

**TCP/11/16(423)**

**Planning Application – 15/02229/FLL – Erection of a dwellinghouse on Land 40 Metres North East of Auchteralyth Farm Cottage, Alyth**

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**TCP/11/16(423)**

**Planning Application – 15/02229/FLL – Erection of a  
dwellinghouse on Land 40 Metres North East of  
Auchteralyth Farm Cottage, Alyth**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



21 JUL 2016

RECEIVED

Notice of Review

19 JUL 2016

RECEIVED

## NOTICE OF REVIEW

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

20 JUL 2016

## Applicant(s)

Name

CALUM FENDLATER

Address

THE COTTAGE  
AUCHIRALYTH FARM  
BY ALYTH, BLAIRGOWRIE  
PH11 8JT

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

CRAIG FILLCHIESE

Address

64 FERGUS SQUARE  
ARLBROATH

Postcode

DD11 3DW

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

07971 377512

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

Yes No

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

☐ ☒

Planning authority

Planning authority's application reference number

15/02279/FLL

Site address

THE COTTAGE AUCHIRALYTH FARM, BY ALYTH.  
BLAIRGOWRIEDescription of proposed  
development

VARIATION OF A DOWLING

Date of application

Date of decision (if any)

13.6.2016

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

**Nature of application**

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

**Reasons for seeking review**

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

**Review procedure**

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

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

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

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

**Site inspection**

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

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

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

No

**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.

I GOT TOLD SITE WAS TO OPEN, BUT THERE IS MATURE TREES (ROWANS) AND YOUNG HAWTHORN AROUND PERIMETRE APART FROM FACING SOUTH, AS NOT TO BLOCK VIEW. I WOULD APPRECIATE A SITE VISIT SO I CAN TALK TO SOMEONE ON 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.

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.

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**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.

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**Declaration**

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

Signed



Date

18/7/16



**TCP/11/16(423)**

**Planning Application – 15/02229/FLL – Erection of a  
dwellinghouse on Land 40 Metres North East of  
Auchteralyth Farm Cottage, Alyth**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENT**



# PERTH AND KINROSS COUNCIL

Mr And Mrs Findlater  
c/o Home Redesign  
64 Fergus Square  
Arbroath  
DD11 3DW

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 10.06.2016

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/02229/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 13th April 2016 for permission for **Erection of a dwellinghouse Land 40 Metres North East Of Auchteralyth Farm Cottage Alyth** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. As the site does not have a good landscape framework which is capable of absorbing the proposal, the proposal is contrary to the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Councils adopted Local Development Plan 2014, both of which seek to ensure that new proposals which extend existing building groups do so into definable sites that are formed by existing topography and / or well established landscape features which would provide a suitable setting for the new housing proposed.

### 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](http://www.pkc.gov.uk) "Online Planning Applications" page**

Plan Reference

15/02229/1

15/02229/2

15/02229/3

15/02229/4

15/02229/5

15/02229/6

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	15/02229/FLL	
Ward No	N2- Strathmore	
Due Determination Date	12.06.2016	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 40 Metres North East Of Auchteralyth Farm Cottage,  
Alyth

#### **SUMMARY:**

This report recommends **refusal** of a detailed planning application for the erection of a new dwelling on a rural site at Auchteralyth 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:** 24 May 2016

## SITE PHOTOGRAPHS



*Various pictures of the site and access.*

*Below, the openness of the site can be clearly seen with the existing dwelling to the west (left)*



## BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a detailed planning permission for the erection of a single, modest dwelling on an area of scrub land at Auchteralyth Farm, a small farm located close to the PKC/Angus administrative border. The site is located to the east of a small group of existing buildings which comprises a mix of agricultural sheds and residential

dwellings. Vehicular access to the site is via a long private access track which joins the public road to the south.

The proposed house type is a modest cottage, which will over living accommodation over one level and which will be very similar in its appearance to the neighbouring dwelling.

## **SITE HISTORY**

A similar planning application was refused consent in 2014 for the erection of a dwellinghouse (14/01388/FLL) on the grounds that it failed to comply with the terms of the Council's Housing in the Countryside Policies.

## **PRE-APPLICATION CONSULTATION**

General discussion has taken place with the applicant and agent regarding the previous reasons for refusal.

## **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.

Of relevance to this planning application is,

### **The Scottish Planning Policy 2014**

The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this proposal are

- Paragraphs 74 - 83 , Promoting Rural Development
- Paragraphs 109 -134, Enabling Delivery of New Homes

## **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 site lies within the landward area of the Local Development Plan 2014, where the following policies are applicable,

#### **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 PM3 - Infrastructure Contributions**

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

#### **Policy RD3 - Housing in the Countryside**

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



## **OTHER COUNCIL POLICIES**

### **Housing in the Countryside Guide 2012**

This supplementary guidance is the most recent expression of Council policy towards new housing in the open countryside, and offers support for new housing in the open countryside providing certain criteria can be met.

### **Developer Contributions and Affordable Housing, April 2016**

This policy outlines the Council's position regarding Developer Contributions.

## **EXTERNAL CONSULTATION RESPONSES**

None undertaken.

## **INTERNAL COUNCIL COMMENTS**

**Environmental Health** have commented on the planning application in terms of private water supplies, and raised no objections subject to appropriate conditions being attached to any permission.

**Transport Planning** have commented on the planning application in terms of the proposed access and parking provision, and have raised no objections.

**Contributions Officer** has indicated that a Developer Contribution in relation to Primary Education is required - if any consent is forthcoming.

## **REPRESENTATIONS**

Four letters of representations have been received, all objecting to the proposal. The main issues raised within the letters of representations are,

- Road safety issues
- Contrary to the Local Development Plan
- Lack of a good landscape framework
- No change since previous refusal

These issues are addressed in the main section of the appraisal.

## ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	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.

In terms of other material considerations, consideration of the Councils approved Supplementary Guidance in relation to Housing in the Countryside and Developer Contributions are material considerations.

### Policy Appraisal

In terms of policy issues, the key land use policies are contained within the Local Development Plan 2014. Within the Local Development Plan, the site is located within the landward area where *Policies PM1A* and *RD3* are specifically relevant to new proposals. *Policy PM1A* seeks to ensure that all new proposals do not have an adverse impact on the existing environment, whilst *Policy RD3* is the local plan version of the HITCP - which is complemented by the associated SPG, the 2012 Housing in the Countryside Guide 2012.

For reasons stated below, I consider the proposal to be contrary to the requirements of the Council's Housing in the Countryside Policies.

### Land Use acceptability

In terms of the acceptability of the proposed land use (residential), the key test is whether or not the proposal complies with the Council's Housing in the

Countryside Policies, as contained within the Local Development Plan (*Policy RD3*) and the associated SPG, the Housing in the Countryside Guide 2012.

Both these policies offer support in principle for new housing adjacent to existing building groups, providing that the new site would extend the group into a clearly definable site that is formed by existing topography and / or well established landscape features which will provide a suitable settings for a new dwelling(s). In addition to this, a building group is typically defined as a group which comprises 3 or more buildings of a size at least equivalent to a traditional cottage.

As I consider it reasonable to class this existing group of buildings as an existing building group, the key test of the acceptability of the proposal against the HITE policies is whether or not the proposal would be a natural extension of that group into a definable site, with suitable containment.

Since the last refusal in December 2014 the applicant has planted a series of small trees along some of the sites boundaries to help form a better landscape containment, and which is an attempt to address the previous reasons for refusal. However, notwithstanding this recent planting the site is still extremely open and (still) does not have a clear established landscape framework which could reasonably be considered to constitute a definable site, or one which is naturally capable of accommodating a new dwelling.

I therefore consider the proposal to (still) be contrary to the Councils policies on Housing in the Countryside by virtue of the site not having a suitable landscape framework which is capable of absorbing the proposed development.

### **Residential Amenity**

In terms of the impact on existing residential the proposal raises no concerns. The location and design of the dwelling is such, that direct overlooking or loss of privacy to existing properties should not occur to an unacceptable degree.

In terms of being able to offer a suitable level of residential amenity for future occupiers, I also have no concerns.

### **Visual Amenity**

In terms of the visual impact of the proposal, the proposal will have little adverse visual impact. The proposed house type is very modest, and would not have an adverse impact on the visual amenity of the area.

### **Roads and Access**

The proposal raises no issues in terms of access or parking issues. I do note that within the letters of representations, some comments have been received in relation to the condition of the existing access track. My colleagues in Transport Planning have commented on the proposal and raised no objection and I have no reason to offer a different view on this matter.

### **Drainage and Flooding.**

The proposal raises no issues in terms of drainage or flooding issues.

### **Private Water**

It is my understanding that there may be a number of private water supplies which are potentially affected by this proposal. In the event of an approval, appropriate conditions should be attached to any consent to ensure that the existing private infrastructure is not adversely affected by the proposal.

### **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 to be contrary to the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan, and on that basis the application is recommended refusal.

## **DEVELOPER CONTRIBUTIONS**

### **Affordable Housing**

As this proposal is for a single dwelling only, there is no requirement for any Developer Contribution in relation to Affordable Housing.

### **Primary Education**

As the local primary school is operating at over 80% capacity, in the event of any approval a Developer Contribution in relation to Primary Education is required.

## **Transport Infrastructure**

The proposal is located outwith the catchment area for Transport Contributions, so there is no requirement for a contribution in relation to Transport.

## **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 planning application for the following reason,**

As the site does not have a good landscape framework which is capable of absorbing the proposal, the proposal is contrary to the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Councils adopted Local Development Plan 2014, both of which seek to ensure that new proposals which extend existing building groups do so into definable sites that are formed by existing topography and / or well established landscape features which would provide a suitable setting for the new housing proposed.

### **Justification**

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

### **Informatives**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

15/02229/1 - 15/02229/6 (*inclusive*)

**Date of Report 10.06.2016**

The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.

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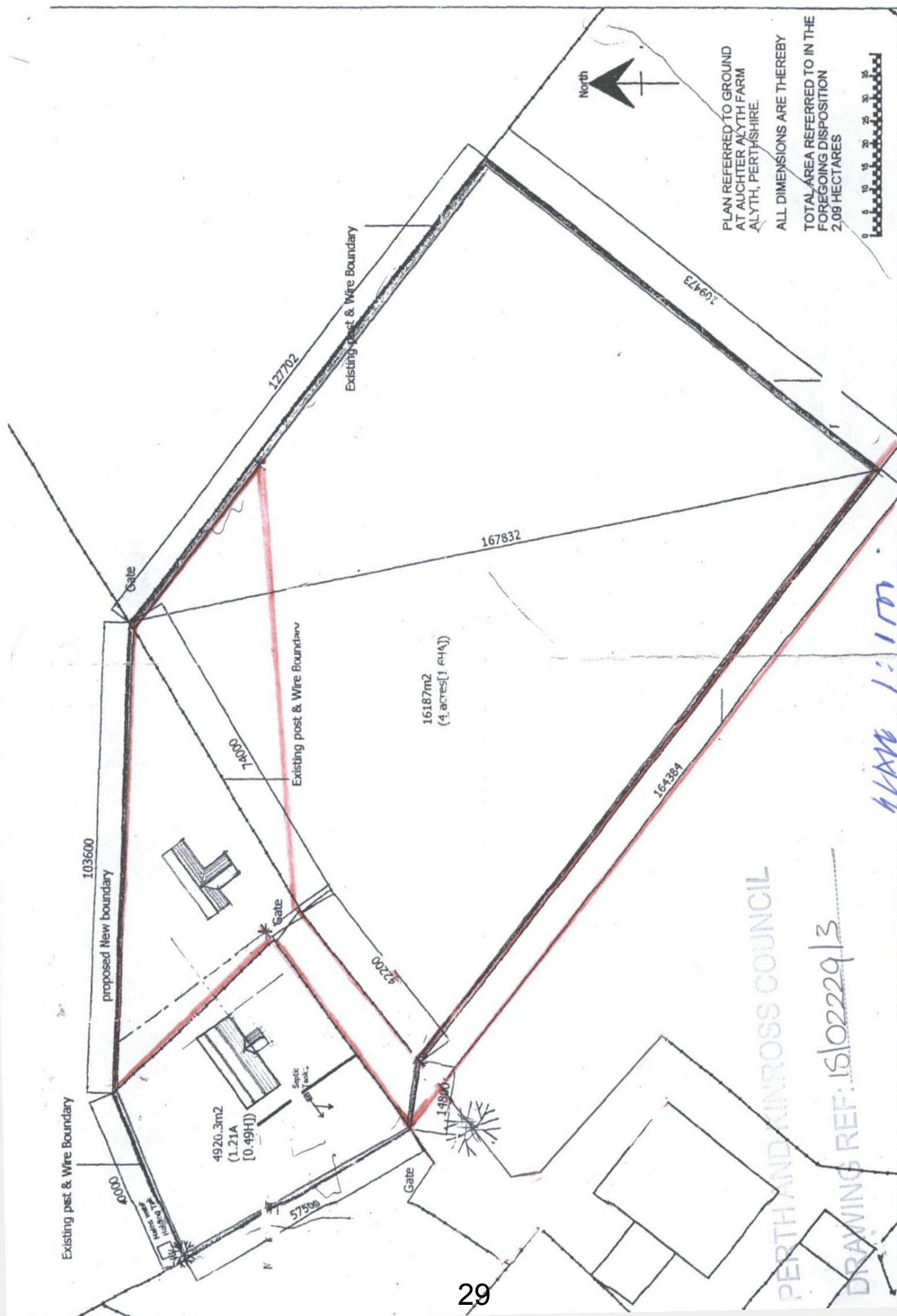
PERTH AND KINROSS COUNCIL

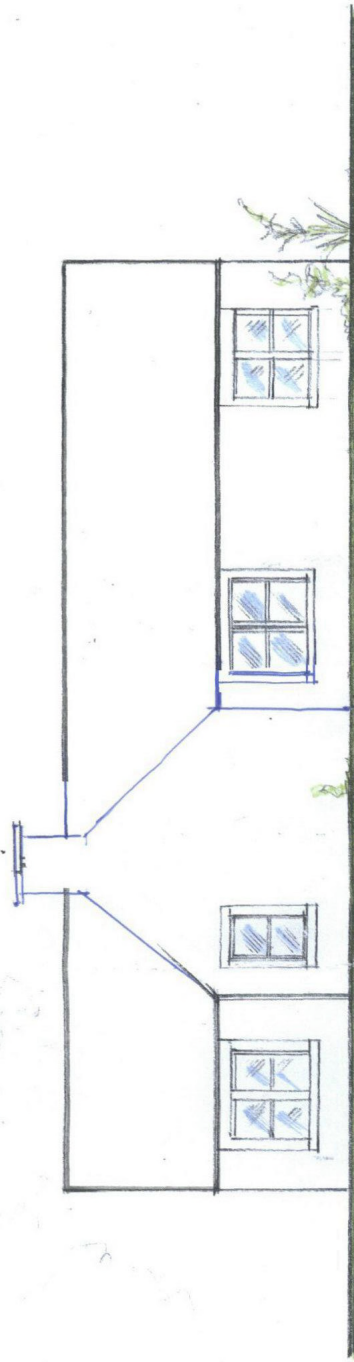
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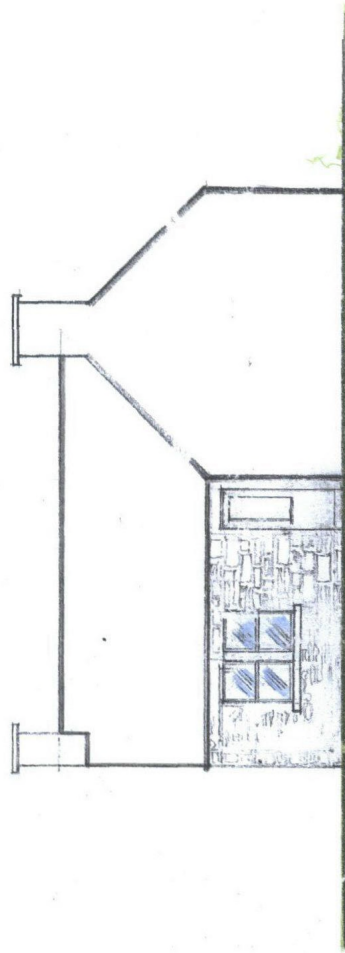








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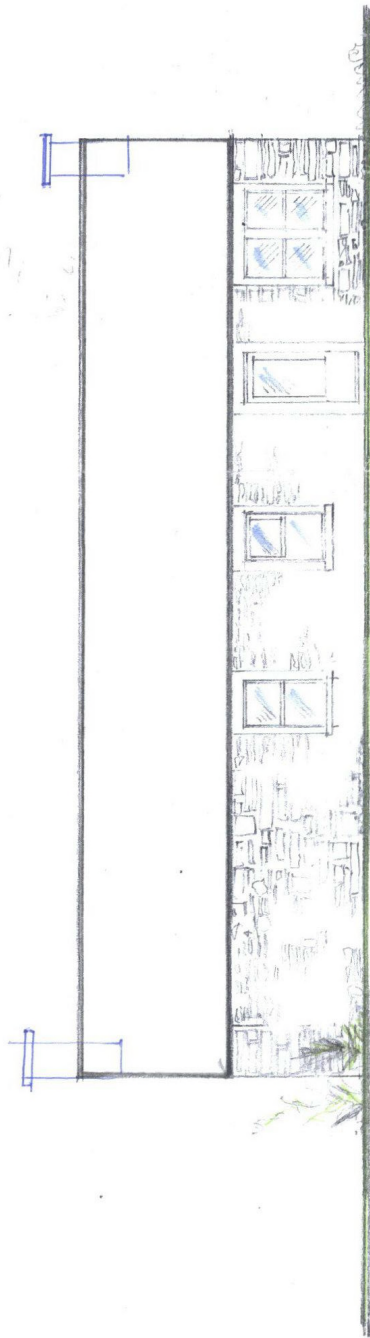


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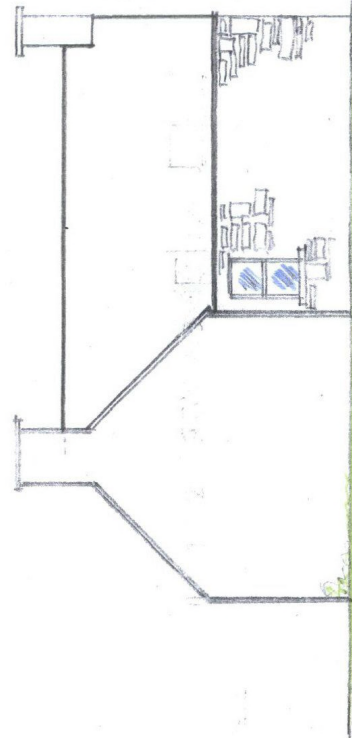


PERTH AND KINROSS COUNCIL

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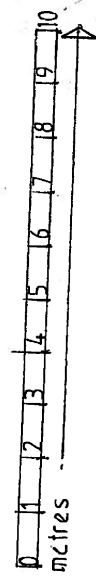
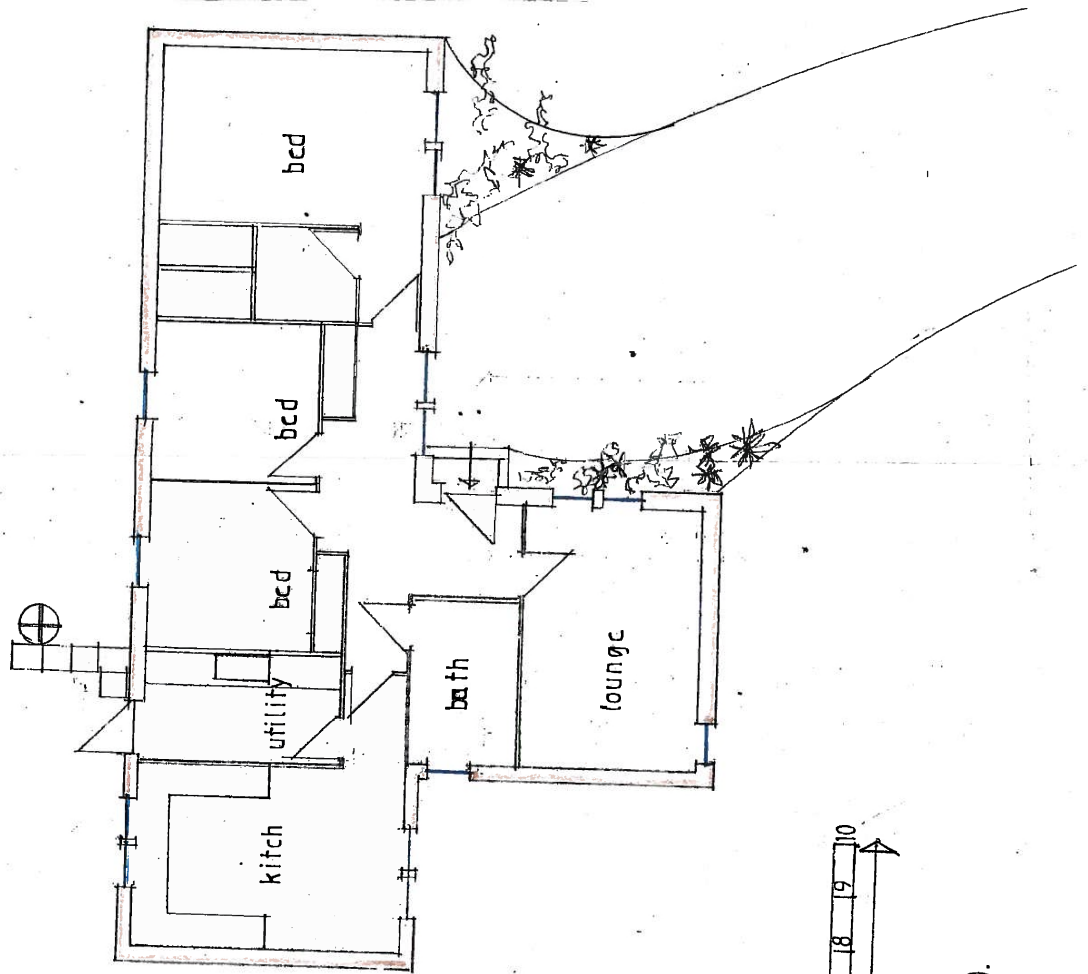


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PERTH AND KINROSS COUNCIL

DRAWING REF: 6100229/5



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SCANNED

PERTH AND GOSFORD COUNCIL

DRAWING NO. 1602229/6

**TCP/11/16(423)**

**Planning Application – 15/02229/FLL – Erection of a  
dwellinghouse on Land 40 Metres North East of  
Auchteralyth Farm Cottage, Alyth**

## **REPRESENTATIONS**



# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 15/02229/FLL

Our ref MA

Date 15 April 2016

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**RE: Erection of a dwellinghouse Land 40 Metres North East Of Auchteralyth Farm Cottage Alyth for Mr And Mrs Findlater**

I refer to your letter dated 21 April 2016 in connection with the above application and have the following comments to make.

**Water** (assessment date – 21/4/16)

### Recommendation

**I have no objections to the application but recommend the undernoted condition and informatives be included in any given consent.**

### Comments

The development is for a dwelling house in a rural area with private water supplies (including Auchteralyth Steading Borehole Supply) known to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives. No public objections relating to the water supply were noted at the date above.

### Condition

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

### Informative 1



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

## **Informative 2**

The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.





# Comments for Planning Application 15/02229/FLL

## Application Summary

Application Number: 15/02229/FLL

Address: Land 40 Metres North East Of Auchteralyth Farm Cottage Alyth

Proposal: Erection of a dwellinghouse

Case Officer: Andrew Baxter

## Customer Details

Name: Mr Stewart Hamilton

Address: The Old Court, Alyth, Perth And Kinross PH11 8JT

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Loss Of Trees
- Out of Character with the Area
- Road Safety Concerns

Comment: The previous Planning Permission refusal - 14/01388/FLL - indicated that "As the site does not have a good landscape framework which is capable of absorbing the proposal, the proposal is contrary to the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Local Development Plan 2014, both of which seek to ensure that new proposals which extend existing building groups do so into identifiable sites that were formed by existing topography and / or well established landscape features which would provide a suitable setting for the new housing." The Planning refusal goes on to say that "the proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan."

The application is simply a re-submission and should not be permitted.

Access to the site is already restricted to a poor quality farm track.

No existing buildings are currently present.

The site has no physical defined boundaries.

The applicant would be unable to provide water to the property and nor would their Title allow

vehicular access for another dwelling.

Given the Council's previous Planning Permission refusal for what is effectively the same property, I fail to see that anything has materially changed.

# Comments for Planning Application 15/02229/FLL

## Application Summary

Application Number: 15/02229/FLL

Address: Land 40 Metres North East Of Auchteralyth Farm Cottage Alyth

Proposal: Erection of a dwellinghouse

Case Officer: Andrew Baxter

## Customer Details

Name: Mrs Anne FEDELE

Address: The Steading Auchteralyth, Alyth, Perth And Kinross PH11 8JT

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Inappropriate Land Use
- Road Safety Concerns

Comment: This application is a re-submission to the application reference 14/01388/FLL which was refused on the 24th December 2014 with the Justification : " The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan"

Furthermore the applicants assume that they would have access to water and also Right of access for vehicles to the existing track leading to the new site. I believe that this is a presumptuous assumption as this Right would not be granted to this New site

- There are no existing building (s) on the proposed site
- The Site does not have a good landscape framework which is capable of absorbing the proposal



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	15/02229/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 40 Metres North East Of Auchteralyth Farm Cottage Alyth for Mr And Mrs Findlater		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></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 Alyth Primary School.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £6,460 (1 x £6,460)</p> <p><b><u>Total: £6,460</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please</p>		

	<p>be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>
<b>Recommended informative(s) for applicant</b>	<p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:  Perth and Kinross Council  Pullar House  35 Kinnoull Street  Perth  PH15GD</p>

	<p><b>Bank Transfers</b>  All Bank Transfers should use the following account details;  <b>Sort Code:</b> 834700  <b>Account Number:</b> 11571138</p> <p>Education Contributions  For Education contributions please quote the following ledger code:  1-30-0060-0001-859136</p> <p>Direct Debit  The Council operate an electronic direct debit system whereby payments may be made over the phone.  To make such a payment please call 01738 475300 in the first instance.  When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
<b>Date comments returned</b>	27 April 2016





AMB

RECEIVED

29 APR 2016

Planning & Development.,  
Pullar House,  
Kinnoull Street,  
Perth.  
PH1 5GD.

Planning Application No 15/02229/FLL. House on land at Auchteralyth Cottage,  
PH11 8JT.

Sir(s).,

I would like to lodge an objection to the above proposal on a number of reasons that are listed below.

1. This is a carbon copy application of one which was previously refused ( 14/01388/FLL).
2. The applicants have a right of access over our farm road to Bruceton Cottage but not too any other property – the road is in constant need of repair and any further traffic would make things even worse.
3. The applicant has stated that he will use private water supply – again he has not spoken to us about this but as the supply is vital to our livestock and at best is “variable” then there is no way that we will allow him access to this supply ( again they have access for the cottage but on the title it clearly states Bruceton Cottage so no other new build will have this right ).
4. The “garden ground” was part of a field up until 2004 and was agricultural land.
5. There never have been any buildings on the land in question.
6. The new house will not fit into the landscape .

Yours sincerely

Dugald Hamilton.,  
Bruceton Farm,  
Alyth,  
Blairgowrie,  
PH11 8JT.  
27<sup>th</sup> April 2016.





### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	15/02229/FLL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 40 Metres North East Of Auchteralyth Farm Cottage Alyth		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I do not object to the proposed development.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	3 May 2016		



# Comments for Planning Application 15/02229/FLL

## Application Summary

Application Number: 15/02229/FLL

Address: Land 40 Metres North East Of Auchteralyth Farm Cottage Alyth

Proposal: Erection of a dwellinghouse

Case Officer: Andrew Baxter

## Customer Details

Name: Mrs Sarah McCoshim

Address: Auchteralyth Farm, Alyth, Blairgowrie PH11 8JT

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Out of Character with the Area

Comment:-This is a re-submission of previous refused planning application 14/01388/fll.

-no existing building on proposed site

-increase in traffic on existing access road/track

-concern over precedent being set for further new build development(s).



## CHX Planning Local Review Body - Generic Email Account

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**From:** [REDACTED]  
**Sent:** 20 September 2016 10:41  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(423)

Thank you for your email

I wish to make further representations in relation to the review of the original decision.

"The refusal for this application on 10.06 2016 is based on the fact that the Proposal **is not in accordance with the Perth and Kinross Council Development Plan and there are no material reasons which justify departing from the Development Plan.**"

To my knowledge the Local Development Plan adopted 3 February 2014 - Strathmore and the Glens Area - ( Page 275) has not been modified

To my knowledge there has not been any change(s) made by the applicant ( 15/02229/FLL). He is just mentioning trees which were already there when the present application was refused.

For this reason I maintain my objection to this planning application.

Yours faithfully

Anne FEDELE  
Auchteralythstading  
Alyth  
PH118JT  
Perthshire  
[REDACTED]





## CHX Planning Local Review Body - Generic Email Account

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**From:** Hamilton, Dugald [REDACTED]  
**Sent:** 30 September 2016 15:54  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Appeal No 15/0229/FLL

To whom this may concern.

I have on both occasions this application was put in objected to it completely for a number of reasons. These reasons still stand and would like to point out that the "trees" which will shield development or give it an outline have only been planted in the past few years and make absolutely no difference to my objections on both applications. There are no changes as far as I am concerned and this application still falls out with your guidelines.

Dugald Hamilton.  
Bruceton Farm  
Alyth  
Blairgowrie.  
PH11 8JT  
[REDACTED]

