

<p>TCP/11/16(263) Planning Application 13/00320/FLL - Erection of 5 dwellinghouses, land at Shearerston Moor, Crieff</p>
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TCP/11/16(263)
Planning Application 13/00320/FLL - Erection of 5
dwellinghouses, land at Shearerston Moor, Crieff

**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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000067711-001

The online ref number 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

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

Ref. Number:

Building Name:

Algo Business Centre

First Name: *

Mark

Building Number:

Myles

Address 1 (Street): *

Glenearn Road

Last Name: *

Telephone Number: *

01738 450506

Address 2:

Extension Number:

Town/City: *

Perth

Mobile Number:

Country: *

UK

Fax Number:

01738 450507

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:

Other Title:

First Name:

Last Name:

Company/Organisation: *

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Greenmantle

Building Number:

Address 1 (Street): *

Gosford Road

Address 2:

Town/City: *

Longniddry

Country: *

United Kingdom

Postcode: *

EH32 0LF

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Land at Shearerston Moor

Northing

719342

Easting

292506

Description of the Proposal

Please provide a description of the 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)

Erection of 5 houses

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 of 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 separate statement

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

☐ Yes ☒ No

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)

Planning application forms, plans, supporting letter from agent, Report of Handling and Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

13/00320/FLL

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

14/02/13

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

24/04/13

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 conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

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 assess the changes between the consented layout and the proposed development

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare - Notice of Review

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

Declaration Name: Mark Myles

Declaration Date: 10/07/2013

Submission Date: 10/07/2013

JAMES DENHOLM PARTNERSHIP ARCHITECTS

LTR/4244/K/1/FP

14 February 2013

Head of Development Control
Perth and Kinross Council
Planning and Regeneration
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Dear Sirs

Proposed Plot Sub-Division at 'The Moor', Madderty, Crieff, for KAAS Properties Ltd

The enclosed application is seeking permission to provide an additional two plots by subdividing the land to provide these.

The original application ref. 06/00806/FLL was for 4 large detached houses on land that was brownfield since it contained disused chicken sheds. The approved application was commenced by the demolition of the sheds and site clearance and the construction of the house on Plot 3.

We received a fairly negative response to our pre-application enquiry from Christine Brien for the alteration to the existing triggered planning dated 9/12/11 to provide the additional plots. In it she stated that the 2009 Housing in the Countryside policy had changed from the 2005 policy that referred to brownfield sites. We would suggest that this current application is not about a brownfield site. It is a site with a triggered residential permission and we are merely requesting to have 3 very large sites altered in layout to provide 5 sites. The revised layout still provides large sites by normal standards, and the change to the layout has been generated in response to the changed market conditions over the last few years. Our client feels that having reviewed the proposals this change would assist in making the development more financially viable. This would allow plots to lower in price and the house price also proportionally lower to respond to the changed market. We also feel that the revised layout would not be to the detriment of the already approved layout and is not significantly different from that which has been approved and can be built.

We would be happy to meet and discuss the enclosed if required.

Yours faithfully



James Denholm
for James Denholm Partnership
encs.

cc. Allan Inglis – KAAS Properties Ltd

1. Introduction

- 1.1 This appeal statement should be read in conjunction with the Notice of Review submitted on 10th July 2013 on behalf of Kaas Properties Ltd, for the erection of a 5 houses on land at Shearerston Moor, Crieff. The planning application (13/00320/FLL) (MBM1) was refused by PKC on 24th April 2013 (MBM2).
- 1.2 The proposal requires to be considered under the terms of the development plan policy (Policy 54 of the Strathearn Area Local Plan) but more significantly the revised Housing in the Countryside Policy that was approved by the council in November 2012.
- 1.3 In addition the most important material consideration to consider in the determination of this appeal is the fact that a previous planning consent to erect 4 houses on this site has already been implemented (06/00806/FUL) following the development and occupation of the house at Plot 1 in 2009.
- 1.4 In effect this proposal seeks to change the consented and implemented planning permission by allowing an additional 2 houses, bringing the total number of units on the site to 6 instead of the 4 that were approved back in 2006. We therefore contest the council's reasons for refusal of the planning application and the justification given for those reasons within the Report of Handling (attached – MBM3).

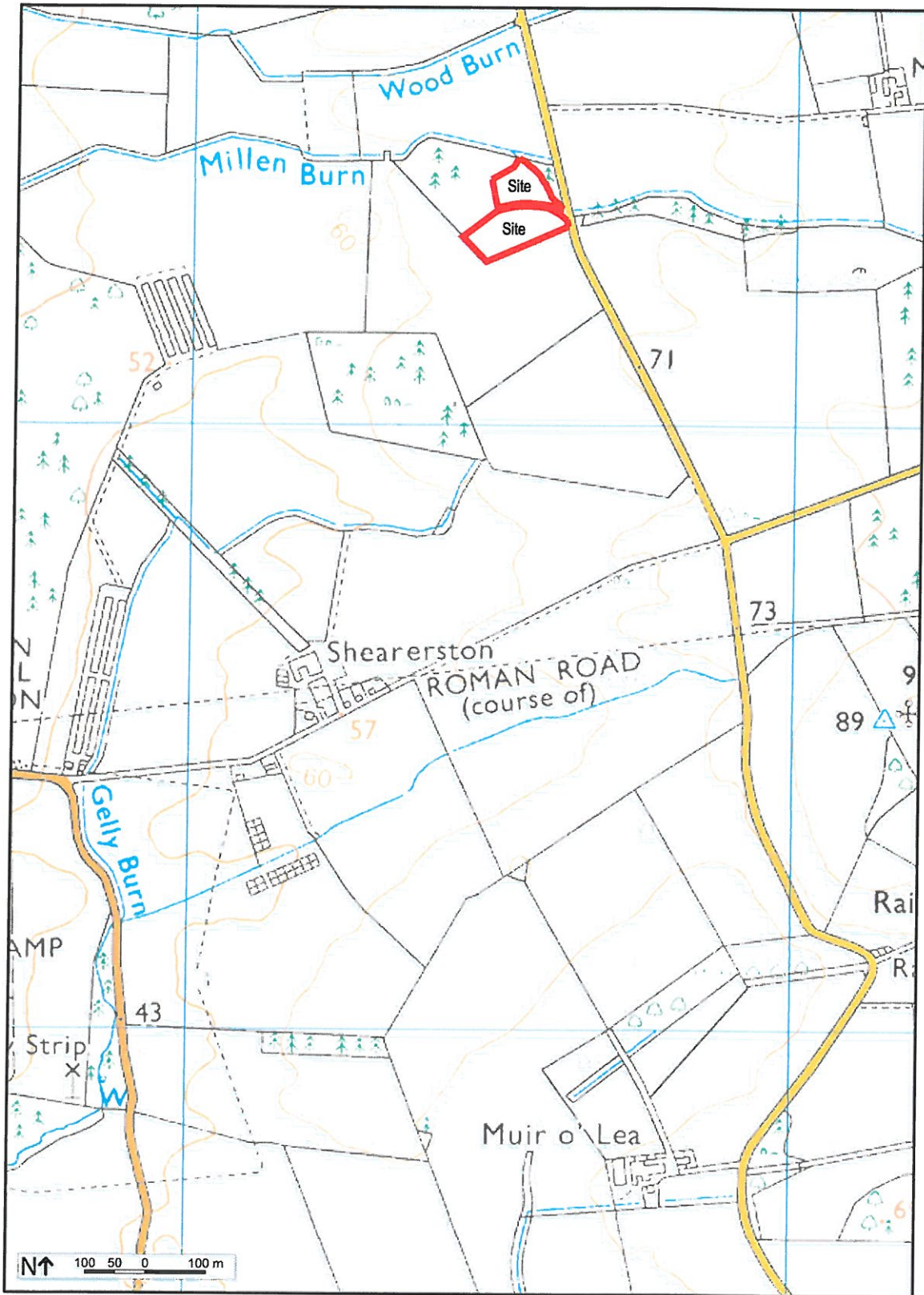
2. Response to PKC Reasons for Refusal

- 2.1 As highlighted above the planning application was refused on 24th April for two different reasons (MBM2).
- 2.2 Dealing with the 2nd reason for refusal first it is a fact that no housing proposal on a brownfield site in the countryside could ever comply with Policy 54 of the Strathearn Area Local Plan as the plan is now out of date and does not reflect the most up to date policy guidance on this issue. Policy 54 is the development plan version of the housing in the countryside policy that dates back to 2001 and which has since been superseded on a number of occasions by the council.
- 2.3 It is also a fact that the original permission for the 4 units was approved as a departure from Policy 54 of the Strathearn Area Local Plan for the very reason that the proposal was supported by the council's more up to date Housing in the Countryside Policy (which at that time dated from 2005) and which for the first time included a category allowing redevelopment of former brownfield sites within the countryside.
- 2.4 The 2nd reason for refusal is therefore simply a technical reason for refusal. A proposal for any house on this site would not comply with any of the categories listed under Policy 54 of the Strathearn Area Local Plan. However that does not mean that an application should be automatically refused, as the weight that can be attached to the current development plan policy is considered to be negligible due to its age and the fact that housing in the countryside policy has since been revised.
- 2.5 Other material considerations are required to be assessed as well as the weight that should be attached to them. The original application was approved on the basis that it could be supported as a departure from development plan policy as it met the terms of the brownfield sites category of the council's updated December 2005 policy which was in force at that time. The December 2005 policy was itself subsequently amended and replaced by the August 2009 policy and again replaced in November 2012 by the current policy on which this appeal must now be assessed.
- 2.6 The November 2012 policy still contains a category whereby redevelopment of a brownfield site can be accepted if the site is no longer in use and it would remove dereliction or result in a significant environmental improvement of the site. The Report of Handling (MBM3) and the council's first reason for refusal (MBM2) state that it has not been demonstrated that there are social, economic or environmental reasons for such a scale of development in the countryside.
- 2.7 The application was accompanied by a supporting letter outlining the changing economic circumstances that have take place in the housing market since the original application was approved in 2006.

- 2.8 In 2008 applications were submitted to change the house types on plot 1 and plot 4 (08/00861/MOD) and (08/00847/FUL) respectively. An earlier application to modify the house type on plot 4 (08/00502/MOD) was withdrawn after the sale fell through due to the ongoing changing economic climate.
- 2.9 The most significant material consideration in this case is that the consent to redevelop this site has now been in place for 7 years and in that time only 1 house has been built and occupied (plot 1) which took place in 2009.
- 2.10 In dismissing the economic case that was put forward in the architects letter for a change to the layout of the site, we do we do not believe that the planning officer gave proper consideration or weight to the planning history of the site. The length of time that consent has now been in place and the fact that there continues to be no market interest for the 3 remaining plots would appear to provide very strong economic justification for allowing this proposal.
- 2.11 Furthermore it must be highlighted that the November 2012 HICP does not actually preclude this type of proposal. The policy supports small scale proposals up to a maximum of five houses, and **exceptionally a marginally larger development**. An application such as this application plus the existing development can be supported provided it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.
- 2.12 The important issue to determine should have been whether this alternative proposal would be acceptable on this site where the principle of residential development has already been firmly established. This proposal should therefore not have been assessed on the basis of solely looking at a strict interpretation of policy but on the basis of a significant change in economic circumstances as well as site planning considerations i.e. scale, density, plot ratios, design and general layout.
- 2.13 The Report of Handling even acknowledges *that whilst the proposal is for smaller houses and plots these are still large and if appropriately landscaped I do not consider that the proposal would adversely affect the overall character of the area.*
- 2.14 Planning consent has now existed for 7 years and despite extensive marketing and subsequent applications to modify the house types etc, only 1 house has ever been built and that was 4 years ago. It is surely not in the public interest for a housing site to remain partially developed in perpetuity.
- 2.15 Due to the planning history of the site it is considered that this is an exceptional case where a marginally larger development (6 houses rather than 5 as would normally be allowed under the terms of the policy) could be built. The resultant plots are still large as acknowledged by the planning officer and the overall layout, density and character of the development would still be one of large houses set within large landscaped plots.

3	Conclusion
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- 3.1 The principle of development taking place on this site has now been firmly established by the implementation of the planning permission 06/00806/FUL. The assessment of this proposal should therefore not have simply been an exercise in considering whether it met a strict interpretation of the relevant planning policies, but an assessment of the change in circumstances and whether 5 houses was any less appropriate than a development for 3 houses on exactly the same site.
- 3.2 There is a genuine economic case to support this change to the approved layout. Time has provided the evidence that there is a lack of demand for the 3 remaining house plots which have had permission for 7 years and remain undeveloped. There has been a significant change in economic circumstances and the housing market since the original consent was granted and subject to developer contributions towards affordable housing and education we consider that this proposal does conform to the Housing in the Countryside Policy 2012 and as such can be approved as a departure from Policy 54 of the Strathearn Area Local Plan.
- 3.3 Due to the significance of the planning history on this site, and the insufficient weight that was attached to this issue by the planning officer, we would therefore respectfully request that this Notice of Review is determined on its merits and approved subject to any conditions that may be considered necessary by the Local Review Body.



REV	DATE	BY	DETAILS	SIGNIFICANT RESIDUAL HAZARDS	DESCRIPTION	ACTIONS / NOTES:
REVISIONS				HEALTH AND SAFETY NOTES		

NOTES

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CLIENT
KAAS Properties Ltd

PROJECT
**Plot Sub-Division at The Moor
Madderty
Crieff**

PURPOSE
Planning

DRAWN BY
SG

DATE
23/07/12

DRAWING TITLE
Location Plan

SCALE
1:10,000 @ A4

JOB NO.
4247

DWG. NO.
E01

PAPER SIZE
A4

REVISION

DENHOLM
PARTNERSHIP
ARCHITECTS

www.denholmpartnership.co.uk

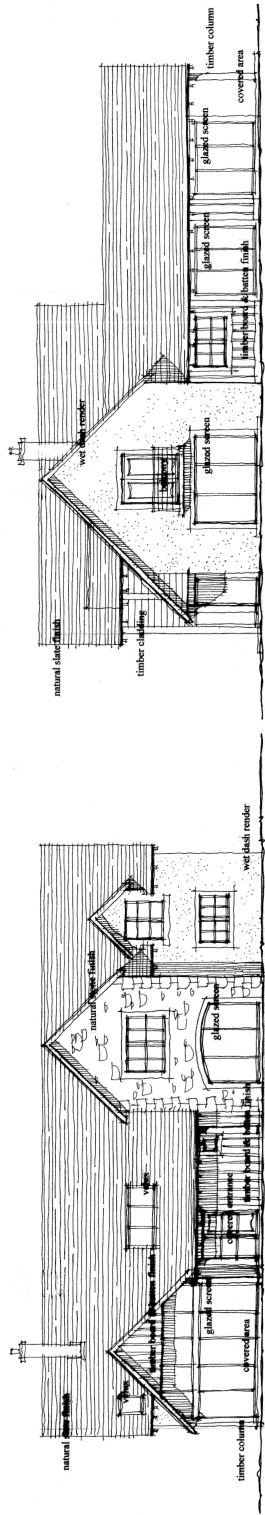
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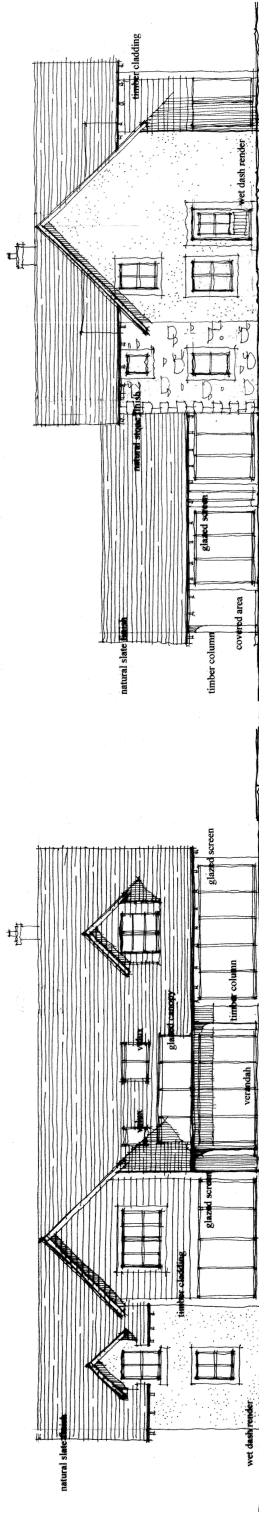
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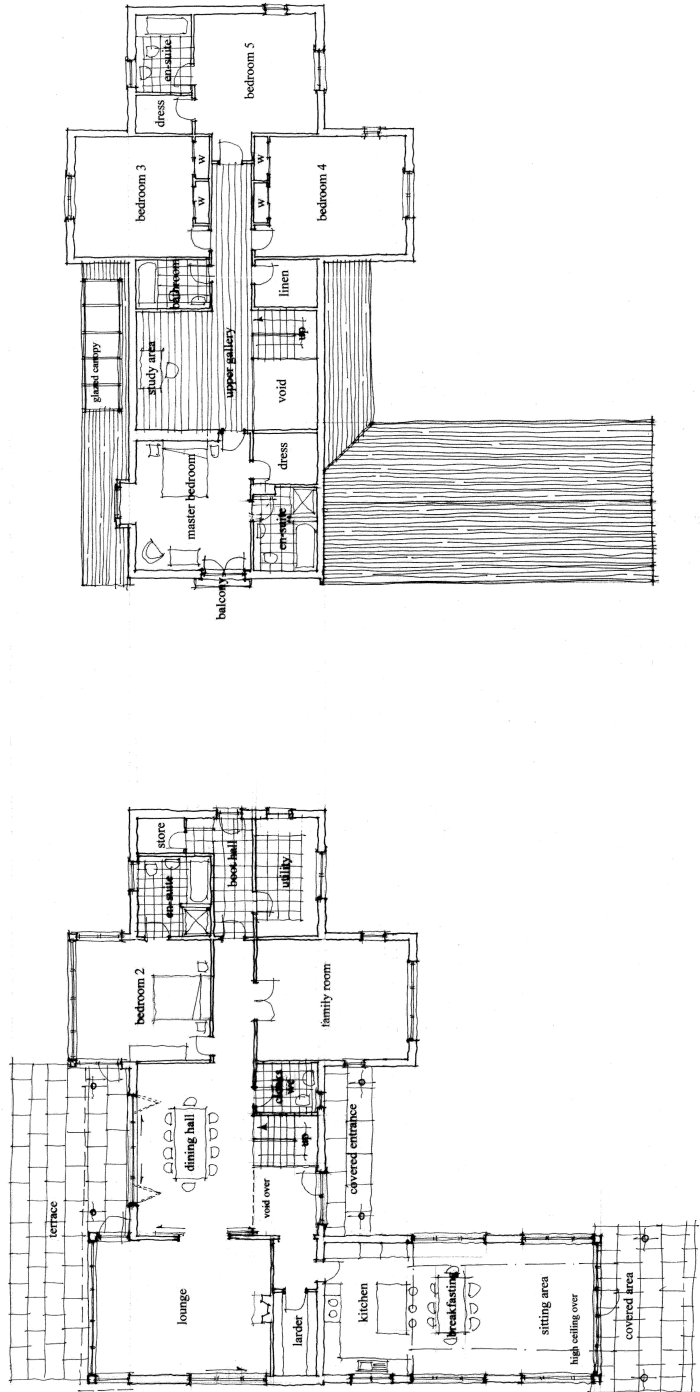
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WEST ELEVATION



NORTH ELEVATION

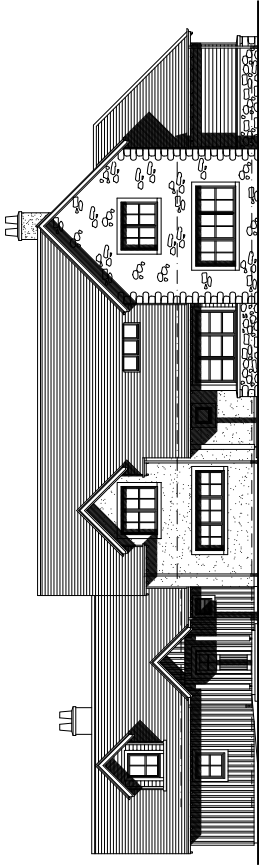
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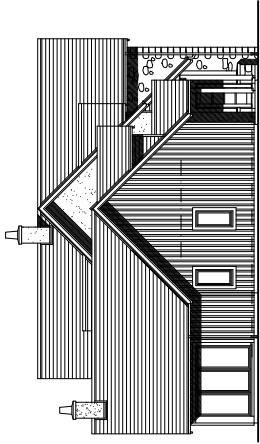
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FIRST FLOOR PLAN

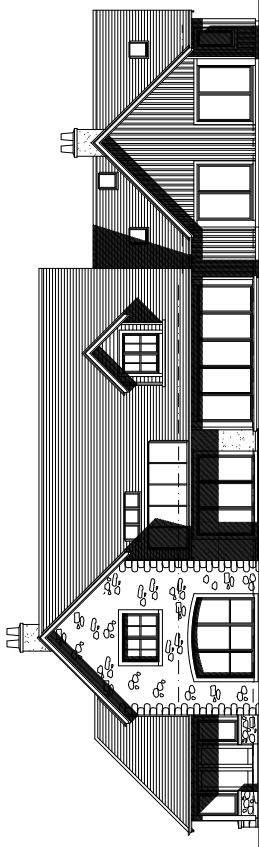




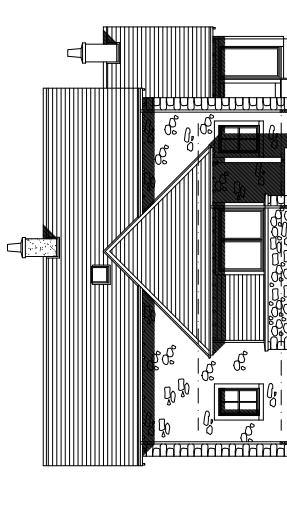
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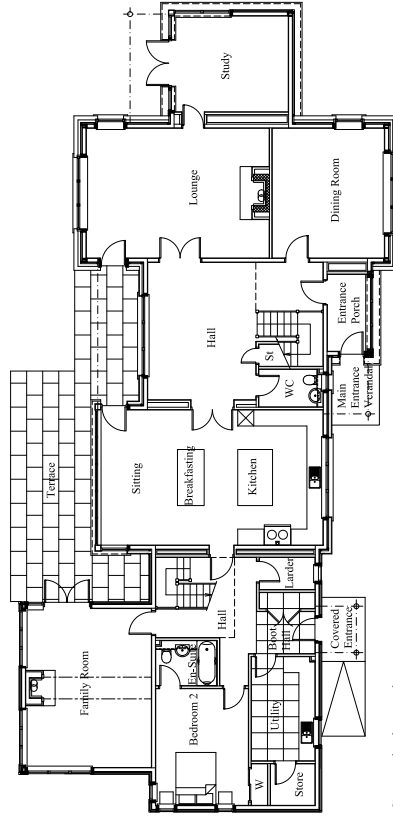
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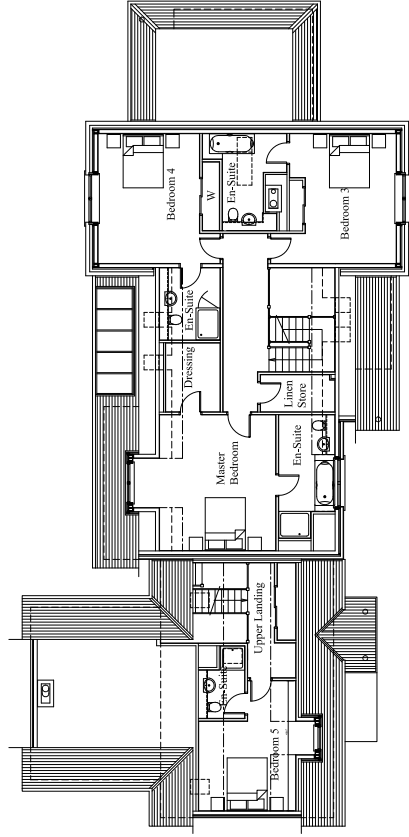
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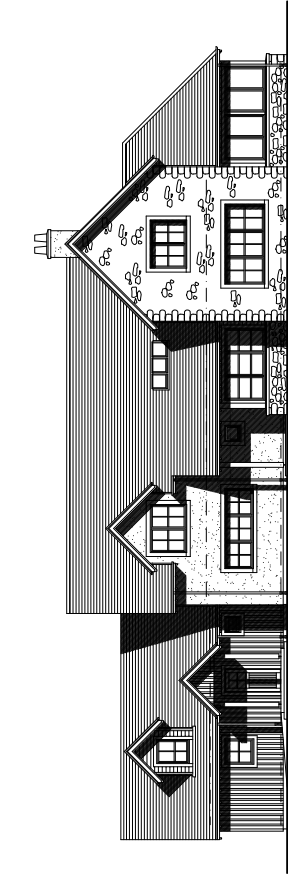
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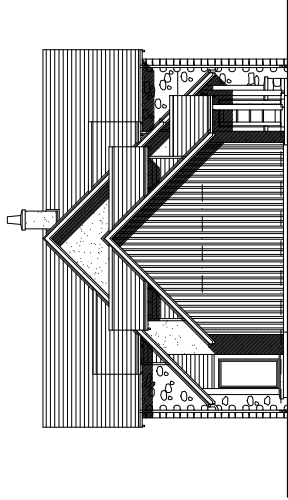
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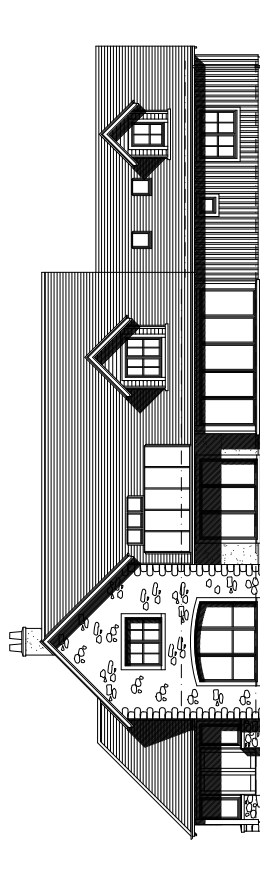
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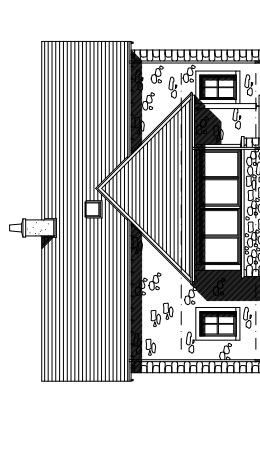
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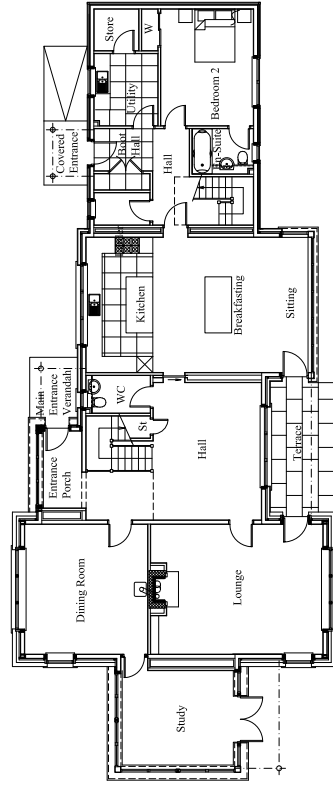
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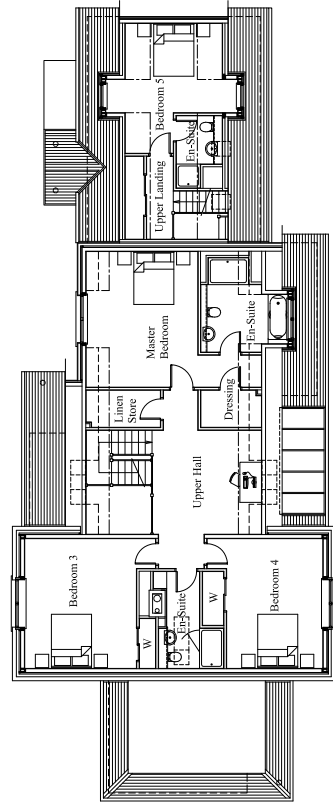
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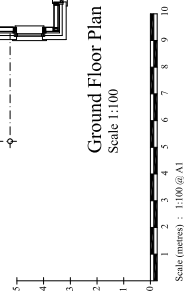
West Elevation
Scale 1:100



Ground Floor Plan
Scale 1:100



First Floor Plan
Scale 1:100



NOTES

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HEALTH AND SAFETY NOTES:

SEVERE RISK OF INJURY
Health Hazards
Ground Collapse
Contamination
Unstable Structures
Slip/Trip/Fall Hazards
Over Exposed

REVISIONS

REV	DATE	BY	DETAILS
1	08/11/2	SG	Planning

ACTION NOTE:

PRESENT

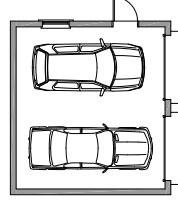
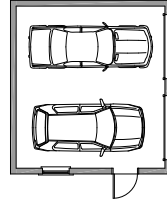
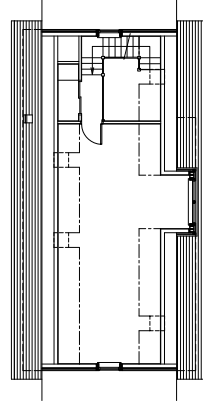
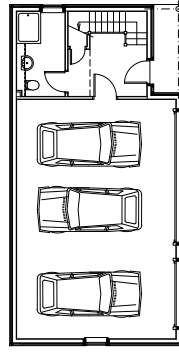
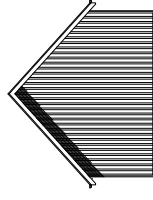
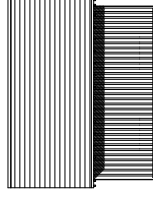
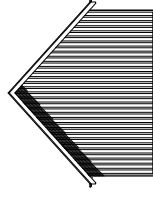
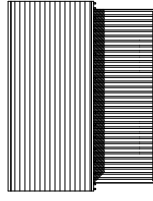
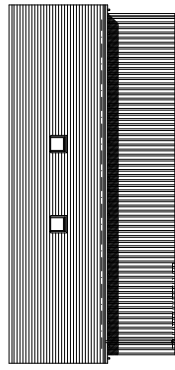
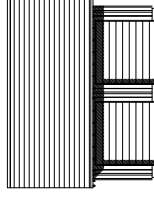
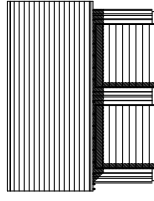
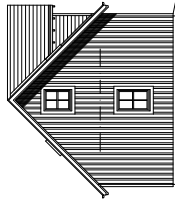
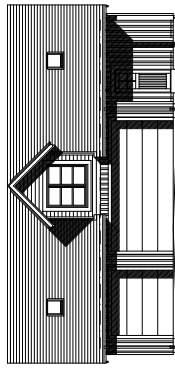
DESCRIPTION
Health Hazards
Ground Collapse
Contamination
Unstable Structures
Slip/Trip/Fall Hazards
Over Exposed

CLIENT: KAAS Properties Ltd
PROJECT: Plot Sub-Division at The Moor
LOCATION: Chalfont
PLANNING: SG - 08/11/2

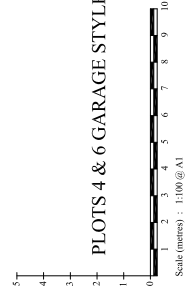
OWNER: KAAS Properties Ltd
PROJECT: Plot Sub-Division at The Moor
LOCATION: Chalfont
PLANNING: SG - 08/11/2

DATE: 08/11/2
SCALE: 1:100
FIGURE NO.: 4244
FIGURE NO.: P05

DENHOLM PARTNERSHIP ARCHITECTS
www.denholm-partnership.co.uk
Tel: 01764 670999



PLOTS 4 & 6 GARAGE STYLE



PLOT 2 GARAGE STYLE

PLOTS 1 & 5 GARAGE STYLE

NOTES

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HEALTH AND SAFETY NOTES:
SIGNIFICANT RESIDUAL HAZARDS

Health Hazards
Structural Hazards
Ground Conditions
Boulders and Overhanging Rocks
Underground Structures
Adjacent Facilities
Other Structures

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DESCRIPTION

ACTIONS / NOTES:

REVISIONS		BY	DETAILS
REV	DATE		

CLIENT	KAA&S Properties Ltd	DRAWING TITLE	Proposed Garage Styles
PROJECT	Plot Sub-Division at The Moor Merrydenny Creiff	SCALE	1:100
PURPOSE	Planning	PAPER	A1
		DWG. NO.	P106
		JOB NO.	4244
		DRAWN BY	SG
		DATE	08/11/12



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Planning Department

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

Thank you for completing this application form:

ONLINE REFERENCE 000057299-001

The online ref number 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: *

We strongly recommend that you refer to the help text before you complete this section.

- ☒ 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)

Proposed sub-division of existing plots (5no. new houses proposed)

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

Have the works already been started 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:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

☐

Individual

☒

Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: *

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

719342

Easting

292506

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

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)

Suggestion of formal planning application submission to allow a comprehensive appraisal to be made, initial concerns and policies identified.

Title:

Ms

Other title:

First Name:

Christine

Last Name:

Brien

Correspondence Reference Number:

11/01473/PREAPP

Date (dd/mm/yyyy):

09/12/11

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:

14360.00

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)

Site with 1no. dwelling house and private access road, with planning permission for further development.

Access and Parking

Are you proposing a new or 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 changes to public paths, public rights of way or affecting any public rights 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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

10

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

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

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).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☐ Discharge to land via soakaway.
- ☒ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

Foul water from plots 2,4 and 5 taken to existing treatment plant (4 house capacity) and discharging thereafter at watercourse.
Foul water from plot 1 taken to new treatment plant and discharging thereafter at watercourse (via partial soakaway).
Foul water from plot 6 taken to new treatment plant and discharging thereafter to ground via soakaway.

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

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.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details:(Max 500 characters)

bin storage / stance provided for each property

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

5

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008) *

☐ Yes ☒ No ☐ Don't Know

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.

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.

Planning Service Employee/Elected Member Interest

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? *

☐ Yes ☒ No

Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this 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 2008

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: James Denholm Partnership

On behalf of: KAAS Properties Ltd

Date: 14/02/2013

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

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, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments, have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) 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 2008, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

d) 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 2008) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) 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

f) 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.

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: James Denholm Partnership

Declaration Date: 15/02/2013

Submission Date: 15/02/2013

Payment Details

Cheque: Mr Allan J Inglis, 000002

Created: 15/02/2013 10:34

PERTH AND KINROSS COUNCIL

KAAS Properties Ltd
c/o James Denholm Partnership
11 Dunira Street
Comrie
Crieff
PH6 2LJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 24th April 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00320/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 25th February 2013 for permission for **Erection of 5 dwellinghouses Land At Shearerston Moor Crieff** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The Proposal is contrary to the Council's Housing in the Countryside Policy 2012 contained within the Proposed Local Development Plan 2012 and associated Housing in the Countryside Guide in that it has not been demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.
2. The proposal is contrary to Policy 54 Housing in the Countryside of the Strathearn Area Local Plan 2001 as it does not comply with any of the categories contained within that policy.

Justification

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

Notes

- 1 Any further justification submitted to support this proposal should take account of the requirements for developer contributions required for affordable housing and education provision.

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

13/00320/1

13/00320/2

13/00320/3

13/00320/4

13/00320/5

13/00320/6

13/00320/7

13/00320/8

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/00320/FLL
Ward No	N6- Strathearn

PROPOSAL: Erection of 5 dwellinghouses

LOCATION: Land At Shearerston Moor Crieff

APPLICANT: KAAS Properties Ltd

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 15 March 2013



OFFICERS REPORT:

Planning permission is sought for the erection of 5 dwellinghouses at Shearerston Moor around 6 kilometres south east of Crieff. Consent was originally granted for four large detached houses (06/00806/FLL) on land that was previously occupied by chicken sheds. One house has been built on the site leaving three large plots un-built. The applicant would like to revise the layout of the remainder of the site to form five new plots.

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 adopted development plan that is applicable to this area comprises TayPlan 2012 and the Strathearn Area Local Plan 2001. The proposed Local Development Plan is a material consideration.

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 of development

The land already has permission for a different form of residential development (06/00806/FUL). This is a material consideration. It is implied that the most recent application is intended to supersede previous consents for the other plots at the site. The important issue is to determine whether this alternative proposal would be acceptable on this site where the principle of residential development has been established.

Planning policy

Policy RD3 from the Proposed LDP and the Housing in the Countryside Guide (November 2012) supports proposals for the erection of groups of houses in the countryside where they fall into at least one of the identified categories. Proposals must also meet all of the 'for all proposals' criteria.

The applicant has provided a statement in the form of a letter dated 14 February 2013 to explain that the reason for seeking a change to the consented scheme is economic; a greater number of plots could lower the price per plot, and could make the scheme more financially viable.

The original planning consent would comply with Criteria 6 of the Supplementary Guidance relating to rural brownfield land. This supports small scale proposals up to a maximum of five houses, and exceptionally a marginally larger development. An application such as this application plus the existing development could be supported provided it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location. The accompanying letter states that the revised proposal would make the site more financially viable and implies that this development could be built whereas the consented proposal could not as it would be less financially viable.

It is recognised that the original application was determined in 2006, and that economic circumstances have changed considerably since then resulting in demand for smaller houses and smaller plots. However the Housing in the Countryside Guide supplementary guidance has only recently been revised and the criteria were not changed prior to its adoption. In the absence of further information in support of the application for increased development, the letter referred to above does not constitute a demonstration beyond reasonable doubt with reasons of overriding public interest, as required by criteria 6. The criteria in the Housing in the Countryside Guide are therefore not met and the Supplementary Guidance can offer only limited support for the proposal.

Affordable Housing

The Council's Affordable Housing Policy requires that on developments at or above a threshold of 5 units, 25% of the total number of houses should be in the form of

affordable housing. As this application is for 5 units, the policy applies and there is a requirement for 1.25 affordable units in this case.

Under the current policy where sites are at, or under, the 10 unit threshold for on-site provision, and on-site provision is not appropriate, other methods of contribution are available. The preferred type of contribution in this case would be a commuted sum payment; this has been discussed and agreed with Housing & Community Care. The Affordable Housing Officer advises that the commuted sum stated in the Affordable Housing Supplementary Guidance (November 2012) for the Strathearn Housing Market Area is £19,000 per unit, therefore the applicable figure is £23,750. [1.25 units multiplied by £19,000 = £23,750 commuted sum payment].

Should consent be granted the above contribution towards affordable housing provision would be payable.

Education

This development falls within the Madderty Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold. Education and Children's Services request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Should consent be granted a contribution towards education provision would be payable. No contribution was previously required and would not be required if the existing consent was fully implemented. However as this is a new application where the site boundary differs from the previous consent I consider that the policy would be applied to the new site and that a contribution would be required for the five houses proposed. A contribution of £6395 per property would therefore be required.

Transport/Access

Transport Planning do not object subject to a condition to provide pick up and drop off facilities for school children/bus passengers. As one house has been built on the site the main site entrance access road has been constructed and some provision appears to have been made on the east side of the road for bus passengers. Any further works to ensure that this meets Road Authority specification may need to be undertaken either as part of the implementation of the original consent or as part of any future consent if granted.

Landscape and visual impact

The site is quite exposed and the house that has been built is visible from some distance away. When consent was originally granted it was screened by coniferous woodland to the east, north and south. The conifers to the south-west and north have since been removed. As yet there does not appear to have been any replacement planting which makes the existing house quite prominent in the landscape.

Whilst it may be possible to physically accommodate additional houses on the site any proposal would require careful landscaping in such a prominent position.

Ground contamination

The proposed development is on land historically identified as being used for housing poultry. The risk of historic land contamination needs to be assessed for this application prior to development commencing. Environmental Health request that a condition be applied to any consent to deal with any contamination found on the site.

Conclusion

There has been limited justification provided for the provision of additional units on this site. The Development Plan policy requires that proposals for more than five new houses on rural brownfield land will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location. The information submitted in support of this application does not demonstrate this. The proposal is therefore contrary to the housing in the countryside policy and I therefore recommend that the application is refused.

Any further justification submitted should take account of the requirements for the developer contributions required for affordable housing and education provision.

DEVELOPMENT PLAN

The Development Plan comprises the TayPlan 2012 and the adopted Perth Area Local Plan 1995. The Council's approved Housing in the Countryside Policy 2009 and the Proposed Local Development Plan 2012 are material considerations.

Strathearn Area Local Plan 2001

S_002 Strathearn Development Criteria

All developments will also be judged against the following criteria:

- (a) The sites should have a landscape framework capable of absorbing or, if necessary, screening the development and where required opportunities for landscape enhancement will be sought;
- (b) In the case of built development, regard should be had to the scale, form, colour, and density of existing development within the locality;
- (c) The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community;
- (d) The road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided;
- (e) Where applicable, there should be sufficient spare capacity in drainage, water and education services to cater for the new development;
- (f) The site should be large enough to accommodate the development satisfactorily in site planning terms;
- (g) Buildings and layouts of new developments should be designed so as to be energy efficient;
- (h) Built developments should where possible be built within those settlements that are the subject of inset maps.

S_003 Strathearn Landscape

Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage

S_005 Strathearn Design

The Council will require high standards of design for all development in the Strathearn Area. In particular encouragement will be given to:

- a) The use of appropriate high quality materials;
- b) Innovate modern design incorporating energy efficient technology and materials;
- c) Avoiding the use of extensive under-building on steeply sloping sites;
- d) Ensuring that the proportions of any building are in keeping with its surroundings;
- e) Ensuring that the development fits its location.

The design principles set out in the Council's "Guidance and Design of Houses in Rural Areas" will be used as a guide for all development in the Strathearn Area.

S_012 Strathearn Light Pollution

The Council will not grant consent for proposals that would result in unnecessary and intrusive light pollution. The use of locations and lighting systems that limit light pollution together with conditions to control the period of usage will be encouraged.

S_054 Strathearn Houses in Countryside

The Council will normally only support proposals for the erection of individual houses in the countryside which fall into at least one of the following categories:

(a) Building Groups

(i) Development within existing small groups, where sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of existing housing or lead to extension of the group.

(ii) Development within or adjacent to established building groups which have compact nucleated shapes creating an identifiable "sense of place". Where an application reveals that there may be a number of opportunities relating to the group, the Council will defer consideration of the application until an Advisory Plan has been produced. Consent will be granted for houses within such groups provided they do not detract from the amenity of the group and for houses which extend the group onto definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group.

(a) Renovation or Replacement of Houses

Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:

- (i) where the existing house is:
 - of traditional form and construction,
 - or is otherwise of architectural merit,encouragement will be given to its restoration rather than its replacement.
- (ii) any alterations and extension to an existing house should be in harmony with the existing building form and any extension of the property should generally be the subordinate rather than the dominant element of the completed house.
- (iii) if it can be shown that the existing house is
 - either not worthy of retention,
 - or is not capable of rehabilitation,substantial rebuilding or complete replacement will be permitted.

(iv) where rebuilding or demolition is permitted of a traditional house, or one of architectural merit, the replacement house shall be of similar form, size, style and materials as the original house.

(v) the replacement of an abandoned or ruinous house will be permitted only where sufficient of the existing house remains to enable the size and form of the building to be identified.

(vi) a replacement house should be constructed on the solum of the existing house, unless there are good planning reasons to permit an alternative location, and shall be of a form, style and size which gives a good 'fit' in the landscape."

(c) Conversion or Replacement of Non-Domestic Buildings

Consent will be granted for the conversion of non-domestic buildings such as steadings, mills, etc. to form houses and may be granted for the replacement of such buildings provided the following criteria are met:

(i) where the building:

- is of traditional form and construction,
- or is otherwise of architectural merit,
- or makes a positive contribution to the landscape, and its retention is considered beneficial to its surroundings,
- and it is capable of conversion to residential use without requiring major extensions or alterations to its external appearance which would detract from its character or attractiveness, encouragement will be given to its conversion rather than its replacement.

(ii) any alteration and extension should be in harmony with the existing building form and any extension of the building should generally be the subordinate rather than the dominant element of the completed house.

(iii) if the existing building is not worthy of restoration or capable of conversion, its replacement by a new house may be permitted provided:

- sufficient of the existing building remains to enable its size and form to be identified,
- it is located on an established site with a good landscape setting and a good 'fit' in the landscape and on a site acceptable on planning grounds,
- the new house is, in essence, a replacement of the existing building, in terms of size, character, building form and constructed of traditional materials, reusing where possible existing materials.
- the house is a replacement for a well located traditional building rather than, for example, a modern agricultural or industrial building or telephone exchange which are explicitly excluded from this policy.

(iv) a satisfactory residential environment can be created if the house is to be located adjacent to a working farm, and provided the introduction of a house will not interfere with the continuation of legitimate agricultural and related activities.

(v) applications to create more than one house from an existing building will be treated on their merits, with particular attention being given to the need to provide adequate access, privacy and amenity space for each house created.

(vi) applications to create more than one house through a replacement building will only be permitted if it can be proved that the original building would have been of sufficient size to have contained more than one house.

(vii) applications for conversion of non-domestic property will not be approved within fifteen years of the date of their construction

(d) Operational Need

Exceptionally, where there is an operational need for a house in the countryside, subject to the satisfactory siting and design of the house and to a condition controlling its occupancy.

For All Proposals

- (i) Satisfactory access and services should be available or capable of being provided.
- (ii) Proposals should comply with the design advice contained in the Council's Guidance on the Siting and Design of Houses in Rural Areas
- (iii) The quality of the design and materials of the house should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of the curtilage of a new house in the countryside.
- (iv) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which completely changes the character of the original building.
- v) Full applications should be submitted for all proposals, but where an outline application is made, this must be accompanied by sketch plans indicating the size of the proposed new building or extension and proposed elevational treatments and materials.

Reference should also be made to Policies 3, 4 and 5.

OTHER POLICIES

Perth and Kinross approved Housing in the Countryside policy 2009

Proposed Local Development Plan 2012

RD3 : Housing in the Countryside

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- a) Building Groups
- b) Infill sites
- c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- d) Renovation or replacement of houses.
- e) Conversion or replacement of redundant non-domestic buildings.
- f) Development on rural brownfield land.

this policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

SITE HISTORY

06/00806/FUL Erection of 4 dwellinghouses to replace existing timber house and poultry sheds 12 June 2006 Application Permitted

08/00502/MOD Modification of existing consent (06/00806/FUL) Change of house type and garage position Plot 4 10 April 2008 Application Withdrawn

08/00847/FUL Modification of existing consent (06/00806/FUL) comprising the change of house type on Plot 4 27 May 2008 Application Permitted

08/00861/MOD Modification of existing consent (06/00806/FUL) comprising the change of house type on Plot 1 31 May 2008 Application Permitted

CONSULTATIONS/COMMENTS

Scottish Water	No objection.
Forward Planning	Housing in Countryside supplementary guidance supports proposals for a maximum of 5 houses on brownfield land. A higher number could be supported provided it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring additional development in a countryside location. Application does not demonstrate this.
Community Waste Advisor - Environment Service	Requires provision of areas for bin storage.
Transport Planning	No objection subject to condition.
Environmental Health	No objection subject to condition to assess historic land contamination.
Education And Children's Services	<p>This development falls within the Madderty Primary School catchment area.</p> <p>Based on current information this school will reach the 80% capacity threshold. Request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.</p>
Affordable Housing Officer	<p>The Council's Affordable Housing Policy requires that on developments at or above a threshold of 5 units, 25% of the total number of houses should be in the form of affordable housing. As this application is for 5 units, the policy applies and there is a requirement for 1.25 affordable units in this case.</p> <p>Under the current policy where sites are at, or under, the 10 unit threshold for on-site provision, and on-site provision is not appropriate, other methods of contribution are available. The preferred type of contribution in this case would be a commuted sum payment; this has been discussed and agreed with Housing & Community Care. The commuted sum stated in the Affordable Housing Supplementary Guidance (November 2012) for the Strathearn HMA is £19,000 per unit, therefore the applicable figure is £23,750.</p> <p>[1.25 units*£19,000 = £23,750 commuted sum payment]</p>

TARGET DATE: 25 April 2013

REPRESENTATIONS RECEIVED:

Number Received: 1

Summary of issues raised by objectors:

Value of house - new layout with lower priced plots/houses would negatively affect value of house.

Contrary to policy - proposal is contrary to housing in countryside policy which states that a maximum of 5 houses can be built on a brownfield site unless there are exceptional circumstances. Cannot view this application in isolation of original which would make 6 houses on the site. Justification given is not beyond reasonable doubt as a social, economic or environmental reason of overriding public interest.

Character of site - proposal does not respect the character, layout and building patterns already established.

Roads concerns - new proposal does not have similar road frontages as required by policy. Plot 4 access is close to objector's house and will not have good visibility for anyone using. Private access is not wide enough to serve 6 houses.

Bin storage - no bin storage area - need space for a total of 18 bins if each house has 3 types of bin.

Landscape impact - development of 4 houses may be acceptable where it removes dereliction and results in environmental improvement. An additional 2 houses would have a significant impact on the landscape setting particularly as trees have been felled and site is very visible.

Response to issues raised by objectors:

Value of property - impact on property values is not a planning consideration.

Contrary to policy - agree that policy states that full justification is required for more than 5 houses on a rural brownfield site and that proposal cannot be judged in isolation of existing property that was granted consent as part of the same brownfield site. Proposal is contrary to the current Housing in the Countryside policy.

Character of site - whilst the proposal is for smaller houses and plots these are still large and if appropriately landscaped I do not consider that the proposal would adversely affect the overall character of the area.

Roads concerns - Transport Planning has no objection to site access, design of driveways etc I do not consider that the site is unlikely to be so busy with traffic as to cause problems of access to individual properties.

Bin storage - Waste Services has requested a condition with regard to bin storage should consent be granted.

Landscape impact – it is unfortunate that a number of trees outwith the site have been removed. The development would require tree planting and landscaping should consent be granted.

Additional Statements Received:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None.
Report on Impact or Potential Impact	Covering letter submitted.

Legal Agreement Required: Not required.

Direction by Scottish Ministers – n/a

Reasons:-

- 1 The Proposal is contrary to the Council's Housing in the Countryside Policy 2012 contained within the Proposed Local Development Plan 2012 and associated Housing in the Countryside Guide in that it has not been demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.
- 2 The proposal is contrary to Policy 54 Housing in the Countryside of the Strathearn Area Local Plan 2001 as it does not comply with any of the categories contained within that policy.

Justification

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

Notes

- 1 Any further justification submitted to support this proposal should take account of the requirements for developer contributions required for affordable housing and education provision.

<p>TCP/11/16(263) Planning Application 13/00320/FLL - Erection of 5 dwellinghouses, land at Shearerston Moor, Crieff</p>
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PLANNING DECISION NOTICE *(submitted as part of applicant's submission, see pages 93-94)*

REPORT OF HANDLING *(submitted as part of applicant's submission, see pages 95-104)*

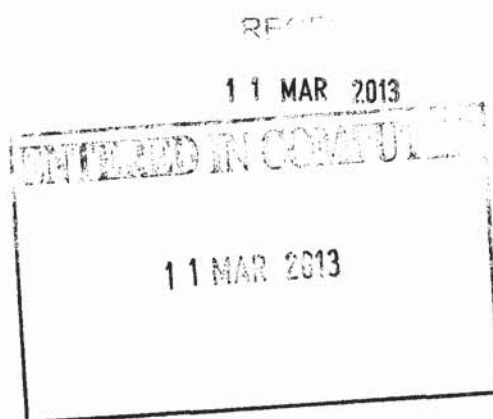
REFERENCE DOCUMENTS *(submitted as part of applicant's submission, see pages 77-84)*

TCP/11/16(263)
Planning Application 13/00320/FLL - Erection of 5
dwellinghouses, land at Shearerston Moor, Crieff

REPRESENTATIONS

- Objection from Yvonne Rafferty, dated 8 March 2013
- Representation from Education and Children's Service, dated 11 March 2013
- Representation from Forward Planning, dated 18 April 2013
- Representation from Affordable Housing Officer, dated 18 April 2013

AB



Westfield
The Moor
By Madderty
Crieff
PH7 3RB

8th March 2013

Dear Mr Nick Brian,

Planning Application Ref No 13/00320/FLL | Erection of 5 dwellinghouses | Land At Shearerston Moor Crieff

I am writing to you regarding the above planning application. I have also sent a copy of the content of this letter to Persephone Beer.

The main concern of my husband and I

is the negative impact these new plans would have on the value of our property, Plot 3, where we have lived since 2009. In James Denholm Partnerships letter to planning (dated 14th February 2013) he clearly states the intention is to lower the price of the plots/houses making the development more financially viable without having a detrimental affect on the already approved layout. This statement confirms our concerns as the new layout would obviously negatively affect the value of our home which is part of the site being Plot 3.

The original plan for this Brownfield site in 2006 was for 4 large houses and whereas over the following years changes to house types were made, it was always for a maximum of 4 houses. We purchased our home in 2009, Plot 3, after Alan Inglis of Greenmantle Developments also KAAS Properties Ltd. Mr Inglis gave us his word that the site plan would not change in the future from consented 4 houses.

Prior to purchasing the house on Plot 3 my husband and I visited the Perth and Kinross Council planning department to confirm that this was the case and also put our minds at rest regarding the issue of the removal of asbestos on the site. The officer we spoke with in 2009 confirmed what Alan Inglis had told us, regarding the prospect of more houses being erected on the site and that asbestos has been safely removed and disposed of.

Having considered the plans and reviewed the relevant documents, we would like the following grounds for objection to be noted, and to be taken in to consideration,

when this application is determined.

1/ The Housing in the Countryside Policy recently adopted in November 2012, quite clearly states that there can only be a maximum of 5 houses on a brownfield site unless under exceptional circumstances. Denholm Partnership's application on behalf of KASS Properties Ltd will bring the total number of dwellings in the development to 6. It would seem illogical that the new application for 5 dwellings could be viewed in isolation and separate entirely from our own property which formed part of the original proposal approved under the consent for the same site.

It cannot be perceived, under any circumstances, that the justification given, which is to make the proposed new houses "more financially viable" is beyond reasonable doubt justifiable as a social, economic or environmental reason of overriding public interest requiring such scale.

On these grounds alone this application cannot be considered to be compliant with newly adopted PKC planning policy guidance.

2/The Housing in the Country Policy November 2012, states all proposals must respect the character layout and building patterns already established.

This was established on the completion of our house, Plot 3, with the planning for 2 other identical houses (Plots 1 and 2) and 1 like sized house (Plot 4). The revised proposal is not representative in any way of the previous building group that existed on the site, prior to the original consent being granted.

3/ The Housing in the Countryside Policy states that houses must have similar road frontages. This is not the case with Plot No 4.

4/ Plot 4 will have a small concealed entrance to the side of our drive. This access would create a daily hazard for ourselves as the entrance will be obscured by our fence and gate post creating a potential for accidents. That plot will have no road frontage whatsoever and an inadequate visibility splay as its driveway emerges onto the shared access road.

5/The private access road which will be unadopted, is only wide enough for one vehicle and would be problematic if it were to serve 6 houses instead of the 4 houses it was designed to accommodate.

6/There is no appropriate provision for a bin storage area at the entrance for 6 householders bins. This will effectively mean 18 bins in total for general waste, recycling and garden waste being located adjacent to the site's entrance.

7/ The Housing in the Countryside Policy refers to "Siting Criteria" and states that

developments should blend with the land and not have a detrimental impact on the surrounding landscape. (A development of 4 dwellings on Brownfield land which was formerly agricultural buildings may have been acceptable where it removed dereliction or resulted in a significant environmental improvement). Would 6 houses be an environmental improvement? We do not believe so. This is a beautiful area of countryside with tremendous panoramic views and this site is highly visible for a considerable distance in all directions. The site has recently become even more visible as a commercial woodland plantation, which bordered and obscured the site from the North site, has very recently been clear felled. As a result where 4 houses could sit comfortably, 6 houses would now have a significantly increased impact on the landscape setting.

We would respectfully request Development Management to take due recognition of the reasons for our objection and given the lack of relevant Policy support for the revised application, refuse it in its present submitted form, unless the proposal is subsequently revised and the overall number of dwellings are reduced in line with current policy guidance.

Yours Sincerely

A black rectangular box used to redact the signature of Yvonne Rafferty.

Yvonne Rafferty

Education And Children's Services**Comment Date: Mon 11 Mar 2013**

This development falls within the Madderty Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold. Request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Forward Planning**Comment Date: Thu 18 Apr 2013**

Housing in Countryside supplementary guidance supports proposals for a maximum of 5 houses on brownfield land. A higher number could be supported provided it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring additional development in a countryside location. Application does not demonstrate this.

Affordable Housing Officer**Comment Date: Thu 18 Apr 2013**

The Council's Affordable Housing Policy requires that on developments at or above a threshold of 5 units, 25% of the total number of houses should be in the form of affordable housing. As this application is for 5 units, the policy applies and there is a requirement for 1.25 affordable units in this case.

Under the current policy where sites are at, or under, the 10 unit threshold for on-site provision, and on-site provision is not appropriate, other methods of contribution are available. The preferred type of contribution in this case would be a commuted sum payment; this has been discussed and agreed with Housing & Community Care. The commuted sum stated in the Affordable Housing Supplementary Guidance (November 2012) for the Strathearn HMA is ?19,000 per unit, therefore the applicable figure is ?23,750.

[1.25 units*?19,000 = ?23,750 commuted sum payment]

