

TCP/11/16(235) Planning Application 12/01780/IPL – Erection of a dwellinghouse and garage on land 40 metres north east of St Barbaras, Glenalmond College, Glenalmond

PAPERS SUBMITTED BY THE APPLICANT

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

NOTICE OF REVIEW

CHIEF EXECUTIVES DEMOCRATIC SERVICES

<u>9.8 MAR 2013</u>

Notice of Review

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)	Agent (if any)
Name PETER MACNAUGHTON	Name
Address 21 READ COURT CARRBEIDGE	Address
Postcode PH 28. 3 BR.	Postcode
Contact Telephone 1 Contact Telephone 2 Fax No	Contact Telephone 1 Contact Telephone 2 Fax No
E-mail*	E-mail*
* Do you agree to correspondence regarding you	Mark this box to confirm all contact should be through this representative: ur review being sent by e-mail?
Planning authority	PERTH AND KINROSS
Planning authority's application reference numbe	er 12/01302/172 12/01780/194 4
	NALMOND LOLLEGE 4.0.
development Popola	OF ONE DWELLING HOUSE AND
Date of application 27/8/12	Date of decision (if any)
<u>Note.</u> This notice must be served on the planning notice or from the date of expiry of the period allo	g authority within three months of the date of the decision wed for determining the application.

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Notice of Review

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:

STY TEMENT WITH DETAKS

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?
- 2 Is it possible for the site to be accessed safely, and without barriers to entry?

Yes	No
$\overline{\mathbf{V}}$	
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If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

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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. <u>Note</u>: 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.

SEE ATTACIES

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



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.

hons I'M PROVIEWENT Page 3 of 4

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.

STATEMEANT. PLOT DIRECTIONS MAP Google View O/S SITE PLAN SITE PLAN MENO

<u>Note.</u> 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.

<u>Note.</u> 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	701	Jarch Zeiz
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Planning Application for erection of a Dwelling House and Garage,

40 metres east of St Barbaras.

Application No.12/01780/IPL

The prime reason for reconsidering the application is that approval was given for the erection of a house, 12/01562/IPL, which is located in a less favourable position, about 200 metres east.

My application is along a well formed road which I would further improve with additional hard core, from the golf course to the site. This road was used about 40 years ago for farm implements, when the land was under crop or had cattle and sheep on it. This is no longer the case and so wear and tear would be negligible. It is now used by three houses mainly, in Sportsfield, none of whom has seen fit to maintain or upgrade the road.

The whole of Cairnies Farm was my family home and this piece of ground was retained by my sister, Mrs M. Riach, for me.

The site itself is reasonably level with mainly birch, rhododendron and rowan trees to the north. East and west will be planted with trees and to the south with trees or a beech hedge so as not to obscure the southerly aspect. Currently the site is well defined by a post fence and netting which would be better removed or replaced to secure the site, from livestock if necessary. This site was part of a field of about 7 acres but never cultivated because of its size and used for storing hay, straw and root crops of potatoes and turnips. It would therefore bring into use a small piece of what is now waste ground.

All in all, it is a very desirable situation and not impinging any other properties.

Having discussed the road generally, Niall Moran – Transport Planning, thought that an additional house would not necessitate widening, with passing places, additional drainage and a bitumenously bound surface as previously suggested. (Ref. Copy of memo included.). Farm traffic never caused damage or ruts as there is sufficient hard core to prevent this. It is a private road, leading to a dead end

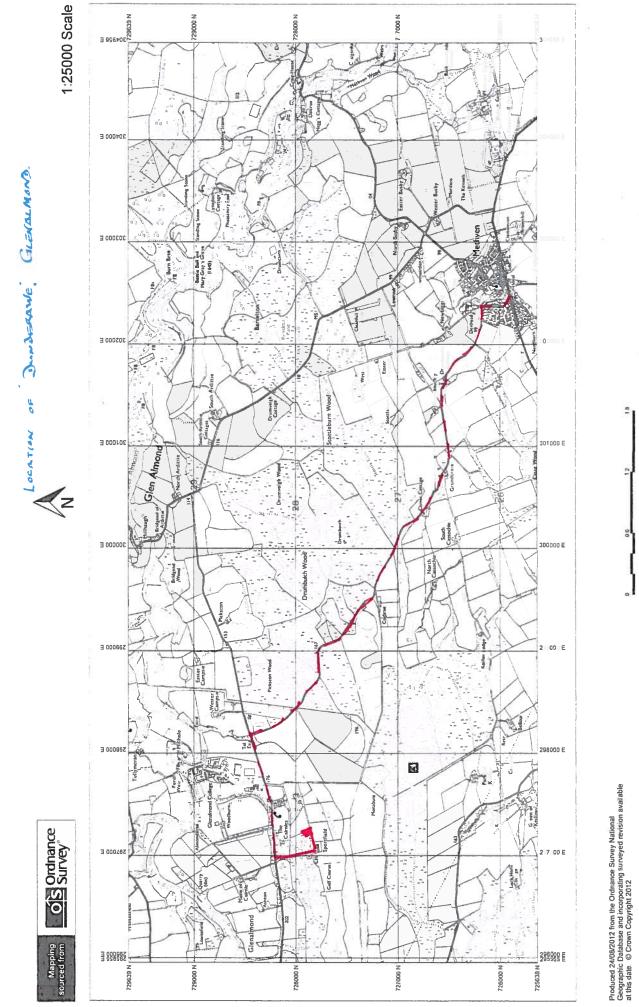
Dunderawe Plot Directions

From Methven village on the A85 between Perth and Crieff, take the College Road, north, opposite the Post Office, to Glenalmond College.

At the 'T' junction turn west towards the college, past the college entrances and Cairnies House.

Immediately west of Cairnies House, turn left on to the road leading to the Golf Course, turning left at the top on to the road leading to South Cairnies

The plot is immediately past St Barbara's cottage, on the left.



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The representation of a road, track or path is no evidence of a right

of way.

The representation of features as lines is no evidence of a property boundary.

Supplied By: Polar Design

Scale 1:25000

Serial number: 001058847

Plot Centre Coordinates: 300455, 727638

To see all the details that are visible on the screen, uso the Print link next to the map.



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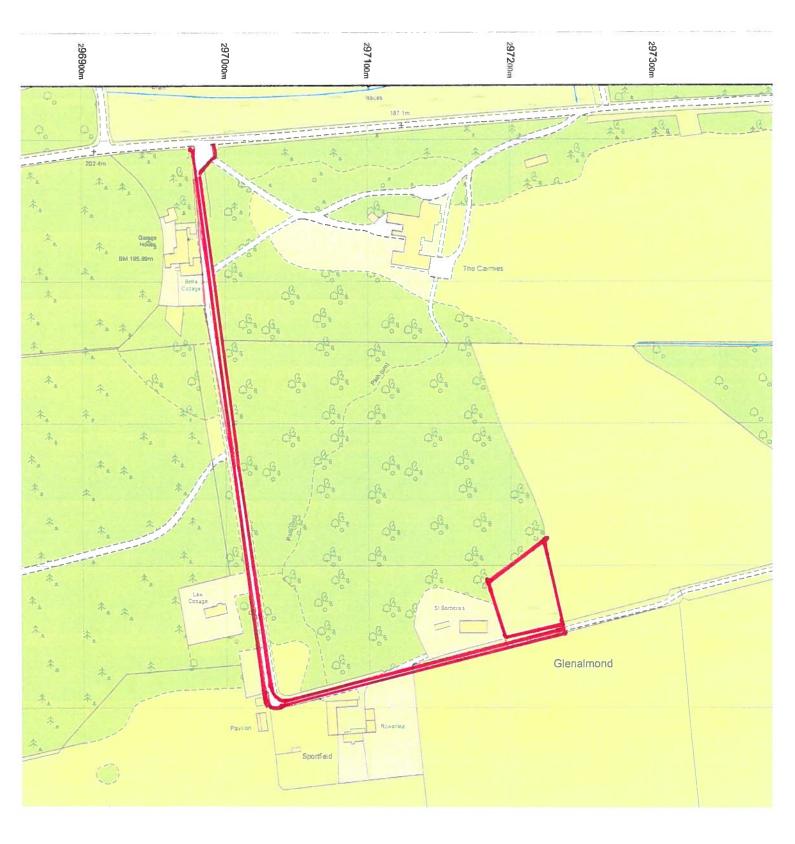
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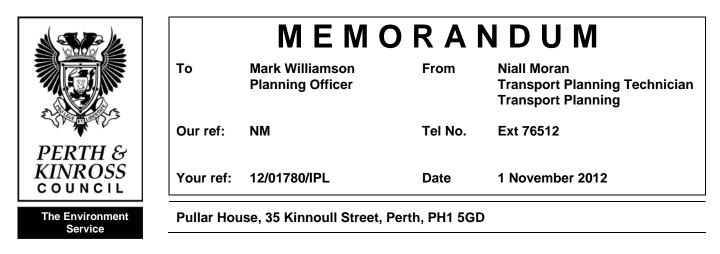


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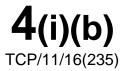
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

With reference to the application 12/01780/IPL for planning consent for:- Erection of a dwellinghouse and garage Land 40 Metres North East Of St Barbaras Glenalmond College Glenalmond for Mr P MacNaughton

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

- The submission of reserved matters shall include a full and detailed specification showing the upgrading of the access track and details of agreement from any other owners of the access track or those with rights of access over it, to the satisfaction of the Council as Planning Authority. This specification shall include details of widening, passing places, a bitumenously bound surface and drainage. The scheme as approved shall be implemented prior to the occupation and / or use of the development.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.



TCP/11/16(235) Planning Application 12/01780/IPL – Erection of a dwellinghouse and garage on land 40 metres north east of St Barbaras, Glenalmond College, Glenalmond

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS (included in applicant's submission, see page 101)

PERTH AND KINROSS COUNCIL

Mr P MacNaughton Dunderawe 21 Reed Court Carrbridge Inverness PH23 3BA Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date 12th December 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/01780/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 October 2012 for permission for **Erection of a dwellinghouse and garage Land 40 Metres North East Of St Barbaras Glenalmond College Glenalmond** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 as it does not fall within any of the categories of this policy which would support the principle of a dwellinghouse on the site.

Justification

The proposal is not in accordance with the Housing in Countryside Policy 2009 and there are no other relevant material planning considerations for approving this proposal against this policy.

Notes

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

Plan Reference

12/01780/IPL

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/01780/IPL
Ward No	N9- Almond And Earn

PROPOSAL: Erection of a dwellinghouse and garage

LOCATION: Land 40 Metres North East Of St Barbaras Glenalmond College Glenalmond

APPLICANT: Mr P MacNaughton

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 5 December 2012

OFFICERS REPORT:

Brief Description

The application site is a 0.24 ha area of land in the designated countryside to the south of Glenalmond College and located on the north side of a private access road and situated directly to the east of a single storey dwellinghouse at St Barbaras. The site is presently vacant and overgrown. The site is bounded to the north by woodland, to the east by a post and wire fence and farmland beyond, to the south by the access road and farmland beyond that. South Cairnies Farm is situated 400m to the east. There are other residential properties situated 70m to the south west of the site on the other side of the access road and beyond them to the west Glenalmond College Golf Course Pavillion.

Pre-application consultation was undertaken in June 2011 (11/00303/PREAPP) where the application site was presented by the agent to be on the edge of a building group which included Law Cottage, the Golf Course Pavillion, Sportsfield, Rowanlea and St Barbaras. In response to this it was stated that in accordance with the Housing in the Countryside Policy 2009, consent will be granted for houses which extend a building group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. It was also stated at the time that a more suitable site would be to the west of St Barbaras. There was also a pre-application consultation in April 2012 (12/00337/PREAPP) for a proposed house on the site of an existing outbuilding within the curtilage of St Barbaras to the west of the house, which concluded that the proposal would fail to accord with the Housing in the Countryside Policy 2009, insofar as the proposal is not part of an existing building group and that the development would not meet with the specific criteria associated with category 5 (conversion or replacement of redundant non-domestic buildings) of the above policy.

With the submission of this application and on closer inspection it is considered that the buildings to the west and south west of the application site do not form a building group as identified in the Perth Area Local Plan 1995 -Examples of Building Groups, as the relevant buildings are too dispersed and not nucleated in form, as required by the definition of a building group. Under the Building Group category of the Housing in the Countryside Policy then, the principle of a house on this site is not accepted. The proposal would not fall within any of the other categories of the Housing in the Countryside 2009 where the principle of a house on the site would be acceptable. There has been no economic justification presented for a house on the site

There were no objections from consultees subject to conditions, including from the Council's Transportation Planners subject to the access road being upgraded. Third party objections related solely to the condition of the access road to the site and the need for it to be upgraded.

The principle of a house on the site is not established and the proposal is therefore contrary to the Housing in the Countryside Policy 2009.

DEVELOPMENT PLAN

Perth Area Local Plan 1995 Incorporating Alteration No 1 -Housing Land 2000

The application site is within the landward area.

Main policies:

Policy 1: General Policies Policy 32: Housing in the Countryside

Perth and Kinross Proposed Local Development Plan (PLDP) 2012

RD3: Housing in the Countryside

Other Policies

Perth and Kinross Council Housing in the Countryside Policy 2009

Perth and Kinross Council's Primary Education and New Housing Development Guidance 2009

SITE HISTORY

10/02113/FLL Installation of a 20kw wind turbine 11 March 2011 Application Withdrawn

12/01012/IPL Erection of dwellinghouse and garage (in principle) 11 July 2012 Application Withdrawn

12/01021/FLL Erection of a wind turbine 21 August 2012 Application Permitted

CONSULTATIONS/COMMENTS

Education And Children's No objections Services

Environmental Health No objections

Scottish Water No objections

TARGET DATE: 11 December 2012

REPRESENTATIONS RECEIVED:

Number Received: 3

Summary of issues raised by objectors:

3 letters of representation were received. Main issues raised:-

- not in accordance with the Housing in the Countryside Policy as there is no satisfactory access

- contrary to the Strathearn Area Local Plan 2001 as there is no satisfactory access available

- existing access is of an insufficient standard

Response to issues raised by objectors:

In report

Additional Statements Received:

Environment Statement Not required Screening Opinion Not required

Environmental Impact Assessment Not required

Appropriate Assessment

Not required

Design Statement or Design and Access Statement Not required

Report on Impact or Potential Impact eg Flood Risk Assessment Not required

Legal Agreement Required: Not required

Direction by Scottish Ministers None

Reasons:-

1 The proposal is contrary to the Council's Housing in the Countryside Policy 2009 as it does not fall within any of the categories of this policy which would support the principle of a dwellinghouse on the site.

Justification

2 The proposal is not in accordance with the Housing in Countryside Policy 2009 and there are no other relevant material planning considerations for approving this proposal against this policy.

Notes



TCP/11/16(235) Planning Application 12/01780/IPL – Erection of a dwellinghouse and garage on land 40 metres north east of St Barbaras, Glenalmond College, Glenalmond

REPRESENTATIONS

- Representation from Environmental Health Manager, dated 19 October 2012
- Objection from Mr and Mrs Mullan, dated 29 October 2012
- Objection from Mr Norrie, dated 29 October 2012
- Representation from Transport Planning, dated 1 November 2012 (*included in applicant's submission, see page 103*)
- Objection from Ms Addison, dated 2 November 2012

Memorandum				
То	Development Quality Manager	From	Environmental Health Manager	
Your ref	PKC/12/01780/IPL	Our ref	ALS	
Date	19 October 2012	Tel No	01738 476915	
The Environment Service Pullar House, 35 Kinnoull Street, Perth		House, 35 Kinnoull Street, Perth PH1 5GD		

Consultation on an Application for Planning Permission

RE: Erection of a dwellinghouse and garage Land 40 Metres North East Of St Barbaras Glenalmond College Glenalmond for Mr P MacNaughton

I refer to your letter dated 15 October 2012 in connection with the above application and have the following comments to make.

Recommendation

I have no objections to the application but recommend the undernoted informative be included in any given consent.

The development is in a rural area with private water supplies (namely Glenalmond supply) known to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and / or 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.

Informative

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.

West Sportfield Cottage Glenalmond PH1 3RY

29 October 2012

(sent by email only)

Dear Sirs

PLANNING APPLICATION REFERENCE 12/01780/IPL

We refer to the above application and would make the following comments in relation to the two main areas of our objections.

1. GENERAL PLANNING POLICY

In support of our objections, we would contend that the proposed development **does not fall** within any category of accepted development within the Council's Policy on Housing in the Countryside (2005), ie building new houses in the countryside etc. Approval would therefore be contrary to that policy and to Policy 32 of the Perth Area Local Plan 1995 (as amended).

In addition, the proposal does not fall into any of the potential approval categories detailed in the **Strathearn Local Plan (Policy 54)**.

2. PLANNING PROVISIONS RELATING TO ACCESS

On 17 January 2008 the Council refused a previous application in the vicinity (07/02435/OUT). Reasons for refusal (2 and 3) were as follows:-

"The proposed means of access to the site is of an insufficient standard to accommodate the additional traffic which would be generated by the development in terms of width, surface, quality and drainage provision. Approval would therefore be contrary to Policy 54 of the Strathearn Area Local Plan 2001 relating to housing in the countryside which stated that, for proposals, satisfactory access should be available."

and

"The proposal is contrary to the Council's approved Policy on Housing in the Countryside December 2005 which required that all proposed sites should have a satisfactory access, be capable of providing a suitable resident environment and should not conflict with any other local plan policy."

The proposed property in this current application would use the same access referred to in these reasons for refusing the previous application. The access is a very narrow dirt track which is regularly subject to potholes, with inadequate drainage in some parts and deep ditches on either side in other parts, which has a dangerous bell mouth entrance close to a blind summit and also has a dangerous blind bend. Since the refusal of application 07/02435/OUT the road has been subject to severe deterioration during two harsh winters, increasing the difficulties and dangers during these times. As this is a private track there is no snow clearance and the track is regularly covered with

thick , uneven, impacted ice during winter months rendering it impassable by some types of vehicle. At other times, patches are at times applied to the track but these deteriorate quickly with the current vehicle usage which includes heavy farm machinery. Any increase in usage will undoubtedly exacerbate the situation and cause detriment (and increased hazard) to those already using this access.

We would also refer the Council to the Strathearn Local Plan, Development Criteria, Policy 2(a) which states that:-

"The road network should be capable of absorbing the additional traffic generated by the development and satisfactory access onto that network provided."

As the Council has already acknowledged in its previous decision that "the ...means of access to the site is of an insufficient standard to accommodate the additional traffic which would be generated....", and that the failure to meet this criteria is "...contrary to the Council's approved Policy on Housing in the Countryside December 2005 which required that all proposed sites should have a satisfactory access", we would ask that, taking all of the above into account, the Council should take a consistent approach to decision making in this case and refuse this application.

Please note that we would not sustain our objections relating to the access road and bell mouth if it was controlled by the following **Condition**:-

"Prior to commencement of works an alternative permanent road must be created giving properties at or to the east of St Barbara's direct access to the nearest public road and, immediately on completion of this separate access, the existing track must be permanently blocked off at or just to the east of the property known as St Barbara's."

This would provide safe access to properties (current or proposed) at or to the east of St Barbara's, and prevent further deterioration to the track serving those to the west of this point, thereby avoiding an exacerbation in the above noted hazards.

Yours faithfully

Marion Mullan Stewart Mullan

From: Dennis Norrie
Sent: 29 October 2012 19:13
To: Development Management - Generic Email Account
Subject: Planning Application 12/01780/IPL

Planning application reference 12/01780/IPL

I refer to the above application and would make the following comments outlining my concerns:-

A previous application in the vicinity (07/02435/OUT) was refused by the Council. Reasons for refusal were:-

"The proposed means of access to the site is of an insufficient standard to accommodate the additional traffic which would be generated by the development in terms of width, surface quality and drainage provision. Approval would therefore be contrary to Policy 54 of the Strathearn Area Local Plan 2001 relating to housing in the countryside which stated that, for proposals, satisfactory access should be available."

And

"The proposal is contrary to the Council's approved policy on Housing in the Countryside, December 2005, which required that all proposed sites should have a satisfactory access, be capable of providing a suitable resident environment and should not conflict with any other local plan policy."

The proposed property in this current application would use the same access referred to in these reasons for refusing the previous application. The access is a very narrow dirt track which is regularly subject to potholes, with inadequate drainage, which has a dangerous bell mouth entrance close to a blind summit and dangerous blind bend. Patches are at times applied to the track but these deteriorate quickly with the current vehicle usage which includes heavy farm machinery. Any increase in usage will undoubtedly exacerbate the situation and cause detriment (and increased hazard) to those already using the track.

As the Council has already acknowledged in its previous decision that "the means of access to the site is of an insufficient standard" I would ask that the Council take a consistent approach to their decision in this case and refuse this application.

Please also note, that I would not sustain my objection relating to the access road and bell mouth if, prior to commencement of works, an alternative permanent road was to be created giving properties east of St Barbara's direct access to the nearest public road. The existing track must then be permanently blocked off at or to the east of St Barbara's. This would provide safe access to properties (current and proposed) and prevent further deterioration to the existing track and prevent an exacerbation in the above noted hazards at the bell mouth.

Yours Dennis Norrie South Sportsfield Glenalmond College Glenalmond Perth, PH1 3RY

Ms Avril Addison (Objects) Comment submitted date: Fri 02 Nov 2012

To: Development Management - Generic Email Account

Planning application reference 12/01780/IPL

With reference to the above planning application ? as I understand it a previous application in the vicinity (07/02435/OUT) was refused by the Council. Reasons for refusal were:-

?The proposed means of access to the site is of an insufficient standard to accommodate the additional traffic which would be generated by the development in terms of width, surface

quality and drainage provision. Approval would therefore be contrary to Policy 54 of the Strathearn Area Local Plan 2001 relating to housing in the countryside which stated that, for proposals, satisfactory access should be available.?

And

?The proposal is contrary to the Council?s approved policy on Housing in the Countryside, December 2005, which required that all proposed sites should have a satisfactory access, be

capable of providing a suitable resident environment and should not conflict with any other local plan policy.?

This proposed application would use the same access referred to in these reasons for refusing the previous application.

The access is across Glenalmond College property which is a dirt track and has many potholes, and is regularly running with rain water and inaccessible in winter due to snow, the bell mouth entrance often flows with rain water and is located close to a blind summit and dangerous blind bend. This track is used by present occupiers and farm machinery ?which all helps with the deterioration of the condition. Any increase in usage will undoubtedly exacerbate the situation and cause detriment (and increased hazard) to those already using the track.

As the Council has already acknowledged in its previous decision that ?the means of access to the site is of an insufficient standard? I would ask that the Council take a consistent approach to their decision in this case and refuse this application.

I feel that my objection to further development in this area would not be so strong if another road access were to be developed from the other end of the track, and the track east of St Barbara?s be closed off. This would alleviate the traffic issue and help keep the present road safe, may reduce farm traffic use and not add to the traffic therefore helping to maintain the track!

Avril Addison East Sportfield Glenalmond PH1 3RY