

TCP/11/16(446)
Planning Application – 16/01358/IPL – Residential
development (in principle), land 60 metres north east of
11 Park Grove, Spitalfield

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TCP/11/16(446)

**Planning Application – 16/01358/IPL – Residential
development (in principle), land 60 metres north east of
11 Park Grove, Spitalfield**

**PAPERS SUBMITTED
BY THE
APPLICANT**



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100030734-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.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="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Gary McLuskey &"/>	Building Number: <input type="text" value="10"/>
Last Name: *	<input type="text" value="Scott McKillop"/>	Address 1 (Street): * <input type="text" value="Park Grove"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Spittalfield"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH1 4LH"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="741013"/>	Easting	<input type="text" value="310993"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Residential development in principle on land 60 metres north east of 11 Park Grove, Spittalfield

Type of Application

What type of application did you submit to the planning authority? *

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached grounds of appeal statement and the 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)

Grounds of appeal statement, Planning application forms and drawings (MBM1), Decision Notice (MBM2), Design Statement (MBM3), Letter from applicants (MBM4), Report of Handling (MBM5) and Extract from minute of Community Council meeting (MBM6).

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/01358/IPL

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

03/08/2016

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

13/09/2016

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

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

Please select a further procedure *

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

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To allow the LRB to assess the site boundaries of the proposal in the context of the wider MU6 land use designation

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Mark Myles

Declaration Date: 11/11/2016

**Notice of Review Appeal Statement - 16/01358/IPL
Against Refusal of Planning Permission in Principle for Residential Development on
Land 60 Metres North East of 11 Park Grove, Spittalfield**

Introduction

This appeal statement should be read in conjunction with the Notice of Review submitted on 11th November 2016 on behalf of Mr Gary McLuskey & Mr Scott McKillop. The Notice of Review relates to a planning application for residential development (in principle) on Land 60 Metres North East of 11 Park Grove Spittalfield. The planning application and accompanying plans (16/01358/IPL) (MBM1) was refused by PKC on 13th September 2016 (MBM2). A copy of the supporting information (design statement and letter from applicants) that accompanied the application are also enclosed (MBM3 & MBM4). A copy of the planning officers report of handing is also included (MBM5).

Background

The site forms part of a larger Mixed Use site designated (MU6) in the current Local Development Plan 2014. The key requirements listed in the development plan require a comprehensive approach to the site as well as Class 4-6 units or serviced land compatible with neighbouring residential uses, employment requirement to be delivered in advance or in conjunction with residential development, a mix of housing types and sizes including low cost housing, retention/protection and enhancement of woodland along the eastern boundary of site, archaeological potential requires investigation with mitigation if necessary and enhancement of biodiversity.

The whole MU6 site is 2.13ha in size and therefore any comprehensive development of the entire site would be classed as a 'major development' under the relevant Development Management Regulations and therefore require pre-application consultation, the submission of a Proposal of Application Notice (PAN) at least 12 weeks in advance on any planning application, a formal exhibition or public event would need to take place and then also a Pre Application Consultation (PAC) report would have to be provided in support of any planning application. The fee involved for a major application would also be substantial.

The council's single reason for refusal is therefore based solely on the fact the application relates to a small northern section of the MU6 allocation and does not relate to a comprehensive redevelopment of the site nor is any commercial development proposed.

Grounds of Appeal

In support of this appeal we don't consider that the council's assessment of the application as set out in the Report of Handling was balanced or gave full or proper consideration to any of the other significant material considerations that are relevant in this case.

In particular, it is considered that support for this proposal can be given for the following reasons;

- The proposed siting of the 2 houses on the rear boundary of the site does not prejudice the comprehensive redevelopment of the remainder of the site in any way. By siting the 2 houses on this rear part of the site the remaining site area would continue to be of a regular shape and size that would be able to contain a mix of residential and any commercial space if required.
- The route of the access road also doesn't prejudice the redevelopment of the remainder of the site. The siting of the access road alongside the western boundary also ensures that the undeveloped site area continues to be maximised and would not be prejudiced by the development of the 2 houses.
- The location of any employment uses on the site would never be on this rear part of the site as it is the furthest point from the main road access.
- If there is an identified requirement for employment uses within the village (which is not accepted) then this would be accommodated on the southern part of the site closest to the main access road as indicatively shown on the site plan. The employment uses would be located in the area identified on the site plan as that would avoid commercial vehicular movements having to pass through housing on the site and prevent any loss of amenity issues from arising.
- In land use planning terms, the 2 proposed houses are acceptable on this brownfield site which is located within the identified settlement boundary for Spittalfield.
- Allowing this limited 'first phase' of development would enable the applicants to realise and generate some capital receipt from the site that would then enable them to instruct a full decontamination study (as per the advice received from Environmental Health) and any archaeological investigation, to be undertaken across the whole site (both of which are not inexpensive site development costs) and also allow work to then be progressed on a comprehensive submission for the remainder of the MU6 site.
- Contrary to the comments expressed in the Report of Handling about an opportunity to submit representations to the new LDP2, the council announced in September

2016 that it will now be delaying the publication of its Proposed LDP until September 2017 at the earliest. As such there will be no opportunity to comment on the current MU6 site requirements until later next year with any new plan unlikely to be adopted for at least the next 2-3 years. Our view is supported by the fact that an update to the council's Development Plan Scheme was reported to the Enterprise and Infrastructure Committee on 9th November 2016 to confirm the revised dates i.e. the earliest adoption of LDP2 would now be in February 2019.

- The site is the only land use allocation within the village and as pointed out in the supporting letter that accompanied the planning application, the 2 houses will help to sustain local services and facilities such as the local primary school where the role is well below 80% of its capacity (at around 35%) so there would be no requirement for any developer contributions. There is a lack of housing opportunities within the village and no other infill plots are available or are currently being marketed.
- Other commercial properties and units within the village have been vacant for some time and it is evident that there is no appetite for commercial uses in the village. The one local shop and post office that served the village closed several years ago and despite having a main road frontage, the unit has remained vacant ever since. There is no appetite for commercial units (Class 4-6) within Spittalfield confirmed by the fact that the site has (in part) been identified for such uses since 2005 with no interest ever having been received.
- At the previous Local Development Plan Examination information had been submitted to suggest that the site should be identified solely for residential use, however the Reporter concluded that for the time being the site should continue to be identified for mixed use development as per the previous Local Plan. Allowing the 2 houses proposed would at least allow the applicants to realise some benefit from the site in advance of the submission of any representations to the next LDP.
- In support of the identification of the site in the existing LDP, the council considered the brownfield nature of the site to be a positive attribute and its development would mean that other greenfield sites are avoided in the immediate future. As part of the submissions to the LDP Examination the council also considered that any contamination issues and archaeological investigation issues can be dealt with at the planning application stage. This is what is proposed as part of this application.
- From a landscaping point of view the site is well contained and screened and offers a natural extension to the settlement, a point which was also accepted by the council at the LDP Examination.

- No objections were received against the proposal from any members of the public or consultees. The planning application was also discussed at the Spittalfield & District Community Council meeting held on 14th September and no concerns or objections were raised at the meeting (extract from the minute of the meeting is attached as MBM6).

Conclusion

We therefore respectfully request that the LRB consider the proposal on its merits and in this case consider the weight that can be attached to all of the above material considerations would indicate that planning permission in principle could be allowed thus bringing benefits to the village and local services such as the primary school and at the same time allow the applicants to move forward with their proposed plans for the remainder of the MU6 site.

PERTH AND KINROSS COUNCIL

Mr Gary McLuskey & Scott McKillop
c/o JWM Design Architectural Services
Hamish McKelvie
The Studio
4 Denwell Court
Alyth
Blairgowrie
PH11 8FB

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 13.09.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/01358/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 8th August 2016 for permission for **Residential development (in principle) Land 60 Metres North East Of 11 Park Grove Spittalfield** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal is contrary to the mixed use allocation MU6 of the Perth and Kinross Local Development Plan (LDP) 2014 which requires a proposal for a comprehensive redevelopment of the site and for employment uses to be delivered on site in conjunction with, or in advance of residential development on the site. The proposal relates solely to a small northern section of the MU6 allocation and does not relate to a comprehensive redevelopment of the site nor is any commercial development proposed. The proposal is therefore contrary to the LDP spatial strategy and would prejudice the development of the wider site.

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

16/01358/1

16/01358/2

16/01358/3

16/01358/4

16/01358/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/01358/IPL	
Ward No	N5- Strathtay	
Due Determination Date	07.10.2016	
Case Officer	John Williamson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Residential development (in principle)

LOCATION: Land 60 Metres North East Of 11 Park Grove Spittalfield

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: 26 August 2016

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for residential development along the northern edge of a larger site which is allocated for mixed use development in the Local Development Plan (LDP) (MU6). The site is located on the eastern side of the settlement of Spittalfield on land previously in use as a bus depot. The site is currently overgrown and is well contained on its eastern side by a mature woodland. To the west of the site is an existing residential development. To the north of the site are open agricultural fields. An existing vehicular access is proposed to be used from the south west which links to the A984 public road. The application site relates to a 5370sqm northern part of the wider 2.13 hectare MU6 allocation. An indicative layout of two houses has been included with the application.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: 16/00181/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 ED1A - Employment and Mixed Use Areas

Areas identified for employment uses should be retained for such uses and

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

Policy 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 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 RD4 - Affordable Housing

Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy CF1A - Open Space Retention and Provision

Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

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.

OTHER POLICIES

Developer Contributions and Affordance Housing Supplementary Guidance

CONSULTATION RESPONSES

INTERNAL

Environmental Health – contaminated land condition recommended

Development Planning – contrary to policy and land use allocation

Transport Planning – no objection subject to condition

Contributions Officer – condition recommended relating to education contribution

EXTERNAL

Scottish Water- no response within statutory development

REPRESENTATIONS

None received

ADDITIONAL STATEMENTS RECEIVED:

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

APPRAISAL

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

Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

Principle

The LDP allocates this site and the remainder of the designated Mixed Use area for a mixture of employment use and residential (20 houses) on no more than 75% of the site. The purpose of the designation is to improve the quality and range of employment land in the area and for this to be supported with residential development. The allocation includes a number of site specific developer requirements. These require a comprehensive development of the entire MU6 allocation. It states that classes 4-6 of serviced land compatible with neighbouring residential uses would be accepted and states that employment land should be delivered in advance of or in conjunction with residential development. In this instance the proposal is for solely residential development and includes no employment use. It also relates to only a part of the site rather than a comprehensive development of the entire site. As such the proposal is contrary to the MU6 site specific developer requirements.

The MU6 designation includes a number of other requirements including a mix of housing types, retention and protection of woodland on the eastern boundary, archaeological investigation and enhancement of bio diversity. The proposal provides an indicative layout showing two large houses and fails to provide any evidence of a mix of house types or sizes as required by the land allocation. Whilst there is scope to ensure the protection of the woodland and archaeology, together with enhancing bio diversity the proposal as a whole fails to meet the developer requirements of this allocation.

Some pre application discussions have been undertaken where the applicant has indicated that there is limited scope for employment uses in this location and a letter has been provided which indicates that there is no “appetite” for commercial units in this location and that there is other commercial development land in nearby Meikleour. The applicant also indicates that they are willing to ring fence 25% of the land for commercial uses but this application relates solely to the northern part of the site and there is no legal or planning mechanism to secure commercial development on the remainder of the site. If planning consented was granted here it would relate solely to residential development with no provision for commercial development. Furthermore whilst the applicant has indicated that there is no appetite for commercial development in this location no detailed evidence of this has been provided nor has any indication of marketing of the site for this purpose been undertaken. Whilst it is recognised that residential development would be of benefit to the village this should be developed in conjunction with commercial development in accordance with the MU6 zoning in the LDP.

Following discussions with the Council's Strategic Plans team regarding the site they have indicated that the mixed use zoning is carried over from an older Local Plan and that there was some discussion during the last LDP review as to whether it should be removed but ultimately the Reporter decided for the allocation to remain. The associated employment use came about due to the previous use of the site where it was used to store buses.

It should also be noted that the LDP was only adopted in February 2014 and as such the land use zoning for this site, specific to this plan, has only been in place for a short period of time. If the applicant feels that the allocation is not appropriate for this site the most appropriate course of action would be to consider making representations on the review of the LDP to seek a revision to the allocation. The Proposed Plan is due to be published late this year where consultations and comments will be invited. The applicant has been made aware that a representation/comment of this nature would require to be evidenced by a lack of need for employment uses in this particular area.

All of the above was indicated to the applicant during pre application discussions. As such the submission, including the lack of any detailed evidence or marketing for the site and the lack of a comprehensive proposal for the wider site, is considered contrary to the MU6 zoning within the LDP and is therefore recommended for refusal. Furthermore approval of development on this particular part of the site could prejudice development of the wider site.

Access and Traffic

As outlined above an existing access is proposed to be utilised which is considered acceptable in principle and the specific details could be secured through a planning condition should consent be granted. As such the proposal is considered to be in accordance with Policy TA1B of the LDP.

Bio Diversity

Policy NE3 of the LDP requires new development to consider bio diversity. Furthermore allocation MU6 requires bio diversity enhancement to be included as part of any submission. No evidence of any enhancement of bio diversity has been included with the submission.

Trees/Woodland

There is a large mature woodland to the east of the application site where allocation MU6 requires the retention and protection of this woodland. The proposal does not indicate that this woodland is proposed to be changed or altered and its protection and retention could be secured through a planning condition should consent be granted.

Contaminated Land

The former bus depot use of the site gives the potential for the land to be contaminated and as such Environmental Health have recommended a condition to ensure an investigation for contaminated land is undertaken. This can be secured by condition should consent be granted.

Developer Contributions

As this is an application in principle there is no requirement for a contribution towards education infrastructure in this instance. A condition is recommended should any consent be granted to ensure the provision of a contribution towards education infrastructure.

There is no requirement for a contribution towards transport infrastructure for this site.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered contrary to the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reason for Recommendation

The proposal is contrary to mixed use allocation MU6 of the Perth and Kinross Local Development Plan (LDP) 2014 which requires a proposal for a comprehensive redevelopment of the site and for employment uses to be delivered on site in conjunction with or in advance of residential development on the site. The proposal relates solely to a small northern section of the MU6 allocation and does not relate to a comprehensive redevelopment of the site nor is any commercial development proposed. The proposal is therefore contrary to the LDP spatial strategy and would prejudice the development of the wider site.

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

16/01358/1

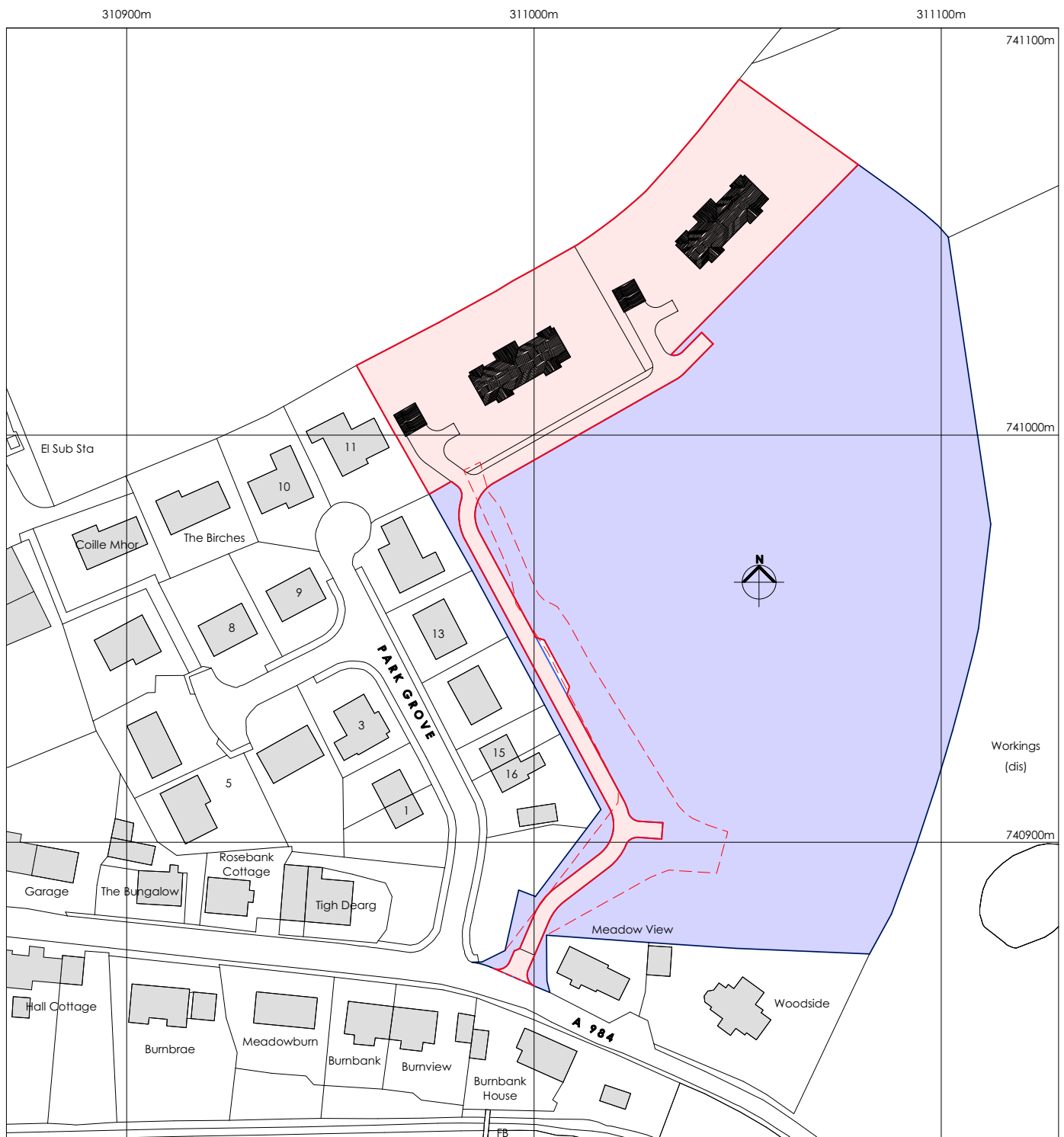
16/01358/2

16/01358/3

16/01358/4

16/01358/5

Date of Report 12.09.2016



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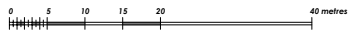
JWM *design*
architectural services

The Studio, 4 Denwell Court, Alyth, Blairgowrie, PH11 8FB.
tel: 0775 284 0395 hamish@jwmdesign.com www.jwmdesign.com

Proposed 2no Houses on Land East of Spittalfield, Perthshire for Mr G McLuskey & Mr S McKillop

Drawing title: **Location Plan**
Scale: 1:1000 Date: Aug 2016
Status: Planning in Principle Size: A3
Drawing no: 130 / PLP / 001 Rev:

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Site area of 2220
sq m or thereby

Site area of 2175
sq m or thereby

2

New planting consisting of Willow, Gean & Birch

paying place

existing track to be removed
shown by red dashed line

land set aside for Class 4.5 or 6 commercial development by others

Workings
(dis)

1500mm high vertical timber screen fence enclosing slabbed refuse storage area.

Type B vehicular access junction installed in accordance with Perth & Kinross Council road standards.

4984

to Melki-

JAM *design*
architectural services

The Studio, 4 Denwell Court, Alyth, Blairgowrie. PH11 8FB.
tel: 0775 284 0395 hamish@iwmdesign.com www.iwmdesign.com

**Proposed 2no Houses on Land East
of Spittalfield, Perthshire for
Mr G McLuskey & Mr S McKillop**

Drawing title: **Site Plan**
 Scale: 1:500 Date: Aug 2016
 Status: Planning in Principle Size: A2
 Drawing no: 130 / PLP / 002 Rev: A

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5 bedroom luxurious bungalow



Luxurious living accommodation inside a cleverly designed home

Modern dining kitchen family room with several layout options

Wonderfully large triple aspect lounge with bi-fold doors

Large master bedroom with walk in wardrobe and en-suite

Bedroom 2 with dressing area and en-suite shower room

Optional vaulted ceiling in lounge including vaulted windows



FLOOR PLAN

	Metres	Feet
Floor Area	203.4 ²	2189 ²
Frontage	24.04	78' 10"

	Millimetres	Feet
Lounge	5400 x 5200	17'9" x 17'1"
Kitchen / Dining / Family	7700 x 5900	25'3" x 19'4"
Bedroom 1	3900 x 3600	12'9" x 11'10"
Bedroom 2	4200 x 3900	13'9" x 12'9"
Bedroom 3	3900 x 3600	12'9" x 11'10"
Bedroom 4	3400 x 3200	11'2" x 10'6"
Bedroom 5	3300 x 3000	10'10" x 9'10"

DESIGN & ACCESS STATEMENT

PLANNING IN PRINCIPLE APPLICATION FOR TWO DETACHED SINGLE STOREY 5 BEDROOM DWELLINGS WITH DETACHED DOUBLE GARAGES ON LAND EAST OF PARK GROVE, SPITTALFIELD for Mr G McLUSKEY & Mr S McKILLOP

This design & access statement is provided by JWM Design Architectural Services to provide justification for the erection of 2no five bedroom dwellings on vacant land zoned for housing and commercial use within the Local Development Plan for Mr G McLuskey & Mr S McKillop

Background:

The application site is situated on land east of Park Grove, Spittalfield allocated within the Local Development Plan is under the ownership of the applicants Mr Gary McLuskey & Mr Scott McKillop

The area of land within the application is mainly rough open space, enclosed with defined boundaries of natural tree belts, landscaping and fencing.

Development of the site is zoned under MU6 of the LDP for housing with 25% of the overall site set aside for Class 4-6 commercial use.

Proposal:

Mr McLuskey & Mr McKillop are applying for Planning in Principle for two 5 bedroom detached bungalows with detached double garages to the north west of the vacant land.

House placement and orientation has been justified to suit site topography and take in the views of the surrounding environment plus forming a defined infill site between residential and commercial areas for future house development which could accommodate a mixture of housing types and sizes including low cost housing

Landscaping in the form of indigenous tree belts to blend with the local environment will define areas of residential from commercial together with soft landscaping to the entrance area clarifying traffic direction of travel and purpose.

The design of the proposed dwellings will retain the Scottish vernacular associated within the local environment and surrounding buildings, incorporating items of design, colour and material finish of surrounding buildings whilst introducing a modern interpretation in design.

The proposal is to be carried out in accordance with good working practice and have no direct or indirect impacts on wildlife either through seepage or spillage during or after construction.

Access:

The existing access although not formal and to the standards required to meet with Perth & Kinross Council transport Department is fully established and used regularly by local residents of Spittalfield.

Consultation with Nial Moran (PKC Transport Department) concluded a type B vehicular access to A984 required to meet with their approval. Soft landscaping to the entrance will provide a more defined entrance to the site whilst maintaining the village feel.

Planning Policy

There are a number of policies of relevance to this proposal contained within the Local Development Plan 2014, Housing in the Countryside 2012 and Developers Contributions 2012

Local Development Plan 2014:

Policy PM1A: Placemaking.	<i>"Development of this infill site will give purpose to the vacant land whilst inserting a defined boundary to the village boundary"</i>
Policy PM1B: Placemaking.	<i>"The overall design of both the dwellings together with site access, landscaping etc will take into account the surrounding environment and local buildings adjoining the site."</i> <i>"The design, density and siting respects the character and amenity of the place. The proposal incorporates new landscape and planting works appropriate to the local context and the scale and nature of the development"</i>
Policy RD1 (c): Residential Areas.	Proposals which will improve the character & environment of the area. <i>Compliance with Policies RD1 a, c & d</i> <i>(a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.</i> <i>(c) Proposals which will improve the character and environment of the area or village.</i> <i>(d) Business, home working, tourism or leisure activities.</i>

Conclusion:

In conclusion the application submitted meets with a number of planning policies within the Local Development Plan 2014.

Design, submission and approval will be compliant with policies relative to the Natural Environment, Environment resources and Environmental Protection & Public Safety laid out in the LDP 2014

The approval of two dwellings will not only provide local families with much sought after accommodation, it can only be seen to be beneficial to the village with much sought after finances being retained within the local area. The village shop, garage & bowling club benefitting from the additional revenue and therefore will continue to provide the essential service required by the local resident and surrounding area as a hole

The local primary school although not listed for closure is running at circa 35% capacity. The introduction of two dwellings capable of large families can only be welcoming to the future safety of the local school

We feel the information contained within this statement together with accompanying supporting evidence and submitted planning application drawings sufficient for the planning in principle purposes in giving consideration to this matter and ultimately determining this application.

15/07/2016

PLANNING DEPARTMENT
PERTH & KINROSS COUNCIL
35 KINNOULL STREET
PERTH
PH1 5GD

DEAR SIRs

WE ARE WRITING THIS LETTER IN SUPPORT OF THE PLANNING IN PRINCIPLE APPLICATION ON THE LAND TO THE EAST OF SPITTALFIELD WHICH IS ALREADY IN THE LOCAL DEVELOPMENT PLAN.

AT THIS PRESENT TIME WE CAN FIND NO APPETITE WHATSOEVER FOR ANY EXTRA COMMERCIAL ACTIVITY IN THE VILLAGE AS FIFTY PER CENT OF THE COMMERCIAL UNITS AT PRESENT IN THE VILLAGE ARE UNOCCUPIED AND HAVE BEEN FOR OVER A YEAR, PLUS THERE IS A LARGE COMMERCIAL DEVELOPMENT IN MEIKLEOUR THREE MILES TO THE EAST OF SPITTALFIELD WITH VERY GOOD LINKS TO THE A93. AT THIS STAGE WE ARE WILLING TO RING-FENCE 25% OR WHATEVER IS REQUIRED BY THE PLANNING DEPARTMENT WITH ACCESS AND ANY OTHER CONDITIONS REQUIRED BY THE DEPARTMENT FOR ANY FUTURE COMMERCIAL USE.

WE ARE AWARE THAT THERE IS A LACK OF HOUSING IN THE VILLAGE AS THERE ARE NO PRIVATE HOUSING OR INFILL PLOTS AVAILABLE, INDEED ANY HOUSES THAT HAVE COME ON THE MARKET RECENTLY HAVE SOLD ALMOST IMMEDIATELY.

WE FEEL THAT THIS IS THE RIGHT TIME TO START THE NEXT STAGE IN THE DEVELOPMENT OF THE VILLAGE, BEARING IN MIND THAT THE LOCAL PRIMARY SCHOOL IS AT ONLY THIRTY PER CENT CAPACITY. WE ARE ALSO VERY AWARE THAT THE YOUNG PEOPLE GROWING UP IN THE VILLAGE HAVE EXPRESSED A DESIRE TO STAY IN THE COMMUNITY BUT THERE ARE NO AFFORDABLE/COUNCIL HOUSING AVAILABLE FOR THEM. WE ARE PREPARED TO SET ASIDE A PORTION OF THIS LAND FOR THIS TYPE OF HOUSING DEVELOPMENT IN THE FUTURE.

WE TRUST YOU WILL GIVE THESE POINTS DUE CONSIDERATION.

YOURS FAITHFULLY

PP. SCOTT MCKILLOP & GARY MCLUSKEY.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100021099-001

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

Type of Application

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

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

Description of Proposal

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

Planning in Principle application on land to the east of Park Grove, Spittalfield for 2no single storey 5 bedroom detached dwellings with detached double garages for Mr G Mcluskey & Mr S McKillop

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	JWM Design Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Hamish	Building Name:	The Studio
Last Name: *	McKelvie	Building Number:	4
Telephone Number: *	07752 840 395	Address 1 (Street): *	Denwell Court
Extension Number:		Address 2:	Alyth
Mobile Number:		Town/City: *	Blairgowrie
Fax Number:		Country: *	Scotland
		Postcode: *	PH11 8FB
Email Address: *	hamish@jwmdesign.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Gary McLuskey &	Building Number:	
Last Name: *	Scott McKillop	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

741026

Easting

311023

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☐ Letter ☒ Email

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

Phone conversation with John Williamson Perth & Kinross planning department regarding proposed application for two detached dwellings. John noted set aside of 25% site for commercial use of Class 4 - 6. Phone conversation with Nial Moran Perth & Kinross transport department regarding required access type. Advice taken on board and included in planning in principle application.

Title:

Mr

Other title:

First Name:

John

Last Name:

Williamson

Correspondence Reference
Number:

Date (dd/mm/yyyy):

09/05/2016

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

Site Area

Please state the site area:

5370.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

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

Vacant land included in Local Development Plan 2014 for residential and commercial use

Access and Parking

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

☒

Yes

☐

No

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

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

☐

Yes

☒

No

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

Water Supply and Drainage Arrangements

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

☒

Yes

☐

No

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

☐

Yes – connecting to public drainage network

☒

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

☐

New/Altered septic tank.

☒

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐

Other private drainage arrangement (such as chemical toilets or composting toilets).

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

Engineer designed storm and foul water drainage system. Drainage system to be fully designed to include treatment plant system and storm and effluent soakaway

<p>Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

<h3 style="margin: 0;">Assessment of Flood Risk</h3> <p>Is the site within an area of known risk of flooding? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>

<h3 style="margin: 0;">Trees</h3> <p>Are there any trees on or adjacent to the application site? *</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
--

<h3 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h3> <p>Does your proposal alter or create non-residential floorspace? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--

<h3 style="margin: 0;">Schedule 3 Development</h3> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.</p> <p>If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.</p>
--

<h3 style="margin: 0;">Planning Service Employee/Elected Member Interest</h3> <p>Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

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

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

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Hamish McKelvie

On behalf of: Mr Gary McLuskey & Scott McKillop

Date: 03/08/2016

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☐ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Hamish McKelvie

Declaration Date: 03/08/2016

Payment Details

Cheque:



Created: 03/08/2016 13:58

Spittalfield & District Community Council

the main roads in and out of the village. For example: measures such as painting speed limits on the road would help so drivers are more aware that they are entering a village.

Area reports:

Clunie: None received.

Meikleour: Concerns about road safety and speeding traffic through the village were brought up. This matter will hopefully be included in the traffic assessment that is to take place in light of the traffic accident mentioned in the matters arising. A member of the public highlighted that the Market Cross (stonework) in Meikleour is in a poor state. It was noted that it has apparently previously been deemed of low importance by Historic Scotland.

Murthly: There appears to be an abandoned horsebox/lorry in the layby next to the level crossing which is meant to be kept clear for large vehicles to wait in whilst the driver phones to ask permission to traverse the crossing. GL will follow this up. The road sign for Kinclaven Road is to be checked if appropriate due to many people not being able to find addresses. The retaining wall in front of "Skiag" residence is to be inspected to see if structurally sound. Cars parking at Gellyburn junction at the start of Pittensorn road are making it difficult for lorries to make the turn.

Caputh: DMcG completed a litter pick of the layby and bank one mile west of Caputh where rubbish has been discarded.

Spittalfield: There is soon to be a defibrillator located in Spittalfield. Local residents have put in the effort to make this happen and there will also be a course on how it should be used. The course will be held in Spittalfield Village Hall on 18th October 2016 at 7 pm. Numbers attending the course are limited so anybody wishing to attend please contact Danny McGee (contact phone number available on SDCC website) who will confirm with course organiser if there are still places available.

A planning application for two new residences on land at the east of village has been submitted. There were no concerns or objections raised at the meeting. New lamp posts have been installed along the main road through the village and cost rather than continuity along with the village's "conservation area" status dictate the two different styles used.

Correspondence: The Secretary was absent but no correspondence of significant importance was brought to attention prior to meeting.

Any other business: Many residents in the parish have been having ongoing issues with noisy phone lines and internet service dropping out. The problem has been ongoing for almost a year and BT has failed to resolve the issue. DMcG has been chasing this up because it has effected so many local people that it if it was brought up as larger community wide issue it may have more chance of being addressed.

Next meeting: 23rd November at Clunie Hall 7 pm. Munro Gauld as a representative of the Stanley Development Trust will attend the meeting to give a talk.

Clunie: Roddy McInnes (Chair)
 Meikleour: Sam Mercer-Nairne (Treasurer)
 Spittalfield: Carol Downie (Vice-Chair) & Daniel McGee
 Murthly: Jean Rae & Margaret Wilson
 Caputh: Anton Edwards (Secretary), Duguid's Wark, Caputh, PH1 4JH,
 Please address all correspondence to the secretary or email

TCP/11/16(446)
Planning Application – 16/01358/IPL – Residential
development (in principle), land 60 metres north east of
11 Park Grove, Spitalfield

PLANNING DECISION NOTICE *(included in applicant's submission, see page 29-30)*

REPORT OF HANDLING *(included in applicant's submission, see page 31-40)*

REFERENCE DOCUMENT *(included in applicant's submission, see page 41-46)*

TCP/11/16(446)
Planning Application – 16/01358/IPL – Residential
development (in principle), land 60 metres north east of
11 Park Grove, Spitalfield

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01358/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emcloughlin@pkc.gov.uk
Description of Proposal	Residential development (in principle)		
Address of site	Land 60 Metres North East Of 11 Park Grove, Spittalfield		
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 Glendelvine Primary School.</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>		
Recommended informative(s) for applicant	N/A		
Date comments returned	17 August 2016		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01358/IPL	Comments provided by	Nicola Orr
Service/Section	TES: Development Plans	Contact Details	Planning Officer Ext 75389 nmorr@pkc.gov.uk
Description of Proposal	Residential development (in principle) (LDP site MU6)		
Address of site	Land 60 metres North East of 11 Park Grove, Spittalfield		
Comments on the proposal	<p>This planning application is within the currently allocated LDP site MU6 in Spittalfield, which has been zoned for residential and employment use. The LDP states that this site should host 20 houses on no more than 75% of the site, which should encompass a range of house type and size including low cost housing. The LDP also requires a section of employment land (25% of site) which should be commercial units falling within Use Class 4 (Business), 5 (General industrial) or 6 (Storage or distribution), compatible with the surrounding residential area.</p> <p>However, this planning application seeks only 2 residential houses on the northern section of the wider MU6 site. Both are detached, single storey, 5 bedroom dwellings with the site footprint over 2000sqm for each property.</p> <p>This proposal of 2 dwellinghouses is contrary to the LDP spatial strategy and would prejudice the development of the wider site. The LDP requires a 'comprehensive development of the site' and we would require the submission of a masterplan due to the size of site. The LDP also states that the employment uses will be delivered in advance or in conjunction with residential development, and as this has also not been adhered to, this proposal should not be supported as it fails to meet the requirements set out in the LDP in a number of instances.</p>		
Recommended planning condition(s)			

Recommended informative(s) for applicant	<p>Moving forward, it is advised that the applicant familiarise themselves with the site specific developer requirements set out in the LDP (page 301) and the relevant planning policies, most notably:</p> <ul style="list-style-type: none"> • PM1: Placemaking • ED1: Employment and Mixed Use Areas • RD1: Residential Areas • RD4: Affordable Housing • TA1: Transport Standards • CF1: Open Space Provision • NE2: Forestry, Woodland and Trees
Date comments returned	18/08/2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01358/IPL	Comments provided by	David Williamson
Service/Section	Strategy and Policy	Contact Details	Phone 75278 Email dwilliamson@pkc.gov.uk
Description of Proposal	Residential development (in principle)		
Address of site	Land 60 Metres North East Of 11 Park Grove, Spittalfield		
Comments on the proposal	<p>The site is in a rural location and there are areas of trees which should be taken account of in the layout of the site and protected during development.</p> <p>There are records of a number of protected species within 1km of the site which could be adversely affected by the proposals, including, but not restricted to Red Squirrel and Hedgehog.</p> <p>The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.</p> <p>An Ecological Appraisal of the site should be provided as part of any further application for the site</p> <p>As this is not the full application there may be a delay in commencement of the development. Ecological surveys should be undertaken not more than 6 months prior to any further application for the site</p>		
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"> Development shall not commence until a written report ascertaining the presence on site of protected species and breeding birds has been submitted for the further written agreement of the Council as planning authority. The report shall confirm that no protected species or birds will be harmed and/or shall include appropriate mitigations to protect any identified species. The development shall then be carried out in full accordance with the identified mitigations. <p>RNE01 Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act</p>		

	<p>(1981).</p> <ul style="list-style-type: none"> • Prior to the commencement of development, a tree survey shall be submitted to and approved by the local planning authority, shall be submitted for the further written agreement of the Council as Planning Authority <p>RTR00 Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.</p> <p>TR14 All trees identified for retention and any peripheral trees bounding the vehicular access, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.</p> <p>RTR00 Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.</p> <p>NE01 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.</p> <p>RNE02 Reason - In order to prevent animals from being trapped within any open excavations.</p> <ul style="list-style-type: none"> • No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation
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	<p>should be submitted to the local planning authority.</p> <p>RNE01 Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).</p>
Recommended informative(s) for applicant	<p>If you are minded to approve the application then I recommend the following informatives be included in any approval:</p> <ul style="list-style-type: none"> • The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy. • 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	25 August 2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01358/IPL	Comments provided by	Niall Moran
Service/Section	Transport Planning	Contact Details	x76512
Description of Proposal	Residential development (in principle)		
Address of site	Land 60 Metres North East Of 11 Park Grove Spittalfield		
Comments on the proposal	Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied.		
Recommended planning condition(s)	<p>PP00 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.</p> <p>RPP00 Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.</p>		
Recommended informative(s) for applicant			
Date comments returned	30 August 2016		

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK16/01358/IPL	Our ref	LJA
Date	6 September 2016	Tel No	(4)75248

The Environment Service

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Consultation on an Application for Planning Permission

PK16/01358/IPL RE: Residential development (in principle) Land 60m North East of 11 Park Grove Spittalfield for Gary McLuskey and Scott McKillop

I refer to your letter dated 16 August 2016 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 05/09/2016)

Recommendation

The proposed development is partially on land that is identified as having formerly been a coachworks. This is a potentially contaminative former land use with possible contaminants including hydrocarbons and heavy metals. Therefore an assessment of the suitability of the site for the proposed development should be made.

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.

