

**TCP/11/16(420)**

**Planning Application – 16/00641/IPL - Erection of a dwellinghouse (in principle) on Land 40 Metres North West of Beechgrove, Heughfield Road, Bridge of Earn**

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**TCP/11/16(420)**  
**Planning Application – 16/00641/IPL - Erection of a dwellinghouse (in principle) on Land 40 Metres North West of Beechgrove, Heughfield Road, Bridge of Earn**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Yes  No

\* Do you agree to correspondence regarding your review being sent by e-mail?  Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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:

WE FEEL THAT THE ORIGINAL APPLICATION ALONG WITH THE ADDITIONAL INFORMATION IN RESPONSE TO COMMENTS IN THE REFUSAL DECISION REQUIRE FURTHER ATTENTION AND CONSIDERATION.

**Site inspection**

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

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

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

THE SITE IS WITHIN EXISTING PRIVATE GROUND. HOWEVER ACCESS IS EASILY AVAILABLE. THERE ARE NO GATES OR BARRIES. THE APPLICANTS WOULD BE HAPPY TO ASSIST WITH ACCESS AS REQUIRED.

**Statement**

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

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

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

PLEASE SEE ENCLOSED STATEMENT AND SUPPORTING INFORMATION.

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.

ADDITIONAL INFORMATION RAISED:  
 - SITE PLAN SHOWING GARDEN GROUND, AMENITIES + SCREENING  
 - RELEVANT ADJACENT CASE STUDIES  
 ADDITIONAL INFORMATION HAS BEEN ADDED TO THE DRAWINGS TO GIVE FURTHER EVIDENCE OF SUITABILITY OF THE SITE FOLLOWING NOTES ON THE REFUSAL DOCUMENT

**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.

- STATEMENT FOR REVIEW OF APPLICATION DECISION
- EXISTING SITE AND LOCATION PLANS, 4293-01
- PROPOSED SITE AND LOCATION PLANS, 4293-02A
- SITE PHOTOGRAPHS, 4293-03
- SUPPORTING STATEMENT
- SITE PLAN - APPLICATION 12/02084/FLL - GLENEARN
- SITE PLAN - APPLICATION 14/00790/FLL - BRINTON } CASE STUDIES

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

**Checklist**

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

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

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

**Declaration**

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

Signed

Date 22/06/16

## STATEMENT FOR REVIEW OF APPLICATION DECISION

Application -

**16/00641/IPL** - Erection of a dwellinghouse (in principle) Land 40 Metres North West of Beechgrove, Heughfield Road, Bridge of Earn

Applicant – Mr and Mrs F Stewart

Agent – Woodside Parker Kirk Architects

Following the decision to refuse the above application by Perth and Kinross Council we are seeking a review of the decision by the Local Review Body. The reasons for refusal are noted below with our comments in response:

1. As the proposal, by virtue of the sites awkward shape would result in a development that would not offer a suitable level of residential amenity and would result in a 'squeezed in' development, the proposal is contrary to Policies PM1A and RD1 of Perth and Kinross Council's Local Development Plan 2014 - the general aims of which both seek (amongst other things) to ensure that all new proposals within settlements offer a suitable level of residential environment for future occupiers and respect the surrounding environs.

Please see enclosed revised site plan with the plot boundaries, indicative house footprint, access, parking and private garden ground shown. The attached drawing clearly shows that it is possible to provide '*a suitable level of residential amenity*' within the proposed development.

The site is wider at the entrance point which is ideal for parking and turning. The ground beyond the indicative house footprint is not overlooked from any direction and would provide excellent south and west facing private garden ground.

The site area (not including the access road) is 860m<sup>2</sup> and the footprint of the indicative house shown is 180m<sup>2</sup> (suitable for 3/4 bedroom house), this gives a site ratio of 21%. This figure, along with the attached drawing showing the amenities provided, clearly indicate that the proposal is acceptable and would not be 'squeezed in'.

Further to the above we have also enclosed drawings of recently approved and constructed housing located close to the proposed site within Bridge of Earn. The first is the development at Glenearn, on the north side of the railway track opposite our proposed site. The majority of the houses in this development have plot ratios equal or higher than the ratio achievable on our site. In particular, Plot 10 (12/02084/FLL) has a plot ratio of 33% and Plot 13 (13/02087/FLL) has a plot ratio of 30%, both considerably more than we are proposing.

A further site at Brnton, as enclosed, (14/00790/FLL) has a similar wedge shaped plot, the house is located extreme close to the busy Edinburgh Road (A912) and only achieves a plot ratio of 31%

2. As the proposal has not been accompanied by a noise impact assessment (which was carried out by a suitably qualified consultant), it has not been demonstrated that the future occupiers of a dwelling on this site would not be adversely affected by the adjacent railway line. To this end, the proposal is contrary to Policy EP8 of

Perth and Kinross Council's Local Development Plan 2014 which seeks to ensure that noise sensitive uses are not approved next to sources of noise.

Following the review of this application being successful, an Application for Full Planning Permission in would be submitted. At this stage the design of the proposed house, its position and orientation along with planting, screening and landscaping would be confirmed.

We would however suggest that it would make sense for the principle rooms and living spaces of the proposed house to be located on the south side away from the railway line. This would mean that the rooms would enjoy views across the farmland opposite as well as maximising the potential for solar gain. The rear of the house would be used from storage, plant, and ancillary spaces which do not require views and high levels of natural light. These spaces would then act as a buffer zone to the colder northern side of the house and any less attractive view to the railway line.

The impact of the railway can also be reduced by planting, screening and landscaping. A number of existing properties are located along both sides of the railway line as well as the sites such as the one previously referred to at Brnton (14/00790/FLL), which has its principle entrance and elevation adjacent to the main road artery through Bridge of Earn. We would suggest that the effect of the railway on the proposed site is no greater than any site located along a busy transport route given the infrequency of the passing trains.

We would conclude that the impact of the railway line and its limited service would have little or no effect on the proposed site due sensible design decisions and principles which would be further illustrated in a Full Planning Application.

Further points for consideration:

At no time during the application process were we, as agents, or our clients, as applicants, notified with any concerns over the application prior to receiving the refusal. Following our preplanning application, we decided to add an indicative footprint to eliminate any concerns over the size of the plot, we would have thought that if the Planning Officer felt that this was not enough information we would have been contacted prior to the refusal being issued.

A lack of communication removed any opportunity to address any concerns over the size of the plot and its relationship to the railway line. This would include providing further detail site plans showing amenities, or a noise impact assessment which was referred to in point 2 of the refusal.

We were told by the officer that the judgement was subjective and with no further justification or reasoning that we should submit an application to the Local Review Body. We would have appreciated an opportunity to discuss matters further with Planning Officer in order to remove concerns and achieve a positive result within the application timescale however, regrettably this was not possible.

**Woodside Parker Kirk** architects  
22.06.2016

## **SUPPORTING STATEMENT**

PROPOSED RESIDENTIAL PLOT IN THE GROUNDS OF  
BEECHGROVE, HEUGHFIELD ROAD, BRIDGE OF EARN, PERTH, PH2 9BH

The proposal is to create a residential plot to the west of the existing property which will be served by the existing access road from Heughfield Road. The existing access road will be continued passed Beechgrove along the southern boundary, this ground is within the applicants ownership and the Bridge of Earn settlement boundary.

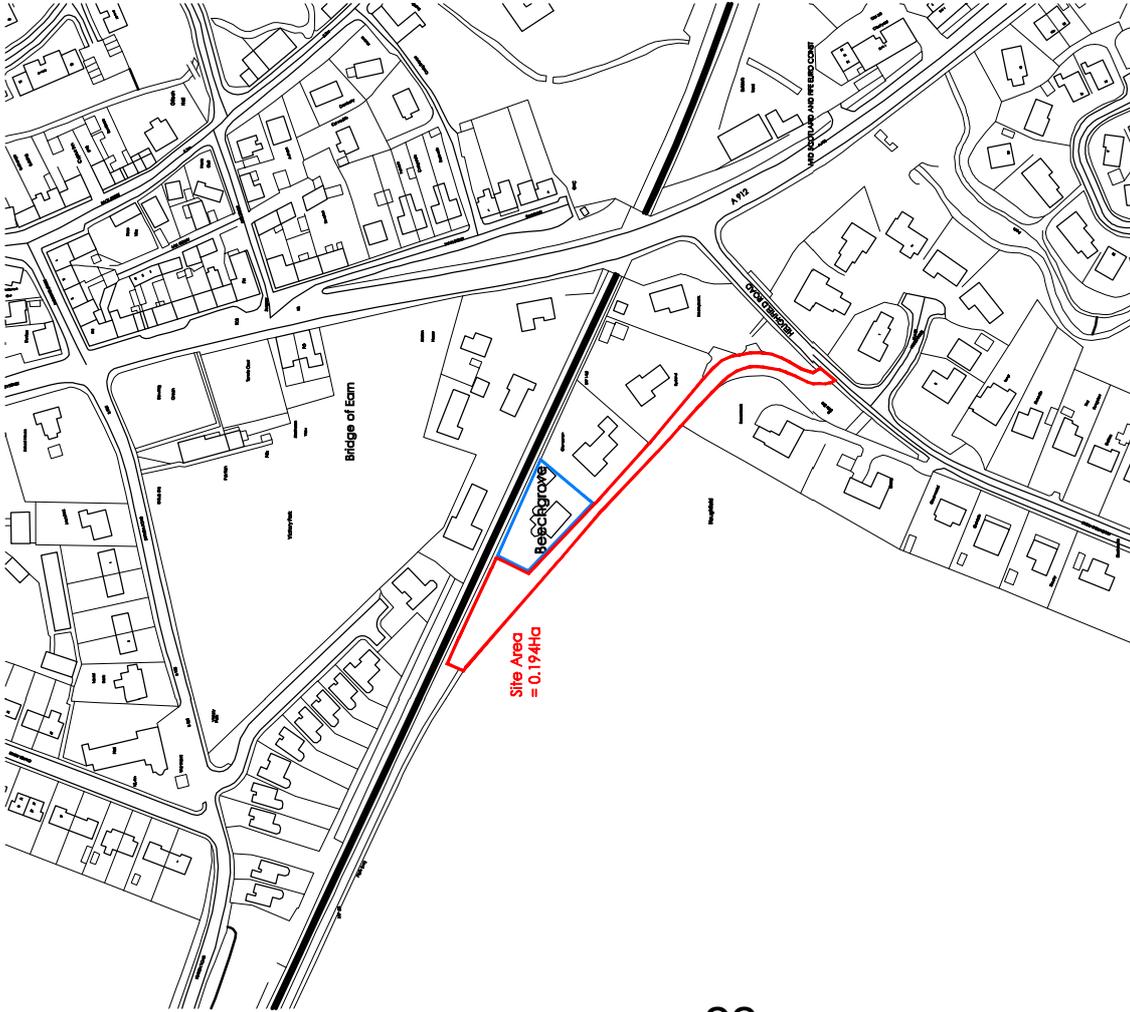
The site will be cleared and levelled with a new boundary to the existing house and sheltered from the railway line to the north. The proposed house would have views across the farmland to the south and will have private garden ground to the west.

We have shown an indicative plot with a footprint of 180m<sup>2</sup> which is less the 21% of the 860m<sup>2</sup> plot area (the plot area increases to 0.194ha when the access road is included). This clearly shows that the proposed plot is a sufficient size for residential development.

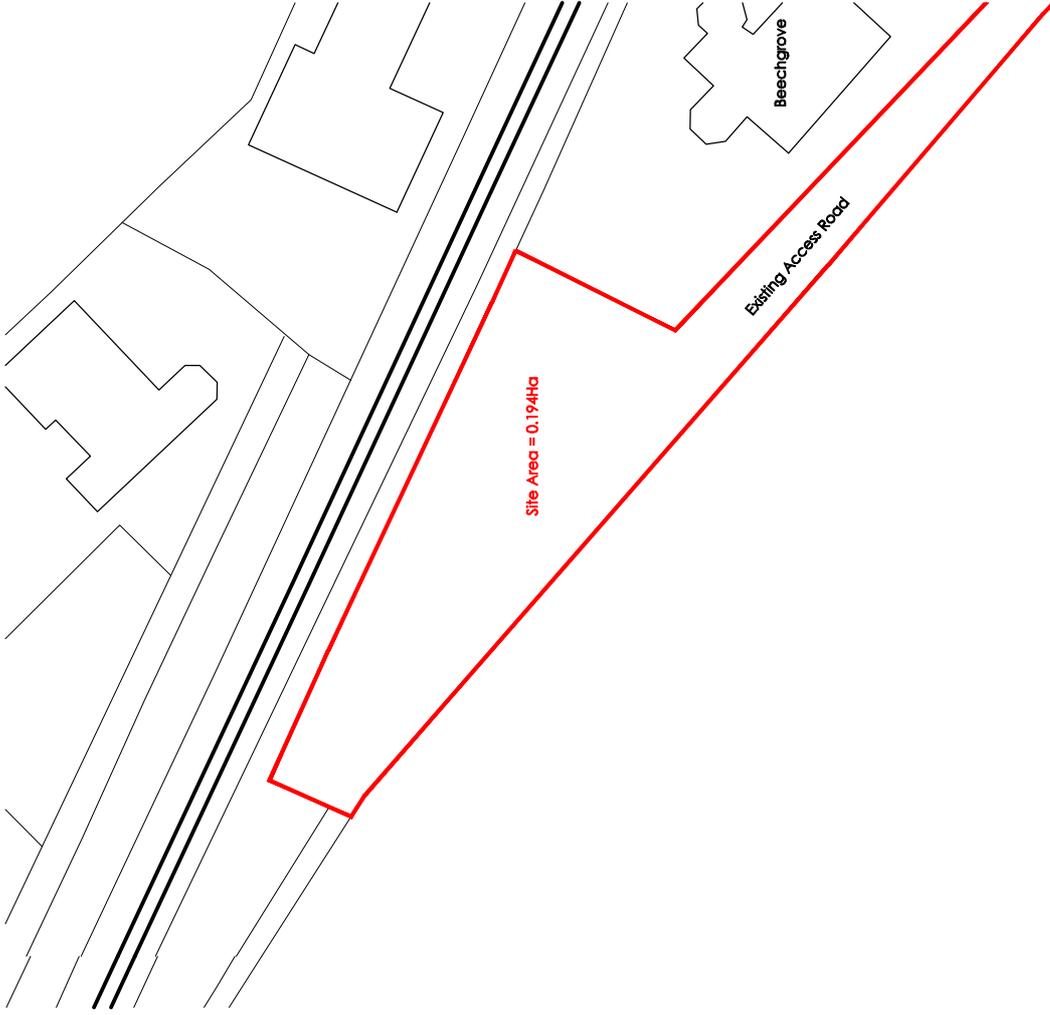
The proposed house design will be of suitable scale, materials and detailing in order to not detract from the existing surrounding developments and environment.

**Woodside Parker Kirk** architects

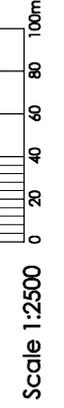
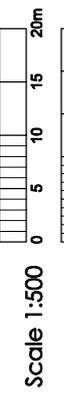
08/04/2016



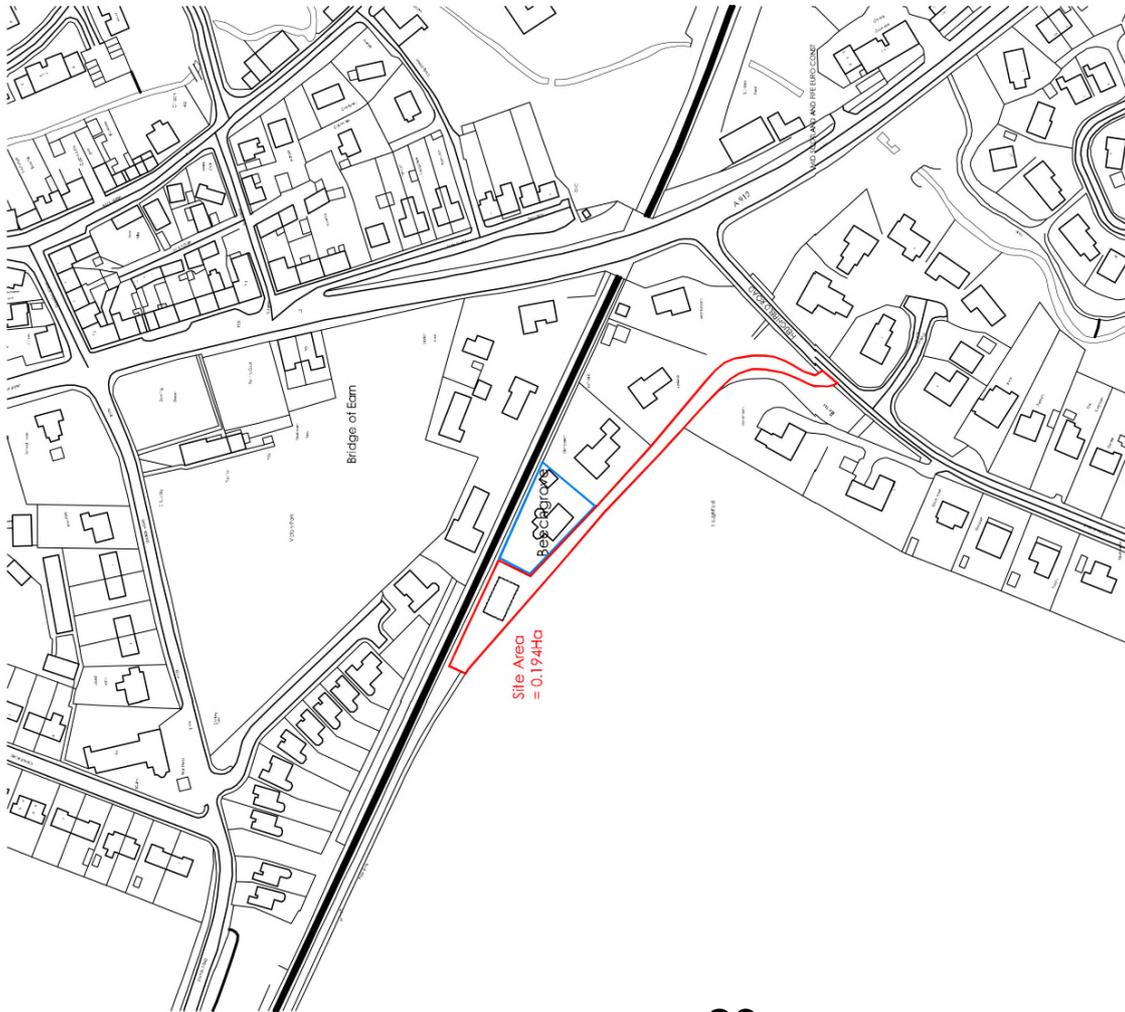
LOCATION PLAN  
Scale 1:2500



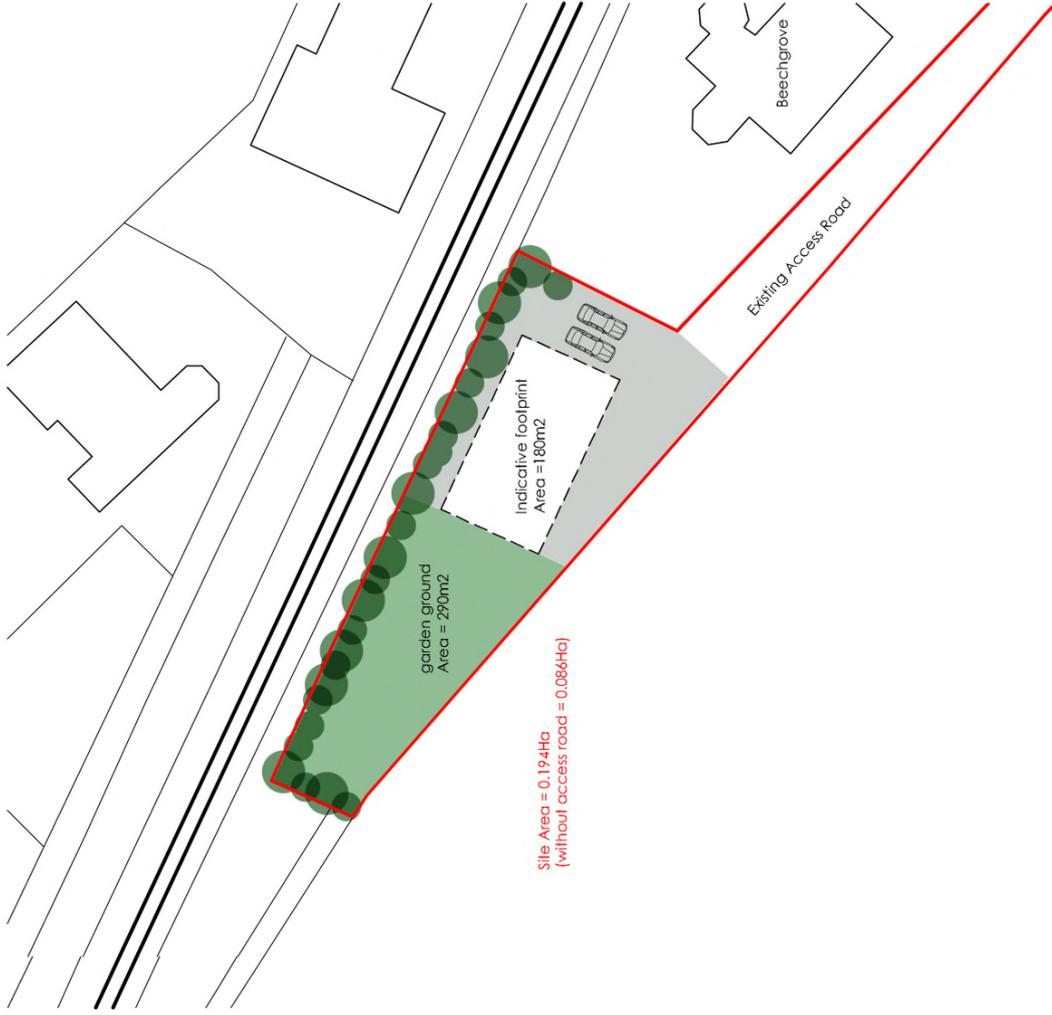
SITE PLAN  
Scale 1:500



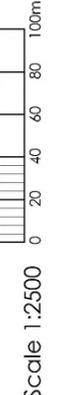
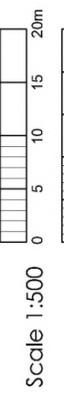
A3 Do Not Scale Drawing For Construction Purposes Copyright ©	
North	Rev Date Amendment
Planning	06-04-16 1:2500, 1:500
Drawing Name	
LOCATION AND SITE PLAN AS EXISTING	
Proposed development of land adjacent to Beechgrove, Bridge of Eam, PH2 9BH	
Project Name	
Woodside Parkers Kirk Ltd. PH2 9DY	
E. admin@woodsideparkers-kirk.co.uk	
T: 01739 81 9984	
www.woodsideparkers-kirk.co.uk	
Client	
Mr and Mrs F Stewart	
Drawing No.	
4293 - 01	
Woodside Parkers Kirk architects	



LOCATION PLAN  
Scale 1:2500



SITE PLAN  
Scale 1:500



North	STATUS	Planning	DATE	06-04-16	SCALE	1:2500, 1:500
	Rev	A	Date	21.06.16	Additional information added for LB8 Amendment	
			Drawing Name <b>LOCATION AND SITE PLAN AS PROPOSED</b>			
Project Name Proposed development of land adjacent to Beechgrove, Bridge of Eam, PH2 9BH			Drawing No. 4293 - 02A			
Client Mr and Mrs F Stewart			Drawing No. 4293 - 02A			
Copyright © Woodside Parker Kirk architects Dunbarney Studios, Coburg House, Manse Road, Bridge of Eam, PH2 9DY Edinburgh, E. admin@woodsideparker-kirk.co.uk T: 01738 815984 www.woodsideparker-kirk.co.uk						



Looking west from access road to Beechgrove and site beyond



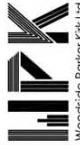
Looking east from site to Beechgrove and access road beyond



Looking west from Beechgrove to site entrance



Looking west from site entrance

North		Status	
06-04-16		Planning	
Date		Scale	
Not to scale		Not to scale	
Drawing Name			
SITE PHOTOGRAPHS			
Project Name			
Proposed development of land adjacent to Beechgrove, Bridge of Earn, PH2 9BH			
Drawing No.			
4293 - 03			
Client			
Mr and Mrs F Stewart			
Rev		Date	
Amendment			
			
Dunbarney Studios, Coburg House Marnie Road, Bridge of Earn, Edinburgh, PH2 7DY E: admin@woodsideparker-kirk.co.uk www.woodsideparker-kirk.co.uk			
<b>Woodside Parker Kirk architects</b>			

A3 Do Not Scale Drawing For Construction Purposes Copyright ©



**NOTES**

All levels and dimensions to be checked by contractor prior to commencement of site works  
All spot levels shown are existing

Rev'n	Date	Description	By
D	04 May 14	House based on approved building	d.v.
C	23 Feb 14	Added surrounding context OS and section lines	d.d.g.
B	7 Feb 14	Notes and drive added	d.v.
A	13 Dec 13	House footprint reduced in area	d.d.g.

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Project/Client:

Proposed Dwellinghouse  
for Mr and Mrs D Gahan  
at Bronton, Bridge of Earn

Drawing Title:

Site Plan



Architectural Services and  
Technical Construction Specialists

A: 317 Rena Place, Glenrothes, Fife, KY7 6RR  
T: 07925-372034 / 07925-130388  
E: enquiries@dx2consultancy.com  
W: www.dx2consultancy.com

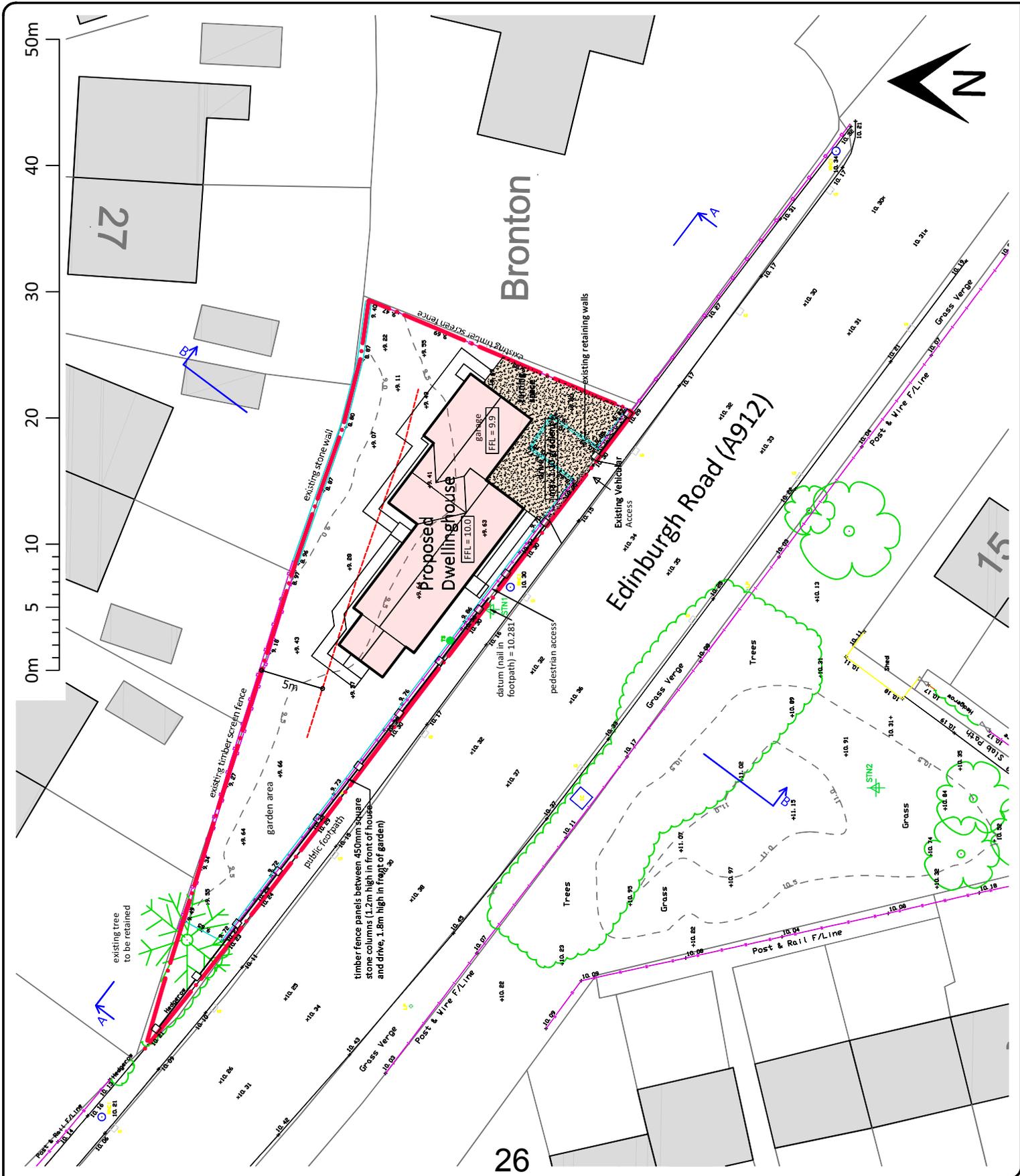
Project Reference:  
13-054-BRONTON

Drawing Number:

13-054-001

Scale: 1:200  
Sheet size: A2  
Revision: D

Drawn: d.d.g.  
Checked: D  
d.v.



**TCP/11/16(420)**

**Planning Application – 16/00641/IPL - Erection of a dwellinghouse (in principle) on Land 40 Metres North West of Beechgrove, Heughfield Road, Bridge of Earn**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 21-24)*



# PERTH AND KINROSS COUNCIL

Mr Frank Stewart  
c/o Woodside Parker Kirk Architects  
Gavin Kirk  
Loft Studios, Coburg House Art Studios  
15 Coburg Street  
Edinburgh  
United Kingdom  
EH6 6ET

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 19.05.2016

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00641/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 11th April 2016 for permission for **Erection of a dwellinghouse (in principle) Land 40 Metres North West Of Beechgrove Heughfield Road Bridge Of Earn** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. As the proposal, by virtue of the sites awkward shape would result in a development that would not offer a suitable level of residential amenity and would result in a 'squeezed in' development, the proposal is contrary to Policies PM1A and RD1 of Perth and Kinross Council's Local Development Plan 2014 - the general aims of which both seek (amongst other things) to ensure that all new proposals within settlements offer a suitable level of residential environment for future occupiers and respect the surrounding environs.

2. As the proposal has not been accompanied by a noise impact assessment (which was carried out by a suitably qualified consultant), it has not been demonstrated that the future occupiers of a dwelling on this site would not be adversely affected by the adjacent railway line. To this end, the proposal is contrary to Policy EP8 of Perth and Kinross Council's Local Development Plan 2014 which seeks to ensure that noise sensitive uses are not approved next to sources of noise.

## **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**

**16/00641/1**

**16/00641/2**

**16/00641/3**

**16/00641/4**

**REPORT OF HANDLING**  
**DELEGATED REPORT**

<b>Ref No</b>	<b>16/00641/IPL</b>	
<b>Ward No</b>	<b>N9- Almond And Earn</b>	
<b>Due Determination Date</b>	<b>10.06.2016</b>	
<b>Case Officer</b>	<b>Andy Baxter</b>	
<b>Report Issued by</b>	<b>ABaxter</b>	<b>Date 19 May 2016</b>
<b>Countersigned by</b>		<b>Date</b>

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Land 40 Metres North West Of Beechgrove, Heughfield Road, Bridge Of Earn

**SUMMARY:**

This report recommends **refusal** of a planning in principle application for the erection of a single dwelling on an area of garden ground in Bridge of Earn as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 26 April 2016

## SITE PHOTOGRAPHS



*Various pictures of the site*

## BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle permission for the erection of a single dwelling on an area of garden ground at Bridge of Earn. The site is essentially a triangular piece of land which tapers in from a width of approx. 23m at its widest point (south/east) to approx. 9m at its narrowest (north/west) with an approx. length of approx. 55m – giving it site area of circa 890sq m.

The site at present is garden ground, with some small trees both within and long its boundaries as well as an area of grassed lawn. The site is naturally bounded by the railway line to the north and by the curtilage of 'Glencarron' to the east.

An indicative location of a dwelling has been shown, with the dwelling located on the wider part (eastern) part of the site.

Access to the site is via an existing private access.

## **SITE HISTORY**

No relevant to this proposal.

## **PRE-APPLICATION CONSULTATION**

A negative pre-application response was issued by the Council (15/00652/PREAPP) which highlighted the fact that the proposal was contrary to the Local Development Plan and that a formal planning application would not be supported.

## **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 in June 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 application are 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 is located within the settlement boundary of Bridge of Earn, where the following policies are directly 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 adaptation.

### **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 RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved.

### **Policy EP8 - Noise Pollution**

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## **OTHER COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing (April 2016)**

This policy relates to Developer Contributions in relation to Primary Education and Transport Infrastructure as well as Affordable Housing requirements.

## **EXTERNAL CONSULTATION RESPONSES**

**Scottish Water** have been consulted on the planning application and raised no objections.

**Network Rail** have commented on the planning application and raised no objections, subject to conditions and notes being attached to any permission.

## **INTERNAL COUNCIL COMMENTS**

**Transport Planning** have commented on the planning application and raised no objections, subject to conditions being attached to any permission.

**Contributions Officer** has commented on the planning application and indicated that as this is a planning in principle consent only, any permission should have standard compliance conditions attached in relation to Developer Contributions.

**Environmental Health** have commented on the planning application in terms of noise issues and also contaminated land. In terms of contaminated land, Environmental Health have no objections to conditions being attached to any permission. In terms of noise issues, due to the proximity of the railway line, Environmental Health have indicated that further information would be necessary to ascertain whether or not noise from the railway can be suitably mitigated and whether or not a suitable level of residential amenity can be reasonably achieved.

## **REPRESENTATIONS**

None received.

## ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	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, the proposal also requires to be assessed the Council's Developer Contributions and Affordable Housing (April 2016) document.

### Policy Appraisal

The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies wholly within the settlement boundary of Bridge of Earn where *Policy RD1* is directly applicable. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.

In addition to this, *Policy PM1A* of the LDP is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas

Lastly, *Policy EP8* of the Local Development Plan seeks to prohibit the location of noise sensitive uses near to sources of noise generation.

For reasons stated elsewhere in this report, I consider the proposal to be contrary to the aims of *Policies RD1, PM1A and EP8* of the Local Development Plan 2014

### **Land Use Acceptability**

In terms of land use issues, the site has been identified within the LDP settlement boundary of Bridge of Earn. Within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs.

The triangular nature of the site is such, that I have some difficulty in envisaging how a modest sized dwelling can be sited on this plot which would offer a suitable level (usable) of private amenity space. In addition to this, as was my view at the pre-application stage the awkward shape of the plot leads me to have the view that any development on this would be 'squeezed in', and out of character with the rest of the area.

It is also the case that the new dwelling would be located close to the railway line to the north, and I note that no supporting information has been lodged to demonstrate how noise could (or can) be mitigated. I do accept that there are a number of dwellings in close proximity to the railway; however these properties may have some mitigation measures in place.

In all, I do not consider this site suitable for a residential use in land use terms.

### **Residential Amenity**

In terms of the impact on existing residential amenity, the proposal is unlikely to have any direct impact subject to an appropriate house type being brought forward at the detailed application stage.

In terms of offering a suitable level of residential amenity for future occupiers of the dwelling, as stated previously the shape and narrowness of the site is such that a suitable, usable area of is unlikely to be achievable. In addition to this, the close proximity of the railway line will have an adverse impact on the residential enjoyment of any occupants of a dwelling in this location.

### **Visual Amenity**

Subject to an appropriate house type being brought forward, the proposal is unlikely to have any adverse impact on the visual amenity of the area.

## **Roads and Access**

I have no issues in terms of road relates matters and I note that my Transport Colleagues have no raised any objections.

## **Drainage and Flooding**

The proposal raises no issues in terms of flooding related matters.

## **Contaminated Land**

The site has been identified as previously being railway land, and to this end there would be the need for a contamination report to be prepared prior to any works commencing, which should be conditioned in the event of any approval being forthcoming.

## **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 Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the Development Plan.

On that basis the application is recommended for a refusal.

## **DEVELOPER CONTRIBUTIONS**

### **Primary Education**

As this is a planning in principle application, in the event of any approval being forthcoming a standard compliance condition should be attached to any permission.

### **Transport Infrastructure**

As this is a planning in principle application, in the event of any approval being forthcoming a standard compliance condition should be attached to any permission.

## **Affordable Housing**

As this proposal is for a single dwelling only, there is no requirement for any affordable housing contributions.

## **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 on the grounds that,**

- 1 As the proposal, by virtue of the sites awkward shape would result in a development that would not offer a suitable level of residential amenity and would result in a 'squeezed in' development, the proposal is contrary to Policies PM1A and RD1 of Perth and Kinross Council's Local Development Plan 2014 – the general aims of which both seek (amongst other things) to ensure that all new proposals within settlements offer a suitable level of residential environment for future occupiers and respect the surrounding environs.
- 2 As the proposal has not been accompanied by a noise impact assessment (which was carried out by a suitably qualified consultant), it has not been demonstrated that the future occupiers of a dwelling on this site would not be adversely affected by the adjacent railway line. To this end, the proposal is contrary to Policy EP8 of Perth and Kinross Council's Local Development Plan 2014 which seeks to ensure that noise sensitive uses are not approved next to sources of noise.

## **Justification**

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

**Informatives**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

16/00641/1 - 16/00641/1 (*inclusive*)

**Date of Report 19.05.2016**

**TCP/11/16(420)**

**Planning Application – 16/00641/IPL - Erection of a dwellinghouse (in principle) on Land 40 Metres North West of Beechgrove, Heughfield Road, Bridge of Earn**

## **REPRESENTATIONS**



Perth and Kinross Council  
The Environment Office  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Network Rail  
Town Planning  
1st Floor George House  
36 North Hanover Street  
Glasgow  
G1 2AD

Martin Henderson  
Town Planning Technician

Planning reference: 16/00641/IPL  
Case Officer: Andrew Baxter

E-Mail:  
[TownPlanningScotland@networkrail.co.uk](mailto:TownPlanningScotland@networkrail.co.uk)  
Network Rail ref: 166 2016  
20/04/2016

Dear Mr Baxter,

**Town and Country Planning (Scotland) Act 1997 (as amended)**  
**Re: Erection of a dwellinghouse (in principle) at Land 40 Metres North West Of Glencarron Heughfield Road Bridge Of Earn**

Thank you for consulting Network Rail regarding the above development.

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

- All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent unauthorised and unsafe access to the railway.

- If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.

Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

- Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Issues often arise where sensitive development types are sited in close proximity to the rail line.

- The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

**Network Rail Asset Protection Engineer**  
**151 St. Vincent Street, GLASGOW, G2 5NW**  
**Tel: 0141 555 4087**  
**E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)**

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Yours sincerely



**Martin Henderson**  
**Town Planning Technician**



# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK16/00641/IPL	Our ref	LJA
Date	27 April 2016	Tel No	████████

The Environment Service

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

## Consultation on an Application for Planning Permission

### PK16/00641/IPL RE: Erection of a dwellinghouse (in principle) Land 40 Metres North West Of Glencarron Heughfield Road Bridge Of Earn for Mr Frank Stewart

I refer to your letter dated 19 April 2016 in connection with the above application and have the following comments to make.

#### Contaminated Land (assessment date – 27/04/2016)

##### Recommendation

The proposed development is on land that is identified as having formerly been railway land. There is the potential for ground contamination resulting from this former land use including from heavy metals and hydrocarbons. This could impact the suitability of the site for the proposed use.

I therefore recommend the following condition be applied to the application.

##### Condition

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.



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

<b>Planning Application ref.</b>	16/00641/IPL	<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 (in principle)		
<b>Address of site</b>	Land 40 Metres North West Of Glencarron Heughfield Road Bridge Of Earn for Mr Frank Stewart		
<b>Comments on the proposal</b>	<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 Dunbarney Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> <p><b>Transport Infrastructure</b></p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
<b>Recommended informative(s) for applicant</b>	N/A		

<b>Date comments returned</b>	03 May 2016

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

<b>Planning Application ref.</b>	16/00641/IPL	<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 (in principle)		
<b>Address of site</b>	Land 40 Metres North West Of Beechgrove Heughfield Road Bridge Of Earn		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I do not object to the proposed development provided the condition indicated below is applied, in the interests of pedestrian and traffic safety.		
<b>Recommended planning condition(s)</b>	Prior to the occupation and use of the approved development all matters regarding access, car parking layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	3 May 2016		



# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	16/00641/IPL	Our ref	MP
Date	17 May 2016	Tel No	██████████

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**Consultation on an Application for Planning Permission  
RE Erection of a dwellinghouse (in principle) Land 40 Metres North West Of Glencarron  
Heughfield Road Bridge Of Earn for Mr Frank Stewart**

I refer to your letter dated 19 April 2016 in connection with the above application and have the following comments to make.

Recommendation

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

Comments

This application is around 5 metres from the railway line and I am concerned that future residents could be disturbed by the noise here. Due to this I cannot complete my appraisal of this application until a noise impact assessment has been carried out by a suitably qualified consultant including details of any necessary mitigation.

