

TCP/11/16(305)**Planning Application 13/02335/FLL – Erection of a dwellinghouse and formation of an access road, land south of Mill Lade Court, Auchterarder**

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TCP/11/16(305)

Planning Application 13/02335/FLL – Erection of a dwellinghouse and formation of an access road, land south of Mill Lade Court, Auchterarder

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

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

Yes ☒ No ☐

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

Yes ☒ No ☐

Planning authority

PERTH + KINROSS COUNCIL

Planning authority's application reference number

13/02335/FLV

Site address

LAND SOUTH OF MILL LAKE COURT, AUCHTERBARDER

Description of proposed
development

ERECTOR OF A DWELLING HOUSE + FORMATION OF
A ROAD ACCESS

Date of application

7 JANUARY 2014

Date of decision (if any)

4 MARCH 2014

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:

THE APPLICANT AND AGENT BELIEVE IT IS VITAL TO HAVE A SITE INSPECTION AND HEARING TO PERMIT THEM TO FULLY ARTICULATE THE MATTERS RELATING TO THE SITE HISTORY, APPLICATIONS HISTORY, SCALE, ACCESS AND AMENITY

Site inspection

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

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

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

Statement

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

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

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

PLEASE REFER TO THE SUPPORTING STATEMENT
ACCOMPANYING THIS NOTICE.

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.

PLEASE REFER TO THE SUPPORTING STATEMENT
ACCOMPANYING THIS NOTICE.

List of documents and evidence

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

PLEASE REFER TO THE SUPPORTING STATEMENT ACCOMPANYING
THIS NOTICE.

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

 for and on behalf
of M.S.A.

Date

29 MAY 2014.

NOTICE OF REVIEW
SUPPORTING STATEMENT
May 2014
Erection of a Dwelling House and Formation of Road Access,
Land South of Mill Lade Court,
Auchterarder.
for Mr Allan Bone



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CONTENTS

- Introduction
- Applicant and Application background
- Reasons for requiring a review and justification for contesting the delegated decision
- Concluding Statement

INTRODUCTION and PROJECT HISTORY

McKenzie Strickland Associates (MSA) were appointed by Mr Allan Bone in March 2013 to submit an application for Planning in Principle for the development of a vacant site south of Mill Lade Court, Auchterarder. This application was refused on the 11th of November 2013. The planning reference for this application is 13/01614/IPL. In late 2013 MSA were instructed to submit a new application for a single house on the same site – albeit the boundaries were different from the aforementioned refusal. The applicant wishes to contest this decision by way of local review for the reasons stated later in this supporting statement. This document should be read in conjunction with the drawings and supporting statement that were submitted with the original application.

APPLICANT and APPLICATION BACKGROUND

Mr Allan Bone purchased the site early in 2013.

The original brief was to secure consent for a house on the site in order to serve as a base for the applicants future retirement plans. At project inception it was agreed an In Principle Application would be best given the detailed design aspects of the brief had not been developed. The applicant was keen to establish that the proposed plot will be approved, in principal, before investing additional time and money required to develop detailed designs for the site.

As recommended by Perth and Kinross Council a pre planning application consultation was instigated in July 2013 with Joanne Fergusson in the planning department. Feedback was received on the 18th July 2013 and the information contained within the response was reasonably positive albeit with caveats relating to preliminary opinions and such like.

Given the positive feedback an IPL application was submitted to Perth and Kinross Council on the 2nd of September 2013. As site was within the Auchterarder boundaries and is of significant size it was agreed it was agreed the application would illustrate an indicative layout of how the site may be developed given the pre planning application advice. This was offered as a facility to assist the officer in the vetting of the application. This application was refused on the 11th November 2013 with no discussion other than a short note stating the application will be refused. The reasons for the original refusal are summarised here as

- a. Loss of amenity to the adjacent residential properties.
- b. Loss of amenity to the local community.
- c. Impact on the landscape character and visual amenity of the area.

Following additional discussion with the applicant and more consultation with planning MSA were instructed to submit a new application for a single new house on a reduced scale of site taking into account the reasoning set out in the notice of refusal referred to above.

A detailed planning application was submitted at the end of 2013 – planning reference 13/02335/FLL. No discussions were forthcoming with Perth and Kinross Council despite the best efforts of the applicant and agent to open a dialogue. This application was refused on the 4th March 2014.

The reasons for refusal on the new application are summarised here

1. The proposal is contrary to Policy PM4 Settlement Boundaries as the application site is located out with the defined settlement boundary of Auchterarder.
2. The proposal is contrary to Policy RD3: Housing in the Countryside as it would not comply any of the development categories.
3. The proposal is contrary to Policy PM1: Place making as it would not contribute positively to the quality of the surrounding built and natural heritage and would not respect the character and amenity of the place

REASONS FOR REQUIRING A REVIEW and JUSTIFICATION FOR CONTESTING THE DELEGATED DECISION

The delegated report gave the following reasons for refusal. Alongside these the applicant has added their justification for a review of the decision and the reasons why the decision should be overturned:

The applicant strongly disagrees with the decision for refusal of the application for detailed planning consent and requests a local review for the following reasons:

1. The application was submitted on the 17th December 2013 but only registered on the 7th of January 2014 by PKC due to an internal Council delay and probably holidays. The application was at least partly processed before PM4, RD1 and PM1 were formally adopted by the local authority on the 3rd of February 2014. No reference in the refusal notice is made to the other policies still in existence at the time the application was registered. It is recognised the above referenced (new) policies are material considerations, however the applicant does not feel it is reasonable to only refer to the Perth and Kinross Local Development Plan 2014 as clearly other policies were fundamentally still in existence. Perth and Kinross Council should have therefore made reference to these policies as they did at the item of the IPL (original) planning application. The site is within of the settlement boundaries of Auchterarder and the Housing in the Countryside Policy is not relevant.

2. In the delegated report the officer makes reference to site as part of a larger site which was granted permission for the erection of six dwelling houses ref 00/00263/FUL (Mill Lade Court). Within this proposal the area of land subject to this application was part of a wider area for woodland planting to be maintained in perpetuity. The committee report on this proposal details that the proposed woodland planting would help integrate the development into its surroundings.

No Section 75 was signed in relation to this land and the applicant's title illustrates no burdens over the land in relation to any prior agreements.

The application preserves and enhances the woodland. The site will be managed effectively by means of the construction of a new house. At present the land is not managed and is effectively overgrown scrub with occasional overgrown and stifled tree

growth.

3. The applicant feels that the decision to refuse the application has been made at least partly on the officer's misgivings regarding amenity issues. The Local Authority set out the reasons for refusal of the original IPL application as follows.

- a. Loss of amenity to the adjacent residential properties.
- b. Loss of amenity to the local community.
- c. Impact on the landscape character and visual amenity of the area.

Taking each of these reasons in turn in respect of the detailed application.

a. The position of the new house sits significantly below the adjacent residential properties. There is dense existing planting between the new house and the adjacent residential properties. The well established planting is significant but is in real need of management as there are a number of invasive non native species. The trees are being stifled in their growth as a result of overcrowding. The proposal before the Council included a statement to manage the landscape, provide a small private garden and a woodland garden of which would have benefited the amenity of the immediate adjacent properties. The loss of trees on the footprint of the house itself would have been more than compensated for by the management of the application site and the wider woodland – all of which is owned by the applicant.

The fenestration of the house includes for windows to take advantage of the views to the hills to the south and east – the primary living spaces are all facing away from the neighbours and the distance between windows and levels difference ensures no loss of amenity in relation to loss of privacy as recognised by the case officer.

b. There is in fact no loss of amenity to the local community. The proposed new house is carefully set into the wider landscape, the position of the house is carefully considered to reflect the neighbouring settlement pattern. The house location nestles into the site making best use of the contours and at the same time offering the applicant amenity. The land owned by the applicant is attractive but closer inspection reveals a plethora of rubbish and debris on the site. There have been suggestions of young people using the site as a 'drinking den'. There are areas where dog walkers use the site – but unfortunately the dog mess reveals a lack of consideration and care over the site. The site needs to be managed and maintained. There is no desire whatsoever to 'gardenify'

the site but the site is in fact private and not public.

- c. There is negligible impact on the landscape character and visual impact in permitting the development of the site for a single house. The garden ground is broadly similar to the size of adjacent houses – and the access drive would simply be landscaped in a wild manner to provide a compliant access to the house. The site to the south of the application site (in blue) does not form part of the application and has purposefully been omitted from the application as it provides useful amenity to the house, the wider community and the adjacent houses. It forms a useful shelter belt to the adjacent A9 and helps to filter out some of the road noise.

4. Public Interest. The delegated report stated that it considered the proposal to erect a dwelling house on the application site to be considered to be contrary to the development plan and as there are no overriding reasons of public interest which direct otherwise.

The applicant contests that the application is not contrary to the development plan and that there is, in fact, significant public interest in providing a housing plot. To meet requirements of the local plan strategy to target new houses in Perthshire, restricting development limits the potential for town centre homes and increase pressure on demand to build outside the town boundaries and in the countryside. The surrounding area would greatly benefit from sites being utilised to their full potential to help provide smaller more affordable family housing within the town. The applicant agrees that overdevelopment should be avoided, but that in this instance there is significant amenity benefit.

All of the forgoing matters could be addressed by robust conditions relating to tree survey, landscape management, landscape planting and similar suspensive planning conditions. Thus the amenity of the neighbours the site and the wider community could be enhanced for the benefit of all.

The aforementioned issues should therefore not preclude the approval of the application.

CONCLUDING STATEMENT

This statement demonstrates that the application for detailed planning meets the requirements of the Local Plan, and that the proposal is suitable in terms of scale and density and that it would not be to the detriment of the surrounding amenity and provides adequate safe access. Once planning has been established, the applicant's aspiration is to construct a house with a modern design which draws on local proportion, materials and detailing that will respect the site topography and character of the neighboring area whilst complementing the surrounding streetscape, landscape and architecture.

The applicant feels aggrieved that the council has effectively dismissed an application for a single house but appears to give significant weight to large scale speculative developers. Small parcels of land adjacent to the A9 have effectively been removed from the new development plan to encourage the development of larger 'land banked areas' within the town.

The application represents an opportunity for an exemplary modern, compact and sustainable house design which would contribute to the local requirement for smaller more affordable town centre family housing. This opportunity would be passed by if the current delegated decision to refuse the application was upheld.





CONTACT DIRECTORY

Client/Applicant

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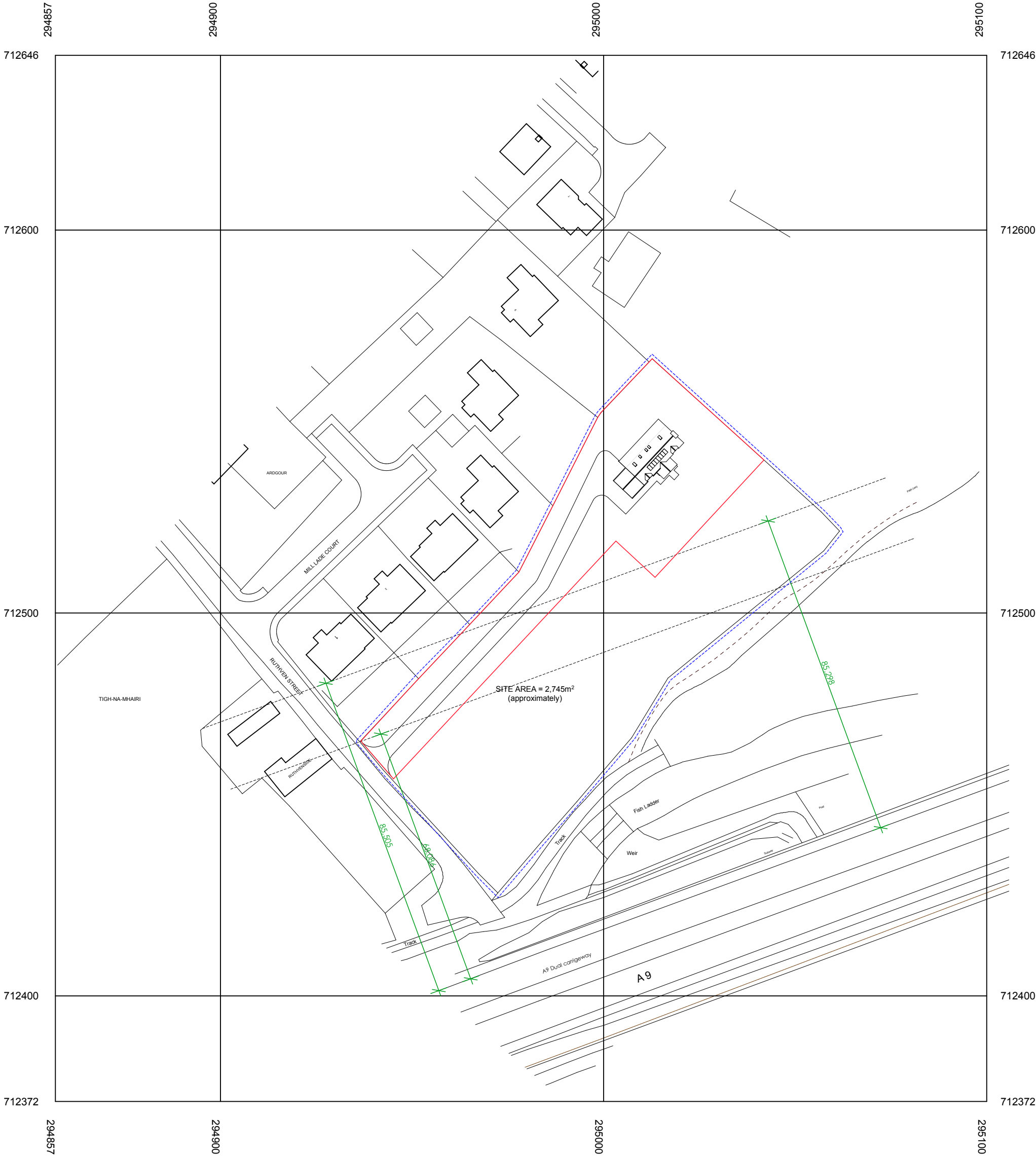
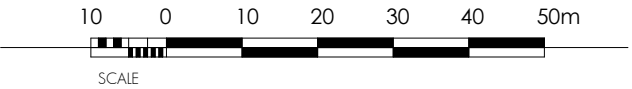
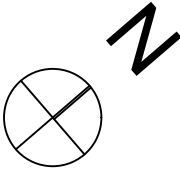
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DISTANCE FROM DWELLING TO A9 APPLICATION BOUNDARY LAND OWNED BY APPLICANT



JOB TITLE: Ruthven Street - New Dwelling			
DRAWING TITLE: Location Plan		SCALE: 1:1000@A3	DRAWING STATUS: PLANNING
DRAWING NUMBER: 916/PLANNING/01		REVISION:	DRAWN BY: LC
25			CHECKED BY: RJ
			DATE: Dec 2013

TCP/11/16(305)

Planning Application 13/02335/FLL – Erection of a dwellinghouse and formation of an access road, land south of Mill Lade Court, Auchterarder

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(part included in applicant's submission, see page 25)*

PERTH AND KINROSS COUNCIL

Mr Allan Bone
c/o McKenzie Strickland Associates
FAO Luke Cadman
21 Comrie Street
Crieff
PH7 4AX

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 4th March 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/02335/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 7th January 2014 for permission for **Erection of a dwellinghouse and formation of an access road Land South Of Mill Lade Court Auchterarder** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy PM4 Settlement Boundaries as the application site is located out with the defined settlement boundary of Auchterarder.
2. The proposal is contrary to Policy RD3: Housing in the Countryside as it would not comply any of the development categories.
3. The proposal is contrary to Policy PM1: Placemaking as it would not contribute positively to the quality of the surrounding built and natural heritage and would not respect the character and amenity of the place

Justification

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

Notes

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

Plan Reference

13/02335/1

13/02335/2

13/02335/3

13/02335/4

13/02335/5

13/02335/6

13/02335/7

13/02335/8

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/02335/FLL	
Ward No	N7- Strathallan	
Due Determination Date	06.03.2014	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse and formation of an access road

LOCATION: Land South Of Mill Lade Court Auchterarder

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 14 February 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is located to the south of Mill Lade Court, Auchterarder. The site is bound by housing to the northwest and southwest, a wooded area to the northeast and a wooded area with the A9 beyond to the southeast. The proposal is for erection of a dwellinghouse and formation of an access road proposed to be taken from Ruthven Street.

This application follows on from an application for a residential development in principle ref 13/01614/IPL on a larger application site. This previous application which included land to the south was refused on loss of amenity and contrary to the Local Development Plan which was the proposed plan at the time.

SITE HISTORY

13/01614/IPL Residential development (in principle) 11 November 2013 Application Refused

The application site was included as part of a larger site which was granted permission for the erection of six dwellinghouses ref 00/00263/FUL. Within this proposal the area of land subject to this application was part of a wider area for woodland planting to be maintained in perpetuity. The committee report on this proposal details that the proposed woodland planting would help integrate the development into its surroundings.

Although no Section 75 was signed legal services have correspondence which shows that an agreement was signed between the landowner and the Greenbelt Company for the future maintenance of the woodland and open spaces at Ruthven Street with a payment made to the company.

A site visit observed that this planting is very well established. The decision notice for this site also includes conditions related to this planting scheme; that it shall be implemented and any planting failing to become established shall be replaced.

The letters of representation have also raised this issue with it noted that their understanding was that this land was transferred to the Greenbelt Company with money paid to plant and manage the woodland.

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

PM1: Placemaking

PM1A

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

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.

PM4: Settlement Boundaries

Where a settlement has a defined settlement boundary, development will not be permitted outside of that boundary.

RD3: Housing in the Countryside

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

OTHER POLICIES

None specific

CONSULTATION RESPONSES

Environmental Health

Noise Impact Assessment required

Access Officers

No response within time

Forward Planning

No response within time

Transport Planning	No objection
Transport Scotland	No objection
Education And Children's Services	Contribution required

REPRESENTATIONS

The following points were raised in the 4 representations received:

Contrary to policy, loss of planting, effect on residential amenity (inc overlooking, loss of privacy etc), access, effect on wildlife. The issues are covered 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	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	None 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 approved strategic development plan's location priorities sets out a spatial strategy of where development should and should not go and focuses the majority of new development in principal settlements. Policy 1 identifies Auchterarder as a tier 3 settlement, which has the potential to play an important but more modest role in accommodating a small share of additional development. The policy adopts a sequential approach to prioritise land

release for all principal settlements using land within principal settlements before land on the edge of principal settlements.

The site is located out with the settlement boundary of Auchterarder in the new plan and the relevant policy is PM4: Settlement Boundaries. This policy states that for settlements defined by a settlement boundary development will not be permitted except within the settlement boundary.

In addition to this the proposal could be considered in relation to the Housing in the Countryside Policy. The proposal would not comply as the site is not located within a building group (as defined in the policy), is not an infill site, does not meet the criteria for new houses in open countryside, is not a renovation or replacement house, is not a conversion or replacement of redundant non-domestic buildings and is not rural brownfield land.

Design and layout

The application shows the dwelling located to the northeast of the site with the access road running along the rear of the properties at Mill Lade Court with planting on each side.

The proposed dwelling is 1 ½ storey with traditional detailing, proportions and materials. The design works with the slopping levels on the site with the inclusion of relating structure to the south. The proposed materials are timber cladding, wet dash render and slate roof.

I have no concerns regarding the proposed house type.

Residential Amenity

The effect on the amenity of the existing houses to the northwest must be considered and in addition the amenity of the proposed dwelling.

The existing dwellings which bound the site are in an elevated position located to the northwest of the application site and to the southeast is the A9. This site creates an important buffer between the developed edge of Auchterarder and the A9, any removal of any of this woodland would be of detriment to the occupants of Mill Lade Court. Although the site has been reduced and the dwelling tucked into the northeast corner to leave the majority of the woodland in situ the formation of the access and clearance of the plot would remove a considerable amount of planting which would be detrimental to the amenity of the area.

The dwelling is located 100metres from the A9 in an elevated position. Despite existing housing located in close proximity to the A9 in this area, future residents could not fail to be aware of road noise, particularly during the night-time period or when outdoors.

Environmental Health have requested a Noise Impact Assessment to assess road noise in terms of PAN 56, as I consider there to be policy issues with this

application I have not requested a NIA although the applicant was advised that this would be required at pre-application stage and was a reason for refusal on the previous application. I have not requested a NIA on this application as I have policy concerns.

The dwelling is located over 10 metres from the neighbouring dwellings boundary and approx. 30 metres to the nearest dwelling. This meets the council's placemaking guide which states that windows should be located 9metres from boundaries. I therefore cannot consider overlooking or loss of privacy as an issue.

Education

This development falls within the Community School of Auchterarder Primary School catchment area. Based on current information this school will reach the 80% capacity threshold and an education contribution would be required.

The application site would also require a contribution for junction improvements.

Contaminated Land

A search of the historic records did not raise any concerns regarding ground contamination.

Access

The access is proposed to be taken from Ruthven Street, Transport Planning have considered the access and the indicative plans and do not object to the proposed development. Transport Scotland also offers no objection to the proposal.

Issues have been raised about access in bad weather and the current condition of the public road; these are issues out with the control of this planning application.

Biodiversity

The planting within the site provides a habitat for wildlife although due to the age of the planting approx. 10 years it would be unlikely that Bats or Red Squirrels would be affected. The local value of this habitat and its amenity value on the edge of the settlement is a consideration.

Drainage

Scottish Water offers no objection to the proposal but note that any planning approval granted by the Local Authority does not guarantee a connection to the infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Economic Impact

The economic benefit from the development would result in employment for construction workers and increased local spending from future occupants; however this has very limited weighting on the overall recommendation.

Application Processing Time

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. 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.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal is contrary to Policy PM4 Settlement Boundaries as the application site is located out with the defined settlement boundary of Auchterarder.
- 2 The proposal is contrary to Policy RD3: Housing in the Countryside as it would not comply any of the development categories.
- 3 The proposal is contrary to Policy PM1: Placemaking as it would not contribute positively to the quality of the surrounding built and natural heritage and would not respect the character and amenity of the place.

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.

REFUSED PLANS

13/02335/1 - 8

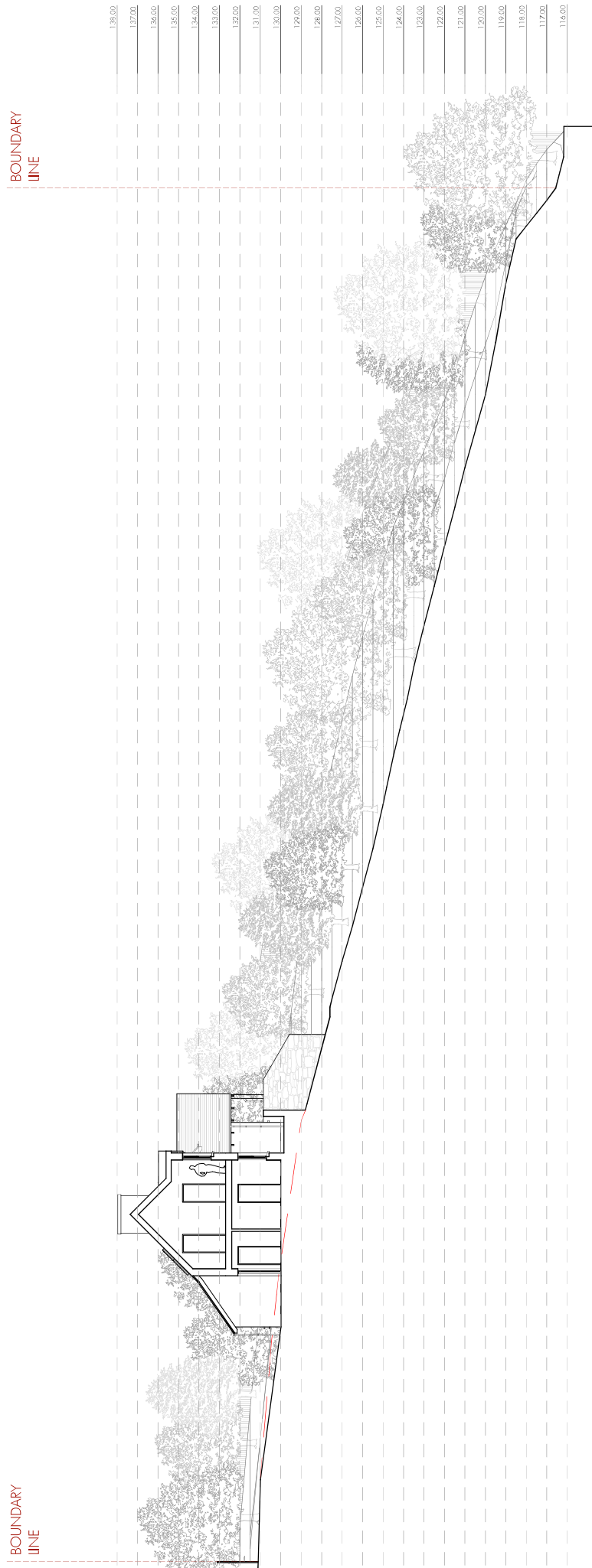
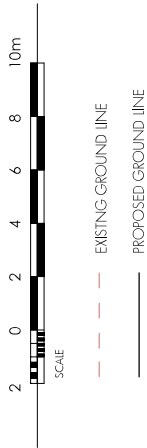
Date of Report 03.03.2014



KEY:

- EXISTING AND RETAINED CANOPY LINE OF NON MATURE TREES
- REMOVE EXISTING RETAINED CANOPY LINE OF NON MATURE TREES TO MAKE WAY FOR CONSTRUCTION OF NEW DWELLING.
- PROPOSED PLANTING AND TREE BELT TO SCREEN PROPOSED ACCESS.
- PROPOSED ACCESS ROAD TO BE NATURAL STONE TRACK
- APPLICATION BOUNDARY
- LAND OWNED BY APPLICANT
- BNV AREA WITH IMAGER SCREEN





JOB TITLE:
Ruthven Street - New Dwelling

DRAWING TITLE:
Section A-A

DRAWING NUMBER:
916/PLANNING/08

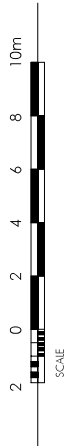
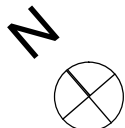
DRAWING STATUS:
PLANNING

REVISION:

DRAWN BY:
LC

CHECKED BY:
RJ

DATE:
Dec 2013



NEIGHBOURING
PROPERTY

APPLICATION BOUNDARY LAND OWNED BY APPLICANT



JOB TITLE:
Ruthven Street - New Dwelling

DRAWING TITLE:
Site and Roof Plan

SCALE:
1:200 @ A3

DRAWING STATUS:
PLANNING

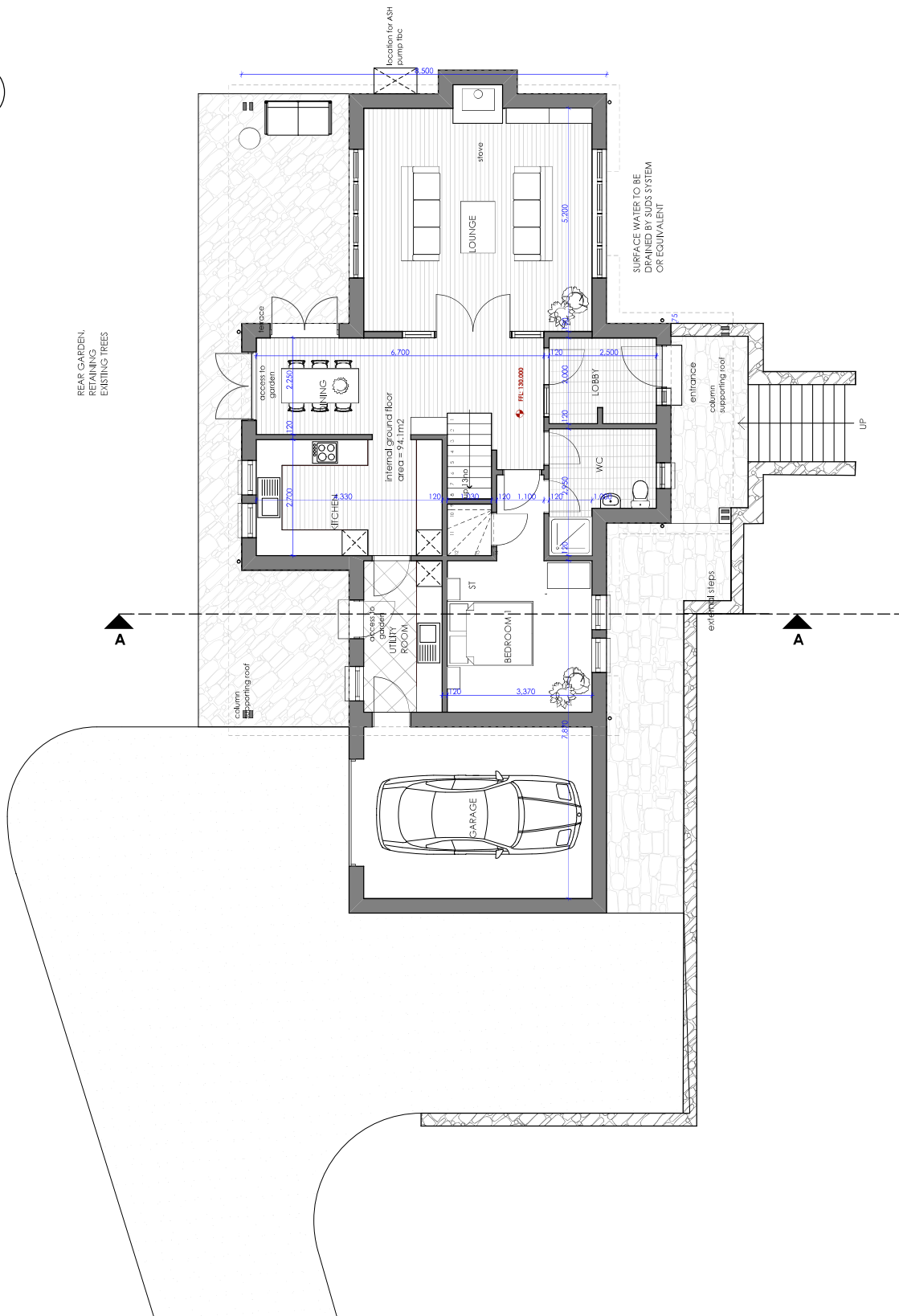
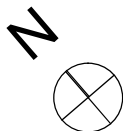
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LC

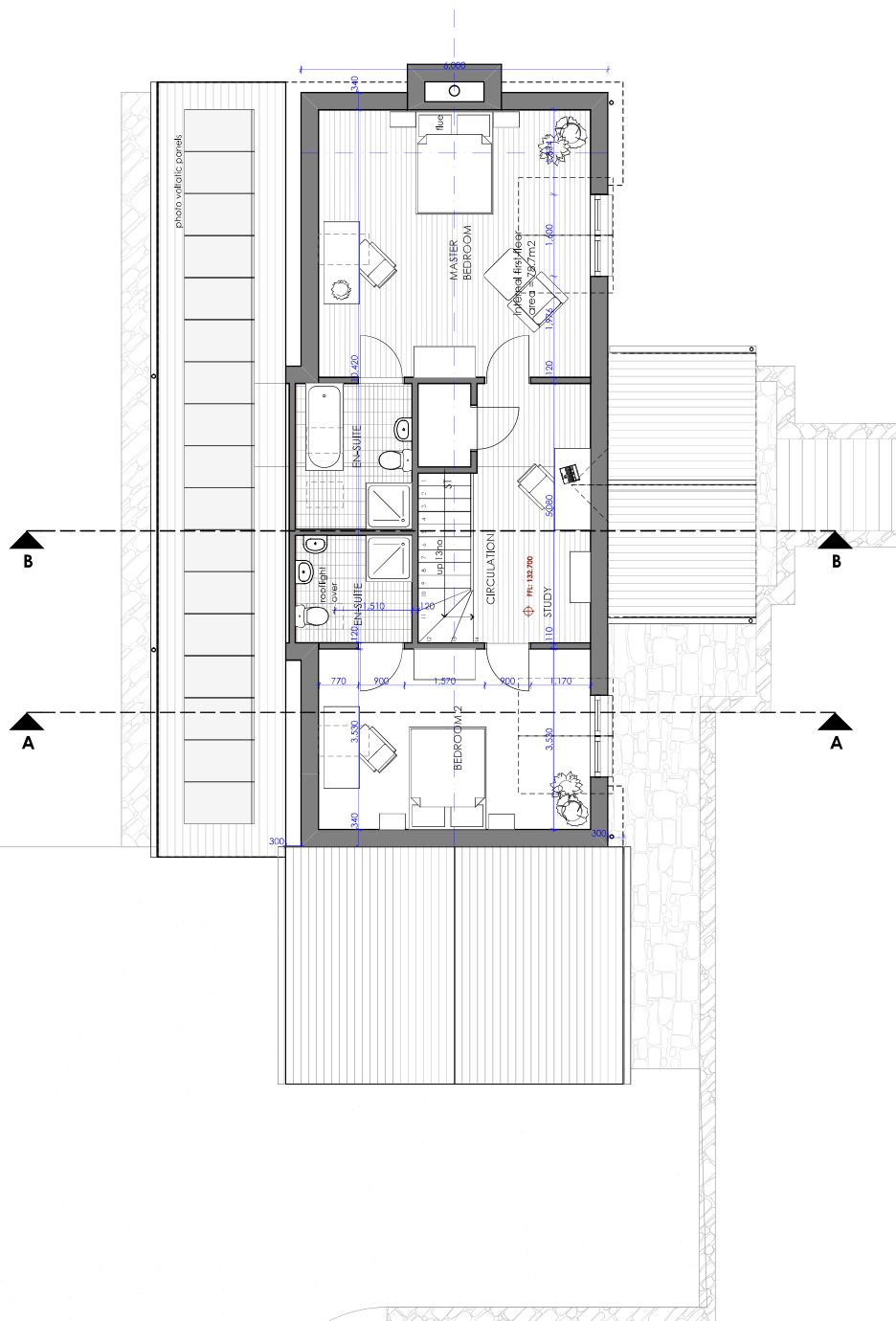
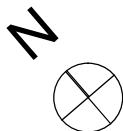
CHECKED BY:
RJ

DRAWING NUMBER:
916/PLANNING/03

REVISION:

DATE:
Dec 2013



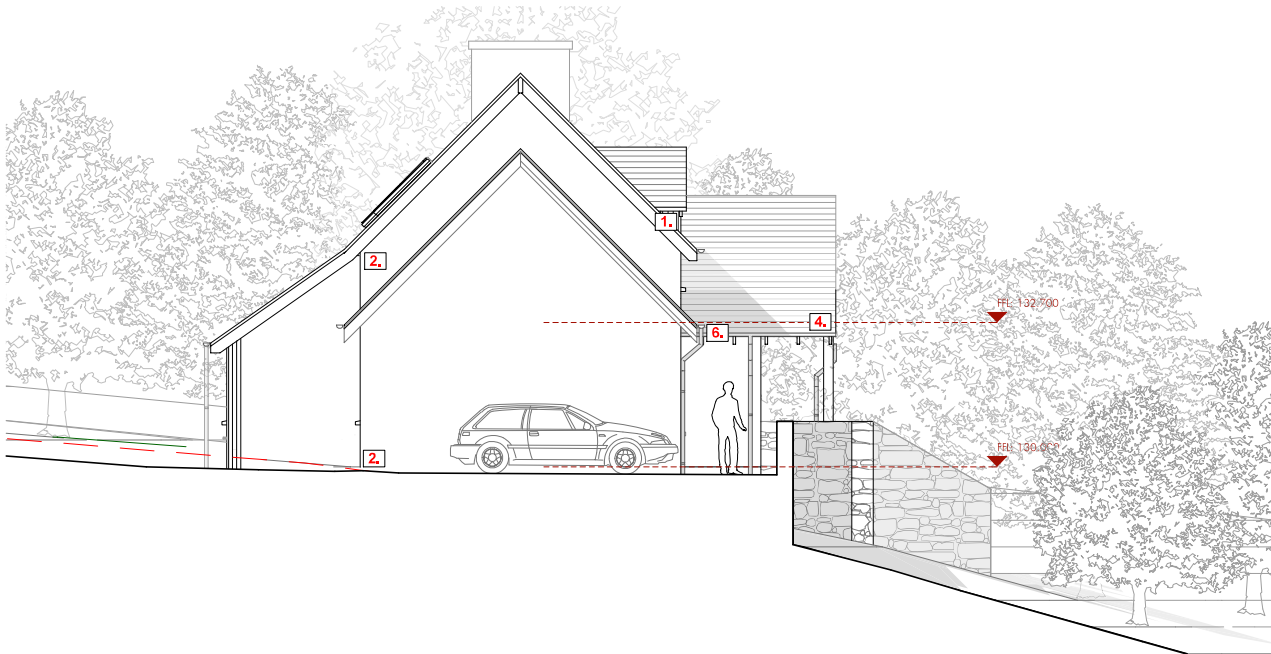




MATERIALS:

1. VERTICAL TIMBER CLADDING TO BE SIBERIAN LARCH
2. RENDERED WALLS TO BE SCOTS WET DASH RENDER
3. WHITE FINISHED TIMBER WINDOWS/DOORS
4. ROOF TO BE SPANISH SLATE
5. VELUX ROOFLIGHTS
6. BLACK uPVC GUTTERS AND DOWN PIPES
7. PHOTO VOLTATIC PANELS

--- EXISTING GROUND LINE
 — PROPOSED GROUND LINE



WEST ELEVATION



NORTH ELEVATION

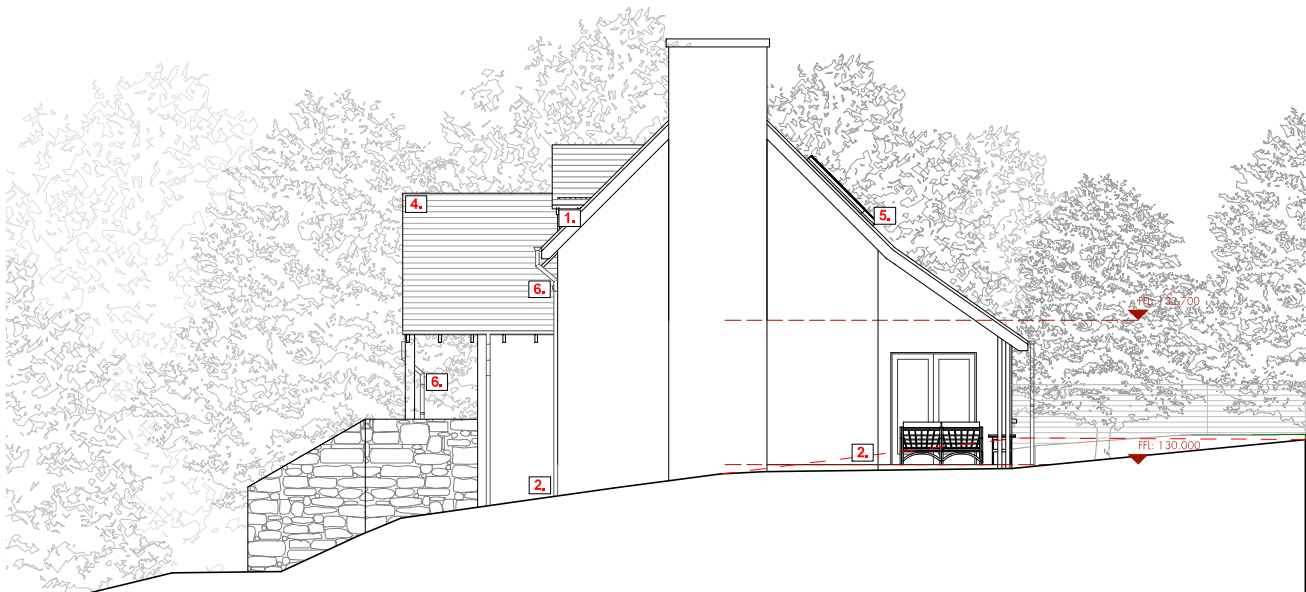


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7. PHOTO VOLTATIC PANELS

--- EXISTING GROUND LINE

— PROPOSED GROUND LINE



EAST ELEVATION



SOUTH ELEVATION

TCP/11/16(305)

Planning Application 13/02335/FLL – Erection of a dwellinghouse and formation of an access road, land south of Mill Lade Court, Auchterarder

REPRESENTATIONS

- Representation from Education and Children's Services, dated 14 January 2014
- Objection from James Stockton, dated 15 January 2014
- Objection from Gordon Langlands, dated 22 January 2014
- Objection from Alastair Ramage, dated 24 January 2014
- Objection from Paul Doleman, dated 26 January 2014
- Representation from Transport Scotland, dated 6 February 2014
- Representation from Regulatory Services Manager, dated 20 February 2014
- Representation from Transport Planning, dated 20 February 2014
- Representation from Paul Doleman, dated 16 June 2014
- Representation from James Stockton, dated 20 June 2014

Memorandum

To	Nick Brian Development Quality Manager	From	Janette Clark Information Assistant
Your ref	13/02335/FLL	Our ref	JC
Date	14 January 2014	Tel No	(4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 13/02335/FLL

This development falls within the Community School of Auchterarder Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	514
Highest projected 7 year roll	346
Potential additional children from previously Approved applications	93
Possible roll	439
Potential % capacity	85.4%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please do not hesitate to contact me should you require any further information.

GF.

6 Mill Lade Court
Auchterarder
Perthshire
PH3 1BD
15/01/2014

RECEIVED
20 JAN 2014

PLANNING APPLICATION ON NEIGHBOURING LAND Ref.13/02335/FLL

Dear Sirs

I am writing to object to planning application for a house to be built on the land behind Mill Lade Court in Auchterarder.

When we purchased our house in 2003, we were concerned about the volume of noise from traffic on the A9. We were assured that the noise would be diminished, because the builders (Ogilvie Homes) had paid the Greenbelt company to plant trees in this area. We were also assured that this land would not be used for building as P.K.C. Had declared the land unsuitable.

In the development plan for this area it states "Development must reflect the break in the slope approximately 150 meters from the Mill Lade with the land beyond the break being sensitively landscaped. " As the proposed house is beyond the slope, and within 150 meters of the Mill Lade, I feel that P.K.C. Would be going against their own plan to allow this application to proceed.

The proposed house would also look over my back garden, resulting in a loss of privacy, from the second story of the building.

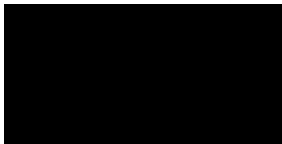
As stated in my previous letter on the application for 6 houses in this area, any property built here would suffer from noise pollution from the traffic on the adjacent A9.

The removal of any trees would have a detrimental affect on the noise limitation that we benefit from at the moment.

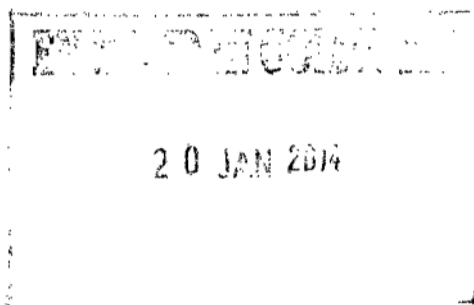
The area was planted with various types of trees 10 years ago, they are now quite mature (14 to 20 feet high) This has attracted a variety of wild life and birds to the area, which I was under the impression Planning departments were encouraging.

I hope the above points will be considered when a decision is being made.

Yours sincerely



James W. Stockton



Mr Gordon Langlands (Objects)

Comment submitted date: Wed 22 Jan 2014

My previous comments in objecting to planning application 13/01614/IPL, which was declined, also stand for the current application

A major deciding factor for us when considering buying our house was the situation. Adjacent to a green belt area with newly planted trees and bushes, we were assured that this land below Mill Lade Court would never be built upon.

The area for proposed building provides a natural break from the A9 against vehicular noise. Any building on this land would destroy this barrier. Trees would need to be removed for the house build and also the access road. We also currently have an uninterrupted view of the countryside from the rear of our property. This view will be affected if a house is built on this land.

The planning application refers to the land as 'scrubland' as if it is an eyesore and would benefit from being removed. This 'scrubland' however, is exactly as it was intended with various trees, wild flora and fauna in abundance. Wildlife, including deer, also live on this land.

The location of the house would mean our garden and rear of property would be visible from the upper floor of the house thus depriving us of privacy. There would also be a lighting nuisance from the streetlights on the access road.

The application also mentions that the refuse from the house would be situated at the end of the access road. This could cause a pollution problem as youths go up and down Ruthven Street to drink in the underpass.

Mr Alastair Ramage (Objects)

Comment submitted date: Fri 24 Jan 2014

I will find it hard to understand the long term plan for residential amenity in this area if this plan is accepted .. Surely such plans are final

I had already made my case in a previous objection when there were more houses proposed .

I would make further points . The Provost's Walk runs along side the A9 .

For most of its way it is separated from this road by a substantial amount of mature trees except for the area between the under pass and the road bridge / culvert over the Ruthven . So the only protection from noise from this road for occupants of the houses in Mill Lade is the clump of trees in the plot in question that were specifically planted for this reason . It has taken about 10 years for them to get to the height and density that exists just now and this will improve over the coming years . Consequently I consider that further development in this area makes any long term plan a laughing stock .

I also object to the provision of a road below my fence which in providing easy access to others threatens the security of the back of my property not to mention any light pollution that would be present in even low level street lighting . There are also substantial drainage manholes from all the properties that would be interfered with by building works and a road along the fence .

On top of all that the developer has taken the liberty of writing to us about his development change and has implied that if it is taken to a higher authority for appeal which they are entitled to do and which has a reasonable success rate they have revised the application to a single family home .

it is a well know tactic that when one is rebuffed to reduce the demand to something lesser and then when approval is granted it sets the precedent for further applications getting us back to the original demand albeit at a later date development .

My objection still stands

UTF.

Tracy McManamon

From: Paul Doleman [REDACTED]
Sent: 26 January 2014 19:45
To: Development Management - Generic Email Account
Subject: Planning application 13/02335/FLL

Paul Doleman
1 Mill Lade Court
Auchterarder
PH3 1BD
[REDACTED]

Dear Sir

If planning application 13/02335/FLL is to take place I would strongly object unless controlled by a planning condition to ensure

1. No loss of daylight/sunlight or outlook to neighbouring properties.
2. The loss of trees and affect on local habitat/nature conservation is minimised i.e. leave as many trees and as much 'scrub' land as is possible between the new and existing developments to protect local wild life. This Amenity land is extensively used by the local community (dog walkers).
3. Minimise highway issues. Reduce the impact of additional traffic/vehicle access. With half a dozen young children in Mill Lade and Ruthvenside we are already plagued by speeding vehicles (despite it being a dead end – with no access required). Reduced speed limit? Access during severe weather (snow and ice) should also be considered (hill is very steep)
4. The avoidance of overlooking and loss of privacy (see point 1)
5. The proposed design and selected building materials are visually in keeping with the surroundings
6. Adequate landscaping. The land surrounding to Northern boundary fences around Mill Lade are maintained by the occupiers of the proposed new properties (in the same way the occupiers of Mill Lade maintain the land/bank adjacent their properties).

Despite the new application being for one dwelling I believe the issues in my the original objection remain largely unchanged (see 13/01614/IPL). Therefore I would expect the same outcome?

The position of the proposed property suggests this could be the first of more than one dwelling? If planning is given for one dwelling would this not set a precedent for 3 or 4 more?

Furthermore this proposed development simply does not fit in with local government policy as set out in TAYplan2012 or SALP 2001.

I trust you will give the above due consideration

Regards

Paul Doleman



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008 S.I. 2008 No 432 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Perth and Kinross Perth	Council Reference:-	13/02335/FLL
	TS TRBO Reference:-	NE/19/2014

Application made by Mr Allan Bone per McKenzie Strickland Associates, FAO Luke Cadman, 21 Comrie Street, Crieff, PH7 4AX and received by Transport Scotland on 30 January 2014 for planning permission for erection of a dwellinghouse and formation of an access road located at Land South Of, Mill Lade Court, Auchterarder affecting the A9 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission ☒
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☐

In issuing planning permission the applicant should be informed that the consent does not carry with it the right to carry out works within the trunk road boundary (see overleaf for details of any works to be carried out within the trunk road boundary) and that permission must be granted by Transport Scotland, Trunk Road and Bus Operations. To obtain permission contact the Route Manager through the general contact number below. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Route Manager (A9) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	BEAR
Address:-	Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW
Telephone Number:-	01738 448600
e-mail address:-	NEplanningapplications@bearsotland.co.uk

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

Transport Scotland Response Date:-	06-Feb-2014
Transport Scotland Contact:-	Fred Abercrombie

Transport Scotland Contact Details:-

Trunk Road and Bus Operations, Network Operations - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Telephone Number: 0141 272 7382
e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK13/02335/FLL	Our ref	IW
Date	20 February 2014	Tel No	(01738) 47 5235

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission
PK13/02335/FLL Erection of a dwellinghouse and formation of an access road Land
South of Mill Lade Court Auchterarder for Mr Allan Bone**

I refer to your letter dated 30 January 2014 and my previous memo dated 16 October 2013 in relation to the above application and have the following comments to make.

I do not believe that sufficient information has been provided to demonstrate that this is a suitable location for the proposed development.

The applicant is seeking planning permission for a residential development on a vacant site within close proximity of the A9 Motorway at Auchterarder.

Environmental Health

A previous outline application for a four house development (13/01614/IPL) on this site was refused last year and one of the reasons given in the decision notice was the close proximity to the A9 Motorway. Environmental Health in their response to this application requested further information in the form of a Noise Impact Assessment in order to ensure that future residents would not be subject to adverse noise nuisance.

Environmental Health would therefore like to reiterate previous concerns raised at the outline application stage and request that the applicant submit a Noise Impact Assessment executed by a suitably qualified consultant to assess road noise in terms of PAN 56. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for future residents at this site.

Consequently, I am currently unable to complete my appraisal of this application, and request that the application be deferred until the information requested has been submitted to, and evaluated by, this Service.

Contaminated Land (assessment date – 26/09/2013)

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.





MEMORANDUM

To	Joanne Ferguson Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	13/02335/FLL	Date	20 February 2014

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 13/02335/FLL for planning consent for:- **Erection of a dwellinghouse and formation of an access road Land South Of Mill Lade Court Auchterarder for Mr Allan Bone**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type A, Fig 5.5 access detail to the satisfaction of the Planning Authority.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

I trust these comments are of assistance.

CHX Planning Local Review Body - Generic Email Account

From: Paul Doleman [REDACTED]
Sent: 16 June 2014 20:27
To: CHX Planning Local Review Body - Generic Email Account
Subject: Re: TCP/11/16(305) - land south of Mill Lade Court, Auchterarder

Dear Sirs

I am somewhat perplexed by this notice of appeal. The first two applications were refused, nothing has changed so how can the decision be any different?

For your reference I attach my original objection letter, which remains unchanged. (Details below)

I cannot reiterate how much stress this on going saga is causing. It seems no decision is ever final. I am sure the land owner's tactics is to keep applying until someone 'gives in' and says yes. At which point does no mean no?

Regards

Paul Doleman

Paul Doleman
1 Mill Lade Court
Auchterarder
PH3 1BD
[REDACTED]

Dear Sir

If planning application 13/02335/FLL is to take place I would strongly object unless controlled by a planning condition to ensure

1. No loss of daylight/sunlight or outlook to neighbouring properties.
2. The loss of trees and affect on local habitat/nature conservation is minimised i.e. leave as many trees and as much 'scrub' land as is possible between the new and existing developments to protect local wild life. This Amenity land is extensively used by the local community (dog walkers).
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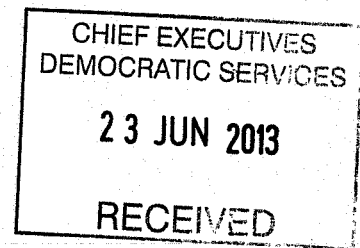
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Furthermore this proposed development simply does not fit in with local government policy as set out in TAYplan2012 or SALP 2001.

I trust you will give the above due consideration

Regards

TCR/11/16(305)



6 Mill Lade Court
Auchterarder
Perthshire
PH3 1BD
20/06/14

PLANNING APPLICATION ON NEIGHBOURING LAND Ref. 13/02335/FLL

Dear Sirs

I am writing in response to your notification of the planning appeal to the Local Review Body.

Having read the paperwork for the appeal, I can see no reason for the Review Body to overrule the earlier decision.

As stated in my previous letter. The Development Plan for the area clearly states that the land on the slope should be sympathetically planted and that no building should be permitted within 150 meters of the Lade. The application for planning permission contravenes both of these statements.

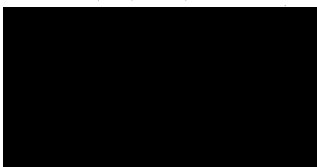
The plan also states in Policy PM4 Settlement Boundaries.

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

As this is taken from the new Development Plan (2014) it would be extraordinary if the plan was overruled so soon.

I hope the above comments along with my previous correspondence will be considered by the review body.

Yours sincerely



James W Stockton

