

**LRB-2022-53**  
**22/00801/IPL – Erection of a dwellinghouse (in principle),**  
**land 70 metres north of Cairnie House, Cairnie Road,**  
**St Madoes, PH2 7NE**

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**LRB-2022-53**

**22/00801/IPL – Erection of a dwellinghouse (in principle),  
land 70 metres north of Cairnie House, Cairnie Road,  
St Madoes, PH2 7NE**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100391290-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1 (Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Audrey"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Burns"/>	Address 1 (Street): *	<input type="text"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="CAIRNIE HOUSE"/>
Address 2:	<input type="text" value="CAIRNIE ROAD"/>
Address 3:	<input type="text" value="ST MADDOES"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 7NE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="720468"/>	Easting	<input type="text" value="319640"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of a dwelling house (in principle) at infill site at Cairnie Road, St Madoes

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We wish the Local Review Body to have a consideration of this proposal after refusal of Planning Permission. The support statement carefully made by Mrs Audrey Burns gives the reasons why this proposal should be supported. It is requested that the Review Body Councillors visit the plot to see the whole nature of the proposal on site. Hopefully they will support the proposal, taking on board the attached items and the site visit.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

block plan, existing landscape plan, proposed landscape plan, 5 photographs and the support statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00801/IPL

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

28/04/2022

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

29/06/2022

## Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It is essential the Councillors visit the site to see the full nature of the proposal, the position of the site in relation to St Madoes and the small housing group adjoining

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No



## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Robert Crerar

Declaration Date: 27/09/2022



**Proposed Application for Planning Permission in Principle for One House in Infill Site at Cairnie Road, St Madoes, Perthshire.**

**Support Statement**

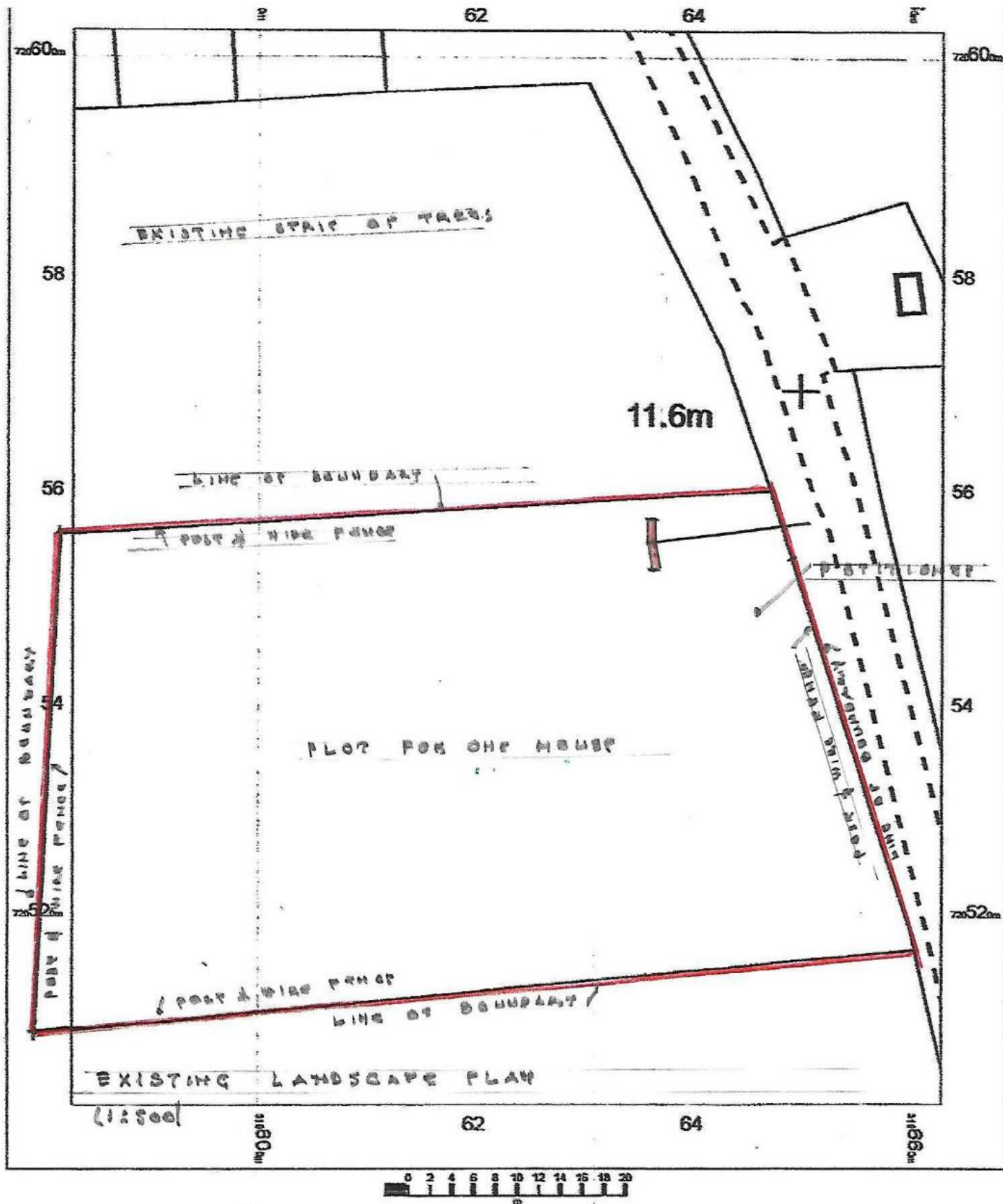
Details pertaining to this proposal are as follows:

- (1) It is a pity with the last application for Planning Permission for this plot that due to the virus the Planning Officer never visited the site to take on board the exact nature of the position of the plot and the surrounding area. It is essential with this further application that the site is visited.
- (2) In terms of policy 6, the site is not adjoining the settlement. The Miller Homes development is to the north which was a later addition to the village boundary. A substantial landscape buffer forms the southern edge of that development. The plot is distinctly different in character and outlook to the housing estate and forms a logical connection to the adjoining small group of houses on Cairnie Road that are out with the settlement boundary.
- (3) The site may have formed part of an area identified as prime agricultural land; however, it is no longer capable of being utilised viably for modern agricultural purposes, being restricted in terms of manoeuvrability for machinery and divorced from any existing farming units. Ongoing management and crop production is therefore difficult and not economically supportable. As such it is unreasonable to refuse the proposals for one small site based on compliance with policy 50 which really relates to the wider Carse of Gowrie soil conditions. The site would as result be better utilised like a small holding, whereby an appropriately designed house could be constructed that would help to support the local school, council tax and contribution policies, but still allow whoever lives there, to be self-sufficient in terms of vegetable growing and or enjoy an outdoor hobby such as a business from the site that needs a suitable rural location.
- (4) The main focus to assess the proposals by as a result is the Housing in the countryside policy 19, – the development is considered to be both a logical infill site and part of an existing rural building group. The hemmed in nature of the site, proximity to long established residential properties and existing road frontage, make this plot an ideal residential gap site, which would be well contained by an existing and reinforced landscaped framework. It should not be viewed as an “isolated” site and as such, will not set a precedent for future “urban creep” into the countryside.
- (5) The plot is large in terms of a plot for one house, being in the region of 3300sq metres and the proposed house would be an attractive traditional house in the same manner as the 3 adjoining houses, which also have large plots.
- (6) The proposed plot is just a piece of ground too small for agricultural use and for the past few years it really has no use. The plot used to be part of Nethermaines Farm, which lies to the south of the village of St Madoes and was approximately 400 acres in size. It was farmed for 60 years by the late farmer, Mr Dave Strachan, who was a well known farmer in Perthshire and well known in the village of St Madoes. The plot is now owned by Mrs Audrey Burns and her 2 sisters, all daughters of Mr Dave Strachan.

- (7) I have prepared 2 landscape plans, one being the plot as it is existing at the present time and the second is a proposed landscape plan showing the formation of a hedge to the rear of the plot at the west and also a hedge at the frontage of the plot to the east. There would be no need to have a hedge on the south and north sides, as the boundary has a dense area of trees on both these sides. The proposed landscape plan would make it a well defined, attractive plot.
- (8) Efforts to test the sales potential of the site for business purposes have been hampered by the lack of affordable or available housing nearby. With the increasing carbon reduction targets, it seems sensible to be more flexible and adaptable in policy approach when circumstances permit. A highly insulated, digitally connected, passive house with a generous curtilage could be developed that would help these goals and also reduce the need for farm machinery movements from other agricultural units to maintain the site and reduce need for use of chemicals etc.
- (9) In connection with this application I would ask you to visit the plot at St Madoes and in view of all the circumstances indicated above that you could this time support the project, so the plot has a use into the future years. If a new Planning Officer could have a fresh look at this statement I would hope this time the reapplication could be considered for approval.

R. Crerar

27<sup>th</sup> April 2022



OS MasterMap 1250/2500/10000 scale  
17 December 2013, ID: MNOV-00282850  
mapsnow.co.uk

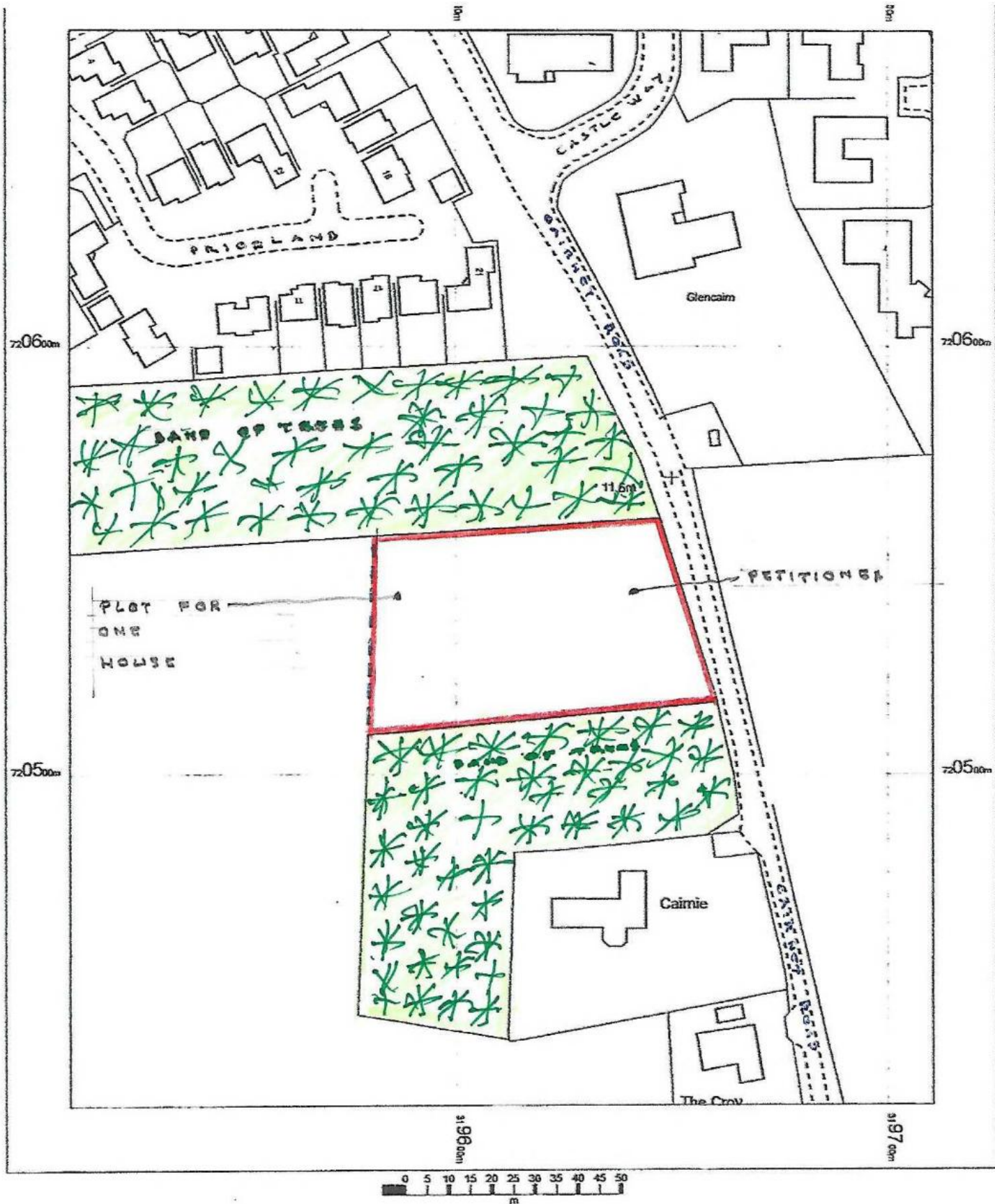
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MapsNow





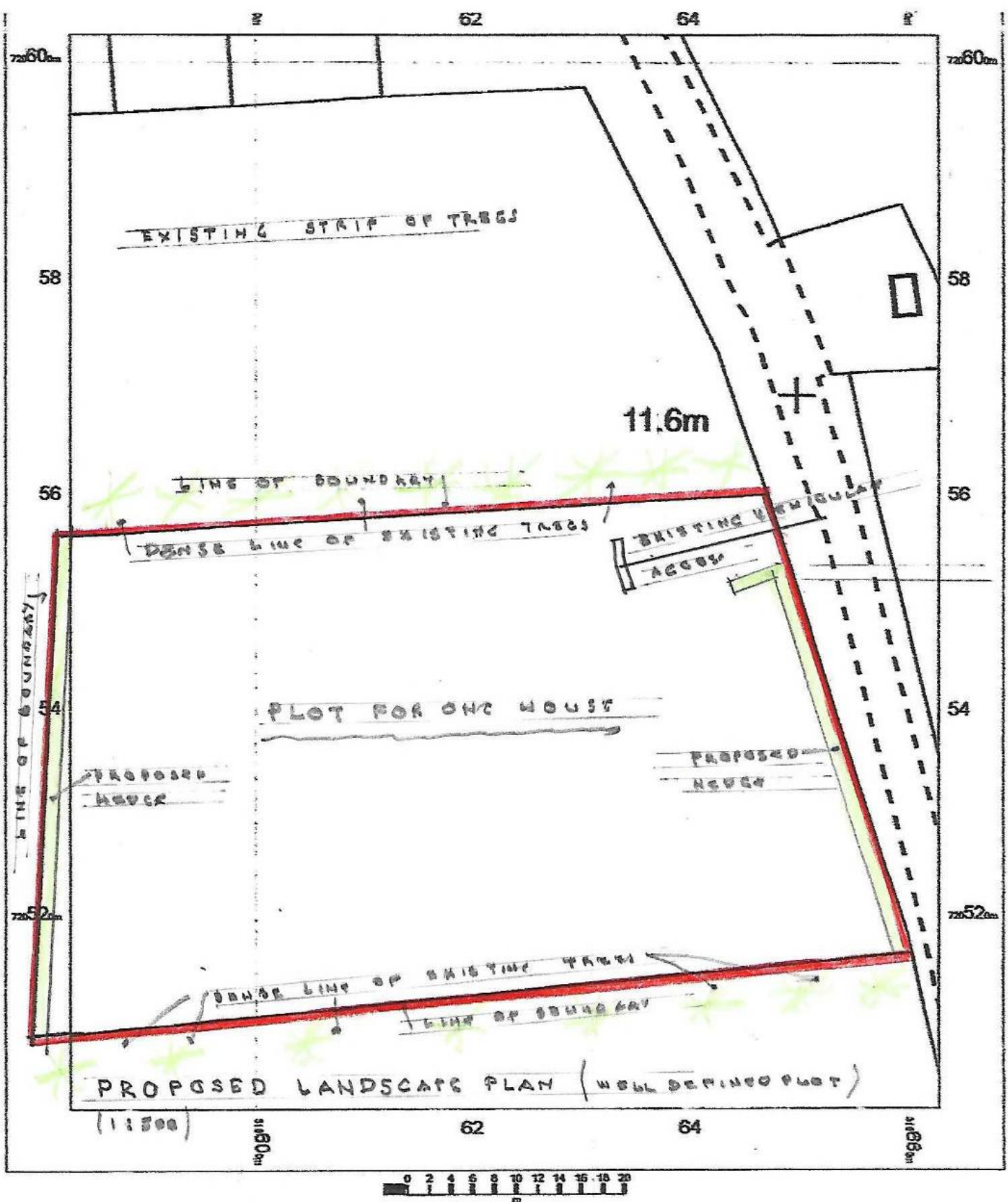
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17 December 2013, ID: MNOW-00282851  
mapsnow.co.uk

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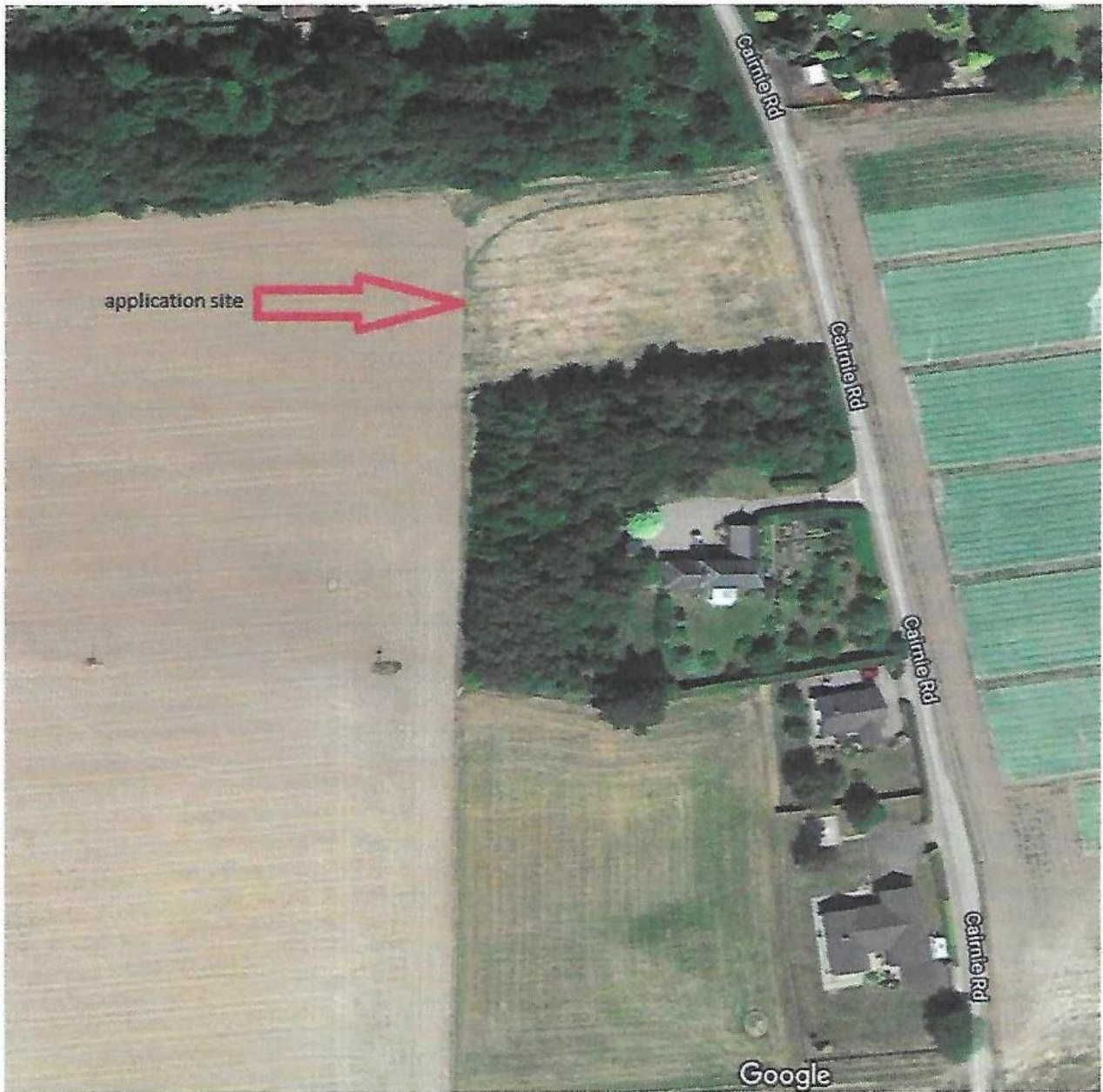


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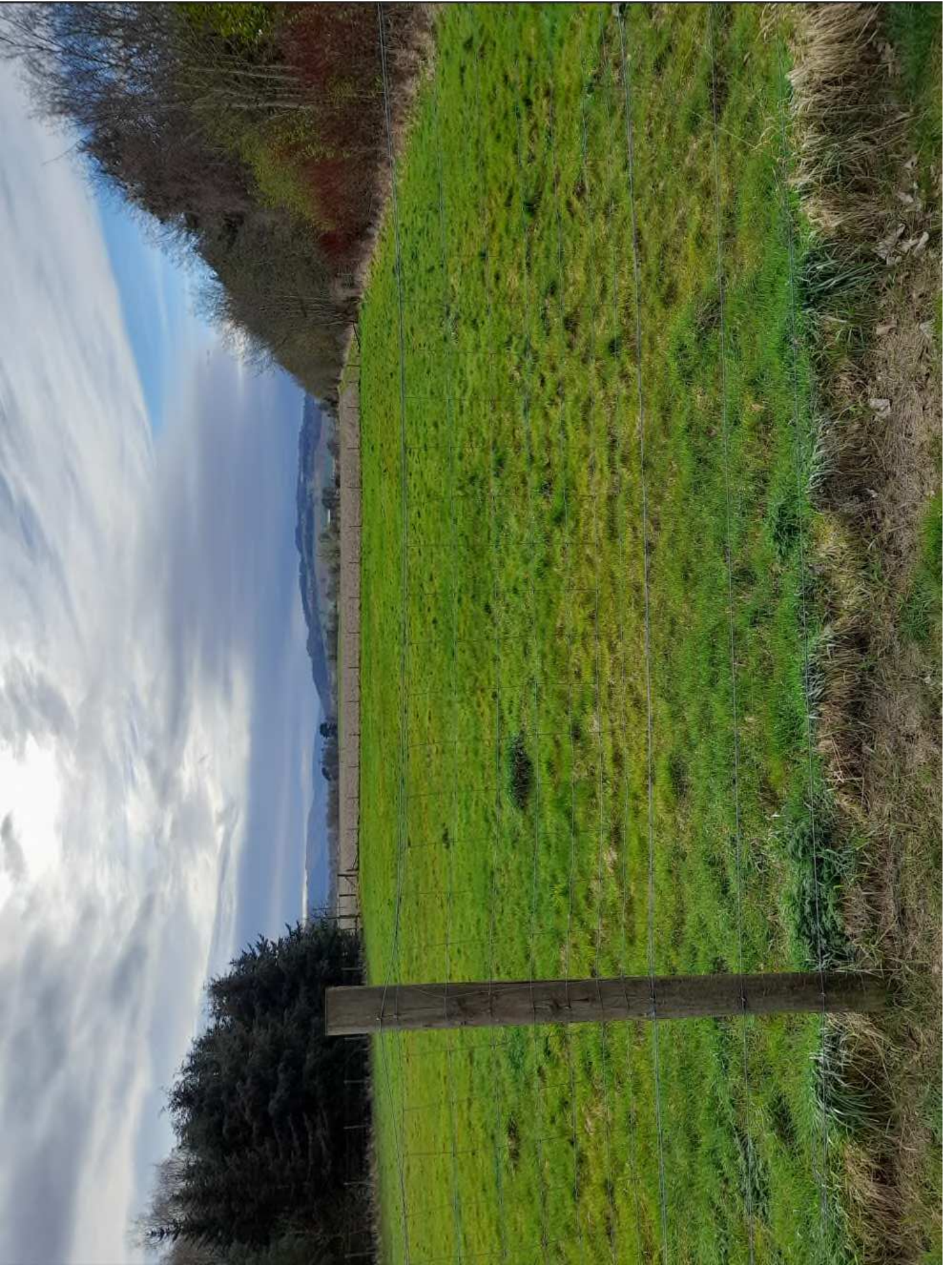
# PHOTOGRAPH



















**LRB-2022-53****22/00801/IPL – Erection of a dwellinghouse (in principle),  
land 70 metres north of Cairnie House, Cairnie Road,  
St Madoes, PH2 7NE****PLANNING DECISION NOTICE****REPORT OF HANDLING****REFERENCE DOCUMENTS** *(part included in  
applicant's submission, Pages 285-289)*





Mrs Audrey Burns  
c/o Robert Crerar  
Office  
The Square  
Methven  
Perthshire  
PH1 3PE

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice :**29th June 2022**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **22/00801/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 28th April 2022 for permission for **Erection of a dwellinghouse (in principle) Land 70 Metres North Of Cairnie House Cairnie Road St Madoes** for the reasons undernoted.

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposal is not considered to comply with Policy 19 - Housing in the Countryside of the Perth and Kinross Local Development Plan 2 and associated Housing in the Countryside supplementary planning guidance as the proposed dwelling does not meet any of the defined categories which permit the erection of dwellings in the countryside.
2. The proposal is not considered to comply with Policy 50: Prime Agricultural Land of the Perth and Kinross Local Development Plan 2 as the site is outside an identified settlement on prime agricultural land where it does not meet any exceptions that would allow development on prime agricultural land

### **Justification**

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

### **Notes**

The plans and documents 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**

**01**

**02**

**03**

**04**

**05**



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	22/00801/IPL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	27th June 2022	
Draft Report Date	23rd June 2022	
Report Issued by	PB	Date 23 <sup>rd</sup> June 2022

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

**LOCATION:** Land 70 Metres North Of Cairnie House Cairnie Road St Madoes

#### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

#### SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

In this instance, a physical visit to the site was considered necessary. The application site was visited on **21 June 2022**.

#### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application is for the erection of a dwellinghouse in principle. The site is some 3330 sqm. To the north of the site is woodland and St Madoes, a settlement defined in the adopted local development plan. To the south of the site is Cairnie, a Category C listed building which is encompassed by woodland on the north and west boundaries.

An application for the same development was refused in May 2021. This is a resubmission of the same proposal accompanied by a revised supporting statement.

## **SITE HISTORY**

21/00581/IPL Erection of dwellinghouse (in principle) 19 May 2021 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking  
Policy 1B: Placemaking  
Policy 5: Infrastructure Contributions  
Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside  
 Policy 27A: Listed Buildings  
 Policy 39: Landscape  
 Policy 50: Prime Agricultural Land  
 Policy 53B: Water Environment and Drainage: Foul Drainage  
 Policy 53C: Water Environment and Drainage: Surface Water Drainage  
 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## OTHER POLICIES

Housing in the Countryside SPG  
 Developer Contributions SPG

## CONSULTATION RESPONSES

Transport Planning  
 No objection subject to condition.

Scottish Water  
 Advice given with regard to Scottish Water infrastructure.

Development Contributions Officer  
 Conditions required with regard to contributions.

Structures And Flooding  
 No objection. Refer to PKC Flood Risk supplementary guidance.

## REPRESENTATIONS

No representations received.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Supporting Statement submitted

## 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 and the adopted LDP2.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

## **Policy Appraisal**

The proposal was previously assessed in terms of policy 6, Settlement Boundaries and policy 19, Housing in the Countryside.

Policy 6 specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Local Development Plan. This proposed site lies out with the St Madoes settlement boundary to the north, and the proposal does not meet any of the defined criteria which may otherwise allow a site adjoining the settlement boundary to be considered. Consideration against Policy 6 is therefore irrelevant.

Policy 19 however is of specific relevance. This acknowledges that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved.

The Housing in the Countryside Supplementary Planning Guidance (SPG) provides greater clarity on the categories of development that will be permitted under Policy 19. The categories are as follows:-

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

It was considered when assessing the previous application that this proposal did not meet any of the following categories: - Building Groups, Infill sites, Renovation or replacement of houses, Conversion or replacement of redundant non-domestic buildings or Development on rural brownfield land.

There is an existing group of three or more buildings to the south of the site. However the northern edge of this group is separated from the application site by a block of woodland around 30 metres wide which detaches the site from the building group. The proposal is therefore not considered to extend the building group into a readily defined adjacent site. Whilst there are established boundaries formed by the two wooded areas to the north and south of the site, the application site does not physically or visually relate to the rest of the group. The boundary to the west is defined by a wire fence.

It is also not considered to be an infill site within the terms of the housing in the countryside policy as it is part of a gap between two wooded areas rather than between two houses or a house and another substantial building.

The supporting statement suggests that it is an awkward site to farm and that access is not possible with large machinery. However this is not a reason to set aside the housing in the countryside policy.

The site is on prime agricultural land. Outside the identified settlements, development on prime agricultural land will not be permitted, unless it is necessary to meet a specific established need, such as a major infrastructure proposal and only when there is no other suitable site available on non- prime land. Small- scale development directly linked to rural business, including housing, may also be acceptable on prime agricultural land, providing it is compatible with all other aspects of the policy framework of the Plan and there are no other suitable non- prime land sites available, and it does not adversely affect the viability of the agricultural unit. The site is on prime agricultural land (Grade 2) outwith the settlement boundary. It does not meet any exceptions that would allow development on prime agricultural land accordingly it conflicts with Policy 50.

Taking account of the above the application conflicts with the Policy 19 - Housing in the Countryside and the associated Housing in the Countryside Guide and with the prime agricultural land policy (policy 50).

### **Design, Layout and Landscape**

As the proposal is in principle, there is no detailed dwelling proposal. Whilst a dwelling could be situated in the site identified, which at 3300sqm is ample the overall character and setting of St Madoes will be affected by the proposal along with the wider landscape due to further urban creep into the countryside.

### **Residential Amenity**

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed properties is required and in this case cognisance of the surrounding land uses has to be taken into account.

As this is a planning in principle application the exact impact on existing amenity and the proposed residential amenity of future occupiers of housing within the development cannot be fully determined. However, taking account of the block plan it is considered that a scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the house.

### **Roads and Access**

Conditional control can ensure suitable access and egress from the site as well as parking and turning arrangements to comply with Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

## **Drainage and Flooding**

From a review of the SEPA flood map there appears to be a natural depression in the local topography to the south of the site where surface water can pool. Given this relates to a relatively small part of the site this can likely be designed out as part of a detailed application.

PKC Flooding has been consulted and do not object.

## **Conservation Considerations**

The proposal is not considered to impact the neighbouring listed building due to a belt of established trees between it and the application site. Additionally, the orientation of the principal elevations of the listed building faces away from the development site. There is no conflict with Policy 27A Listed Buildings

## **Developer Contributions**

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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of St Madoes Primary School.

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.

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.

With conditional control applied the proposal will comply with Policy 5: Infrastructure Contributions

## **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was not varied prior to determination.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, 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 Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

### **Conditions and Reasons**

1 The proposal is not considered to comply with Policy 19 - Housing in the Countryside of the Perth and Kinross Local Development Plan 2 and associated Housing in the Countryside supplementary planning guidance as the proposed dwelling does not meet any of the defined categories which permit the erection of dwellings in the countryside.

2 The proposal is not considered to comply with Policy 50: Prime Agricultural Land of the Perth and Kinross Local Development Plan 2 as the site is outside an identified settlement on prime agricultural land where it does not meet any exceptions that would allow development on prime agricultural land

### **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**

01

02

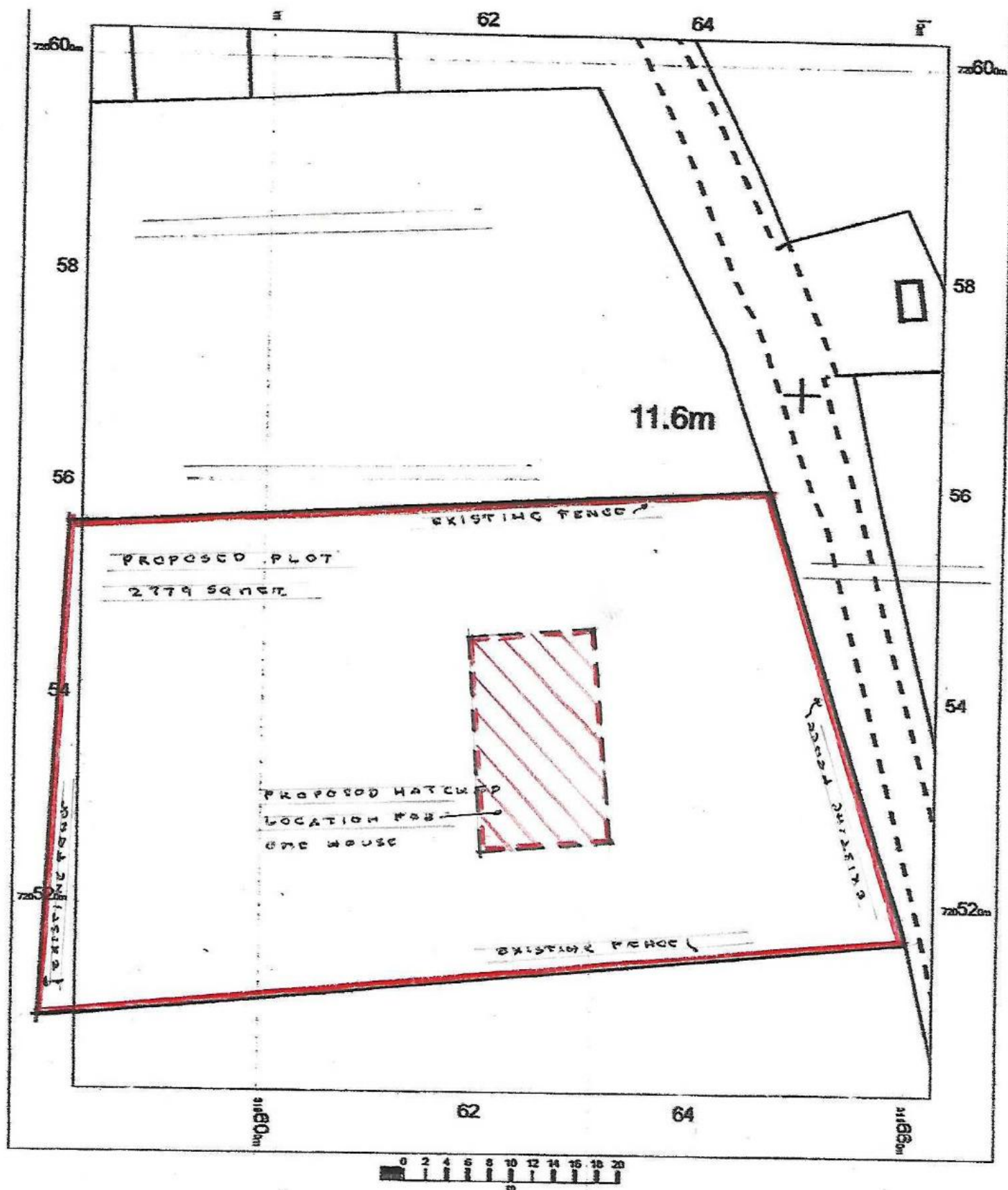
03

04

05









**LRB-2022-53****22/00801/IPL – Erection of a dwellinghouse (in principle),  
land 70 metres north of Cairnie House, Cairnie Road,  
St Madoes, PH2 7NE**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	22/00801/IPL	<b>Comments provided by</b>	Charlie Haggart
<b>Service/Section</b>	HE/Flooding	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of dwellinghouse (in principle)		
<b>Address of site</b>	Land 70 Metres North Of Cairnie House Cairnie Road St Madoes		
<b>Comments on the proposal</b>	No objections.		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>	The applicant is advised to refer to Perth & Kinross Council's <a href="#">Supplementary guidance on Flood Risk and Flood Risk Assessments 2021</a> as it contains advice relevant to your development.		
<b>Date comments returned</b>	20/05/2022		



Friday, 20 May 2022



Local Planner  
Planning and Development  
Perth and Kinross Council  
Perth  
PH1 5GD

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**70 Metres North Of Cairnie House, Cairnie Road, St Madoes, PH2 7UZ**  
**Planning Ref: 22/00801/IPL**  
**Our Ref: DSCAS-0065178-LSN**  
**Proposal: Erection of a dwellinghouse (in principle)**

**Please quote our reference in all future correspondence**

## **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

## **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Clatto Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

## **Waste Water Capacity Assessment**

- ▶ There is currently sufficient capacity for a foul only connection in the Glencarse Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.



## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.



- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
  - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

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

<b>Planning Application ref.</b>	22/00801/IPL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner Email: [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 70 Metres North Of Cairnie House Cairnie Road St Madoes		
<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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of St Madoes 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> <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 planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>		

	<p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to transport infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	27 May 2022



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

<b>Planning Application ref.</b>	22/00801/IPL	<b>Comments provided by</b>	Dean Salman Development Engineer
<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 70 Metres North Of Cairnie House Cairnie Road St Madoes		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned, I have no objection to this proposal on the following condition.		
<b>Recommended planning condition(s)</b>	The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority. All matters regarding: access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.		
<b>Recommended informative(s) for applicant</b>	The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at <a href="http://www.pkc.gov.uk/vehicleaccess">www.pkc.gov.uk/vehicleaccess</a> . Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
<b>Date comments returned</b>	02 June 2022		

