site is accessed by a track from the minor road running between Campmuir and Balbeggie. The access track then passes an agricultural steading (which is partially in the ownership of the applicant) before reaching the plot which is some 18 metres from the steading buildings. There is some hedge planting and orchard trees on the site along with a polytunnel. The site is some 1200 sqm in area.

## **SITE HISTORY**

07/02522/FUL Erection of dwellinghouse 21 January 2008 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan is the most recent statement of Council policy



and is augmented by Supplementary Guidance.

The principal policies are, in summary:

**Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

**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 adaptation.

**Policy PM3 - Infrastructure Contributions**

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

**Policy PM4 - Settlement Boundaries**

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

**Policy RD3 - Housing in the Countryside**

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

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

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

**Policy EP3B - Water, Environment and Drainage**

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

**Policy EP3C - Water, Environment and Drainage**

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

**Policy EP8 - Noise Pollution**

There is a presumption against the siting of proposals which will generate high

levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## OTHER POLICIES

### Development Contributions

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

### Housing in the Countryside Guide

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

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

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

## CONSULTATION RESPONSES

Scottish Water – No objection.

Dundee Airport Ltd – No objection. This development would not infringe the safeguarding surfaces for Dundee Airport.

Contributions Officer – No objection.

Transport Planning – No objection subject to conditional control.

## REPRESENTATIONS

None

## ADDITIONAL STATEMENTS RECEIVED:

|                                 |              |
|---------------------------------|--------------|
| Environment Statement           | Not Required |
| Screening Opinion               | Not Required |
| Environmental Impact Assessment | Not Required |

|                                                               |              |
|---------------------------------------------------------------|--------------|
| Appropriate Assessment                                        | Not Required |
| Design Statement or Design and Access Statement               | Submitted    |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Not Required |

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

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

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

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

(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.

(a) Building Group.

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. In this case, the grouping of buildings around West Kinnochry House and steading can be considered as a (a) Building Group.

I therefore turn to supplementary guidance, 'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3 and Building Groups. This highlights 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 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).*

*Proposals which contribute towards ribbon development will not be supported.*

I note report of handling associated with 07/02522/FUL highlighted that:-

*The proposal lies within the Landward Area as defined in the Perth Area Local Plan 1995 where Policy 32 relating to Housing in the Countryside applies. Policy 32 does allow for infill development within small building groups and also for modest development within larger groups where sites are well contained by established landscape features. The site in question is contained by artificial boundaries on three sides and would not satisfy the policy criteria. The Council's December 2005 policy on Housing in the Countryside specifically discourages development on sites where the only containment is provided by artificial boundaries such as post and wire fences. Clearly, if consent were granted in this case, the same considerations would apply to the remainder of the open field and beyond. The proposal does not meet any of the policy criteria in the Local Plan and in the December 2005 policy.*

I note the agent is of the view that the site now has suitable landscape features to accommodate a dwelling and this overcomes the previous refusal. While there is now some hedge planting and orchard trees on the site since

the previous refusal I am still of the view that these features are not well established.

Notwithstanding this the core issue in the determination of this application is whether the site sufficiently relates to the building group at West Kinnochtry. In this case the proposed plot is set out on a limb and does not respect the character, layout and building pattern of the group which fronts onto the public road. Accordingly, the proposal would constitute an unacceptable extension to the group and result in sprawl into the open countryside, which would detract and destroy the grouping.

Taking this into account the principle of housing development on the site is contrary to Policy RD3.

### **Design and Layout**

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

Policy PM1A confirms that development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. In this case the design, density and siting of the development does not respect the character and amenity of the Building Group at West Kinnochtry and is contrary to policy PM1A.

From my review of Policy PM1B, the proposal also fails to create a sense of identity and erodes the character of the countryside (a). The siting of a dwelling in this position would further erode landscape character contrary to criterion (b). I note the applicant has sought to establish site boundaries by planting hedging since the 2007 refusal however this does little to reduce the harm of extending built development on a limb to the North.

### **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the siting of a proposed residential development on this site does not comply with the housing in the countryside policy accordingly formation of a dwellings and their associated curtilages are considered to erode local distinctiveness, diversity and quality of the landscape. The proposal would therefore also fail to comply with Policy ER6.

### **Residential Amenity**

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the

proposed properties is required and in this case cognisance of the surrounding landuses has to be taken into account.

The Housing in the Countryside SPG notes that applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.

I note there was an issue about the proximity of the proposed dwelling to the steading at West Kinnochtry and this remains unchanged. Accordingly there is a conflict with Policy EP8 Noise as potential noise and odour from agricultural activity at the steading which is outwith the control of the applicant would not create an appropriate environment for the proposed dwelling.

### **Roads and Access**

There are no objections to the proposed dwellinghouses on roads or access grounds from Transport Planning. The proposal would comply with Policy TA1B if conditional control is applied.

### **Drainage and Flooding**

The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy EP3C and this can be controlled conditionally. The acceptability of a private foul drainage can be assessed at the detailed stage and controlled by condition.

### **Developer Contributions**

#### Primary Education

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.

This proposal is within the catchment of Collace Primary School. Conditional control is required to assess the capacity constraint once a detailed application comes forward, if approved.

#### Transport Infrastructure

With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure

improvements which are required for the release of all development sites in and around Perth.

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations identified in the agent's Supporting Statement and find none that would justify overriding the adopted Development Plan or Supplementary Planning Guidance. 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**

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

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



the policy guidance or criterion where a dwellinghouse would be acceptable in this location.

- 3 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.
- 4 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
- 5 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
- 6 The proposal does not provide a satisfactory residential environment due to the proximity of the agricultural buildings to the south as there is the potential for future residents at this site to suffer annoyance from noise and odour from the agricultural activity, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

#### **Justification**

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

#### **Informatives**

None

#### **Procedural Notes**

Not Applicable.

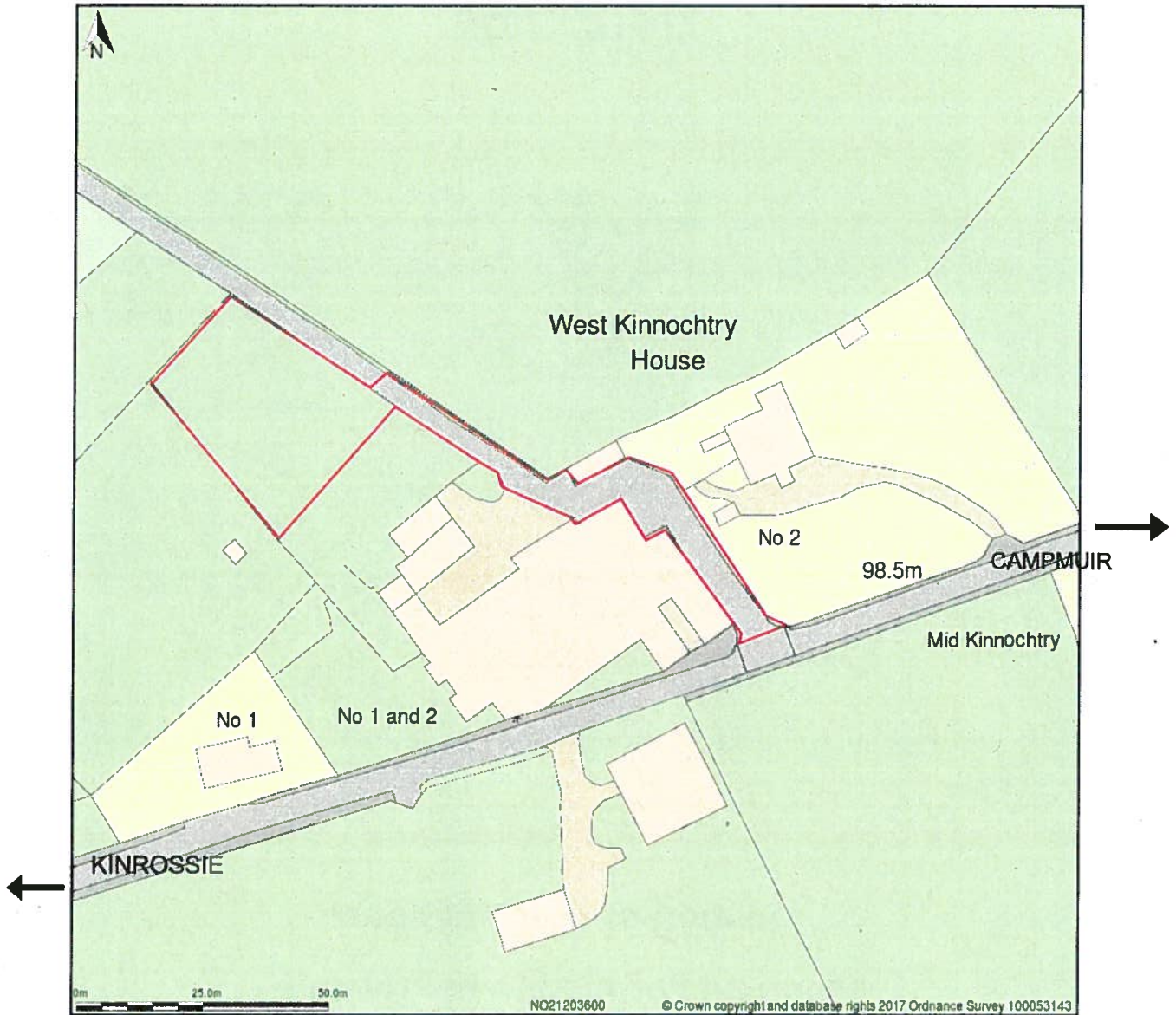
#### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/01074/1

17/01074/2

**Date of Report 26.07.2017**

Land at 1 Kinnochtry Holdings Zc442 From The Access Road To Kinnochtry Wood Cottage To The South Boundary Of 31 Holdings Blairgowrie PH13 9PN

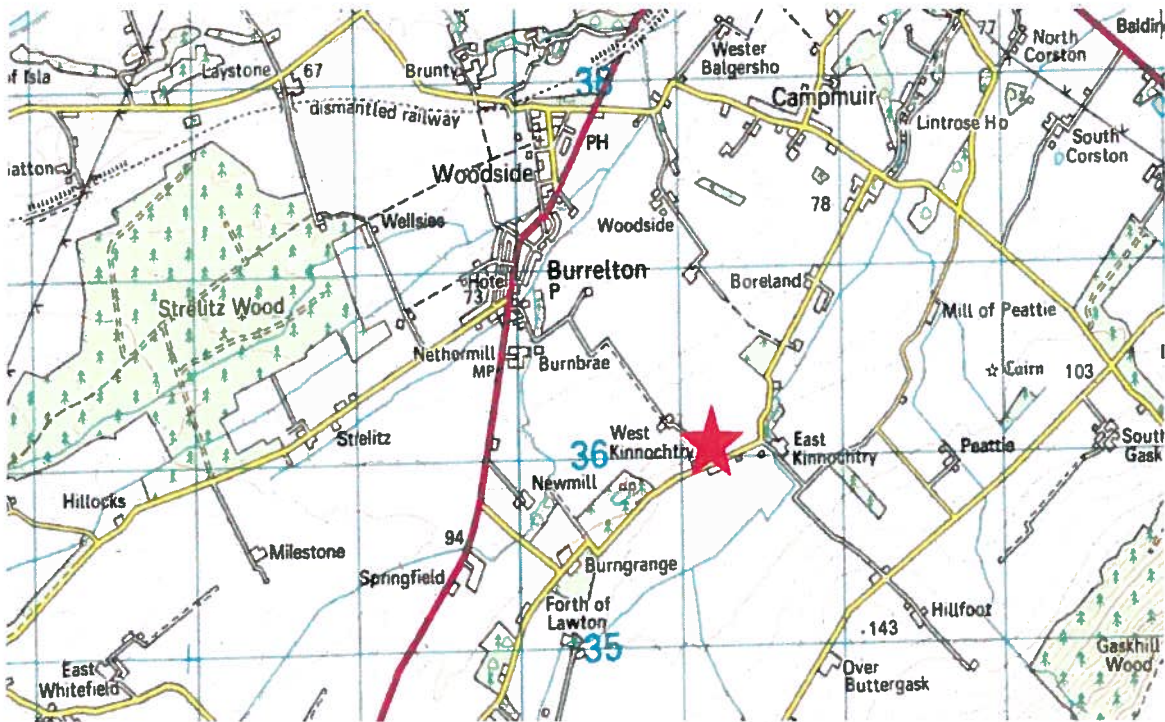


Site Plan shows area bounded by: 321108.2, 735907.76 321308.2, 736107.76 (at a scale of 1:1250), OSGridRef: NO21203600. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**STATEMENT IN SUPPORT OF PLANNING  
APPLICATION**



**Erection of Dwellinghouse  
Planning Permission in Principle  
Land at 1 Kinnochtry Holdings,  
Coupar Angus, Blairgowrie,  
PH13 9PN**

**Lindsay Watt and Marion Brown**



## Introduction

The purpose of this statement is to provide a reasoned justification in support of an application for planning permission in principle for the erection of a dwellinghouse on land at West Kinnochtry, Coupar Angus.

The statement will consider and discuss the following issues:

- Background
- Planning History
- Principle of Development
- Design & Visual Impact
- Residential Amenity
- Transportation
- Conclusion



Site at 1 Kinnochtry Holdings

## **Background**

This application relates to an area of land connected with the applicant's larger property, located to the north of West Kinnochtry, Coupar Angus. The existing property incorporates a single storey stone dwellinghouse, a number of outbuildings, a substantial partially derelict stone steading (only part owned by applicants and not available for redevelopment) and approximately 8 hectares (20 acres) of grazing ground that is used in connection with the clients' horse livery business (see below for ownership map). The property incorporates a substantial area of garden ground, which is located directly to the side (east) of the existing dwellinghouse and extends alongside the minor access road to the north east.

The proposed development site of 0.12ha (0.3 acres) is located within the ground located to the north east of the existing dwellinghouse and is used as an orchard/site for polytunnel. The site incorporates a variety of different fruit trees and foliage. The site is enclosed on all elevations by a mixture of fencing, hedging and medium size trees and is bounded by paddocks to the north west and south west, by the access road to the north east and by garden ground to the south east. The site is accessed by a formed access track from the minor road running between Campmuir and Balbeggie. This track also serves as a vehicle access for 3 other residential properties to the north. Photographs below illustrate the site and its surroundings.



Land owned by the applicants





**Derelict steading building to SE of site (part owned by applicants)**



**Interior view of steading building to SE of site (part owned by applicants)**





View of site to SW



View of site to NW





View to NW – site to left hand side of track behind trees

### **Planning History**

A planning application was made in 2007 (07/02522/FLL) for erection of a dwellinghouse on an adjacent site. At that time the proposal was contrary to historic policy in the Perth Area Local Plan 1995 as it did not comply with the criteria on building group infill and extension and did not meet with the Council's Housing in the Countryside policy 2005.

A recently constructed dwellinghouse was granted permission, on a gap site, within the housing group at some distance to the north of the application site (07/00579/FLL & 16/01379/FLL).

### **Principle of Development**

The site is defined by the Perth and Kinross Local Plan (2014) as Countryside.

The most relevant part of the current Perth and Kinross Housing in the Countryside **Policy RD3** (Perth and Kinross Local Development Plan, 2014) and the associated Supplementary Guidance (2012), most specifically **Part A, Building Groups**.

Policy RD3: Housing in the Countryside indicates that the Council will support proposals for single houses which fall into at least one of several categories. In this case the proposal can be considered to fall within category (a) Building Groups

The excerpt below is from Perth and Kinross Housing in the Countryside Guide, 2012 in relation to Building Groups (defined as 3 or more buildings of a size of at least equivalent to a traditional

cottage whether residential and/or business/agricultural):

*'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).*

*Proposals which contribute towards ribbon development will not be supported.'*

In direct response to the criteria of the Housing in the Countryside Guide (2012) it is considered that this proposal can be supported in terms of 'Building Groups' as:

- The proposed house will form part of a building group around the junction of the minor classified road/access track and currently comprising:
  - the substantial stone steading
  - Nos 1 & 2 Kinnochtry Holdings to the SW and S of the site
  - Mid Kinnochtry to the SE
  - Craigturra to the E
  - West Kinnochtry House to the E.
  
- The proposed single dwelling would extend the group within a defined site of well-established landscape features, bounded by dense planting providing a natural and well established setting and would not detract from the residential or visual amenity of the existing building group.

### **Design & Visual Impact**

In this case the applicant is seeking consent for planning permission in principle. As such, the design and visual impact of the proposal is not generally considered at this stage. However, it is considered that in this case a new building in this position would have very little visual impact on the wider landscape of the area.

- Site is very well contained by existing trees, hedges and foliage and a new dwellinghouse, with associated additional landscaping could be well integrated into the surrounding landscape.
- Not viewed from the minor public road running from the NE to SW.

It is likely that should planning permission be granted in principle in this case that the design of a new house would be single storey in height and of traditional proportions and finishes including stone and slate, so as to compliment the traditional rural character of the area.

### **Residential Amenity & Development Density**

Once again, the applicant is seeking consent for planning permission in principle in this case and as such, the residential amenity impact of the proposal is not generally considered at this stage. However, it is considered that a house could be located within the site and have no detrimental impact upon any of the existing residential properties within the adjacent location in terms of overlooking or overshadowing given their distance from the site (notional site layout below).

It is considered that the farm steading is no longer part of a working farm building, being unused and in too derelict condition, and therefore there is no issue relating to the introduction of a dwelling compromising agricultural activity. In any case it is considered that the plot is sufficiently distant and well screened to ensure a satisfactory residential environment.

It is considered that a dwellinghouse could be supported on the site and still allow for sufficient space for both amenity garden ground and parking as required by the Local Development Plan.



Notional Layout of Site Illustrating Possible Position of Dwelling

### **Transportation & Road Safety**

Scottish Planning Policy (2014) advises that decisions on new developments should take account of the existing transport network and environmental and operational constraints. Local Development Plan Policy TA1B: New Development Proposals includes several relevant considerations including that proposals should be appropriately designed for safety and convenience and include appropriate levels of parking provision.



The application site is proposed to be accessed via the existing vehicular access track running alongside the site, which serves the 3 other properties to the north. The access road is very straight and therefore provides good visibility for potential cars entering or leaving the site in both directions.

The site is considered to be of a size that is capable of supporting sufficient parking and turning for a new dwellinghouse in this case.



Access track (to right and left) joining minor public road

## **Conclusion**

In conclusion, we would raise the following points:

- The proposal is located on an identifiable site, well contained within mature boundaries and associated with a building group in a rural location.
- The proposed site is an appropriate size in relation to the plots of the surrounding residential properties
- A dwellinghouse could be developed on the site that would provide sufficient garden space and would not result in any overlooking or overshadowing onto any neighbouring properties
- A traditionally designed dwellinghouse could be provided on the site that would be sympathetic to the existing rural character of the area and its landscape
- A new dwellinghouse would not compromise the operation of any rural business
- The existing means of vehicular access is suitable to allow for an additional residential unit
- The applicants would be happy to accept conditions attached to any planning consent

We would hope that this statement will clarify any issues raised as part of the determination of this application and will act as a spring board for discussion between ourselves and the Planning Officer. We would ask that the Case Officer discuss the proposed recommendation with ourselves prior to any decision being made on the proposal.



**TCP/11/16(500) – 17/01074/IPL – Erection of a dwellinghouse (in principle), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus**

## **REPRESENTATIONS**





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

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                                                                           |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------|
| <b>Planning Application ref.</b>         | 17/01074/IPL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Comments provided by</b> | Euan McLaughlin                                                           |
| <b>Service/Section</b>                   | Strategy & Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Contact Details</b>      | <b>Development Negotiations Officer:</b><br>Euan McLaughlin<br>[REDACTED] |
| <b>Description of Proposal</b>           | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                                           |
| <b>Address of site</b>                   | Land 100 Metres North West Of West Kinnochtry House, Kinnochtry, Coupar Angus                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                                                                           |
| <b>Comments on the proposal</b>          | <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Collace Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p> |                             |                                                                           |
| <b>Recommended planning condition(s)</b> | <p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance</p>                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                                                           |

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | <p>2016.</p> <p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p> |
| <b>Recommended informative(s) for applicant</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Date comments returned</b>                   | 04 July 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

8<sup>th</sup> July 2017

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



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

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

Dear Sir/Madam

**SITE: PH13 Angus West Kinnochtry House 100 Metres NW Of  
PLANNING REF: 17/01074/IPL  
OUR REF: 747268  
PROPOSAL: Erection of a dwellinghouse (in principle)**

**Please quote our reference in all future correspondence**

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

**Water**

- There is currently sufficient capacity in the **Lintrathen** 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.

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

**Surface Water**

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

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

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

#### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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](http://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](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Lisa Lennox**

Development Operations Analyst

Lisa.lennox2@scottishwater.co.uk



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

|                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                             |             |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------|
| <b>Planning Application ref.</b>                | 17/01074/IPL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Comments provided by</b> | Niall Moran |
| <b>Service/Section</b>                          | Transport Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Contact Details</b>      | ██████      |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse (in principle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |             |
| <b>Address of site</b>                          | Land 100 Metres North West Of West Kinnochtry House<br>Kinnochtry<br>Coupar Angus                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |             |
| <b>Comments on the proposal</b>                 | Insofar as the Roads matters are concerned I do not object to the proposed development provided the condition indicated below is applied.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |             |
| <b>Recommended planning condition(s)</b>        | <p>PP00 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.</p> <p>RPP00 Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.</p> |                             |             |
| <b>Recommended informative(s) for applicant</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                             |             |
| <b>Date comments returned</b>                   | 14 July 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                             |             |



## Audrey Brown - CHX

---

**From:** Development Management - Generic Email Account  
**Sent:** 17 July 2017 16:55  
**To:** Meaghan Wilson  
**Subject:** FW: Plan App 17/01074/IPL - Erect Dwellinghouse NW of West Kinnochtry House Coupar Angus

---

**From:** Anne Phillips [<mailto:APhillips@hial.co.uk>]  
**Sent:** 17 July 2017 16:51  
**To:** Development Management - Generic Email Account  
**Subject:** Plan App 17/01074/IPL - Erect Dwellinghouse NW of West Kinnochtry House Coupar Angus

**Your Ref:** 17/01074/IPL

Dear Sir/Madam,

**PROPOSAL** Erect Dwellinghouse (in principle)  
**LOCATION** Land 100 Metres NW of West Kinnochtry House Coupar Angus

---

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for **Dundee Airport**.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

Regards

Kirsteen

**Safeguarding Team**  
**on behalf of Dundee Airport Limited**  
**c/o Highlands and Islands Airports Limited**  
Head Office, Inverness Airport, Inverness IV2 7JB  
☎ 01667 464244 (DIRECT DIAL)  
✉ [safeguarding@hial.co.uk](mailto:safeguarding@hial.co.uk) 🌐 [www.hial.co.uk](http://www.hial.co.uk)

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