

TCP/11/16(411)
Planning Application – 15/02171/IPL – Residential
development (in principle) on land at Muckersie Mill,
Forgandenny, Perth, PH2 8DJ

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TCP/11/16(411)
Planning Application – 15/02171/IPL – Residential
development (in principle) on land at Muckersie Mill,
Forgandenny, Perth, PH2 8DJ

**PAPERS SUBMITTED
BY THE
APPLICANT**

18 MAY 2016

Notice of Review

RECEIVED

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)

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PERTH

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Fax No

E-mail*

Agent (if any)

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Address 34 HERMITAGE DRIVE
PERTH

Postcode PH1 2SY

Contact Telephone 1

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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

PERTH + KINROSS COUNCIL

Planning authority's application reference number

15/02171/IPL

Site address

MUCKERSIE MILL, FORGANDENNY, PERTH PH2 9DS

Description of proposed
development

RESIDENTIAL DEVELOPMENT (IN PRINCIPLE)

Date of application

17/12/2015

Date of decision (if any)

24/02/2016

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:

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 STATEMENT ATTACHED IN SEPARATE DOCUMENT.

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.

DOC 1 - DECISION LETTER 15/02/17/IPL
 DOC 2 - DELEGATED REPORT
 DOC 3 - FLOODING SECTION OBJECTION 15/02/17/IPL
 DOC 4 - TOPOGRAPHIC DRAWING 15/02/17/2
 DOC 5 - CROSS SECTION OF SITE 15/02/17/3
 DOC 6 - FLOODING SECTION OBJECTION WITHDRAWAL 14/01/2013/FLL
 DOC 7 - ENVIRONMENTAL HEALTH CONSULTATION RESPONSE 15/02/17/IPL
 DOC 8 - CONSERVATION SECTION RESPONSE 15/02/17/IPL
 SITE PHOTOS 3-11. LINDA OF MUCKERSFE PHOTOS 1-2.

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

Checklist

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

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

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

Declaration

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

Signed



Date

18/05/2016.

Statement

Notice of Review

Residential Development (In Principle) at Muckersie Mill - 15/02171/IPL

The above application was refused under delegated powers on the 24 February 2016.(Doc 1) The 2 reasons for refusal are outlined below relating to flood risk and housing in the countryside policy guidance:-

1 The site is located within the 1 in 200 year flood envelope based on the SEPA flood maps. Residential development on this site would be contrary to Scottish Planning Policy 2014 and to Perth and Kinross Local Development Plan 2014 Policy EP2 New Development and Flooding which both seek to avoid development on the functional flood plain.

2 The proposal is contrary to Perth and Kinross Local Development Plan 2014 Policy RD3, Housing in the Countryside and to the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories of the policy: (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land. In particular, the site does not meet the terms of category 6 relating to brownfield land as the proposal would not remove dereliction or result in a significant environmental improvement as required by the policy.

The reasons for the review and matters to be taken into account in determination of the review refer to the above reasons for refusal and are outlined below.

Flood Risk

The delegated report (Doc 2) states that "the site is on a functional flood plain and insufficient information has been supplied to suggest that the site would not flood or increase the risk of flooding elsewhere." The Flood Prevention Authority objected to the application on the grounds of flood risk, however stated that if planning permission is granted then a full flood risk assessment would be required for approval of the Flooding Team. (Doc 3)

The ground levels at the existing dwellinghouse and the review application site indicated on the topographic survey submitted in support of the review, show that the site rises towards the public road from the 47.5m contour for the indicative plot 1, to 48.5m for plot 2 and 49.5m for plot 3, where these levels would be the finished floor levels for the proposed dwellings.(Doc 4) The cross section through the dwellinghouse to the opposite bank of the Water of May shows that the existing dwellinghouse and the review site would be protected from any flooding on the Water of May as the effective flood plain is clearly indicated on the cross section on

the other side of the Water of May where the north eastern bank would overtop at approximately 43m.(Doc 5) In the pending decision for the conversion and alteration of the steading building at Muckersie under 14/01803/FLL where the ground level was indicated at 47.05m the Council's Flooding Section withdrew any objection to the new dwelling on the grounds of flood risk. (Doc 6) The review site topography is similar to this site ranging in ground level from 47.5m – 49.5m as indicated on the topographical survey. Furthermore, the Linn of Muckersie – a considerable waterfall of approximately 60 feet downstream on the Water of May nearby to the north of the review site helps to prevent any build-up of flood water upstream in the vicinity of Muckersie Mill. (Photos 1 & 2)

There has been no evidence of any historical flooding on the site and the site was free from flooding in the more recent heavy rainfall events. It is considered therefore that due to the topography of the site and the surrounding area the evidence indicates that the review site is free from flood risk and is not part of the functional flood plain at this location. A full Flood Risk Assessment would substantiate this evidence and can be attached as a condition on any in principle consent.

Housing in the Countryside Policy/Guidance

The second reason for refusal states that the proposed residential development “fails to satisfactorily comply with any of the categories of the Council's Housing in the Countryside Guide 2012: (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land.”

The above guidance aims to: safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved.

The review site is a 0.33 ha area of ground which was formerly the site of buildings associated with Muckersie Mill. The site lies in a 'bowl' of low lying ground surrounded by rising wooded ground in all directions and is physically well contained from the surrounding countryside. The boundaries to the site are well established natural boundaries including the Water of May which runs along the eastern boundary, and these give the site a robust landscape framework enabling containment from the wider countryside. (Photos 3, 5 & 6) The recent planning history for Muckersie Mill is outlined in the Council's Delegated Report, however the history of built development on the site pre-dates this and relates to the mill workings and mill house and the agricultural buildings indicated on the aerial photograph. (Photo 7) The agricultural buildings on the site were used up until the mid 1990's.

In the application submission the justification for the development of the site under the Council's Housing in the Countryside Guidance 2012 was as a rural brownfield site, as the site was formerly occupied by mill buildings, a cattle barn, hay barn and by mill infrastructure for taking water from the Water of May. In the guidance it states that “redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result

in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site.” Redevelopment of the site would remove the dereliction associated with the former uses – dereliction does not need to be visual and in this case, as indicated by Environmental Health in their consultation response dated 5 February 2016, that “the proposed development is on land identified as having a former industrial use where there is the potential for contamination”. Remediation of any contamination would therefore provide environmental benefit. (Doc 7) There are remnants of the former buildings on the site and the redevelopment of the site with good quality housing would improve the visual amenity of the area. It is concluded therefore that the review proposal would be in accordance with the Council’s guidance on the development of rural brownfield land. The review proposal would also comply with the criteria set out in the ‘For All Proposals’ section of the Housing in the Countryside Guide 2012.

It is considered that the review proposal would also fall within the Building Groups section of the guidance where “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).”

The Delegated Report stated that “the other category that may be relevant would be Building Groups. However, whilst there is an existing building group to the north west of the site this proposal would not be an appropriate extension to the group as the proposals as shown would not respect the character, layout and building pattern of this group”.

The historic pattern of development at the site is considered to be linear rather than nucleated illustrated by the aerial photograph of the site where built development is situated on the flatter land at Muckersie with the former washhouse outlying to the north through the steading and existing dwellinghouse to the millhouse and former agricultural buildings to the south. (Photo 7) It is considered that the review proposal would replicate this historic pattern from the existing dwellinghouse along the access road to the site entrance from the public road and would not be out of character with it. As explained above the landscape framework of the review site is such that it provides good containment to the wider countryside. This is an in principle proposal and the scale and design of the dwellings submitted at the detailed stage will respect the design, character and setting of the existing buildings at Muckersie.

The Housing in the Countryside Guidance requires that any new development should also satisfy certain siting criteria where:-

a) it blends sympathetically with land form; b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop; c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees,

or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable; d) it does not have a detrimental impact on the surrounding landscape.

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

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

The review site satisfies the siting criteria of the Council's Housing in the Countryside Guide 2012 illustrated by the supporting photographs for the review and which can be substantiated by the site visit where redevelopment on the site would:-

- blend sympathetically with land form;
- use existing trees, buildings, slopes or other natural features to provide a backdrop;
- use an identifiable site, with long established boundaries separate the site naturally from the surrounding ground;
- not occupy a prominent, skyline, top of slope/ridge location;
- not lack 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);
- provide a suitable degree of enclosure for a new house(s) in the countryside.

The characteristics of the site and its setting allows the review proposal to be suitably contained from the wider landscape and safeguard the character of the countryside. (Photos 3-6 & 8-11) This view was confirmed in the Conservation Officer's response to the review proposal dated 3 February 2016 stating that "due to the nature of the topography and existing landscape I have no objections in principle to a development of three dwellinghouses at this location" (Doc 8)

Conclusions

For the reasons outlined above it is considered that residential development at Muckersie Mill would not be contrary to Scottish Planning Policy 2014 and to the Perth and Kinross Local Development Plan 2014 Policy EP2 New Development and Flooding as the review site is not subject to flood risk and does not constitute development on a functional flood plain.

For the reasons outlined above it is considered that residential development at Muckersie Mill is not contrary to Policy RD3 of the adopted Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012

and it would satisfy the main aims of the policy guidance which are to safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved.

PERTH AND KINROSS COUNCIL

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PERTH
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Date 24.02.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 15/02171/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 12th January 2016 for permission for **Residential development (in principle) Muckersie Mill Forgandenny Perth PH2 9DJ** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The site is located within the 1 in 200 year flood envelope based on the SEPA flood maps. Residential development on this site would be contrary to Scottish Planning Policy 2014 and to Perth and Kinross Local Development Plan 2014 Policy EP2 New Development and Flooding which both seek to avoid development on the functional flood plain.

2. The proposal is contrary to policy RD3, Housing in the Countryside, of the adopted Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land. In particular the site does not meet the terms of category 6 relating to brownfield land as the proposal would not remove dereliction or result in a significant environmental improvement as required by the policy.

Justification

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

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

Plan Reference

15/02171/1

15/02171/2

15/02171/3

15/02171/4

**REPORT OF HANDLING
DELEGATED REPORT**

Ref No	15/02171/IPL	
Ward No	N9- Almond And Earn	
Due Determination Date	11.03.2016	
Case Officer		
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Residential development (in principle)

LOCATION: Muckersie Mill Forgandenny Perth PH2 9DJ

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: 22 January 2016

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Residential development in principle is sought for land at Muckersie Mill which is situated on the Water of May approximately 2km to the south west of Forgandenny in a countryside setting.

The proposal is for in principle permission for residential development, the plans showing an indicative layout comprising of three detached properties sited on land that was formerly occupied by buildings but is now a grassed area.

Muckersie Mill is located within the Invermay Garden and Designed Landscape (HGL) included in Historic Scotland's inventory in 2006.

SITE HISTORY

92/01708/FUL EXTENSION AT 24 November 1992 Application Permitted

94/00720/FUL EXTENSION AND ALTERATIONS TO HOUSE AT 2 June 1994 Application Permitted

06/01796/OUT Erection of 4 dwellinghouses (in outline) 23 November 2006 Application Withdrawn

07/01864/OUT Proposed residential development (in outline) 9 July 2008 Application Refused

09/00021/OUT Erection of a dwellinghouse (in outline) 22 June 2009 Application Refused

14/01803/FLL Change of use, alterations and extension of barn to form a dwellinghouse 26 January 2015 Pending Decision

PRE-APPLICATION CONSULTATION

Pre application Reference: 10/00613/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 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 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 PM2 - Design Statements

Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which

exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

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 HE2 - Listed Buildings

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

Policy HE4 - Gardens and Designed Landscapes

The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

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 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 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 EP2 - New Development and Flooding

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3A - Water, Environment and Drainage

Proposals which do not accord with the Scotland River Basin Management

Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

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. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available.

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

Perth and Kinross Housing in the Countryside Guide

Perth and Kinross Council 'Developers Guidance Note on Flooding & Drainage' June 2014

Scottish Planning Policy 2014 - Policy principles

Para. 255. The planning system should promote:

- a precautionary approach to flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;**
- flood avoidance: by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas;**
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and**
- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.**

256. To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

CONSULTATION RESPONSES

Community Waste Advisor - Environment Service
Conditions requested with regard waste and recycling.

Earn Community Council
Objects unless the development is connected to the mains water supply.

Scottish Water
No response.

Education And Children's Services
No response.

Contributions Officer
Primary Education

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Transport Infrastructure

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.

Transport Planning

No objection. Note the objectors' comments regarding the narrow nature of the road at this location, given the narrow and twisting nature of the road at the bridge, traffic speeds would be extremely low and therefore the access would not be considered as unsafe, especially for the minimal increase in traffic that would result from this development.

Environmental Health

No objection subject to condition with regard private water supply and contaminated land.

Local Flood Prevention Authority

Objects to proposal. Scottish Planning Policy states that development within the functional flood plain should be avoided. The site is within the 1 in 200 year flood envelope based on the SEPA flood maps. This development would also result in an increased risk to life. If however permission is granted a full flood risk assessment would be required for submission and approval by the Flooding Team.

Conservation Team

No objection subject to appropriate design at detailed stage.

Historic Environment Scotland

No objection to the principle.

Biodiversity Officer

The proposals could affect trees and shrubs on site. A preliminary Ecological Appraisal should be undertaken to ascertain the potential impact of the development on the biodiversity interests of the site.

Conditions required with regard biodiversity and timing of site clearance.

REPRESENTATIONS

There have been three representations received including one from the Earn Community Council. The following points were raised:

- Site is within a conservation area and shouldn't be developed.
- Flood risk
- Traffic and road safety - Narrow roads and at times, wood lorries, impact of additional traffic
- Water supply - Existing water supply to Muckersie Mill is not fit for domestic use and couldn't supply another 3 houses. The Community Council comment that they would object unless a connection is made to the mains water supply.

The above points will be considered in the appraisal section of the report.

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	Not 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 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 an area at risk of flooding as identified in the SEPA 1 in 200 year flood maps. Scottish Planning Policy seeks to avoid development within the functional flood plain. The LDP's spatial strategy states in paragraphs 4.3.17 and 4.3.18 that "Adaptation to risks and opportunities generated by our changing climate will be primarily achieved through guiding development to locations which do not flood, or increase flood risk elsewhere, and offer greater protection from impacts such as erosion, storms, water shortages and subsidence. Flood risk management has been built into the spatial strategy to ensure that development does not take place in areas where there is flood risk or where it may affect flood risk elsewhere." Local Development Plan Policy EP2 New Development and Flooding contains a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In this case the site is on a functional flood plain and insufficient information has been supplied to suggest that the site would not flood or increase the risk of flooding elsewhere.

The Housing in the Countryside Policy RD3 from the Perth and Kinross Local Development and its associated supplementary guidance would apply to this site. In this case the proposal has been put forward as a potential brownfield site. The Council's Housing in the Countryside Policy RD3 and the associated supplementary guidance states that:

"Redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site. A statement of the planning history of the site, including the previous use and condition, must be provided to the planning authority. Proposals should be small scale, up to maximum of five new houses, and must comply with the criteria set out in the For All Proposals section of this policy. All land within the site, including areas not

required for housing or private gardens, must be the subject of landscaping and/or other remediation works.”

The policy seeks to ensure that a proposal on brownfield land would result in the removal of dereliction on land that is significantly degraded by a former activity. The site does not appear derelict and the construction of three houses would not produce a significant environmental improvement.

The site also fails to meet other categories within the policy which support development in the countryside. The other category that may be relevant would be Building Groups. However, whilst there is an existing building group to the north west of the site this proposal would not be an appropriate extension to the group as the proposals as shown would not respect the character, layout and building pattern of this group.

The Perth and Kinross Spatial Strategy as set out in the Local Development Plan (4.3.15) seeks to ensure that development is accessible to a range of transport modes and in particular seeks to reduce the need to travel by private car. Local Development Plan policy TA1B New Development Proposals is relevant. This seeks to ensure that all new development should reduce travel demand by car, and ensure a realistic choice of access and travel modes is available.

Design and Layout

The proposal seeks in principle planning permission for residential development and as such limited information has been submitted with regard to any detailed design. An indicative layout has been shown in which three new houses are located on the site of previous structures.

A design statement has been submitted that suggests that the thrust of the proposal is to position any proposed new houses on areas that were previously occupied by built structures.

All the structures on the site have been demolished and there is no obvious evidence of them on the site. It is noted in the Design Statement that any replacement buildings would respect the setting and vernacular design of the existing buildings.

Landscape

The site is currently rough grassland with some trees on the margins. The Council's Housing in the Countryside Guide (November 2012) k) requires proposals for housing in the countryside to demonstrate how they will make a positive contribution to the biodiversity of the site. No assessment of the site's ecological value has been undertaken and as it stands the proposal is contrary to this section of the Housing in the Countryside Guide.

The Biodiversity Officer has commented and recommends that should the application be recommended for approval a preliminary Ecological Appraisal should be undertaken to ascertain the potential impact of the development on the biodiversity interests of the site. Conditions with regard to timing and nature of works to protect biodiversity would also be required.

There has been one objection suggesting the site is within a conservation area and should not be developed. Whilst it is not in a designated conservation area it is within a Garden and Designed Landscape listed on the Inventory of Gardens and Designed Landscape. It is also within the Ochil Hills Special landscape Area. Any detailed application would need to take these into account.

Residential Amenity

The site is in a rural location with another residential property around 15 metres away.

No residential amenity issues are identified at this stage but this will be further assessed should a detailed application be submitted at a later date.

The Environmental health Officer has commented and notes that the proposed development is on land that is identified as having a former industrial use. Little information is available regarding how the site was used but given the presence of a mill there is potential for there to be contamination. A condition would be required on any approval to ensure any contamination is identified and appropriately dealt with.

Visual Amenity

This site is in close vicinity to Green of Invermay Bridge, which is category B listed and Muckersie Chapel, category C listed. The site is also within Invermay Garden and Designed Landscape.

The Design Statement suggests that the architecture will respect its setting and the vernacular style of the existing buildings. Visual amenity in terms of impact on the listed bridge and designed landscape would be fully assessed should a further detailed application be submitted. At this stage there are no objections from Historic Scotland or the Council's Conservation Officer.

Roads and Access

The site is served by an existing access off the C414 public road. There have been objections with regard to concerns with increased traffic and road safety due to the narrow road and large vehicles that use it. The Transport Planner does not object and notes the objectors' comments regarding the narrow nature of the road at this location but given the narrow and twisting nature of the road at the bridge, traffic speeds would be extremely low and therefore the access would not be considered as unsafe, especially for the minimal increase in traffic that would result from this development.

Whilst I agree with this view that speed of vehicles is likely to be low I also consider that the proposal is in a rural area not well served by public transport and its location would be contrary to the strategic aims of the LDP which is to locate development in sites that reduce the need to travel. In general this guides development to sites within or on the edge of existing settlements (LDP paragraph 3.3.5). The LDP (paragraph 3.6.2) also refers to Scottish Planning Policy that identifies a need to shift to more sustainable modes of transport to help meet the Scottish Government's greenhouse gas emission targets and requires planning authorities to support development that reduces the need to travel and facilitates travel by walking, cycling and public transport and freight movement by rail and water. LDP Policy TA1B New Development Proposals states that the aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available. Residential development on this site would be contrary to Policy TA1B in that it would not reduce travel demand by car, and there is not a realistic choice of access and travel modes available.

Drainage and Flooding

The site is located within the 1 in 200 year flood envelope for the Water of May based on the SEPA flood maps. The Council's Flood Team has objected to the proposals due to the location on the flood plain and that the development would result in an increased risk to life. There is a presumption against development on functional flood plains. A full flood risk assessment would be required to fully assess the suitability of the site for development if the application was to be supported. However in addition to flood risk concerns there are also concerns with the principle of development under the housing in the countryside policy.

No information with regard to drainage has been included with the application.

Water Supply

There have been objections including from the Earn Community Council stating that the development should not be supported unless the new properties are connected to the mains water supply. There has also been an objection to use of the private supply that currently serves the Mill. The application form indicates that the development would be connected to the public mains water supply.

The Council's Private Water Team has been consulted and comments that there are existing private water supplies in the area (including Muckersie supply). Should a mains connection not be practical a condition and informatives will be attached to any consent to ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

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 Forgandenny Primary School.

As this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

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 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 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

Reasons for Recommendation

1 The site is located within the 1 in 200 year flood envelope based on the SEPA flood maps. Residential development on this site would be contrary to Scottish Planning Policy 2014 and to Perth and Kinross Local Development Plan 2014 Policy EP2 New Development and Flooding which both seek to avoid development on the functional flood plain.

2 The proposal is contrary to Perth and Kinross Local Development Plan 2014 Policy RD3, Housing in the Countryside and to the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories of the policy: (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land. In particular the site does not meet the terms of category 6 relating to brownfield land as the proposal would not remove dereliction or result in a significant environmental improvement as required by the policy.

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

15/02171/1

15/02171/2

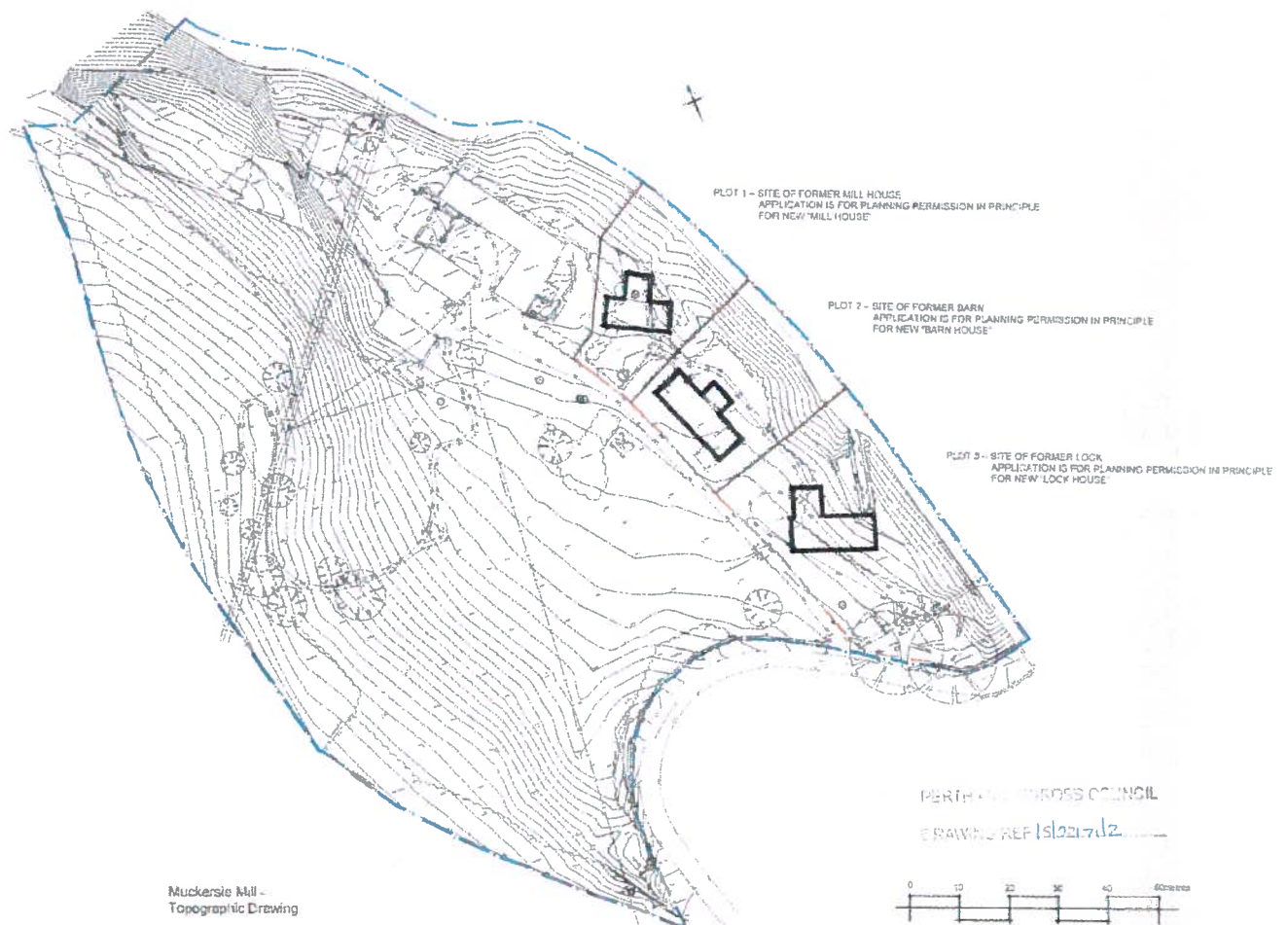
15/02171/3

15/02171/4

Date of Report 24.02.2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/02171/IPL	Comments provided by	E McMillan
Service/Section	TES - Flooding	Contact Details	emcmillan@pkc.gov.uk
Description of Proposal	Residential development (in principle)		
Address of site	Muckersie Mill Forgandenny Perth PH2 9DJ for Mr Dugald Cantlay		
Comments on the proposal	<p>As the Flood Prevention Authority we would object to this application on the grounds of flood risk.</p> <p>This proposal is for 3 new dwellings that are located within the 1 in 200 year flood envelope for the Water of May based on the SEPA flood maps.</p> <p>SPP states that development within the functional flood plain should be avoided. This development would also result in an increased risk to life.</p> <p>If however permission is granted a full flood risk assessment would be required for submission and approval by the Flooding Team.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant	Perth & Kinross Council 'Developers Guidance Note on Flooding & Drainage' June 2014		
Date comments returned	10/2/2016		



muckersie mill.

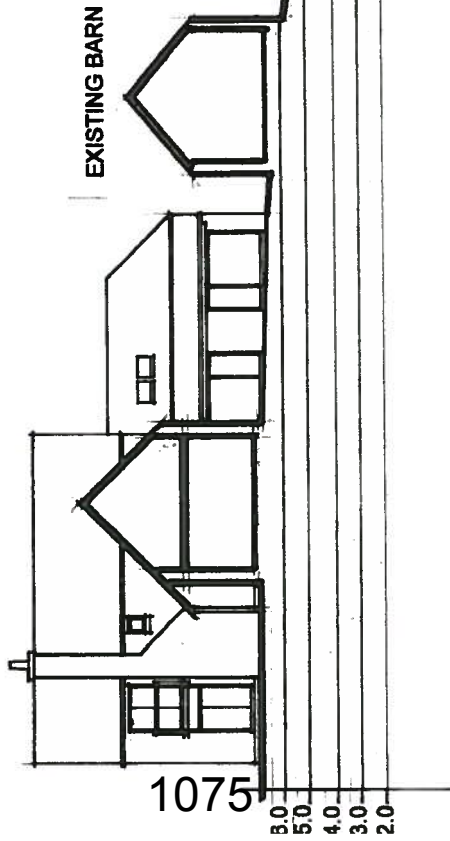
residential development
muckersie mill, forgardenny
for mr dugald cantlay
SITE PLAN 1:500 @ A2
R403 PL01 december 2015

The South
Coastal Water
Authority
POTENTIAL
POTENTIAL
POTENTIAL



EXISTING COURTYARD LEVEL 47.05

PROPOSED DWELLING FROM EXISTING BARN



see photos 1 to 3
see survey drawing number PL01

PROPOSED SECTION THRO' SITE 1:200 @ A3

PERTH AND KINROSS COUNCIL

DRAWING REF: 15/02171/3

muckersie mill

residential development
muckersie mill, forgardenny
for mr dugald cantlay
PROPOSED SITE SECTION 1:200 @ A3
R403 PL02 december 2015

The Studio
Cordon Marks
Abernethy
PERTHSHIRE
PH2 8LN
T 07973 701 025



architecture design

Memorandum

To	Mark Williamson Planning Officer	From	Sarah King Trainee Technician Structures and Flooding Team
Your ref	14/01803/FLL	Our ref	6.9.10/724 – Muckersie Mill
Date	13 th January 2015	Tel No	01738 477388

The Environment Service

The Atrium, 137 Glover Street, Perth, PH2 0HY

RE: Conversion and extension of barn to form a dwellinghouse Muckersie Mill Forgandenny Perth PH2 9DJ for Mr Dugald Cantlay

Thank you for your consultation in relation to the above planning Application that I received on 24th October 2014.

I can confirm that the Flood Prevention Authority approves to this planning application.:

If you have any queries regarding the above content please contact me on the above number.

Regards
Sarah King

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	15/02171/IPL	Our ref	ALS/LJA
Date	5/02/2016	Tel No	01738 476476
The Environment Service		Pullar House, 35 Kinnoull Street, Perth PH1 5GD	

Consultation on an Application for Planning Permission

RE: Residential development (in principle) Muckersie Mill Forgandenny Perth PH2 9DJ for Mr Dugald Cantlay

I refer to your letter dated 14/01/2016 in connection with the above application and have the following comments to make.

Water (assessment date –14/01/16)

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 3 dwelling houses in a rural area with private water supplies (including Muckersie supply) believed to serve properties in the vicinity. The applicant has indicated that they will connect to the Public Mains water supply but should this prove to be impractical cognisance must be taken of Informative 2 below. To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives. No public objections relating to the water supply were noted at the date above.

Condition

Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Informative 1

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

Informative 2

Although the applicant has indicated on the application form that mains water will be provided, it is believed that connection to the public mains may be impractical therefore the following should be noted if a private water supply is utilised.

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.

Contaminated Land (assessment date – 19/01/2016)

Recommendation

The proposed development is on land that is identified as having a former industrial use. Little information is available regarding how the site was used but given the presence of a mill there is potential for there to be contamination.

I therefore recommend the following condition be applied to the application.

Condition

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

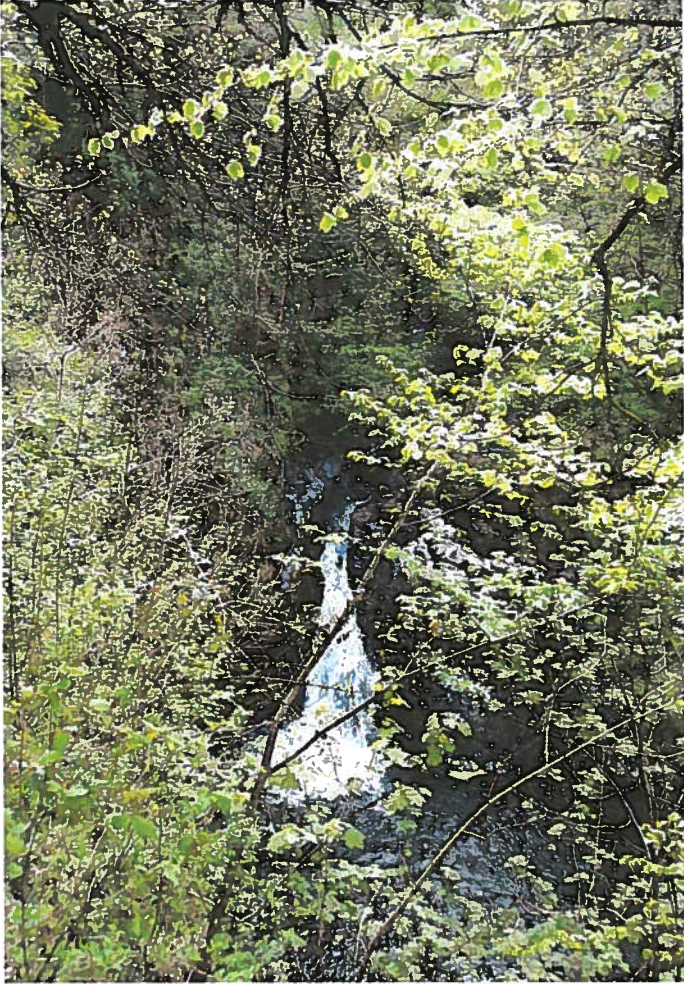
- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/02171/IPL	Comments provided by	Richard Welch
Service/Section	Conservation	Contact Details	REWelch@pkc.gov.uk 76598
Description of Proposal	Residential development (in principle)		
Address of site	Muckersie Mill, Forgandenny PH2 9DJ		
Comments on the proposal	<p>This site is in close vicinity to Green of Invermay Bridge, which is category B listed and Muckersie Chapel, category C listed. The site is also within Invermay Garden and Designed Landscape.</p> <p>Due to the nature of the topography and existing landscape I have no objections in principle to a development of three dwelling-houses at this location.</p> <p>I note the submitted Design Statement indicates that the architecture will respect its setting and the vernacular style of the existing buildings.</p> <p>An appropriate mass and scale for each dwellinghouse is an important consideration.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	03.02.2016		

1.



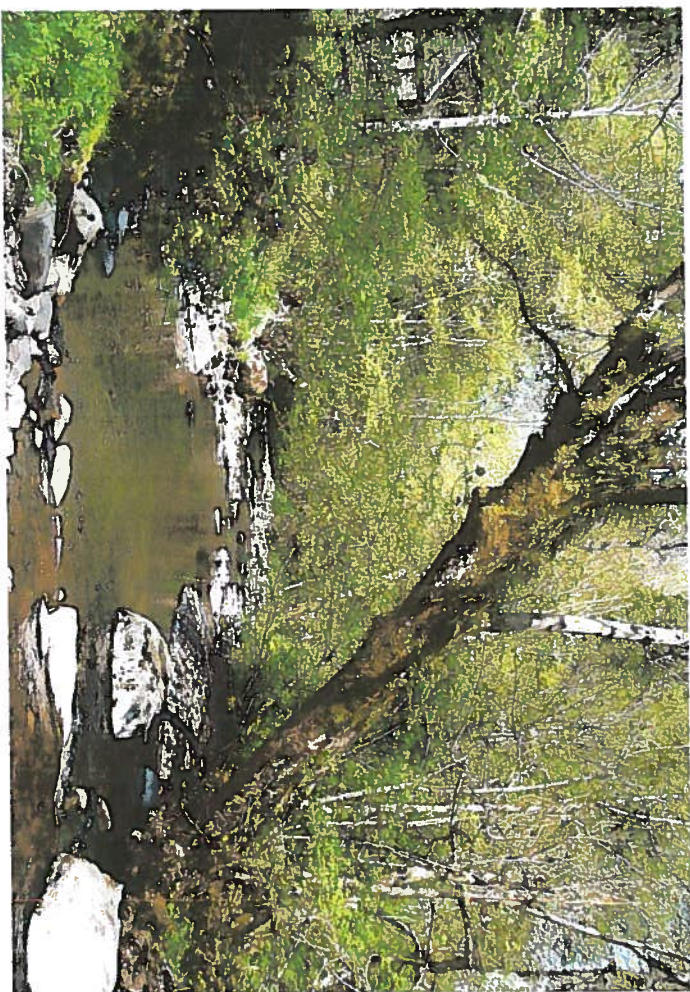
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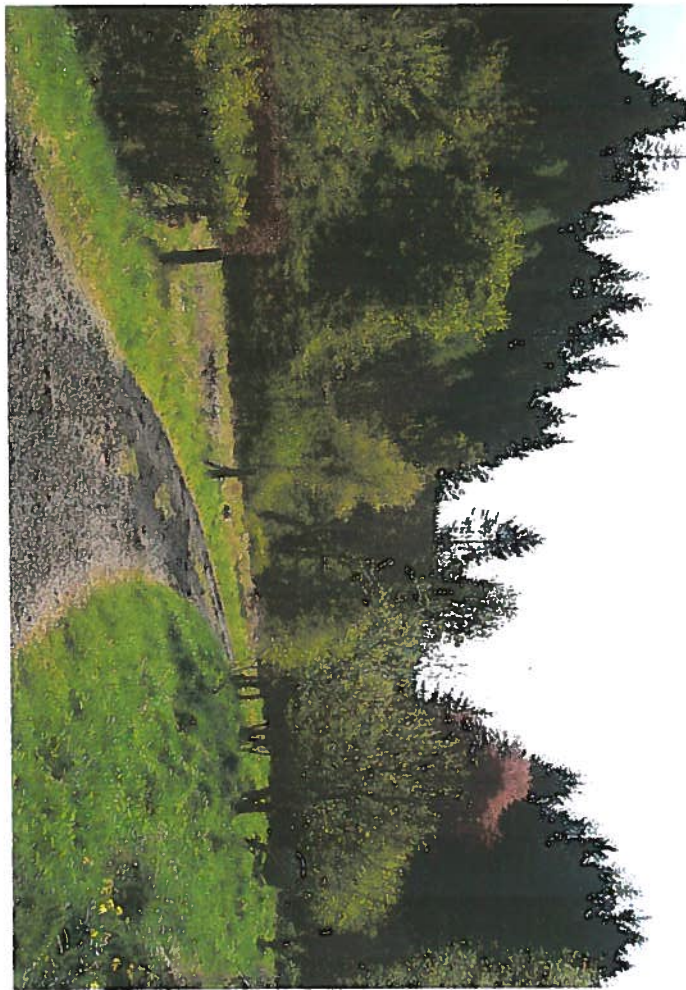




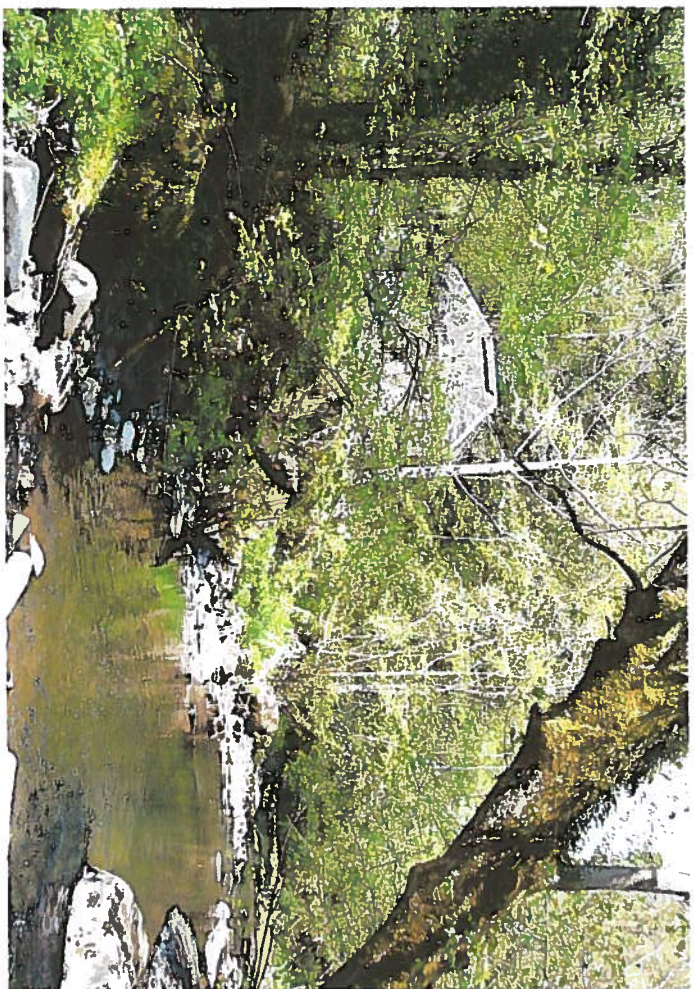
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TCP/11/16(411)
Planning Application – 15/02171/IPL – Residential
development (in principle) on land at Muckersie Mill,
Forgandenny, Perth, PH2 8DJ

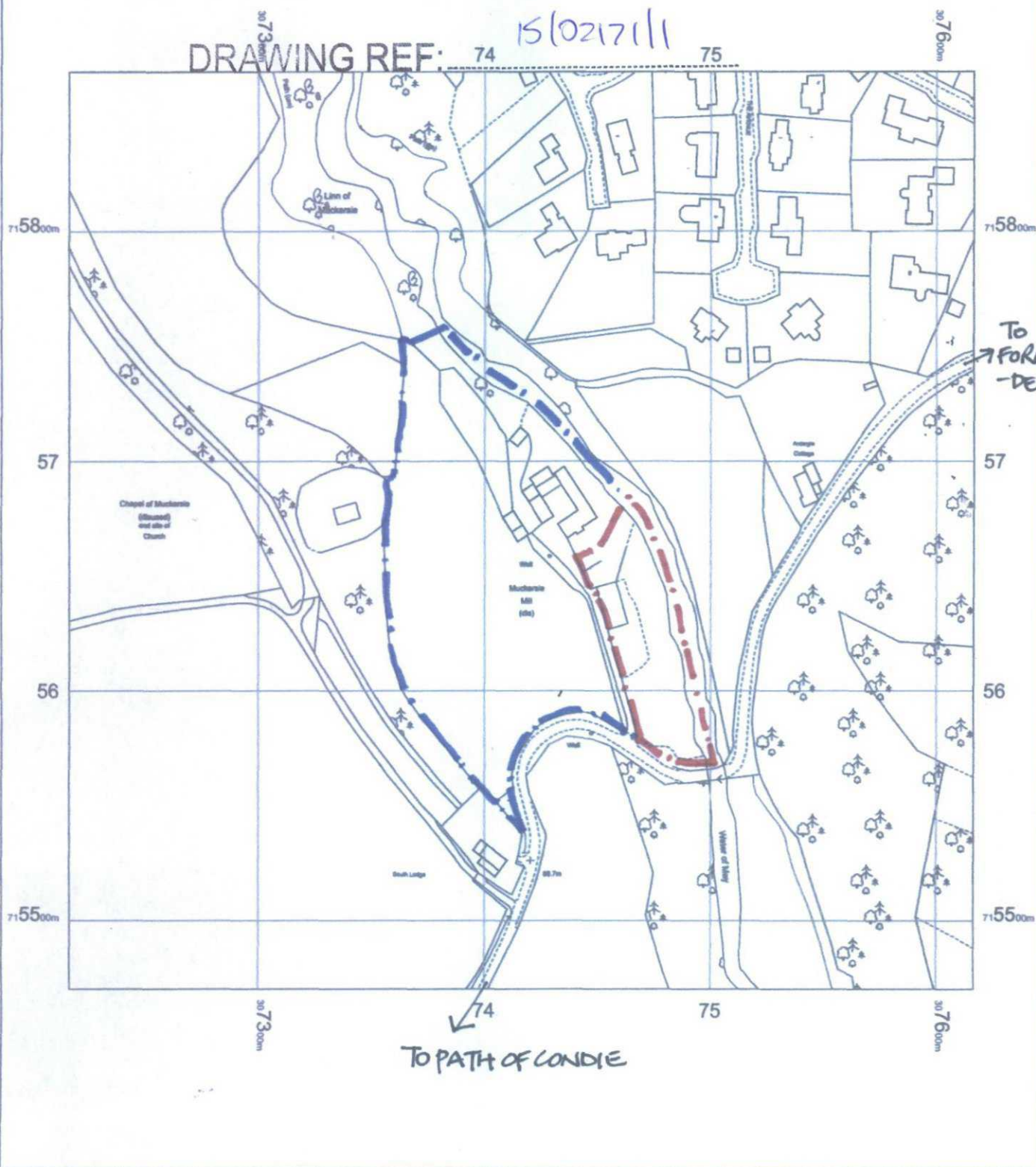
PLANNING DECISION NOTICE *(included in applicant's submission, see pages 1055-1056)*

REPORT OF HANDLING *(included in applicant's submission, see pages 1057-1070)*

REFERENCE DOCUMENT *(part included in applicant's submission, see pages 1073 and 1075)*

PERTH AND KINROSS COUNCIL

DRAWING REF: 74 15/02/17/11 75



OS MasterMap 1250/2500/10000 scale
10 October 2014, ID: MNOW-00368037
mapsnow.co.uk

1:2500 scale print at A4, Centre: 307416 E, 715670 N

©Crown Copyright Ordnance Survey. Licence no.
100017780



MapsNow

The Studio Cordon Mains ABERNETHY PH2 9LN
T 07973 701 025 E rick@hallarchitects.co.uk



Design Statement

RESIDENTIAL
DEVELOPMENT

at

MUCKERSIE MILL
FORGANDENNY

december 2015



PERTH AND KINROSS COUNCIL

1

DRAWING REF: 1090 1510217114

CONTENTS:

1. Introduction
2. Photographs of previous structures
3. Design Considerations
4. Conclusion

1. Introduction

This application is for Planning Permission in Principle for residential development comprising 3 new houses.

The Applicant is the owner of Muckersie Mill and has achieved a Detailed Planning Permission No 14/01803/FLL for the conversion of one barn to a dwelling. This first Planning Permission is the first phase of the overall masterplan for the redevelopment of Muckersie Mill and this application is for Planning Permission in Principle for the second phase.

This application is for 3 new houses which each sit on the site of previous structures; the Mill House, the Barn and the lockgate. The photograph No 1 shows the previous mill house and barn, which are now demolished. The lock to the lade is still in place, and this is shown on the survey plan.

2.0 Photographs of previous buildings



Photograph 1 old cattle barn



Photograph 2 old cattle barn



Photograph 3 overview
of former buildings

2. Design Considerations

a. The general principle of this proposal is to utilise the sites of previously existing structures on the site.

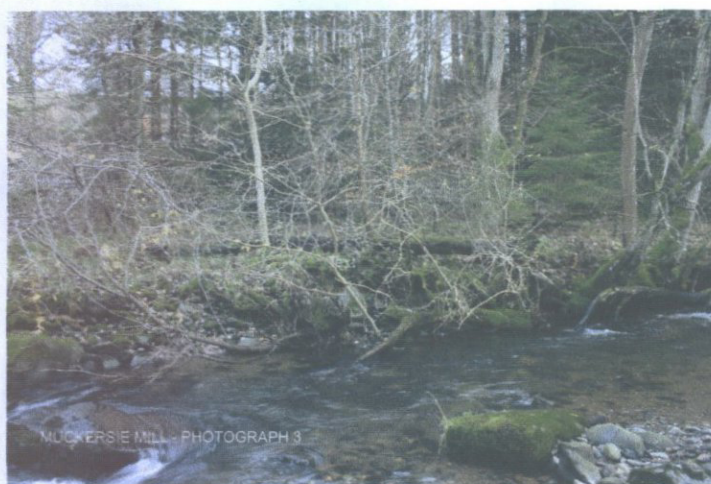
b. Muckersie Mill was part of the original Ardargie Estate and comprised the farmhouse, along with a courtyard of adjoining barns, a separate ice house, the Mill house, a large separate cattle barn, a hay barn and a pigsty. The Mill was fed by a lade and to turn the mill wheel with a release lock above the mill, to temper the water flow through the mill. This still exists and is shown on the survey/site plan.

c. The Mill House sat at an angle to the farmhouse and this provides an interesting architectural juxtaposition which will be used in its redevelopment.

d. The original cattle barn was a substantial building with a low hipped roof and provides a site for a large family house.

e. The lock gate sits near the entrance to Muckersie Mill and again provides an interesting angle from which to position the new Lock House.

f. The Water of May is considered under the SEPA flood zone study. This was considered by PKC Structure & Flooding Officer Sarah King in the previous application, and did not raise an objection. Please see the site cross-section drawing number PL02 which shows the flood zone opposite the application site, which extends to approximately 30 metres. Also see the following 3 photographs which show the flood zone on the opposite bank.



The mill was constructed in a position designed to avoid flooding, and in its entire history, there is no record of the water rising to a point where the application site experienced flood conditions. This is for the following reasons;

1. The application site sits on the inside of a bend in the river and is therefore **not** affected by any pressure from water surge during higher river levels.
2. The opposite bank is a flood zone taking away any pressure from the application site.
3. The Water of May has an even gradient which ensures a steady flow past the application site, which then reaches a considerable waterfall to the north east of the application site, releasing any build up of flood water.
4. Further evidence of continuous low river levels is shown by the even growth of many deciduous trees on the lower banks of the river.

CONCLUSION

This site should be considered as a brownfield site and therefore available for redevelopment under the Adopted Local Development Plan. This application is for Planning Permission in Principle and therefore the main design issues will be reserved for a further application, but the intention is for the architecture to respect its setting and the vernacular style of the existing buildings. The principles of "Designing Places" will be used at the detail design stage. This application is to establish the principle of creating 3 new dwellings from the site of previous structures and to create a new community of dwellings that accord with the redevelopment of the Ardargie Estate.

In light of the considerations of this statement we therefore respectfully request this development is recommended for approval.

TCP/11/16(411)
Planning Application – 15/02171/IPL – Residential
development (in principle) on land at Muckersie Mill,
Forgandenny, Perth, PH2 8DJ

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/02171/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED] [REDACTED]
Description of Proposal	Residential development (in principle)		
Address of site	Muckersie Mill Forgandenny Perth PH2 9DJ for Mr Dugald Cantlay		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Forgandenny Primary School.</p> <p>Transport Infrastructure</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>		
Recommended planning condition(s)	<p>Primary Education</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> <p>Transport Infrastructure</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>		
Recommended informative(s) for applicant	N/A		

Date comments returned	18 January 2016
---------------------------	-----------------

Historic Environment Scotland Àrainneachd Eachdraidheil Alba

By E-mail

Planning
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD
DevelopmentManagement@pkc.gov.uk

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8716
Switchboard: 0131 668 8600
hs.consultationsperthandkinross@gov.scot

Our ref: HGP/D/TC/39
Our Case ID: 201506490
Your ref: 15/02171/IPL

22 January 2016

Dear Sirs

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 Muckersie Mill Forgandenny Perth

Thank you for your consultation which we received on 14 January.

You have consulted us because you believe the development may affect Invermay, included in the *Inventory of Gardens and Designed Landscapes* in recognition of its national importance.

Historic Environment Scotland have reviewed your consultation, and we consider the proposals do not raise issues of national significance, so we can confirm that we do **not object**.

While we do not object, we do, however, have the following comments which your Council should take into account under the terms of Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

We are content with the principle of the proposed development and look forward to being consulted in due course on the details of the proposed scheme.

Note

Historic Environment Scotland, HES, has a national remit for the Historic Environment, and as such does not provide detailed comments on every application. We consider consultations in national terms, and will decide whether to provide detailed advice depending on the scale, nature or complexity of the proposals.

A decision not to provide detailed comments or not to object should not be taken as support for the proposals by HES, and the application should be assessed as normal by your Council against local and national policy and guidance on the Historic Environment.

Historic Environment Scotland Àrainneachd Eachdraidheil Alba

Detailed guidance on the application of National policy is set out in our 'Managing Change in the Historic Environment' series available online at <http://www.historic-scotland.gov.uk/managingchange>.

If you require any further information, please contact me as above.

Yours faithfully

Joan Sewell

Heritage Management Officer (Strategic Casework)

PB.

EARN COMMUNITY COUNCIL

Serving the Parishes of Aberdalgie, Dron, Dunbarney, Forgandenny, Forteviot & Rhynd

Mr Nick Brian
Development Quality Manager
Planning and Regeneration
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD



The Old Schoolhouse
Forteviot
Perth
PH2 9BT
25 January 2016

Dear Mr Brian,

Planning Application 15/02171/IPL Muckersie Mill, Forgandenny, PH2 9DJ

The planning application does not mention water supply.

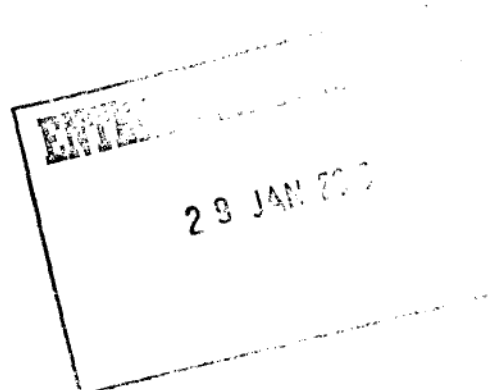
Muckersie Mill and other nearby properties are not connected to the mains, and Earn Community Council considers it essential that the proposed residential developments should be. They would also need private drainage.

Earn Community Council objects to the application if there is not to be connection to the mains water supply.

Yours sincerely,

A black rectangular box redacting the signature of Mrs Diana Roff.

(Mrs) Diana Roff
Forteviot representative on the ECC



Comments for Planning Application 15/02171/IPL

Application Summary

Application Number: 15/02171/IPL

Address: Muckersie Mill Forgandenny Perth PH2 9DJ

Proposal: Residential development (in principle)

Case Officer: Persephone Beer

Customer Details

Name: Mr Bryan Auchterlonie

Address: Bluebell, Forgandenny, Perth PH2 9DG

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Flooding Risk
- Road Safety Concerns
- Traffic Congestion

Comment: The bridge over the river May is on a 90 degree bend, it is already in danger of becoming poor in repair due to 35 ton log lorries using it. Accessing the proposed development could be dangerous to other road users. More traffic using the bridge can only worsen its condition. The site is very close to the river May and future development may become a flood issue.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/02171/IPL	Comments provided by	David Williamson
Service/Section	Strategy and Policy	Contact Details	<div style="border: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
Description of Proposal	Residential development (in principle)		
Address of site	Muckersie Mill, Forgandenny, Perth, PH2 9DJ		
Comments on the proposal	The proposals could affect trees and shrubs on site. A preliminary Ecological Appraisal should be undertaken to ascertain the potential impact of the development on the biodiversity interests of the site.		
Recommended planning condition(s)	<p>If you are minded to approve the application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> • No removal of vegetation, including trees and shrubs will take place between 1st March and 31 August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works. • No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day. 		
Recommended informative(s) for applicant	<ul style="list-style-type: none"> • The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence 		

	against prosecution under this act.
Date comments returned	27 January 2016

PB.

Gardenia,
Path of Condie Road,
Forgandenny,
Perthshire.
PH2 9DJ

Development Quality Manager,
Planning Development,
Puller House,
35 Kinnoull Street,
Perth.

28 JAN 2016

25th January 2016

Dear Sir,

Re: Public Notice about a Residential Development at Muckersie Mill, Forgandenny, Perth 15/02171/1DL

The above development is within a conservation area, which should not be developed on. Scottish Water also have a pipe taking water from the River Earn to Glenfarg Loch running through the ground. There is also a pipe to take flood water off the field on the other side of the road into Muckersie Mill going through the ground. This flooding comes from a condie in the field and over the last few weeks there has been a lot of flooding. At the other end of the ground there is the red sandstone foundations of Muckersie Mill which should never have been demolished and the ground which has been ear-marked to build the houses on was the mill lade taking water from the May to drive the Mill Wheel.

The owner has had two previous plans for houses turned down because of flooding, and I objected to his last plan for a barn conversion, and I have never been told by the Council what the outcome of this was. Perhaps you could let me know!

We have enough houses in the area already, the roads are narrow and the traffic is bad at times, especially with the wood lorries. Building more houses will make matters worse, especially with taking building materials along the road, the entrance onto the main road is also bad.

The existing water supply to Muckersie Mill comes from the field beside my house, the pipes feeding the supply comes from field drains. The water is dirty and not fit for domestic use, it could never supply another three houses. Parts of the supply runs through existing lead pipes, the owner of Muckersie Mill needs to bring mains water before any plans go through.

The Notice for this plan is dated 8th January 2016 but it was only put up on display at Muckersie Mill at the end of last week, giving us a week to get our objections in when we should have had 21 days.

I await your acknowledgement of my objection to the above.

Yours faithfully,

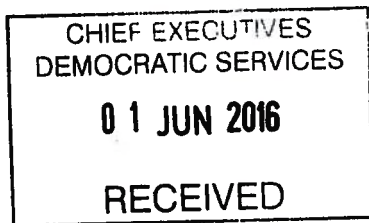
H. Morrison (Mrs)

Comments to the Development Quality Manager on a Planning Application


Planning Application ref.	15/02171/IPL	Comments provided by	Shona Alexander
Service/Section	Waste Services	Contact Details	<div style="border: 1px solid black; height: 1.2em; width: 100%; background-color: black;"></div>
Description of Proposal	Residential development (in principle)		
Address of site	Muckersie Mill Forgandenny Perth PH2 9DJ		
Comments on the proposal	<p>A two bin system will be available for the properties. Collection will be from the road end.</p> <p>No garden and food waste collection is available in this area.</p>		
Recommended planning condition(s)	<p>The developer should install a road end bin collection point adjacent to the main road comprising hard standing and fencing. This should be large enough to contain existing bins as well as waste and recycling bins from this development.</p> <p>The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.</p>		
Recommended informative(s) for applicant			
Date comments returned	28/1/2016		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/02171/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED] [REDACTED]
Description of Proposal	Residential development (in principle)		
Address of site	Muckersie Mill Forgandenny Perth PH2 9DJ		
Comments on the proposal	<p>I note that this proposal is for the development of three dwellinghouses in principle. The proposal would utilise the existing access off the C414 public road. Whilst I note the objectors' comments regarding the narrow nature of the road at this location, given the narrow and twisting nature of the road at the bridge, traffic speeds would be extremely low and therefore the access would not be considered as unsafe, especially for the minimal increase in traffic that would result from this development.</p> <p>Therefore, I have no objections to this proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	09 February 2016		



Gardenia,
Forgandenny,
Perth.
PH2 9DF



Ms. Gillian Taylor,
The Atrium,
137 Glover Street,
Perth.
PH2 OLQ.

29th May 2016

Dear Ms. Taylor,

APPLICATION REF: 15/02171/1PL

Thank you for your letter dated 23rd May 2016 with regard to the above application for a Residential development at Muckersie Mill, Forgandenny, Perth PH2 9DJ.


The local Review Body will have my original representations but I would like to bring to their notice about Plot number 3 which is Lock House on the Plan. The Architect states this is the former Lock for the Mill! This has nothing to do with the Mill. When the Water Board put in the pipe taking water from the River Earn to Glenfarg Loch they put this sluice in to take the water from the condie that overflows in the field. The pipe goes under the road into the sluice at the road into Muckersie Mill. The Mill was at the other end of the site, therefore the Lock would be beside the Mill!

The application also states plot one as the former Mill House. I would ask you to refer to the photograph of the Site on the Architects Design Statement which clearly shows that there was only ever a Mill on that Site! I stayed at Muckersie Mill for eleven years, there was no Mill House only the Mill and where the water wheel had been. The house that is there at the moment was the Mill House. I would ask that the Local Review Body visit the site to ascertain what is going on.

I have also been told by two Insurance Companies when trying to insure my house that it is in a flood area because of my Post Code, if this is the case, then Muckersie Mill is also in a flood area because it is a lot lower than my house!

If you require any further information with regard to the above please do not hesitate to either telephone me on the above number or contact me in writing.

Yours sincerely,



Hannah Morrison (Mrs)

Ms Gillian A. Taylor

Local Review Body

The Atrium

Glover Street

Perth

PH2 0LQ

Your ref: TCP/11/16(411)

20 June 2016

Dear Ms Taylor,

Town & Country Planning (Scotland) Act 1997 The Town & Country Planning (Schemes of Delegation & Local Review Procedure)(Scotland) Regulations 2013 Application Ref: 15/02171/IPL– Residential Development (in principle) on Land at Muckersie Mill, Forgandenny, Perth

With reference to the representation from Mrs Morrison dated the 29th May 2016 comments on this are offered below.

The attached historic ordnance survey map shows the layout and infrastructure of Muckersie Mill including the mill lade. This map shows the former 'mill house' (building which 'housed' the mill being the accepted terminology for such a building) to the south east of the building group and the mill lade which turned the water wheel running along the south east wall of the mill house. The map indicates that the intake for the mill lade was taken from the Water of May some distance to the south. The mill house is apparent on the aerial photograph submitted in support of the review to the south east of the dwellinghouse (Photo 7). As Mrs Morrison has stated the mill house was not occupied as a residence, but is so named because it 'housed' the mill workings at Muckersie.

As stated in the Notice of Review the review site is not subject to flood risk for the reasons indicated. The applicant who has lived at Muckersie for 25 years has never witnessed any flooding on the review site,

Yours sincerely

Mark Williamson.

