

**TCP/11/16(620) – 19/00826/FLL – Erection of a dwellinghouse and garage, land 30 metres south east of Croit Oran, Carnbo**

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**TCP/11/16(620) – 19/00826/FLL – Erection of a dwellinghouse and garage, land 30 metres south east of Croit Oran, Carnbo**

**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 100165939-005

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: Shand Architecture

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

First Name: \* Stuart Building Name: Studio One

Last Name: \* Shand Building Number:

Telephone Number: \* 01577840202 Address 1 (Street): \* Crook of Devon

Extension Number: Address 2:

Mobile Number: Town/City: \* Kinross

Fax Number: Country: \* UK

Postcode: \* KY13 0UL

Email Address: \* [stuart@shandarchitect.co.uk](mailto:stuart@shandarchitect.co.uk)

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |   |  |   |
|----------------------|---|--|---|
| Title:               | <input type="text" value="Other"/>                | You must enter a Building Name or Number, or both: * |   |
| Other Title:         | <input type="text" value="Mr &amp; Dr"/>          | Building Name:                                       | <input type="text" value="Croit Oran"/> |
| First Name: *        | <input type="text" value="Gordon and Evelyn"/>    | Building Number:                                     | <input type="text"/>                    |
| Last Name: *         | <input type="text" value="Menzies"/>              | Address 1 (Street): *                                | <input type="text" value="Carnbo"/>     |
| Company/Organisation | <input type="text"/>                              | Address 2:   | <input type="text"/>                    |
| Telephone Number: *  | <input type="text"/>                              | Town/City: *   | <input type="text" value="Kinross"/>    |
| Extension Number:    | <input type="text"/>                              | Country: *   | <input type="text" value="UK"/>         |
| Mobile Number:       | <input type="text"/>                              | Postcode: *  | <input type="text" value="KY13 0NX"/>   |
| Fax Number:          | <input type="text"/>                              |  |   |
| Email Address: *     | <input type="text" value="emenzies@outlook.com"/> |  |   |

## 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="CROIT ORAN"/>                |
| Address 2:  | <input type="text" value="CARNBO"/>                    |
| Address 3:  | <input type="text"/>                                   |
| Address 4:  | <input type="text"/>                                   |
| Address 5:  | <input type="text"/>                                   |
| Town/City/Settlement:   | <input type="text" value="KINROSS"/>                   |
| Post Code:  | <input type="text" value="KY13 0NX"/>                  |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="703196"/> | Easting | <input type="text" value="305661"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## 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)

Proposed erection of new detached house and detached garage. Associated access and service connections.

## 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.

See separate statement in Supporting Documents.

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)

1. Document 1 - PKC refusal notice 19/00826/FLL 2. Document 2 - Supporting Statement. 3. Images A to G 4. Applicants Personal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/00826/FLL

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

20/05/2019

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

20/08/2019

## 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 Stuart Shand

Declaration Date: 16/11/2019



Proposed House and Garage  
At  
Croit Oran, Carnbo, Kinross-shire

**19/00826/FLL**  
**REQUEST FOR REVIEW**  
**Supporting Statement**

Prepared by  
**Stuart Shand Architect ARB RIBA RIAS**  
November 2019

## 1.0 Introduction

- 1.1 Mr and Dr Gordon and Evelyn Menzies applied, on 20<sup>th</sup> May 2019, for detailed planning approval for a new detached house with separate, detached, garage, in the grounds of their property within the Carnbo settlement area.
- 1.2 On 20<sup>th</sup> August 2019 the application was refused under delegated powers for the following three reasons:
  1. *The proposal is contrary to Policy RD1 Residential Areas of the Perth and Kinross Local Development Plan 2014 as the proposal does not respect its environs criterion (a) and will not improve the character or environment of the area or village criterion (c)*
  2. *The proposal is contrary to criterion within Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the development does not contribute positively to the quality of the surrounding built environment, fails to respect the character and amenity of the area and has an adverse impact on the visual amenity of the area due to an inappropriate siting, density and design.*
  3. *The proposal is contrary to criterion within Policy PM1B of the Perth and Kinross Local Development Plan 2014 as the dwelling does not create a sense of identity as it would erode the street structure criterion (a), does not respect site topography as well as the wider landscape character of the area criterion (b). The design and density does not compliment the surroundings criterion (c). The dwellings orientation and position also does not reinforce the street and does not respect the building line contrary to criterion (d).*
- 1.3 A copy of the Decision Notice is included with this request for review.
- 1.4 This supporting statement refers to images A to G – also included in this request for review.

## 2.0 Reasons for Appeal

- 2.1 The site for the proposed dwelling lies within the current (2014) Perth & Kinross Local Development Plan settlement area of Carnbo (see Image G). The reasons listed for refusal, above, relate primarily to the design and positioning of the proposed house on the site. However, for the same reasons listed for refusal, the position carefully chosen by Gordon and Evelyn was to retain and enhance the character of the area and village.
- 2.2 Looking at Images E and F. These two images show how the essential character of Carnbo is made up from a distinct mix of buildings and green spaces. The spaces



between the buildings are landscaped. These green spaces are a key feature of the village.

- 2.3 The space between Croit Oran and Tom Thumb Cottage is large enough for a dwelling. However, as can be seen from Images A and B, to build here would result in the loss of two particularly attractive and healthy trees – an oak and acer. This would not only be a loss for the occupants of each house but also for the village environs and passers-by.
- 2.4 Reasons for refusal 2 and 3 cite the siting, density and design to be inappropriate. As noted above, the proposed siting of the house and garage avoids felling good, healthy, trees. The position was also chosen as the ground here is level, making accessibility into and throughout the dwelling very much easier.

The dwelling will have considerable outside garden space, far in excess of the required minimum. Gordon and Evelyn own the adjacent garden to the east and propose to create an orchard of fruit trees and vegetable garden here – this, combined with the very low energy house, will make them largely self-sufficient in energy and food supply. The plot ratio is, at least, comparable with that of other dwellings in the village.

The house and garage have been designed to traditional proportions – the dimensions of the building are comparable to traditional farm buildings found throughout Perth & Kinross. Materials have been chosen to compliment the surrounding area. The gable wall of the house, facing north to the public road, will be constructed in natural stone. The windows will be in white coloured timber, again to traditional proportions. The other walls will be rendered to match neighbouring houses. The roof will be finished in natural slate. The garage walls will be timber lined externally using vertical larch cladding while the roof will be finished in a dark green or grey metal sheet – again common to the rural areas of Perth & Kinross.

Image D shows how the house and garage will sit relative to the adjacent properties and within the established landscape.

- 2.5 As can be clearly seen from Images E and F, there is no defined building line. Several houses in the village are located almost on the footpath line, some with their gable facing the road. A new development, recently approved, of two houses to the west of the village is positioned essentially in a North-South orientation.
- 2.6 As noted in 2.2 above, the identity of this village comes as much from its open or green space as it does its buildings. This proposal not only respects this but carefully enhances it.

### **3.0 Conclusion**

- 3.1 Considerable care and thought was taken in the design and positioning of this new dwelling for Gordon and Evelyn Menzies. As you can read in their personal statement, attached, they have lived in Carnbo for 34+ years, and the County for longer. They want to continue to live in the village and, at the same time, work to retain the character of the village that attracted them to it in the first place.
- 3.2 This application has been made in full accordance with, and in the spirit of, Perth and Kinross Planning policies.

### **4.0 Attachments**

- 4.1 Refusal Notice 20<sup>th</sup> August 2019
- 4.2 Image A: View from A91 (approaching from east)
- 4.3 Image B: Same view showing the effect a house would have on the scene.
- 4.4 Image C: View of the site, showing the two specimen trees.
- 4.5 Image D: Same view with the proposal over laid.
- 4.6 Image E: Satellite view of Carnbo showing how the village is made up of buildings and open spaces.
- 4.7 Image F: An aerial view from the south west showing the same, relative to the overmarked settlement boundary.
- 4.8 Image G: Extract from Perth & Kinross Local Development Plan 2014, showing the site overmarked.
- 4.9 Personal statement from Gordon and Evelyn Menzies.

Stuart Shand Architect ARB RIBA RIAS

15<sup>th</sup> November 2019



## Planning

From: Evelyn Menzies (emenzies@outlook.com)

To: g.menzies@talk21.com

Date: Tuesday, 3 September 2019, 16:06 BST

### House Planning Appeal

#### About us

Gordon and I are invested in this area having lived here all of our lives and the last 34 years in Carnbo. We have been active members of the community, been involved in the initial fund raising for and since in the running of Carnbo hall. Our children were born here, went to local schools and now live around the area. I was a local GP for a number of years and have worked in a number of local hospitals while Gordon is a local folk musician.

Our house has grown over the years to accommodate firstly our children and friends and 17 years ago we built the "granny annex" to look after my mother. The last 2 years of her life she was bed bound and due to the joint living arrangements we were able to keep her in her own home. This was beneficial to us but also reduced the burden to the community.

Now, with the death of my mother and our children living their individual lives, we find the house is too big for us and it deserves another family to use it to its full potential, but we do not want to leave this community. We have space to build within the village planning envelope and are confused as to why we would not be allowed to do so.

#### The House

We have considered our neighbour and their sight lines in our design and as far as we are aware nobody has objected.

We will be off a private drive not along the main road so access is by an already established entrance.

We propose to build in the gap site but further down the garden as this area is flat. This allows access without steps front and back, it also keeps the building low in comparison to those around it, reducing impact on their views. The design also allows for ground floor living if needed, with downstairs bedroom and wet room. This is to future proof it for us as we intend to finish our years in this house. If we built further up the garden as suggested by planning office we would have an under build and steps from the outside to at least the back door but possibly both entries to the house.



The gable end on to the road design allows the building to look as if it were the barns for the main house, many farm buildings are perpendicular to the road, we are even planning to finish this in stone to be in keeping with this set up. Many buildings in Carnbo are set like this rather than in line with the road, as shown in the attached pictures.

We plan to make this building as eco-friendly as possible using modern technology with solar panels and ground source heating as well as insulating to the highest standard to reduce running cost and negate the need for oil or gas. Within this plan we intend to put in an improved sewage system for all three houses on our drive, a plan that has met with the approval of SEPA.

Sent from [Mail](#) for Windows 10

# PERTH AND KINROSS COUNCIL

Mr and Dr Gordon and Evelyn Menzies  
c/o Shand Architecture  
Stuart Shand  
Studio One  
Crook Of Devon  
Kinross  
KY13 0UL

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 20th August 2019

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/00826/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 20th May 2019 for permission for **Erection of a dwellinghouse and garage Land 30 Metres South East Of Croit Oran Carnbo** for the reasons undernoted.

Head of Planning and Development

### Reasons for Refusal

1. The proposal is contrary to Policy RD1 Residential Areas of the Perth and Kinross Local Development Plan 2014 as the proposal does not respect its environs criterion (a) and will not improve the character or environment of the area or village criterion (c).
2. The proposal is contrary to criterion within Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the development does not contribute positively to the quality of the surrounding built environment, fails to respect the character and amenity of the area and has an adverse impact on the visual amenity of the area due to an inappropriate siting, density and design.

3. The proposal is contrary to criterion within Policy PM1B of the Perth and Kinross Local Development Plan 2014 as the dwelling does not create a sense of identity as it would erode the street structure criterion (a), does not respect site topography as well as the wider landscape character of the area criterion (b). The design and density does not compliment the surroundings criterion (c). The dwellings orientation and position also does not reinforce the street and does not respect the building line contrary to criterion (d).

### **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 and documents 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**

19/00826/4

19/00826/5

19/00826/6

19/00826/7

19/00826/9

19/00826/10

19/00826/11

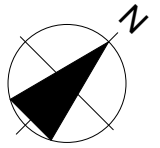
19/00826/13





## A. View as existing

Oak and acer contribute to village green space.  
Note how the character of the village is defined by  
the green spaces between the buildings. Note also  
the lack of a defined building line.

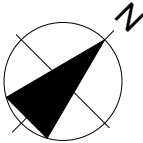






B. Same view with infill house

An infill house in this position substantially affects the character of the village, breaking the green space/building pattern.







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## C. View to site as existing

An infill house would result in the loss  
of two fine specimen trees - an oak and acer





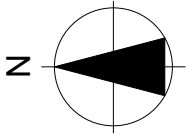
**D. View to site as proposed**  
 Showing overlay of house and garage. All of the trees would remain, retaining the character. Note the natural stone and timber materials chosen for the garage and house gable to compliment the landscape.



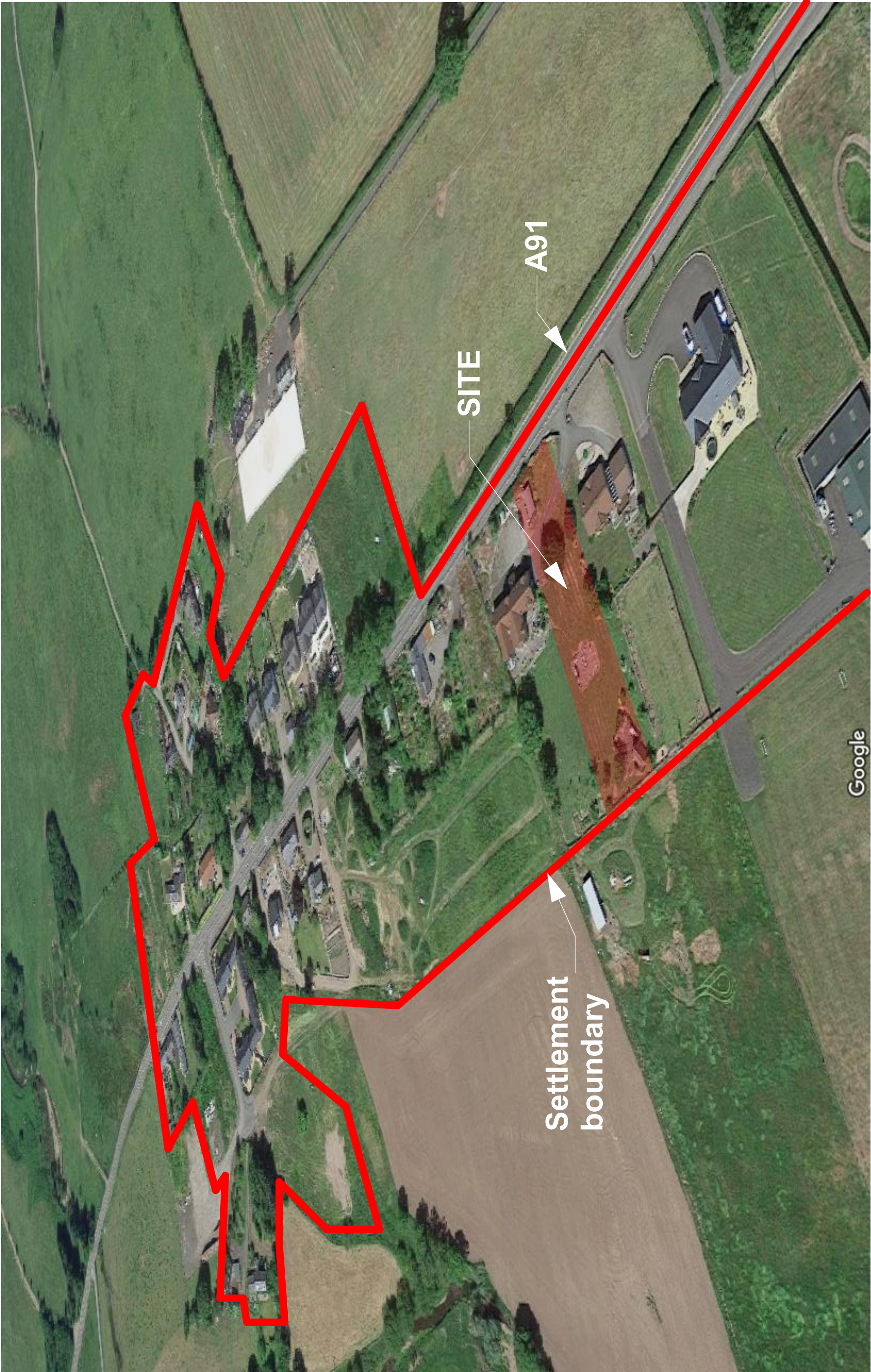


### E. Satellite view of Carnbo

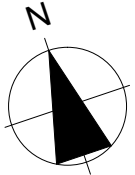
Showing overlay of house and garage. The green spaces between the buildings serve to form the character of the village. Note the variety of building forms - some with gables facing the road, some on the kerb line and others set back.



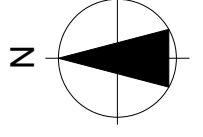
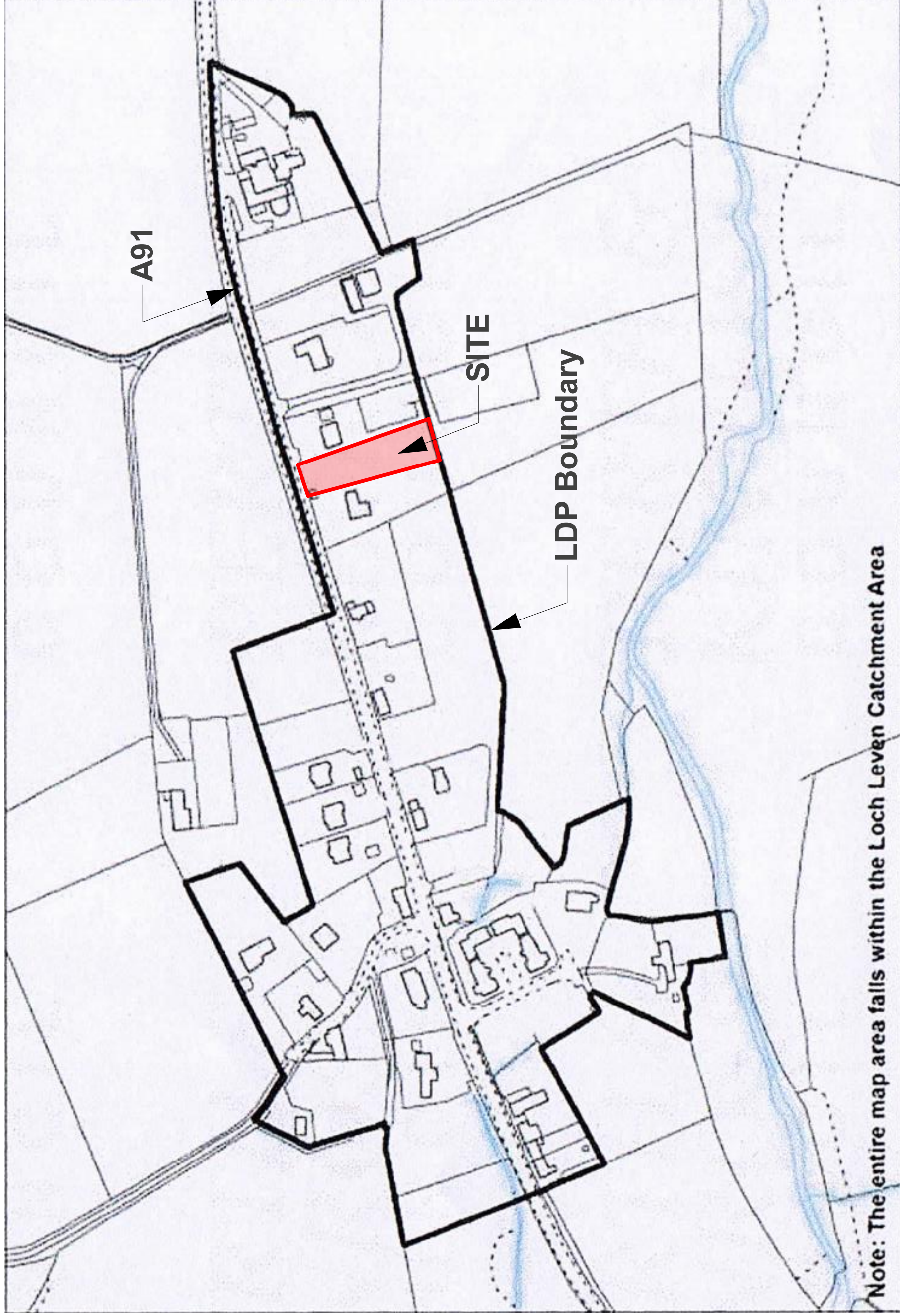




F. Aerial View of Carnbo  
Showing site in context of village setting







## G. Carnbo Plan

Showing current (2014) Local Plan Boundary



**TCP/11/16(620) – 19/00826/FLL – Erection of a dwellinghouse and garage, land 30 metres south east of Croit Oran, Carnbo**

**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 127-128)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**





## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                   |      |
|------------------------|-------------------|------|
| Ref No                 | 19/00826/FLL      |      |
| Ward No                | P8- Kinross-shire |      |
| Due Determination Date | 19.07.2019        |      |
| Report Issued by       |                   | Date |
| Countersigned by       |                   | Date |

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

**LOCATION:** Land 30 Metres South East Of Croit Oran Carnbo

#### 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:** 14 June 2019

#### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Carnbo lies astride the A91 Cupar/Stirling road, some 4.5 miles west of Milnathort. The settlement extends in a linear pattern along the road frontage and comprises of a mixture of modern and traditional properties. There are no services within the settlement.

The Spatial Strategy acknowledges that in recent years Carnbo has expanded with a number of infill sites being developed. The settlement boundary has been drawn to accommodate limited further growth. Preference will be given to roadside development to accord with the existing pattern of building and open space within the settlement.

The proposal utilises a shared access with two existing dwellinghouses TomThumb Cottage and Croit Oran. The proposed plot is located between these existing properties and access to Croit Oran would be through the new plot. There are bushes and a low stone boundary wall that defines the east boundary, there is no boundary definition to the west with Croit Oran. There is an existing oak and maple to the front of the site and the plans confirm the intention to retain these trees.

The application proposes the formation of a one and three quarter storey dwelling house incorporating dormer windows on the plot. The dwelling would sit 49.5 meters from public road in contrast to the existing properties TomThumb Cottage and Croit Oran which are some 20 metres back from the road.

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 19/00027/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 adaption.

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy 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 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 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 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 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.

**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 NE3 - Biodiversity**  
All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse

effect on protected species.

#### Policy NE4 - Green Infrastructure

Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

#### Policy ER6 - Managing Future Landscape - Change to Conserve and Enhance the Diversity and Quality of the Area's 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.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

### **OTHER POLICIES**

Developer Contributions SPG

Loch Leven SPA RAMSAR National Nature Reserve SPG

### **CONSULTATION RESPONSES**

Scottish Water – No objection.

Transport Planning – No objection received.

Environmental Health (Noise Odour) – No objection subject to conditional control.

Scottish Environment Protection Agency – No objection subject to conditional control.

Development Negotiations Officer – No objection.

## REPRESENTATIONS

One letter of representation has been received which confirms that Tom Thumb cottage is not within the ownership of the applicant as defined by the blue line on the submitted plans.

This error has been raised with the agent and updated plans and a design statement have been submitted to rectify this error.

### 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 site is located within the Settlement Boundary of Carnbo. Policy PM4 directs development to within the settlement boundary. Policy RD1 Residential Development is also applicable. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area.

Policies PM1A and PM1B are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

Policy TA1B is applicable due to the formation of the new house and the increase in vehicle movements at the site access.

For reasons set out elsewhere in this report it is considered that this proposal does not comply with the adopted Perth and Kinross Local Development Plan 2014.

## **Design and Layout**

In support of the application the agent has submitted a design statement which sets out the project ethos:-

*Access will be taken from the existing driveway serving both Croit Oran and Tom Thumb Cottage.*

*The existing space between the two houses is landscaped and includes an Oak and Japanese Maple. Both trees provide a valuable contribution to the setting of the two houses, as well as the visual, leafy, nature of the area. To maintain this important contribution, the new house and garage are planned to be constructed beyond these trees, lower down the slope of the garden.*

*The driveway leading to the new house and garage will be taken from the existing shared drive, down between the oak and maple trees. The new house and garage will integrate into the existing landscape framework, but still maintain the wide gap between the existing properties.*

*The site for the proposed house and garage is lower down the slope where the ground starts to level off slightly.*

While it is useful to have an understanding of the constraints the designer has taken into account it is clear that the design statement has failed to acknowledge the settlement character of Carnbo which is a significant constraint.

The Local Development Plan confirms that Carnbo lies astride the A91 Cupar/Stirling road, some 4.5 miles west of Milnathort. The settlement extends in a linear pattern along the road frontage and comprises of a mixture of modern and traditional properties. There are no services within the settlement.

The Spatial Strategy acknowledges that in recent years Carnbo has expanded with a number of infill sites being developed. The settlement boundary has been drawn to accommodate limited further growth. Preference will be given to roadside development to accord with the existing pattern of building and open space within the settlement.

This proposal represents backland development. It does not correspond with the settlement pattern which consists of residential development along the roadside. The siting of residential development in this location would alter the local context and character of Carnbo and be contrary to Policy PM1A as this lower area where the dwelling will be sited is predominantly open in nature with small scale garden structures, the only exception is an agricultural building to the east.

The proposal fails to comply with Policy PM1B criterion (b) as it does not respect site topography as well as the wider landscape character of the area. It is contrary to criterion (c) as the design and density does not complement its surroundings. Furthermore the dwellings orientation and position does not reinforce the street and does not respect the building line contrary to criterion (d).

Overall, from a placemaking perspective the development does not contribute positively to the quality of the surrounding built environment, fails to respect the character and amenity of the area and has an adverse impact on the visual amenity of the area due to an inappropriate siting

## **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 the design/layout assessment above the submitted scheme is considered to have an adverse impact on the settlements wider landscape character due to the positioning of the house and its orientation.

## **Residential Amenity**

### Affect on adjoining properties:

New development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the new dwelling and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

### Overshadowing:-

Having had the opportunity to assess the plans based on the layout I do not consider that there will be a detrimental impact on neighbouring land uses from overshadowing.



### Private amenity space:-

The extent in which private amenity space is used relates specifically to the dwellings occupant. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Nevertheless it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out.

In this regard I consider that the proposal would cater for the recreational and privacy needs of the occupants of the existing and proposed dwellings both present and future.

### Privacy and Overlooking:-

An appropriate window to window distance is achieved between the proposed dwelling and the neighbouring properties Croit Oran and Tom Thumb Cottage. An element of overlooking of garden ground is to be expected and this will occur between the proposed house and the garden ground at Croit Oran but it does not warrant refusal of the application. The east elevation of the proposed house is closer to the west boundary at two metres but this is to be utilised as an orchard and an access point to the applicants wider land holding. Given this will not be utilised as garden ground there are no overlooking concerns.

### **Roads and Access**

The proposal utilises an existing shared access onto the A91. The access has good visibility and can accommodate the additional traffic movements from the proposed dwelling. The application site has an appropriate level of parking and turning to meet the requirements of the National Road Development Guide and Policy TA1B.

### **Drainage and Flooding**

There are no concerns regarding flooding. The suitable disposal of surface water could be controlled by condition.

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.

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 agent has submitted drainage calculations in support of the application and in line with the Loch Leven SPA and Ramsar Site Supplementary Guidance.

Conditional control could 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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Fossoway Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is 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 the requirement for updated plans however the application is subject to a Planning Processing Agreement.

## **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 RD1 Residential Areas of the Perth and Kinross Local Development Plan 2014 as the proposal does not respect its environs criterion (a) and will not improve the character or environment of the area or village criterion (c).
- 2 The proposal is contrary to criterion within Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the development does not contribute positively to the quality of the surrounding built environment, fails to respect the character and amenity of the area and has an adverse impact on the visual amenity of the area due to an inappropriate siting, density and design.
- 3 The proposal is contrary to criterion within Policy PM1B of the Perth and Kinross Local Development Plan 2014 as the dwelling does not create a sense of identity as it would erode the street structure criterion (a), does not respect site topography as well as the wider landscape character of the area criterion (b). The design and density does not compliment the surroundings criterion (c). The dwellings orientation and position also does not reinforce the street and does not respect the building line contrary to criterion (d).

#### **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**

19/00826/4

19/00826/5

19/00826/6

19/00826/7

19/00826/9

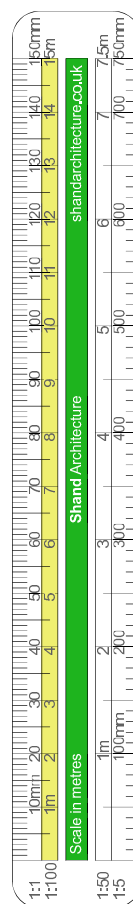
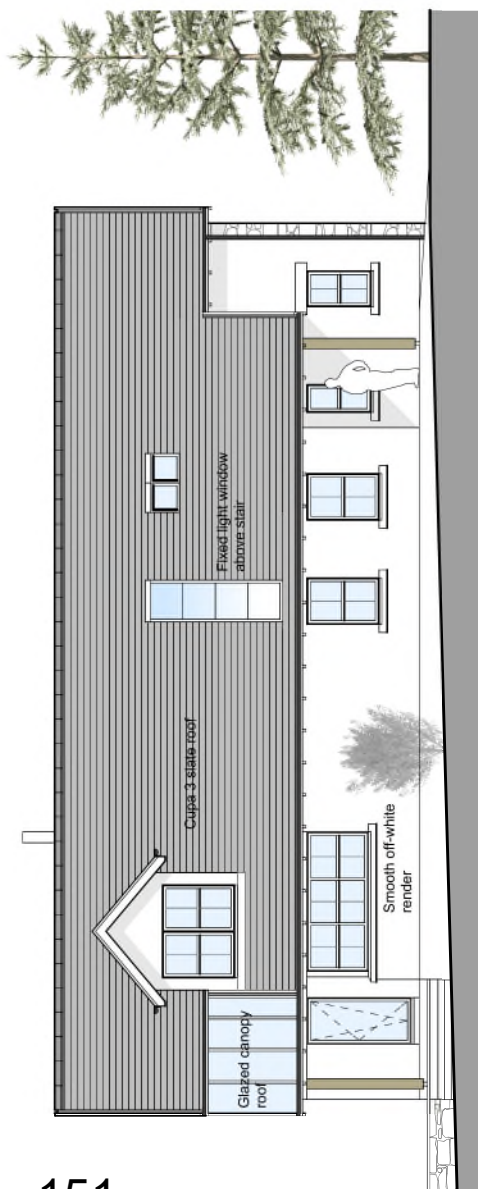
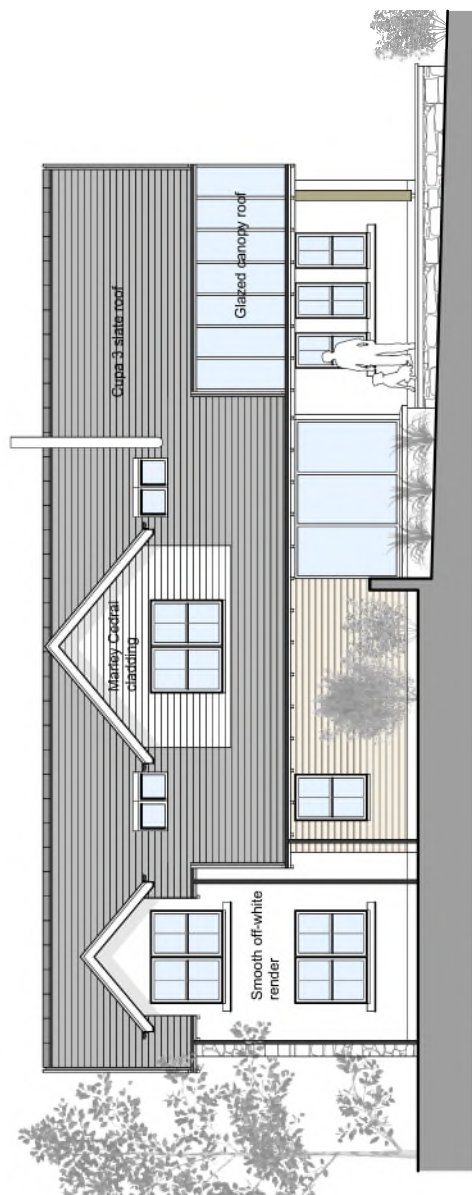
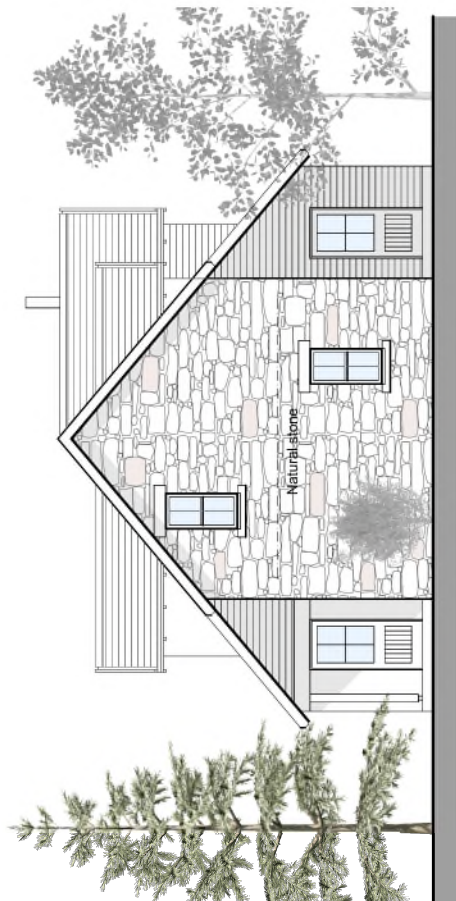
19/00826/10

19/00826/11

19/00826/13

### **Date of Report**

19/08/2019

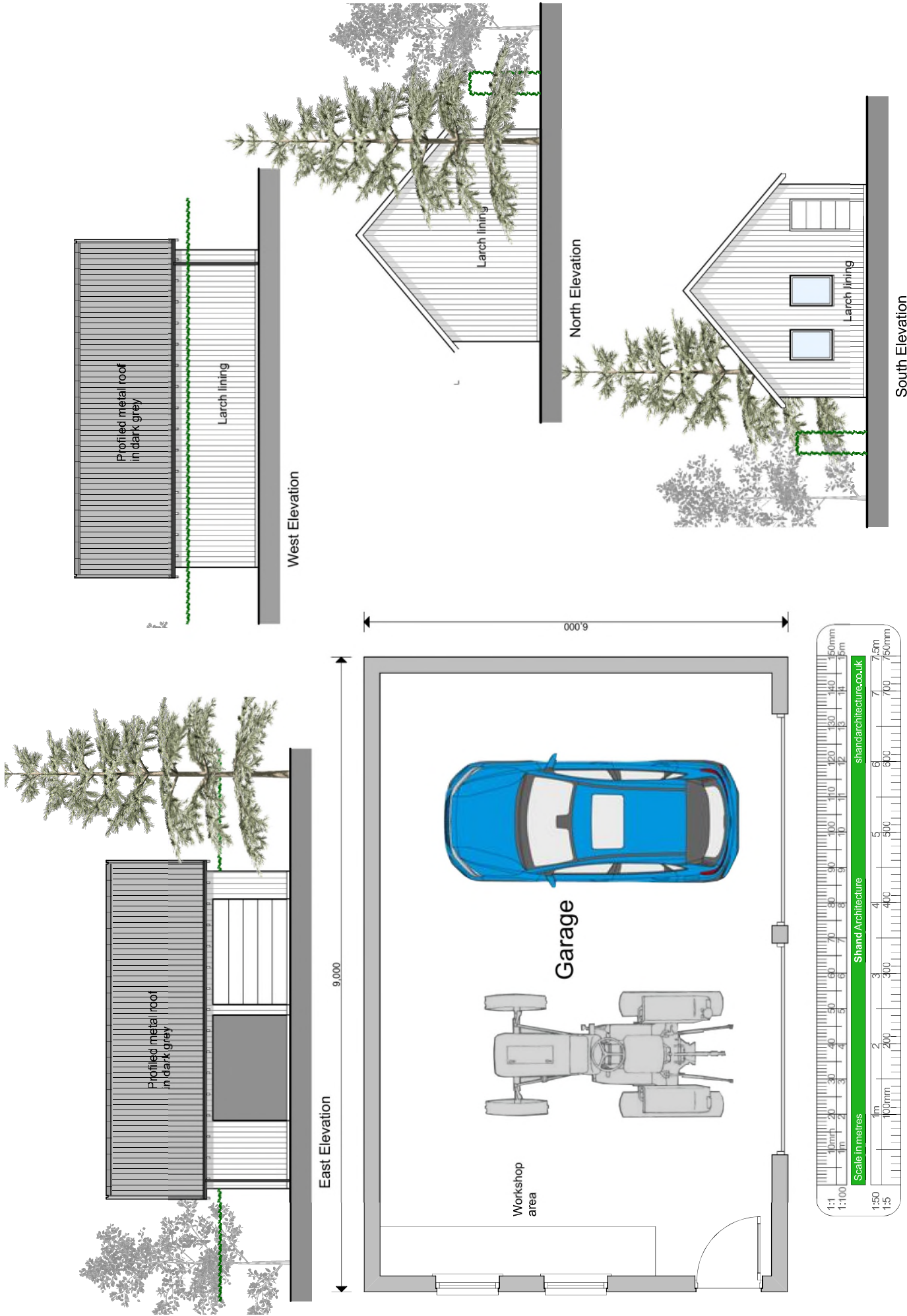


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|---|--|--------------------------------|----------|------------|-------------|-------|---|---|---|---|---|---|---|----------|
| <div>Chartered Architect</div> <div>Shand Architecture</div> <div>Studio One, Crook of Devon, Kinross KY13 0JL,<br/>t: 01846 809426 f: 01846 809427 e: info@shandarchitecture.co.uk</div> | Project  | Dwg. Title                     | Date     | Scale      | Project No. |       |   |   |   |   |   |   |   |          |
|   | Proposed house and garage adjacent to Croft Oran, Cambo, Kinross-shire | PROPOSED ELEVATIONS<br>- House |          | 14/05/2019 | 1:100 @ A3  | 19-14 |   |   |   |   |   |   |   |          |
|   |  |                                | Stage    | Planning   |             |       |   |   |   |   |   |   |   |          |
|   |  |                                | Revision | A          | B           | C     | D | E | F | G | H | J | K | Dwg. No. |
|   |  |                                |          |            |             |       |   |   |   |   |   |   |   |          |

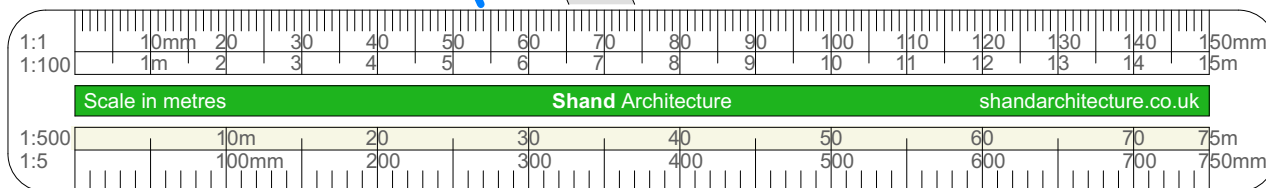
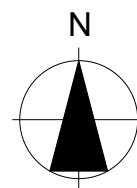
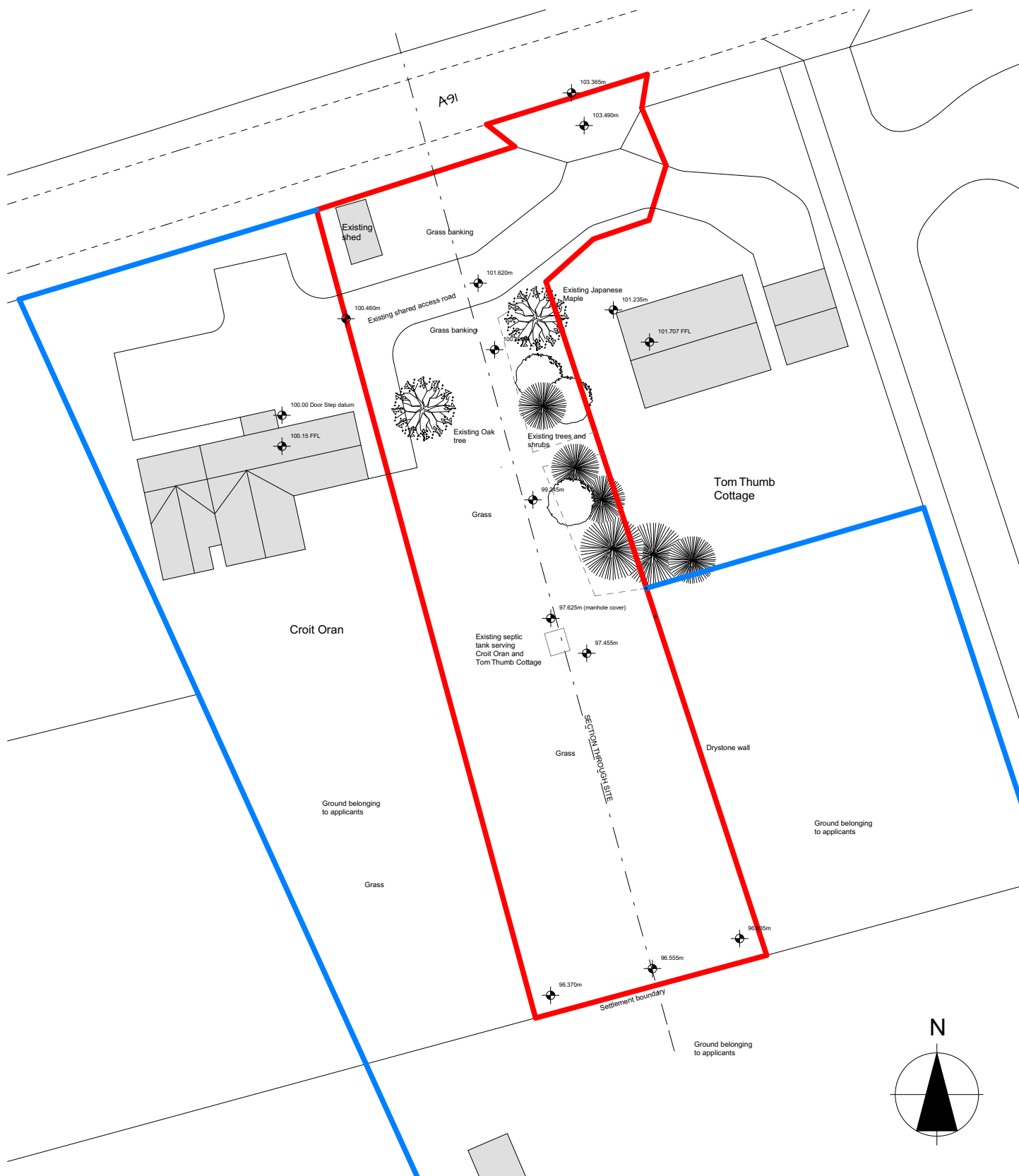
The drawing shows a building facade with a central entrance and two side wings. The scale bar at the bottom indicates a scale of 1:100, with a 10m scale bar. The north arrow points towards the top right. The drawing is labeled 'Shand Architecture' and 'shandarchitecture.co.uk'.







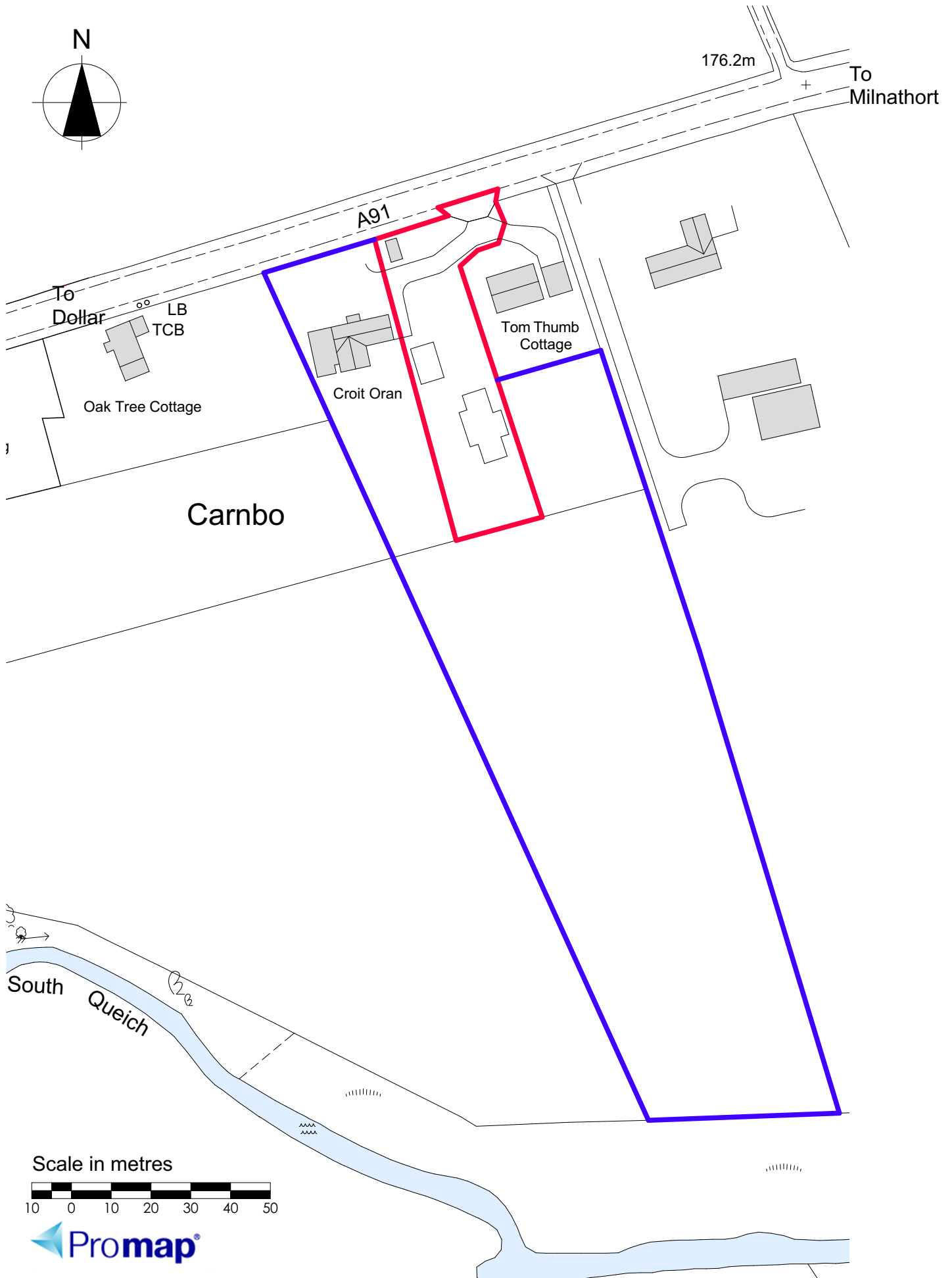
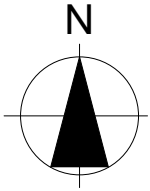
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|---|--|--|----------|--|------------|---|-------|---|---------------|---|---|---|---|---|--|--|----------|--|----|-------------|--|-------|--|
| <div>Chartered Architect</div> <div><b>Shand Architecture</b></div> <div>Studio One, Crook of Dorn, Kinross KY13 0UL<br/>studio@shandarchitecture.co.uk shand@shandarchitecture.co.uk</div> | Project<br><br>Proposed house and garage<br>adjacent to Croit Oran, Cambo, Kinross-shire | Dwg. Title<br><br>PROPOSED GARAGE<br>- Plan and Elevations | Date     |  | 16/05/2019 |   | Scale |   | 1:50/100 @ A3 |   |   |   |   |   |  |  |          |  |    | Project No. |  | 19-14 |  |
|   |  |  | Stage    |  | Planning   |   |       |   |               |   |   |   |   |   |  |  |          |  |    |             |  |       |  |
|   |  |  | Revision |  | A          | B | C     | D | E             | F | G | H | J | K |  |  | Dwg. No. |  | 04 |             |  |       |  |
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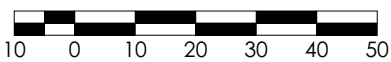
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|   |            |  |          |          |       |            |
|---|------------|--|----------|----------|-------|------------|
| <b>Shand Architecture</b><br><a href="http://www.shandarchitecture.co.uk">www.shandarchitecture.co.uk</a><br>Studio One, Crook of Devon, Kinross KY13 0UL<br>E-mail :- <a href="mailto:stuart@shandarchitect.co.uk">stuart@shandarchitect.co.uk</a> | Project    | Proposed House and Garage adjacent to Croit Oran, Cambo, Kinross-shire | Date     | May 2019 | Scale | 1:500 @ A4 |
|   | Drg. Title | EXISTING SITE PLAN   | Drg. No. | 19-14-06 | A     |            |



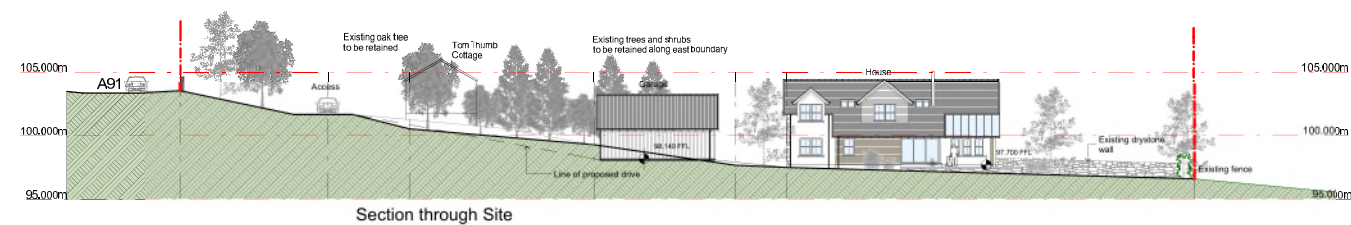


Scale in metres



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|---|------------|--|----------|----------|-------|-------------|
| <b>Shand Architecture</b><br><a href="http://www.shandarchitecture.co.uk">www.shandarchitecture.co.uk</a><br>Studio One, Crook of Devon, Kinross KY13 0UL<br>E-mail :- <a href="mailto:stuart@shandarchitect.co.uk">stuart@shandarchitect.co.uk</a> | Project    | Proposed House and Garage adjacent to<br>Croit Oran, Carnbo, Kinross-shire | Date     | May 2019 | Scale | 1:1250 @ A4 |
|   | Drg. Title | LOCATION PLAN  | Drg. No. | 19-14-05 | A     |             |



**Shand Architecture**

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 stuan@shandarchitecture.co.uk www.shandarchitecture.co.uk

**Proposed House**  
 Croit Oran, Cambo, Kinross-shire

**Project**

**Proposed House**  
 Croit Oran, Cambo, Kinross-shire

**Title**

**PROPOSED SITE PLAN + SECTION**

**Revisions**

| Revisions | Notes  |
|-----------|--|
| A         | 05/2019 Various revisions                            |
| B         | 19/05/2019 Various revisions                         |
| C         | 19/05/2019 Site section added + various revisions    |
| D         | 30/06/2019 Blue line adjustment to Tom Thumb Cottage |

**Scale bar**

**Project Number**

**19-14**

**Drawing Number**

**01D**

**Scale**

**1:200**

**Date**

**March 2019**

**Stage**

**Planning**

**Paper Size**

**A1**

Proposed House and Garage  
At  
Croit Oran, Carnbo, Kinross-shire

**DESIGN STATEMENT**

Shand Architecture

June 2019

## Project Outline

Proposed new house and garage adjacent to Croit Oran and Tom Thumb Cottage within the small settlement of Carnbo.

The house has been carefully designed to suit the requirements of Mr and Dr Menzies. Gordon Menzies is one half of the famous Scottish folk music duo, Gaberlunzie. Evelyn Menzies is a highly respected local GP.

## Design Principles and Concept

Access will be taken from the existing driveway serving both Croit Oran and Tom Thumb Cottage.

The existing space between the two houses is landscaped and includes an Oak and Japanese Maple (see picture below). Both trees provide a valuable contribution to the setting of the two houses, as well as the visual, leafy, nature of the area. To maintain this important contribution, the new house and garage are planned to be constructed beyond these trees, lower down the slope of the garden.



### Existing Oak and Japanese Maple trees

The driveway leading to the new house and garage will be taken from the existing shared drive, down between the oak and maple trees. The new house and garage will integrate into



the existing landscape framework, but still maintain the wide gap between the existing properties.

The site for the proposed house and garage is lower down the slope where the ground starts to level off slightly (see picture below).



#### **View looking south towards proposed house location**

Other existing landscaping, including trees and shrubs, are to be retained and will help integrate the house into the landscape.

The two existing houses currently share an old septic tank (located in the centre of the drying green in the above photograph). This will be replaced with a new treatment plant and closed soakaway to serve the new and existing houses and will lower the amount of phosphate discharged.

## **House Design and Materials**

The one-and three-quarter storey house has been designed to have traditional, rural, proportions and roof pitch. The main rooms, with larger openings, face south to take advantage of the views and solar gain. The material palette has been kept simple. The north gable wall, facing the entrance and public road, will be in natural stone. The garage/workshop will be timber lined to blend with the surrounding landscape.

The design brief for the house requires it to be low maintenance and energy efficient with a low running cost. The heating and hot water generation will be via a ground source heat pump. Additional/back-up heating will be available via two woodburning stoves.

## Landscaping

New landscaping planting will enhance existing. Existing walls, fences and hedges are to be retained. A new, native species, hedge will form the boundary between the new house and Croit Oran. Small, native species, trees such as Birch, Rowan and Wild Cherry will be planted to supplement existing planting. The adjacent garden ground is to be used for food production (fruit trees and bushes, vegetables etc.)



Shand Architecture

June 2019

## PROPOSED HOUSE

### CROIT ORAN, CARNBO, KINROSS

#### Phosphate Calculations

##### A. DATA

|  |             |
|--|-------------|
| Average water consumption / person / day               | 150litres   |
| Primary treatment septic tank discharge                | 10mgP/litre |
| Daily phosphate discharge per person from septic tank  | 1500mgP     |
| New treatment plant discharge with phosphate stripping | 2mgP/litre  |
| Daily discharge of phosphate per person                | 300mgP      |

##### B. PROPOSED HOUSE

1No. 4 bedroom house (6 persons)

|   |             |
|---|-------------|
| Total Population                                    | 6 persons   |
| New treatment STP with phosphate stripping facility | 2mgP/litre  |
| Daily discharge of phosphate = 300mgPx6PE           | 1800mgP/day |

##### C. PHOSPHOROUS MITIGATION

|  |             |
|--|-------------|
| Mitigation requires a reduction of 125% of the amount of phosphorous to be discharged from the new house =<br>125% x 1800mgP/day | 2250mgP/day |
|--|-------------|

Mitigation is proposed by replacing the septic tank serving the two existing houses with a new biodisc treatment plant with phosphate stripping facility to achieve 2mgP/litre. The existing septic tank is owned by the applicants.

|   |                     |
|---|---------------------|
| Existing houses have eight bedrooms             | 12PE                |
| Existing discharge – 12PE x 150litres x 10mgPx  | 18000mgPlitre/day   |
| Discharge from new system 2mg/litre 300mgPx12PE | 3600mgPlitre/day    |
| <b>Mitigation offered is 18000-3600</b>         | <b>14400mgP/day</b> |

Mitigation is in excess of requirement





**TCP/11/16(620) – 19/00826/FLL – Erection of a dwellinghouse and garage, land 30 metres south east of Croit Oran, Carnbo**

## **REPRESENTATIONS**





28<sup>th</sup> May 2019

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

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
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

**KY13 Carnbo Land 40 Metres SE Of Croit Site At  
PLANNING APPLICATION NUMBER: 19/00826/FLL  
OUR REFERENCE: 777659  
PROPOSAL: Erection of a dwellinghouse and garage**

**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 GLENDEVON Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

#### **Foul**

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

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

#### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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

**Pamela Strachan**  
Planning Consultations Administrator



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

|   |  |                             |   |
|---|--|-----------------------------|---|
| <b>Planning Application ref.</b>                | 19/00826/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 |
| <b>Description of Proposal</b>                  | Erection of a dwellinghouse and garage   |                             |   |
| <b>Address of site</b>                          | Land 30 Metres South East Of Croit Oran, Carnbo  |                             |   |
| <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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Fossoway Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p> |                             |   |
| <b>Recommended planning condition(s)</b>        | <p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total:</u> £0</b></p>  |                             |   |
| <b>Recommended informative(s) for applicant</b> |  |                             |   |
| <b>Date comments returned</b>                   | 31 May 2019  |                             |   |



# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 19/00826/FLL

Our ref LRE

Date 7 June 2019

Tel No

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK19/00826/FLL RE: Erection of a dwellinghouse and garage land 40 metres South East of Croit Oran Carnbo for Mr and Dr Gordon and Evelyn**

I refer to your letter dated 24 May 2019 in connection with the above application and have the following comments to make

**Environmental Health** (assessment date –07/06/19)

### **Recommendation**

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

### **Comments**

This application is for the erection of a detached two storey dwellinghouse within the garden grounds of existing dwellinghouses Croit Oran and Tom Thumb Cottage.

The plans indicate that the applicant proposes to install two wood burning stoves one within the snug/sitting room and one within the dining/sitting room. The stoves will be exhausted through one flue which will be terminated above the roof ridge of the two storey building.

There are no letters of representation at the time of writing this memorandum.

### **Air Quality**

The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical Guidance LAQM.TG (16) which accompanies this act advises that biomass boilers within the range of 50kW to 20MW should be assessed in terms of nitrogen dioxide and particulate matter. The pollution emissions of concern from biomass are particulate matter (PM<sub>10</sub>/PM<sub>2.5</sub>) and nitrogen oxides (NO<sub>x</sub>).

I have no adverse comment to make in relation to air quality as the stoves are small domestic stoves and are out with the range to be assessed.

### **Nuisance**

This Service has seen an increase in nuisance complaints with regards to smoke and smoke odour due to the installation of biomass appliances. Nuisance conditions can come about due to poor installation and maintenance of the appliance and also inadequate dispersion of emissions due to the inappropriate location and height of flue with regards to surrounding buildings.

The two stoves will be exhausted out through the one flue which terminates above the roof ridge of the dwellinghouse. Therefore emissions should disperse adequately disperse.

However smoke or odour nuisance can be further minimised by the applicant by using fuel and fuel moisture content recommended by the manufacturer, therefore I recommend that the under noted condition be included on any given consent.

**Condition**

**EH50** The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.



Our ref: PCS/165683  
Your ref: 19/00826/FLL

If telephoning ask for:  
Stephanie Balman

John Russell  
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)

18 June 2019

Dear Mr Russell

**Town and Country Planning (Scotland) Acts**  
**Planning application: 19/00826/FLL**  
**Erection of a dwellinghouse and garage**  
**Land 40 Metres South East Of Croit Oran, Carnbo**

Thank you for your consultation email which SEPA received on 24 May 2019.

**Advice for the planning authority**

We have **no objection** to this planning application. Please note the advice provided below.

**1. Phosphorous mitigation**

- 1.1 The application details that waste water from the proposed development will be dealt with using private treatment. This development lies within the Loch Leven catchment and therefore, 125% phosphorus (P) mitigation is required in accordance with Policy EP7: Drainage within Loch Leven Catchment Area in the adopted Perth & Kinross Local Development Plan 2014 and the Loch Leven Special Protection Area and Ramsar site supplementary guidance (SG) which was adopted in October 2016.
- 1.2 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 and mitigating property that they can achieve a mean value of 2mg/l.
- 1.3 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.

Continued....



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

**Perth Strathearn House**

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

- 1.4 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.

### **Detailed advice for the applicant**

## **2. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**

- 2.1 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 and for the properties (Croit Oran and Thom Thumb cottages) which will be used as mitigation and are the existing neighbouring houses to this plot. There is an authorisation to discharge from a septic tank under CAR/R/1056486, however, the properties used for mitigation and the new development, will need to apply for a new licence to upgrade the discharge from a septic tank to a treatment plant. The registration can then be revoked at the same time. Contact should be made with the Fife Operations team (details below in Section 3.5) regarding this issue.
- 2.2 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. 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**

## **3. Regulatory requirements**

- 3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 3.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 3.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
- is more than 4 hectares,
  - is in excess of 5km, or
  - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

Continued....

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

- 3.4 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.
- 3.5 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 services 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 0131 449 7296 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Stephanie Balman  
Planning Officer  
Planning Service

ECopy to: Stuart Shand, Shand Architecture [stuart@shandarchitect.co.uk](mailto:stuart@shandarchitect.co.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](#).*





# Comments for Planning Application 19/00826/FLL

## Application Summary

Application Number: 19/00826/FLL

Address: Land 30 Metres South East Of Croit Oran Carnbo

Proposal: Erection of a dwellinghouse and garage

Case Officer: John Russell

## Customer Details

Name: Mrs June Paterson

Address: [REDACTED]

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: With reference to the above application please be advised that the applicant does not own Tom Thumb Cottage. I have spoken with Mr Shand the agent this morning and asked him to correct this, can you confirm the accuracy of the boundary line in light of this information. These comments are placed on behalf of Mr Paterson my father in law who is the owner of Tom Thumb Cottage. I look forward to your reply.

Regards

June Paterson

