

TCP/11/16(422)
Planning Application – 16/00375/IPL – Erection of a dwellinghouse (in principle) on Land 100 Metres South of Bowmanis, Tibbermore

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TCP/11/16(422)
Planning Application – 16/00375/IPL – Erection of a
dwellinghouse (in principle) on Land 100 Metres South of
Bowmanis, Tibbermore

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)		Agent (if any)	
Name	MR & MRS. G. OSWALD.	Name	K & S BUILDING SERVICES
Address	BOWMANIS TIBBERMORE.	Address	CROYTANNER. PITEAIRNGREEN PERTH.
Postcode		Postcode	
Contact Telephone 1		Contact Telephone 1	583348
Contact Telephone 2		Contact Telephone 2	07711 848490
Fax No		Fax No	
E-mail*		E-mail*	

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

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

Yes ☒ No ☐

Planning authority	PERTH & KINROSS COUNCIL
Planning authority's application reference number	16/00375/IPL
Site address	LAND 100 METRES SOUTH OF BOWMANIS TIBBERMORE.
Description of proposed development	TO ERECT A DWELLING
Date of application	3-3-2016
Date of decision (if any)	15-4-2016

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

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input checked="" type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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

Site inspection

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

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

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

Statement

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

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

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

This site should not be regarded as a green belt as several other houses have been built in this small hamlet. It would be more accurate to call it a gap site.

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

Yes ☐ No ☒

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

List of documents and evidence

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

1 Site plan submitted showing this to be a gap site.

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

Checklist

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

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

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

Declaration

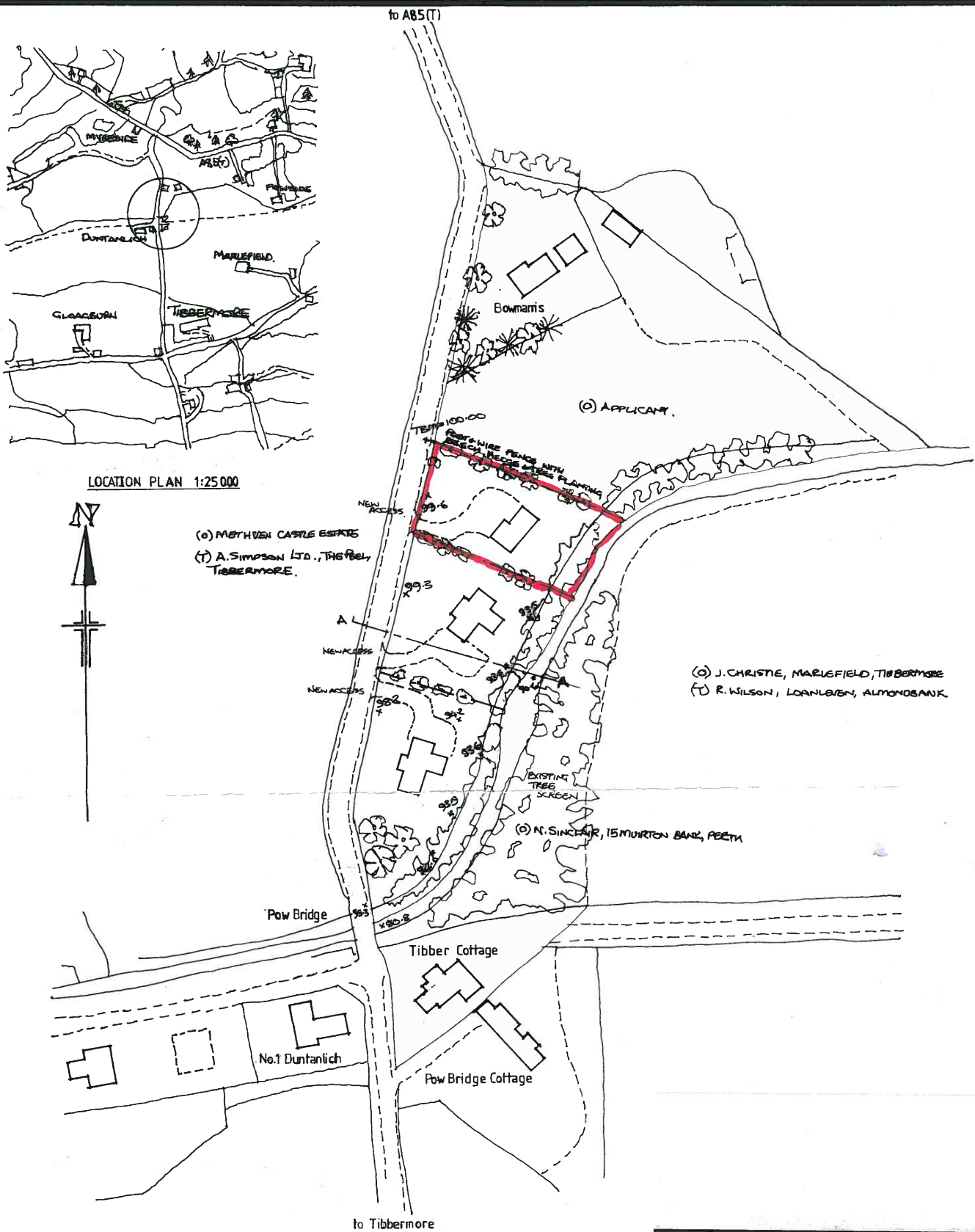
I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

12 - 7 - 2016



CLIENT: MR & MRS G OSWALD

SITE: BOMANIS
TIBBERMORE
BY PERTH

SCALE: 1:1250, 1:25000 DATE: SEPT. '07

**K & S BUILDING SERVICES
CROYTANNER
PITCAIRNGREEN
PERTHSHIRE
PH1 3LT**

DRAWING No. GS01

TCP/11/16(422)
Planning Application – 16/00375/IPL – Erection of a dwellinghouse (in principle) on Land 100 Metres South of Bowmanis, Tibbermore

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(included in applicant's submission, see page 261)*

PERTH AND KINROSS COUNCIL

Mr And Mrs G Oswald
c/o K And S Building Services
Kevin Murphy
Croytanner
Pitcairngreen
Perth
PH1 3LT

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 15.04.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00375/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 3rd March 2016 for permission for **Erection of dwellinghouse (in principle) Land 100 Metres South Of Bowmanis Tibbermore** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy NE5 of the Perth and Kinross Local Development Plan 2014 as the application site is located within the Green Belt and fails to relate to any of the categories (a) - (f) which outline what types of development could be supported within the Green Belt. Furthermore Policy NE5 specifically states that the Housing in the Countryside Policy RD3 of the Local Development Plan does not apply in the Green Belt.
2. The proposal is contrary to Tayplan Policy 3 as it fails to preserve the setting and special character of the greenbelt or safeguard the countryside from inappropriate encroachment.

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

16/00375/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/00375/IPL	
Ward No	N9- Almond And Earn	
Due Determination Date	02.05.2016	
Case Officer	John Williamson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of dwellinghouse (in principle)

LOCATION: Land 100 Metres South Of Bowmanis Tibbermore

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: 17 March 2016

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for the erection of a dwellinghouse at land to the south of Bowmanis, Tibbermore. The property known as Bowmanis has an isolated location between Perth and Methven adjacent to the minor road linking the A85 with Tibbermore. It comprises a dwelling of modern appearance together and, to the south of this, a wedge of paddock land which sits between the public road and Pow Burn. An application for outline consent on this application site was refused in 2007 (07/02079/FUL) as being contrary to the Housing in the Countryside Policy of the Perth Area Local Plan. Planning consent was granted in principle for the erection of two dwellings within the paddock further south (06/02302/OUT) and detailed consent has since been granted for these two plots with the northernmost currently under construction. The application site sits to the immediate north of the two plots granted consent in 2006. Bowmanis sits beyond the application site, approximately 20m to the north and is separated by an area of paddock which extends to the east.

Extending to 0.18ha, the site has a frontage to the public road and is bounded on the east by the burn which is in a deep cut. Additional planting is proposed on the north and south boundaries.

SITE HISTORY

03/00339/OUT Erection of dwellinghouse (in outline) on 7 May 2003
Application Refused

03/00582/FUL Erection of a double garage and link porch at 30 June 2003
Application Permitted

89/01140/FUL ALTERATIONS & EXTENSION TO HOUSE AT 27 July 1989
Application Permitted

91/01479/FUL ERECTION OF HOUSE - IN PRINCIPLE - AT 25 October 1991
Application Refused

91/01609/FUL ERECTION OF HOUSE - IN PRINCIPLE - AT 25 October 1991
Application Refused

98/01468/FUL Demolition of timber garage and erection of a brick double garage at 13 January 1999 Application Permitted

03/02210/OUT Erection of dwellinghouse (in outline) 18 March 2004
Application Refused

06/02302/OUT Erection of two dwellinghouses (in outline) 28 February 2007
Application Permitted

07/02079/OUT Erection of a dwellinghouse (in outline) 22 November 2007
Application Refused

08/00594/FUL Erection of a dwellinghouse and double garage at land to the south of 6 October 2008 Application Permitted

08/02349/FUL Erection of a dwellinghouse and garage Plot B 11 February 2009 Application Permitted

12/01077/FLL Renewal of planning consent (08/00594/FUL) for erection of dwellinghouse and double garage 8 August 2012 Application Permitted

12/01078/FLL Renewal of planning consent (08/02349/FUL) for erection of a dwellinghouse and double garage 8 August 2012 Application Permitted

13/01838/FLL Erection of a dwellinghouse 4 April 2014 Application Permitted

15/00467/FLL Renewal of permission (12/01077/FLL) erection of a dwellinghouse and double garage 27 April 2015 Application Permitted

15/01060/FLL Erection of a dwellinghouse 14 August 2015 Application Permitted

15/01719/FLL Modification of permission 15/00467/FLL (Erection of dwellinghouse and double garage) change of house type 20 November 2015 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy NE5 - Green Belt

Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

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 NE3 - Biodiversity

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

Policy 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 EP15 - Development within the River Tay Catchment Area

Nature conservation in the River Tay Catchment Area will be protected and enhanced. To ensure that there are no adverse effects on the River Tay SAC listed criteria will be applied to development proposals in Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie and Kinloch, Bankfoot and Kirkmichael.

Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer.

A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

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

Policy 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.

OTHER POLICIES

None

CONSULTATION RESPONSES

INTERNAL

Local Flood Prevention Authority – no comments

Contributions Officer – transport and education infrastructure contributions apply and should be covered by condition

Transport Planning – no objection

EXTERNAL

Scottish Natural Heritage – no response within statutory period

Scottish Water – no response within statutory period

REPRESENTATIONS

None received

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
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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	Not Required

APPRAISAL

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

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

Policy Appraisal

TayPlan 2012 requires a Green Belt to be designated around Perth as per Policy 3. The Green Belt boundary is now defined and incorporated into the adopted Perth and Kinross Local Development Plan 2014. The application site is located within the Green Belt of Perth where Policy NE5 of the Local Development Plan applies. This policy outlines six categories of development which would be considered acceptable in this location and includes (a) development which is essential for agriculture, horticulture or forestry, (b) constitutes woodlands or forestry, (c) relates to uses which advance improvements to public access to the countryside, (d) for buildings where it involve alterations or extensions and changes of use to existing buildings which do not detract from the character of the greenbelt, (e)for essential infrastructure such as roads. This proposed development does not fall under any of the above categories and as such is contrary to Policy NE5 of the LDP. it should also be noted that Policy NE5 specifically states that the Housing in the Countryside Policy (RD3) does not apply in the green belt. Given this I do not intend to carry out any assessment under policy RD3 of the LDP. Accordingly no support is gleaned from policy NE5 for the erection of a dwellinghouse accordingly it is contrary to Tayplan and the adopted Perth and Kinross Local Development Plan 2014.

Design and Scale

Policy PM1A and B relate to placemaking and apply here. The application is only in principle at this stage and therefore no assessment of the design and scale of the development can be undertaken.

Residential Amenity

The application is only in principle at this stage and therefore no assessment of the impact on residential amenity of the development can be undertaken.

Access and Traffic

The site could be accessed from the public road to the west and Transport Planning have offered no objection to the proposal. It is therefore likely that an appropriate access to the site in accordance with Policy TA1B could be provided.

Drainage

The site could be served by a private drainage system, however it would require to ensure that any discharge does not affect the adjacent River Tay Special Area of Conservation and this could be secured by condition.

Bio Diversity

The burn to the east of the site forms part of the River Tay Special Area of Conservation. Therefore in order to protect the water quality of the SAC, in accordance with Policy EP15 of the LDP a construction method statement would be required should consent be granted.

Developer Contributions

Primary Education

As the application is only in principle it is not possible to provide a definitive answer as to whether an education contribution would be required in accordance with Policy PM3 of the LDP. A condition would be appropriate to ensure compliance with this policy if consent were to be granted.

Transport Infrastructure

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

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 TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reason for Recommendation

- 1 The proposal is contrary to Policy NE5 of the Perth and Kinross Local Development Plan 2014 as the application site is located within the Green Belt and fails to relate to any of the categories (a) - (f) which outline what types of development could be supported within the Green Belt. Furthermore Policy NE5 specifically states that the Housing in the Countryside Policy RD3 of the Local Development Plan does not apply in the Green Belt.
- 2 The proposal is contrary to Tayplan Policy 3 as it fails to preserve the setting and special character of the greenbelt or safeguard the countryside from inappropriate encroachment.

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

16/00375/1

Date of Report 13.04.2016

TCP/11/16(422)
Planning Application – 16/00375/IPL – Erection of a
dwellinghouse (in principle) on Land 100 Metres South of
Bowmanis, Tibbermore

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00375/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk
Description of Proposal	Erection of dwellinghouse (in principle)		
Address of site	Land 100 Metres South Of Bowmanis Tibbermore for Mr And Mrs G Oswald		
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 Methven Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> <p>Transport Infrastructure</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
Recommended informative(s) for applicant	N/A		

Date comments returned	15 March 2016
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Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00375/IPL	Comments provided by	E McMillan
Service/Section	TES - Flooding	Contact Details	emcmillan@pkc.gov.uk
Description of Proposal	Erection of dwellinghouse (in principle)		
Address of site	Land 100 Metres South Of Bowmanis Tibbermore for Mr And Mrs G Oswald		
Comments on the proposal	I have no comment to make on this application		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	15/3/2016		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00375/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	75329 amaric@pkc.gov.uk
Description of Proposal	Erection of dwellinghouse (in principle)		
Address of site	Land 100 Metres South Of Bowmanis Tibbermore		
Comments on the proposal	Insofar as the roads matters are concerned, I do not object to this proposal, provided the undernoted conditions are attached in the interests of pedestrian and traffic safety.		
Recommended planning condition(s)	<ul style="list-style-type: none"> • Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 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. 		
Recommended informative(s) for applicant	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.		
Date comments returned	18 March 2016		

