

LRB-2023-39

23/00532/FLL - Erection of a dwellinghouse and associated works, land north of 31 Main Street, Keltybridge

REPRESENTATIONS

Monday, 24 April 2023



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
www.scottishwater.co.uk



Dear Customer,

31 Main Street, Keltybridge, KY4 0JH
Planning Ref: 23/00532/FLL
Our Ref: DSCAS-0085376-YFG
Proposal: Erection of a dwellinghouse and associated works

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:

- ▶ There is currently sufficient capacity in the Glendevon 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.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Levenmouth 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.

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
 - ▶ 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

▶ 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 laundrettes. 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 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 5kg 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

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.

Yours sincerely,

Angela Allison

Development Services Analyst

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."



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Case Officer
Perth and Kinross Council

[By Email: developmentmanagement@pkc.gov.uk]

27 April 2023

Dear Sir or Madam

PLANNING APPLICATION: 23/00532/FLL

Erection of a dwellinghouse and associated works; land north of 31 Main Street, Keltybridge

Thank you for your consultation letter of 21 April 2023 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Substantive Concern

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically both actual and probable shallow coal mine workings and probable shallow coal mine workings associated with a thick coal seam outcrop, which may have been worked from the surface.

Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The applicant has submitted some coal mining information to accompany the planning application; however, the Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development.

The Coal Authority therefore **objects** to this planning application, and we consider that the applicant needs to submit a Coal Mining Risk Assessment Report to the LPA.

It is a requirement of Policy 9 (c) of NPF4 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application, prepared by a suitably qualified person. Without such a risk assessment, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

The applicant has simply submitted a Coal Mining Report. The submission of Coal Mining Report is not a Coal Mining Risk Assessment. The Coal Mining Report provides only baseline data; it does not provide an assessment of the risks to any proposed new development on the site.

The applicant should use this coal mining information to assess whether or not past mining activity poses any risk to their development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive site investigation to ensure that the LPA has sufficient information to determine the planning application.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours faithfully

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on and add to up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline

information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development. If you merely submit a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report obtained from www.groundstability.com (or a similar product from private land search suppliers) this will not overcome our objection to your planning application.

The need for a Coal Mining Risk Assessment is set out in the National Planning Practice Guide at:<http://planningguidance.planningportal.gov.uk/blog/guidance/land-stability/land-stability-guidance/>

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a “competent body”. Links to the relevant professional institutions of competent bodies can be found at:
<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

As the coal mining legacy issue that needs further consideration in this particular case is potential historic shallow mining the British Geological Survey (BGS) may prove a useful source of geological and mining information: www.bgs.ac.uk

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority’s website at:
<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant

for consultation purposes.

Development Management

From: Margaret Traylor
Sent: 08 May 2023 22:03
To: Development Management
Subject: Planning Application Reference 23/00532/FLL - Land north of 31 Main Street, Keltybridge
Attachments: Objection Letter Tabernacle for land north of 31 Main Street Ketybridge 2.doc
Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Sirs

Ref Planning Application - 23/00532?FLL - Land north of 31 Main Street, Keltybridge

I refer to the above and attach a letter of **objection** to the above application for your further attention.
Yours sincerely

Secretary
For & on Behalf of the
Trustees & Committee
Tabernacle Hall, Keltybridge

Tabernacle Hall
C/O 15 Keltybridge
KELTY, KY4 0JH
8th May 2023

Development Management
Perth & Kinross Council
Pullar House, 35 Kinnoull Street
PERTH PH1 5GD

Dear Sirs,

Planning Application - 23/00532/FLL - Land north of 31 Main Street, Keltybridge

As a Community Hall in the very near vicinity to this proposed development, we hereby wish to object to this application on the site as this area to the north of two dwelling houses, which were given approval in 2014 and which were completed in 2020, was to be retained and maintained as a "Landscaped amenity area, planted with native varieties to increase local wildlife and bio-diversity in the interest of visual amenity and environmental quality". Also retaining the area as a landscaped area, as was stated in the Report of Handling dated 19th March 2014 "a landscaped area to the north of the site will provide a green buffer to the development as approached from the north and will soften the visual impact".

The area of land on which approval for the two dwelling houses was given in 2014 and the north of this site on which is the subject of this current proposal, is still out-with the Keltybridge village settlement boundary. The settlement boundary in PLDP 2014, specifically Policy PM4: Settlement Boundaries, was inserted to protect Settlement Boundaries The Housing in the Countryside Policy Guide RD3 in the LDP then was used to determine approval.

The loss of this area to undesirable overdevelopment after local residents have so long been against any additional built development here trying to ensure retention and protection of this site as an environmental green biodiverse amenity area, having been assured by initial approval and all subsequent amendments retrospectively applied for and approved, with conditions applied to the approvals to the effect, that this area would be retained as a landscaped area completed, retained and maintained as such, to now be faced with this new proposal effectively robbing the community of this green space contrary to PKC Biodiversity Policy 41 & Supplementary Guidance to Policy No 19 Houses in the Countryside " to halt the loss of biodiversity"

The Tabernacle Hall is a well used community hub and venue, which is situated to the east and slightly south of this site, presently with panoramic views to the open

rural countryside to the east, north to Benarty Hill, from the raised vantage area of grassed meadow land. If this proposal goes ahead we will have a birdseye view of this two storey house with its modern design with no green open landscaped area, as promised, hardly environmentally friendly for a rural landscape approach to the village from the north with its aesthetic and sympathetic historical listed category C buildings nearby. This would be contrary to Listed Buildings Policy 27 .

Residential Areas Policy 17. - specifically a - criteria states - infill residential development at a density which represents the most efficient use of the site while respecting its environs c - Proposals which will improve the character of the area or the village This proposal does not meet these and reiterate this proposal would result, in overshadowing and overlooking to neighbouring properties, **being contrary to Policy 17 Residential Areas.**

Traffic and Road Safety is a big issue in Keltybridge - the proposal indicates that the plot will provide parking facilities for two vehicles and also provide turning facilities to enable all vehicles to enter and leave in a forward gear. This is impossible, the size of the plot frontage and the completed two neighbouring properties, with two vehicles, both need to reverse from the main road into the parking area due to the limited space, bringing additional road safety issues for other road users and pedestrians on a very narrow rural village road. The limitation of any kind of parking in this area of village is of great concern to all residents especially to the Tabernacle Hall as when any community social event takes place, due to the additional access/entry points where 19th century stone walls have been breached to create the extra driveways at these new properties over the last 3 years has severely reduced any parking ability. None of these issues, for existing residents seems to matter, with little regard, when approval is given, this additional development is unnecessary and over saturation of a small rural village.

Finally, I note from the plans refer to land marked "Existing Landscaped Area and Seating". This area refers to a Community Garden Space area at the approach to the north of the village on the east side of the main road, it has been lawned, with a flower, shrubbery bed and seating bench. It is used by local residents, walkers, cyclists and many others as a resting spot on their travels or merely to just to admire the magnificent views. It is our local "beauty spot" admired by many. The view from this point and the whole benefit of the community garden would be substantially ruined with this proposal as all any visitor would see is a 2 level height modern dwellinghouse, and no green biodiverse green space. The proposal will deny local residents this amenity and destroy the environmental aspect and biodiversity the community have worked so hard to retain as a community open green space.

The Tabernacle Hall would urge the Planning Authority to **refuse** this planning application proposal, and allow the residents of our small community to be saved from this drastic destruction of the promised open green landscape space we were

promised when this site was given planning approval for development for the two existing properties, retaining a green open space aspect being so important to everyone in these days of trying to improve, retain and treat our environment with respect and save green open spaces for future generations to enjoy.

Yours sincerely

Secretary
For & on Behalf of
Trustees & Committee
Tabernacle Hall, Keltybridge

Haugh Cottage
15 Keltybridge
KELTY, KY4 0JH

8th May,2023

Development Management
Perth & Kinross Council
Pullar House, 35 Kinnoull Street
PERTH PH1 5GD

Dear Sirs,

Planning Application - 23/00532/FLL - Land north of 31 Main Street, Keltybridge

We refer to the above application and hereby wish to object strongly to this application for the undernoted reasons:-

The planning history of this site since December 1993 has been extremely controversial over these many years and has caused local residents untold stress and inconvenience, **on our very narrow rural roads**. The village also has very limited pavement facilities for pedestrians and with the construction of the two previous properties at this site by this developer numbers 29 & 31, which were only completed in December 2020, 6 years after the original planning application approval, the parking of workers' vehicles without consideration for local residents, the constant delivery of building materials by large commercial vehicles, blocking the roads, damage to the roadside verges by off road parking by these numerous vehicles and on-site workers, over the number of years this development has taken to complete, has been very disturbing and frustrating for local residents and dangerous for pedestrians in pursuit of their day to day activities.

It is noted also that the previous planning application under reference 22/01945/FLL for this site, was in fact withdrawn by the applicant, obviously for the reasons that the proposed development was totally inappropriate and would have been refused anyway as being contrary to many of PKC LDP Planning Policies.

The original planning Approval Report of Handling dated 19th March 2014 13/02177/FLL for the Erection of the 2 dwelling houses to the south of this site ie numbers 29 & 31 was determined in terms of the then **Housing in the Countryside Policy Guide Policy RD3**, November 2012, 6, Rural Brownfield, contrary to the fact that the site was out-with the Keltybridge settlement boundary as stated in the PLDP 2014, and **specifically Policy PM4: Settlement Boundaries. The report also indicated that a landscaped area to the north of the site will provide a green**

buffer to the development as it is approached from the north and will soften the visual impact.

This landscaped area was, according to a further retrospective amendment **application ref 17/01593/FLL Approval letter dated 22nd November 2017 Recommendation Condition No 7**, referring to this area "shall be completed within the first planting season (October to March) after the completion of bringing into use of the development". This was not completed within these conditions or maintained and retained as such, after the first property was sold and occupied in December 2020. The developer did lawn this area and was looking rather nice, obviously done only as a measure to sell the neighbouring property, because within a few months into 2021, the following year, it became a "building site yard" dumping ground area while the developer built a further property across the road, which over time increased into a mountain of building spoil materials and got worse and worse!! The Design Statement from the applicant still refers to this as contaminated land but it is only contaminated by the developer with the amount of unwanted building site material spoil, which was dumped and has been a continuing eyesore for 2 years!!! The site was cleared of this mountain of spoil, debris and cast off unwanted parts of building material very recently, but in the last few days a further mound of hardcore has been dumped at the entry to the site!! This is the area where the developer still wishes to build a further unsuitably designed dwellinghouse, which will have an extremely negative impact on the approach from the north into the village and will be, **if approved another dwellinghouse outwith the Keltybridge settlement boundary contrary to the LDP**. Local residents would then be robbed of a long expected landscaped area and green open space entry into the village as was promised to create a "Green Buffer" to soften the visual impact from the north into the village.

What is being proposed by the applicant as a landscape area, is a very small triangle point on the extreme north corner of the sloping site as an alternative, describing this as an area for biodiversity enhancement into by Wild Flower seeding and to improve the eastern boundary existing Beech hedge which has been [REDACTED] neglected over many years by this developer applicant. This is a very poor attempt by the developer to overcome his historical responsibility from previous planning and retrospective amendment consents, which was to create a landscaped area on the whole of this site, a **"Green Buffer"** at the north of the site (north of No 31) as stated in **Retrospective Amendment Application Ref 17/01593/FLL Approval Letter dated 22nd November 2017 Condition 7**. What is now being suggested as an alternative landscaped area to allow the developer to build a 3rd property is totally unacceptable as a landscaped area, especially as all if this site is still not in the **"Village Settlement Boundary" contrary to Policy PM4**.

3. Local Development plan 2019 Placemaking Policy 1 specifically b - defines in the criteria that proposals should consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area ; **c** - the design and density should complement its

surroundings in terms of appearance, height, scale, massing, materials, finishes and colours; **d** - respect an existing building line where appropriate; this proposed dwellinghouse meets none of these criteria. The owners/residents of the nearest neighbouring property number 31 will have serious overlooking and overshadowing, as the design of their property, which has picture windows on the north and east elevation, will have an adverse impact on their **residential amenity** and the use of this small site for development of this size, will not compliment any of the other surrounding properties in respect of appearance, design, height, scale, massing or finishes. The placing of a such a development on this small site with virtually no amenity space is contrary to **Placemaking Policy 1**.

4. Residential Areas Policy 17 - specifically a - criteria states - infill residential development at a density which represents the most efficient use of the site while respecting its environs **c** - Proposals which will improve the character of the area or the village **e** - Proposals for improvements to community and educational facilities. This proposal meets none of these for all the reasons I have given above and at para **3 & 5**. and reiterate this proposal would result, as stated, in overshadowing and overlooking to neighbouring properties, **being detrimental on residential amenity means the proposal is contrary to Policy 17 Residential Areas**.

5. Listed Buildings Policy 27 - the design of this proposed development is not of a small scale and traditional style that reflects the vernacular character of the existing nearby properties specifically the nearby character and setting of the **Category C listed buildings**, which will lie directly opposite to this proposal site, and which should be, as was expected to be at this site, retained as a green landscape area.

6. Area of Former Coal Workings - it is noted from correspondence on record from the Coal Authority dated 27th April 2023 to PKC that they have indicated their **Substantive Concern** over this application and have maintained their **Objection** to the application.

7. Traffic & Road Safety - the proposal indicates that the plot will provide parking facilities for two vehicles and from previous approvals at this site, also provide turning facilities to enable all vehicles to enter and leave in a forward gear. This is nigh impossible, bearing in mind the size of the plot frontage and indeed the previous two completed neighbouring properties nearby, who each have two vehicles, both need to reverse from the main road into the parking area due to the limited space, bringing additional road safety issues for other road users and pedestrians.

Finally, I note from the plans that the area of community land marked "Existing Landscaped Area and Seating". This area refers to a Community Garden Space area at the approach to the north of the village on the east side of the main road, it is lawned, with a flower and shrubbery bed and a seating bench, which was placed and developed by members of the community to celebrate the Millennium (in the Spring

of 2001). It has been maintained by members of the community each year since. The spot was chosen as it has beautiful panoramic views to the east and north over the rural open countryside and Benarty Hill. It is used by local residents, walkers, cyclists and many others as a resting spot on their travels or merely to just to admire the magnificent views. The village is on an well known cycle route and a Core Path Network route. This development would be contrary to **Residential Areas Policy 17** being detrimental to local Residential Amenity. It will destroy the environmental aspect and biodiversity which the community has tried so hard to retain as an open community space on the approach to the village from the North.

We would therefore urge Development Management to refuse this planning application and save and preserve the historic identity and significance of the approach to our village from becoming an over-developed nightmare, and which should be, as has been expected to be by all local residents, retained and maintained as a green landscape area, a green buffer, softening the visual impact on entry to the village from the north.

Yours sincerely

Mr Peter & Mrs Margaret Traylor

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00532/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner Email: [REDACTED]
Description of Proposal	Erection of a dwellinghouse and associated works		
Address of site	Land North Of 31 Main Street Keltybridge		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</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 Cleish Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0 Total: £0</p>		
Recommended informative(s) for applicant			
Date comments returned	09 May 2023		



Mr David Littlejohn
Head of Planning & Development
Perth and Kinross Council
35 Kinnoull Street
Perth
PH1 5GD



09 May 2023

REF: 23/00532/FLL | Erection of a dwellinghouse and associated works | Land North Of 31 Main Street Keltybridge

Dear Mr Littlejohn.

With reference to the above planning application (formerly Application Reference 22/01945/FLL), and having digested the proposed changes to this withdrawn application, I can see no reason to reverse my objections, as detailed in my previous points below (updated), and indeed have a further concern as highlighted in point 4.

1. **Green space:** I was led to believe that the proposed plot was to remain as a natural wild area after the double build to the south, thus enhancing the environment of the adjacent viewing point over Benarty Hill and the surrounding countryside.

Thankfully the site has been cleared and is no longer a dumping ground and an eye-sore. However, I still have to contemplate having a dwelling house built there, now only partially obscuring the view (please refer to the Drawings 03 and 04), 
 which offers no privacy to the resident nor an unobstructed, natural landscape for the viewer.

I also fear that, should the application be approved, some other part(s) of adjacent land will become a storage/dumping ground for building materials et al during any construction, as the previous “dump” is now being developed.

2. **Environment:** Has adequate consideration been given to what will be the lasting environmental, and indeed mental, impact of the proposal, especially on the occupants of No 31 Main Street? Deprivation of daylight, the proximity of new buildings, loss of privacy, noise pollution and restricted access will all impact the current quality of life and mental wellbeing of all residents in the surrounding vicinity.

3. **Design:** From what I can gather from the drawings, the design of this property would in no way be in keeping with the nature of, or be in harmony with, the surrounding listed properties. It would, in my opinion, stick out like a sore thumb, thus contradicting the claim of it being an enhancement to the village as stated in the Design Statement.

4. **Coal Authority:** I note with some concern the objection to the proposal by the Coal Authority, for obvious reasons. I hope that these concerns will be given the full attention they deserve and that a full and thorough Risk Assessment is carried out forthwith.

I trust that you will consider my objections to this proposal and use your undoubted professional judgment to ensure that my concerns are addressed.

Yours sincerely,

G A Cowie

G A Cowie

Development Management

From: Sally Joice [REDACTED]
Sent: 10 May 2023 15:57
To: Development Management
Subject: RE: Planning application 23/00532/FLL

[REDACTED]

Dear Sirs

I would like to register my objections to the above application

The design statement refers to the site as rural brownfield but seems to take no account of previous, successful, applications concerning the landscaping of the site, namely

17_01593_FLL
18_00170_FLL
20_00201_FLL

The first two propose active "rewilding" of the site whilst 3rd proposes a natural rewilding.

Any of these 3 would, undoubtedly, improve the visual impact on the northern entry to the village in a way that no new house could possibly do.

The village endured the site being used as a compound for storage and toilet facilities during the protracted construction of Ben Oir - plus the traffic hazards caused by the same.

My second objection is on the grounds of road safety.

The road, created over 100 years before the existing "original" village houses were built, was certainly not designed to cope with the traffic that now uses it - in common, of course, with many other roads.

The number of permitted vehicular accesses to the road has increased significantly and the imminent sale of [REDACTED] is likely to compound this as its currently unused vehicle access will, more than likely, be required once again.

The proximity of the private house accesses together with the regularly used farm road that debouches just to the north of the proposed house, together with the regular parking on the road already make this a hazardous place for locals and visitors alike.

To summarise my objections to the application are that

1. It does not appear to comply with the conditions of the successful applications in respect of 29 and 31 Keltybridge
2. Any new house would not be visually superior to the rewilded area
3. Road safety, vehicular, cycle and pedestrian would be compromised.

Yours faithfully

Sarah Joice (Mrs)

Development Management

From: G Simpson [REDACTED]
Sent: 10 May 2023 21:33
To: Development Management
Subject: Objection to Planning Application 23/00532/FLL - Land north of 31 Main Street, Keltybridge.
Attachments: GS 2 Objection 10th May 2023.pdf

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Development Management Team,
Perth & Kinross Council,
Puller House, 35 Kinnoull Street,
Perth, PH1 5GD

Objection to Planning Application 23/00532/FLL
– Land north of 31 Main Street, Keltybridge.

Please find attached our objection to this planning proposal.

[REDACTED] the reasons for our
objection are in no particular order are as follows:

- Contrary to Development Plan policy
- Loss of open space
- Over intensive development
- Development substantially implemented

Yours sincerely

Gavin & Joyce Simpson



CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Land north of 31 Main Street, Keltybridge for Mr. and Mrs G. Simpson.

Objection to planning application 23/00532/FLL – Erection of a dwelling house and associated works: validated 21st April 2023





Enlarged view showing our neighbourhood within Keltybridge

10th May 2023

INTRODUCTION

Looking through the planning case history for this part of the small village of Keltybridge there is a complicated pattern relating to several ‘infill’ sites and more specifically to the land north of 27 Main Street. The original site is with planning consent for two houses, and includes the land pertaining to the site for planning application 23/00532/FLL, is shown in the Location Plans (**APPENDICES 1, 2, 2a, 2b, and 3**).

LOCATION AND PLANNING POLICY

The adopted Local Development Plan 2019, Page 221, includes a settlement statement for Keltybridge and Maryburgh. The Settlement Summary Map shows the defined urban boundaries. The site on which we now live is therefore within designated countryside. We have delineated the site in RED on a location plan for clarity, (Copy of page 221 of the LDP with delineation superimposed-therein referred to as (**APPENDICES 1, 2, 2a, 2b, and 3**)). The site has a distinctive boundary appearance between the urban and the rural character with important natural features that creates a most attractive natural definition with trees near the urban settlement boundary. That can be clearly viewed from the satellite image on the front and frontispiece of this statement.

Both Keltybridge and Maryburgh settlements have no land allocated for development. [REDACTED]

[REDACTED] with part of that land shown as relating to this planning application. The whole site is a ‘windfall site’ and not part of the planned housing land supply of the Development Plan. This means there is no policy imperative placed on the planning authority to promote the land to be developed for housing. **COMMENT:** More specifically it means we must resist any further new homes on the site and as now proposed.

In the wider context Keltybridge is a fine example of a small rural settlement borne of ‘organic growth’ that prevailed from earlier generations most likely preceding any planning controls. There are several buildings of Architectural and Historic Interest (Listed Buildings) within the immediate neighbourhood. (See **APPENDIX 3A – Listed Buildings in Keltybridge.**) The existing spaces between buildings are so important as they help form the character of the place, especially in Keltybridge.

We look to the planning system to provide a balanced and informed decision-making process based upon the fundamental planning principles not only in law but also in general accord with adopted policy to enable the right degree of public confidence and certainty to prevail. We have committed a lifetime investment to live here and seek therefore to clearly assert how that can be made to apply in this instance:

THE STATUTORY PLANNING SYSTEM

For the principal planning act: the Town and Country Planning (Scotland) Act 1997: we refer more specifically to the following:

1. **Section 3ZA – Sub-sections 1-3** the purpose of the planning system.
2. **Part III: Determination of applications: Section 37;** Determination of applications: general considerations: sub-sections 1-4(c)
3. **Part III: Determination of applications - Section 42-** Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those, subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

[F1(3)The Scottish Ministers may by regulations or a development order make special provision as regards the procedure to be followed in connection with such applications.**]**

(4) This section does not apply if the previous permission was granted subject to a condition as to the time within which the development to which it related was to be begun, and that time has expired without the development having been begun.

- **Part III: Determination of applications: Section 44** - Effect of planning permission:
 - (1) Without prejudice to the provisions of this Part as to the duration, revocation or modification of planning permission, any grant of planning permission to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested in it.
 - (2) Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used.
 - (3) If no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

COMMENT: The above demonstrates that whilst the planning system can supersede previous planning decisions there are caveats to that being applied reasonably. In referring to Section 44 it means that any subsequent, distinct or specific formal planning submission is required to consider ONLY the question on any previous planning condition/s. There has been no such submission made. Further, the terms of Section 44 (1) asserts that planning permission applies for the benefit of the land and of all persons for the time being interested in it. That means an equal conviction rests with Peleton Ltd. and Perth and Kinross Council as planning authority, to secure that the landscape quality of the site is enhanced and delivered in the way already approved and for the compelling reasons asserted in 2015. At this point we informally advise you that we and our next-door neighbours in discussion with the Developer shortly before buying our houses were advised by him when at the site, that he was going to landscape the adjoining land with indigenous species and to include elements of re-wilding.

The planning conditions that are formally asserted for this site to be landscaped with enhanced flora there was to adequately mitigate any adverse impacts from the development associated with our two houses that are now built. Current planning consents for here appear to support this conviction to protect and enhance our natural heritage in an already approved way. We maintain this statutory context is fundamental to this case and resist any new house being built on the land adjacent to ours because of the reasoning and planning contexts for our place as already given and stated by the planning system. We presume a formal planning agreement under statute, relating to local education, has been entered into prior to the 2015 consent being issued. The 2015 planning consent relates to **APPENDIX 5 - Landscape proposals 13/02177/7** and shows the necessary mitigation measures required to rewild and enhance the natural space.

To add that we maintain the existing trees that cover the site next the field should not be topped or lopped down to only 2m high or thereby. This would destroy the current attractive rural setting.

THE LOCAL DEVELOPMENT PLAN

The Planner's report for the formal submission 20/00201/FLL, states the following policies are relevant:

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

The principal policies are, in summary:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

COMMENT: “....The need for a house must be demonstrated. Proposals for houses which are not directly linked to an economic activity will not be permitted on sites that adjoin settlement boundaries”.

To that we ADD: In this instance we maintain the erection of two houses on the original site does not create the way for any unacceptable planning precedent that allows any more houses on the land subject to this formal submission. The land in question must be subject to landscape enhancement as already approved under the planning conditions applied to 20/00201/FLL or 13/02177/FLL. We refer to this again and more clearly later herein.

Policy 27A: Listed Buildings” **COMMENT:** the policy states (copy extract in part only) The layout, design, materials, scale, siting and use of any development which will affect a listed building **or its setting** should be appropriate to the building’s character, appearance and setting. The location of the Listed Buildings in Keltybridge are shown in **APPENDIX 3A – Listed buildings**. Appendix 3a shows that the setting of the village and its organic pattern of buildings and their form of architecture reflects modest semi-rural vernacular and is a key asset both for and in the local living environment. For this case we maintain that if the developer looked to provide three houses on the land north of 27 Main Street then it ought to have been more appropriate to build a small terrace of new build to the appropriate scale of architecture and design features like that which prevails within the village.

COMMENT: We maintain the above policies can secure the necessary and appropriate protection and enhancement of our existing environments and that a quality planning outcome can be enabled and secured for both our property and the wider neighbourhood. But it is firstly helpful to clearly understand the wider context in policy:

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 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

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.

*In this case the proposed development is on a site adjacent to but outwith the settlement boundary. As such the principle of development is contrary to the recently adopted Local Development Plan. **However, there is extant permission on the site and development is substantially complete. This is a material***

consideration that carries significant weight in the determination of this application. (Copy extract from delegated report 20/00201/FLL, May 2020.)

COMMENT: this application is wrongly described: *'Erection of 2 dwelling houses (in part retrospective) at Plot adjacent to 27 Main Street, Keltybridge.'* The applicants were seeking consent only to alter the proposed front porch with some re-design details of the already approved building. Their application form referred to the proposal as "Change to house design" and it is not clear what (in part retrospective) actually means? The question does not revolve around whether the building works were 'nearly completed' but rather were they "substantially implemented" or not as the case may be? On the face it the Planning statement confirms that the buildings approved under 13/00201/FLL had in fact been substantially implemented by 2020. In order to complete the purchase of the house, a temporary habitation certificate was granted with us moving in mid-December 2020. Our immediate neighbours moved in some weeks late in early 2021. We maintain, therefore, that the terms of 13/02177/FLL are the most pertinent for securing delivery of the whole or entire planning outcome for this site.

The case report goes on to state: *"The site is on the edge of the settlement of Keltybridge and permission for two houses on the site was originally given by Development Management Committee on 19 March 2014 (13/02177/FLL) with the planning Decision Notice being issued on 18 November 2015 following the conclusion of a section 75 legal agreement with regard to primary education contributions"* (Copy extract)

Whilst we can assert the above supports our convictions, we remain extremely concerned to secure that we avoid conflating any competing interests and issues while not also conflating planning policy with actual case history. Especially for the overriding provision that the natural heritage of the defined site is to be enhanced and suitably maintained thereafter in accord with the planning decisions and conditions already in place: without any further housing on this site.

- The 2020 proposal was subject to conditions and more specifically we refer to the terms of conditions 3, 4, and 5. The REASONS given for such conditions are (3) To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority (4) In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme (5) In order to safeguard the residential amenity of the area. **COMMENT:** whilst we can agree that these reasons for the conditions are compelling enough the planning status of that planning consent does not supersede the terms of application 13/02177/FLL which we assert remains paramount. That means the conditions 3, 4, and 5 are *'ultra-vires'*. In other words, the Decision Notice of 13/02177/FLL remains the basis for Development Management requirements, mainly because that consent has been substantially implemented with only the landscaping to be done.
- On that point the case officer, 20/00201/FLL, mentioned planning consent 13/02177/FLL for: **Erection of 2no. dwellinghouses 18 November 2015 Application:** Approved with conditions. That approval relates to a proposed landscaping plan (**APPENDIX 5**)

The question here is whether that approval has been substantially implemented in due course? If that was the case before the 2020 submission, why was it found necessary to firstly, describe the proposal in that way, or indeed secondly, find it necessary to require another landscaping plan proposal through conditions 3,4, and 5 of the 2020 consent? On the face of it; it was asserted that planning consent 13/02177/FLL had expired. We maintain that either way one might look at these two planning consents, it is clearly incumbent upon the Council, as planning authority, **to secure that the current site is landscaped as approved**. That means in any event there should be no more houses built on the land as proposed by 23/00532/FLL but rather we assert the land must be enhanced in accord with planning consent drawings and specifications under 13/02177/FLL.

- **The Case Officer's report for 20/00201/FLL went on further and stated** *"Background and description of proposal: Planning permission is sought for the erection of 2no. dwellinghouses at a site to the north of 27 Main Street, Keltybridge. The proposal is for a revised design to an already consented scheme. The construction of the houses is nearing completion and this application relates to some changes in the design which affects the external changes to the houses. The site is on the edge of the settlement of Keltybridge and permission for two houses on the site was originally given by Development Management Committee on 19 March 2014 (13/02177/FLL) with the planning Decision Notice being issued on 18 November 2015 following the conclusion of a section 75 legal agreement with regard to primary education contributions. The design was altered by planning permission 17/01593/FLL which primarily included the addition of porches to the front of the houses. **This new application proposes further changes to the porches which are larger than previously approved as well as changes to the location of dormer windows to the front and rear of the properties.**"*
- **A consultation reply from the Development Negotiations Officer reads -** *This site has extant consent under 13/02177/FLL and 17/01593/FLL and a S.75 legal agreement associated with 13/02177/FLL securing contributions towards primary education exists. This proposal is for a change of house type/ design and will not increase the overall number of units on the site to that already consented. No additional contributions will be required.*

COMMENT: this form of reporting confuses the form of development being proposed whilst stating that the development is "nearing completion". Was the Section 75 planning agreement secured? It appears so: since the planning consent was issued November 2015. This together shows that the development was "substantially implemented" at the time of that later decision? We are aware that the buildings were awarded a temporary habitation certificate in December 2020 with a Completion Certificate following in July 2021. Whilst it appears different landscaping plans and specifications are required in real time through condition in this latter application the development had already been substantially implemented leaving only the landscaping to be done. We assert that the landscape scheme to be adopted, therefore, must relate to the original planning consent for the true purposes of the planning system and its

capability to enable proper delivery through Development Management processes. In this instance it must be based upon approval 13/02177/FLL. (See APPENDIX 5) This crosses over to clarify or briefly examine the Development Management responsibilities in enforcing planning decisions.

DEVELOPMENT MANAGEMENT

The applicants in this instance have consistently sought planning approval for each and every amendment or variation. While we must be fully aware that each formal planning submission must be assessed on its own merits this case has required that we sift through a plethora of formal submissions in real time. To achieve mutual understanding in this instance it is crucial to focus on only the true context for accountability. And not be distracted through the full array of material matters in case history consisting of formal submissions, numerous amendments, withdrawals, non-material variations, and consents relating to both the immediate neighbourhood and for our site. In our view recent developments have resulted in the eventual loss of natural heritage features, trees, and hedges within the area, and with possibly even yet more similar threat elsewhere in the small village and within this neighbourhood more specifically. We refer to copy of the formal submissions that are listed for this site alone (APPENDIX 4)

For this site the planning consents with conditions, Referenced 20/00201/FLL and 13/02177/FLL, form the basis or key part for the way forward. The Case Officer's report 20/00201/FLL indicated:

Natural Heritage and Biodiversity

There is limited biodiversity interest on the site at present however the landscaping proposals will improve the biodiversity of the area through the planting of native species. COMMENT: The natural heritage and biodiversity value of this site rests mainly with the area landscape to be enhanced.

Landscape

Landscaping plans have previously been included as part of the site design but have not been submitted with this application. The area to the north contains an existing septic tank associated with housing on the other side of the road. This was originally going to be removed and the area landscaped. Following correspondence with the agent it is noted that the septic tank is not to be removed and that it is proposed that this area is largely to be left to re-vegetate naturally. As limited information has been

provided as to how this affects the previously approved landscape plan it is proposed to request landscaping detail by condition.

COMMENT To conclude briefly that due to a lack of information and unawareness at that time it was thought necessary to request new landscape details through asserting new planning conditions. But as mentioned earlier there has been no specific formal planning submission to remove, amend, or delete any condition. The applicant could have simply been asked to re-submit the previously approved landscaping proposals under 13/02177/FLL. We refer to the above evidence that provides a compelling case in objection to the terms of planning application 23/00532/FLL and therefore respectfully request it is not looked upon favourably but is refused.

ALLEGED BREACH OF CONDITIONS: It does not appear that conditions 3, 4, and 5 have been enforced under the planning acts and assume that may likely be because application 20/00201/FLL is not the principal basis for this development. All the more reason to expect that it can now be adequately addressed through application 13/02177/FLL without any unnecessary delay so to have quality landscape proposals delivered on this site. The reasons are as specified above and as already and currently required by the Development Management system. Finally, in our view the proposed landscaping scheme and biodiversity statement included within the 2023 application is a very poor compromise for development that is in any case wrong.

SUMMARY CONCLUSION

A specific focus is given to the due processes in Development Management and more briefly to planning policy. Although the planning policy context is vital for all forms of development it is presumed that we all can readily agree that such Development Plan policy aims, relating strongly to settlement boundaries most specifically in this instance, may be accepted as a governing factor in all material planning matters. The sequence of Development Management decisions, however, needs more clarity. With that in mind we assert the detailed planning consent under 13/002177/FLL has been granted with conditions for the erection of two houses on the land and that has been substantially implemented. That helps us to avoid any more confusion continuing around the material considerations that warrant approval on any development that is contrary to the Development Plan. The applicants have sought to alter the terms for planning outcomes while the true way ahead remains firm and clear as we have described herein.

By that we mean planning application 13/02177/FLL has been substantially implemented in real time and only the already approved scheme of landscaping remains outstanding. We maintain that application 20/00201/FLL, although it seeks further information to be submitted and approved the built development is now completed and the timeline for submission of any further details has passed without the necessary

action having been taken. The requirement for that information through these planning conditions 3, 4, 5, of Case 20/00201/FLL is now '*ultra viris*' since it has already been addressed within 13/02177/FLL and must now be delivered.

For the avoidance of any doubt the Proposed Biodiversity Enhancement Statement contained within Application 23/00352/FLL is not to be 'hereby approved'. It is integral to the application only and has been composed accordingly so is merely one part of the application proposal that now must fall. We respectfully request you can agree with this assertion and issue a REFUSAL to develop this land for any more new build housing. The planning consent under 13/02177/FLL enables the land to be enhanced and promoted as a quality visual amenity space that provides an attractive natural setting within the existing public realm at the settlement boundary and when approaching the village from the north. In doing so it can also support and enhance the established natural setting of the existing buildings and spaces between them that are nearby.

ADDITIONAL INFORMATIVES

Our focus above asserts a compelling set of objections to this 2023 proposal for a house. This is not to take away from our strong resistance against the prospect of the proposed building as submitted. The applicants firstly submitted a proposal for a very large split-level house with integral garage etc. and many objections from the locality were lodged only for it to be WITHDRAWN. The current applicant has now come forward with a different design for a split-level house etc. Please be aware we are no less opposed to this form of development, and indeed, the terms of objections given on the WITHDRAWN case, 22/01945/FLL, are well documented.

This application, 23/00532/FLL, continues the mass and form of the applicant's previous submissions and shall destroy the rural character of this part of Keltybridge as we have already described above.

If deemed necessary, we would look to focus more specifically on the following material planning considerations relating to adverse impacts on or from:

ARCHITECTURE AND DESIGN

PRIVACY, OVERLOOKING, AND SHADOW

PROPOSED GROUND LEVELS

IMPACT ON THE NATURAL HERITAGE AND THE VISUAL IMAGE OF THE PUBLIC REALM

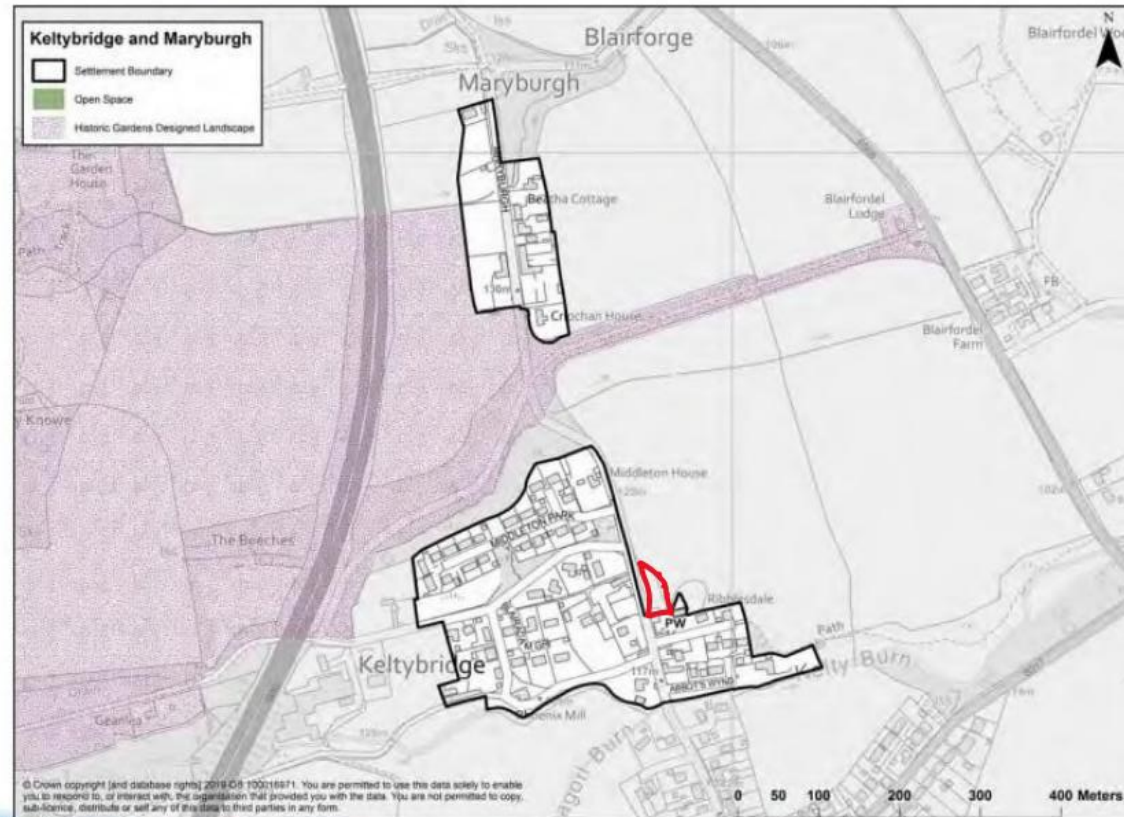
Since we presume that it will not be necessary to detail such matters in this instance, we reserve the right to have the opportunity to make further representation should it become required. In that regard we look to the Council, as planning authority, to engage with us to secure that a truly open and transparent process is honoured for us going forward. Thank you.

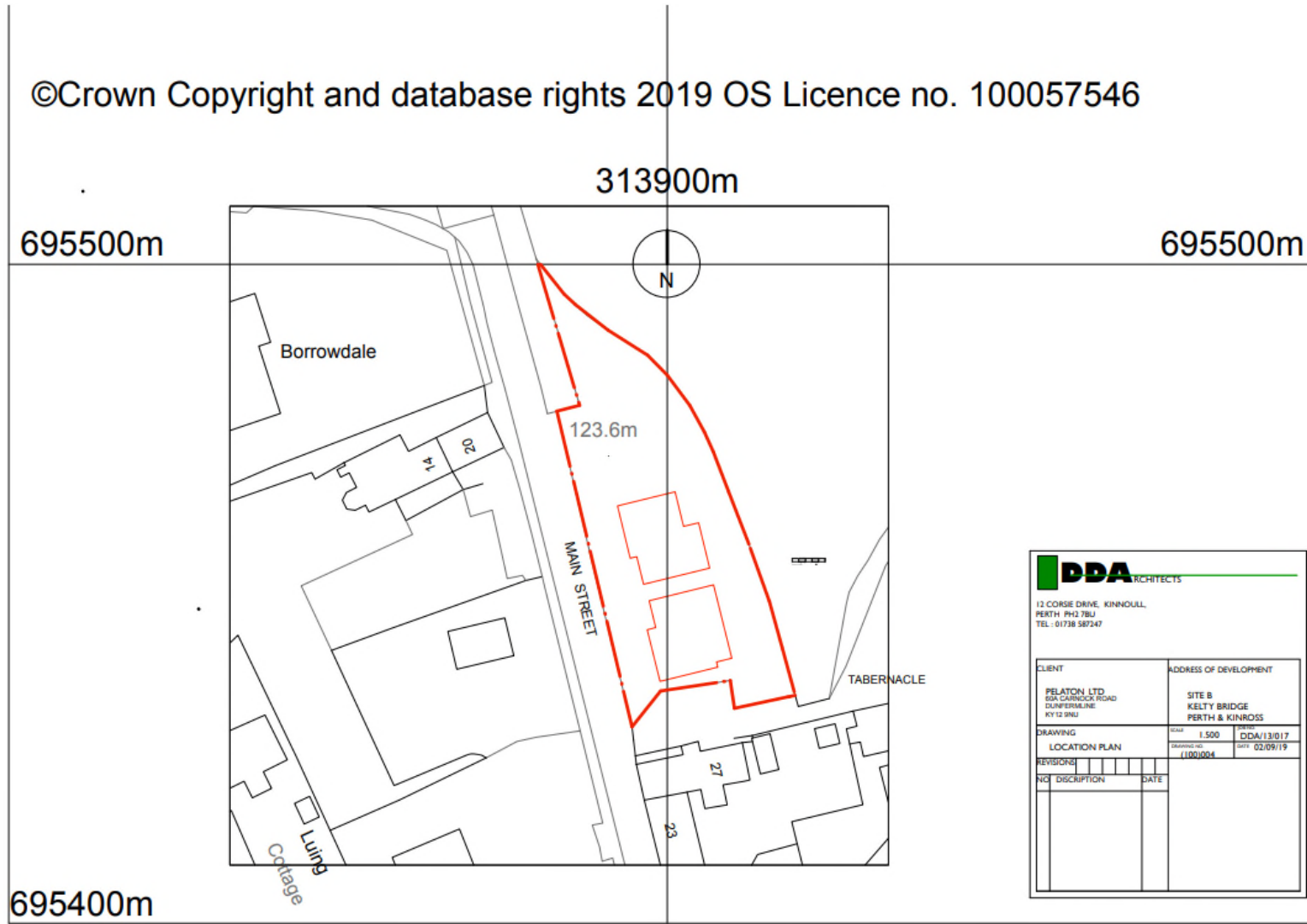
APPENDIX 1 – Settlement Statement and showing Location of site within Keltybridge and Maryburgh (Copy of page 221 of the LDP)

Keltybridge and Maryburgh

Settlement Summary

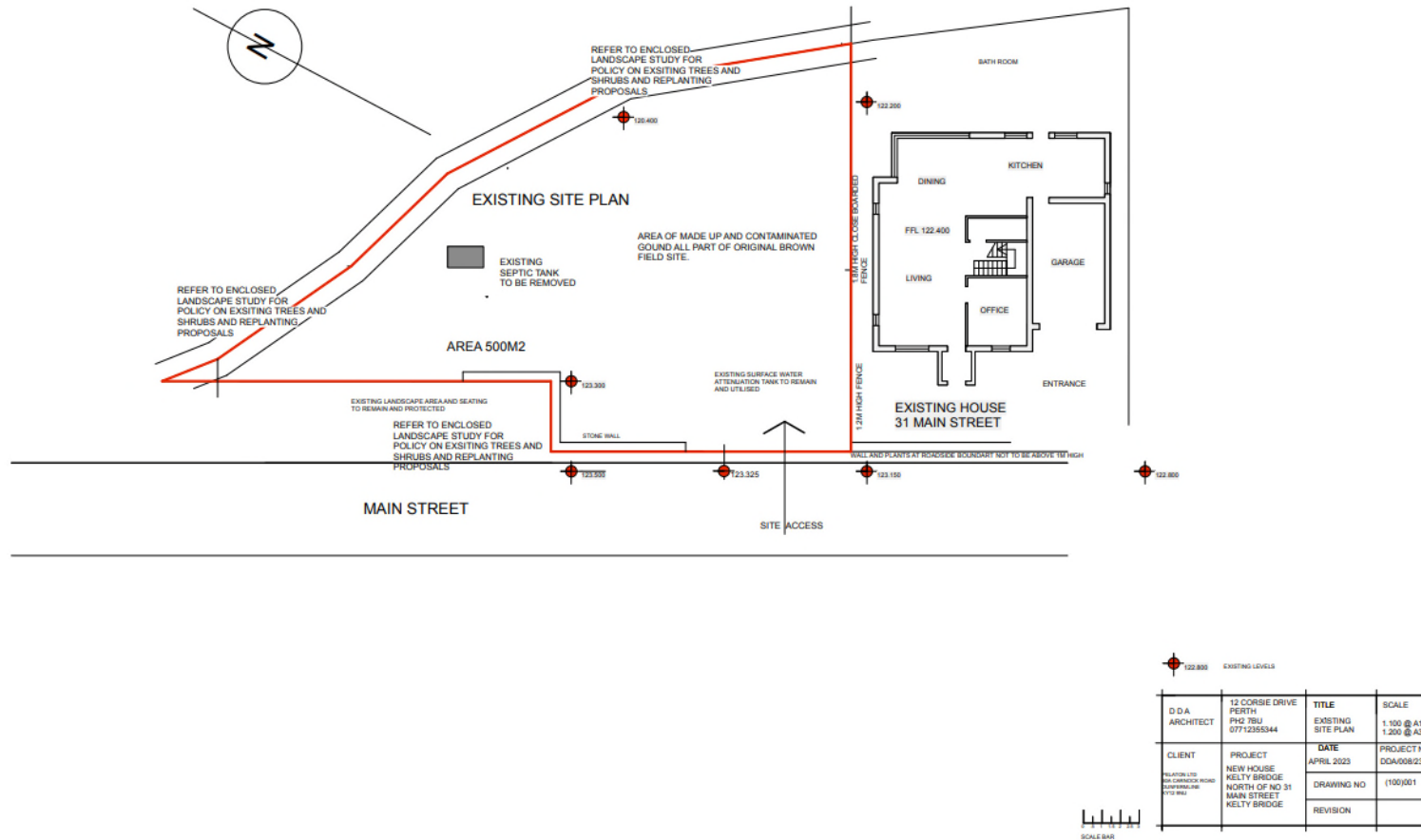
The inventoried Historic Garden for the walled garden, and extensive parkland and woodland associated with the A-listed Blair Adam house separates the settlements. The settlements themselves have limited facilities but lie close to much larger Kelty. Due to the growth that has taken place in Keltybridge, a tight settlement boundary has been drawn to limit any significant future growth, whilst the settlement boundary of Maryburgh has been drawn to offer the potential to accommodate some limited further development mirroring the form of the existing settlement pattern.





APPENDIX 2 - Location Plan for planning consent 20/00201/FLL

APPENDIX 2A – Existing Site Plan for planning application 23/00532/FLL

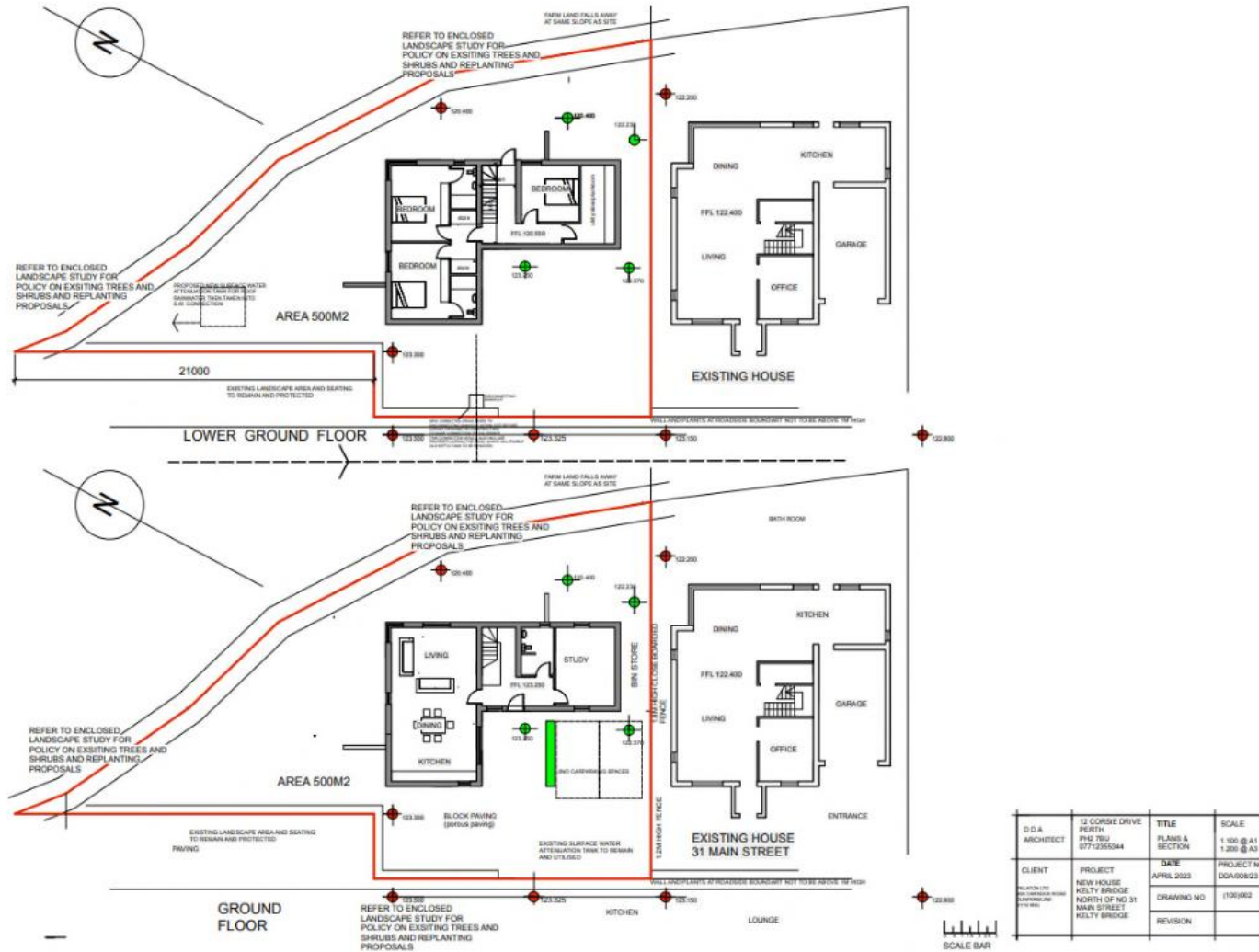


122.800 EXISTING LEVELS

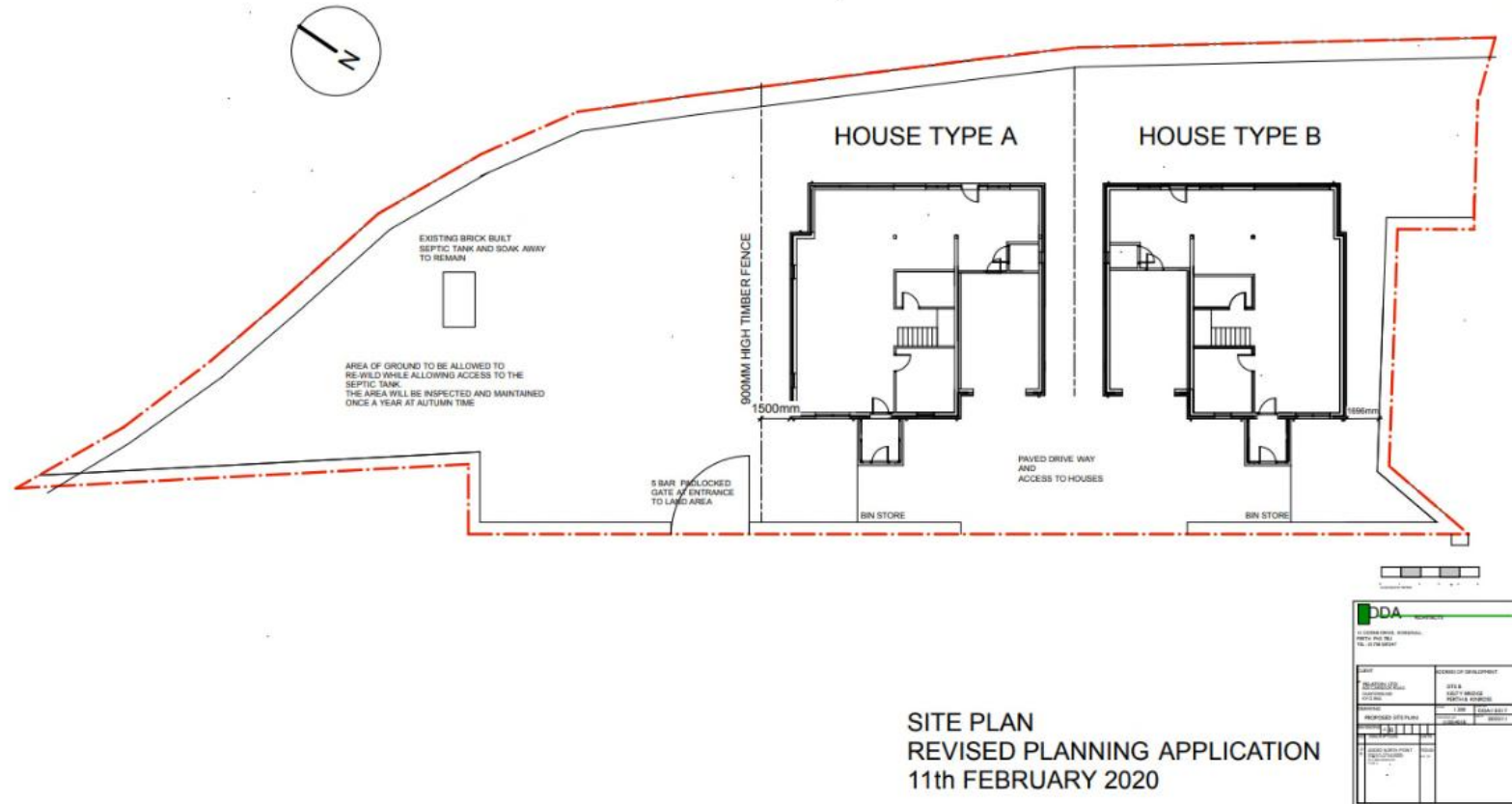
D D A ARCHITECT	12 CORBIE DRIVE PERTH PH2 7BU 07712355344	TITLE EXISTING SITE PLAN	SCALE 1:100 @ A1 1:200 @ A3
CLIENT KELTY LTD 800 CHARNOCK ROAD BURNHAM-LE-GRANGE WY10 9BU	PROJECT NEW HOUSE KELTY BRIDGE NORTH OF NO 31 MAIN STREET KELTY BRIDGE	DATE APRIL 2023	PROJECT NO DCA/058/23
		DRAWING NO (100)001	
		REVISION	



APPENDIX 2B – Proposed Site Plan and Floor Plans for planning application 23/00532/FLL

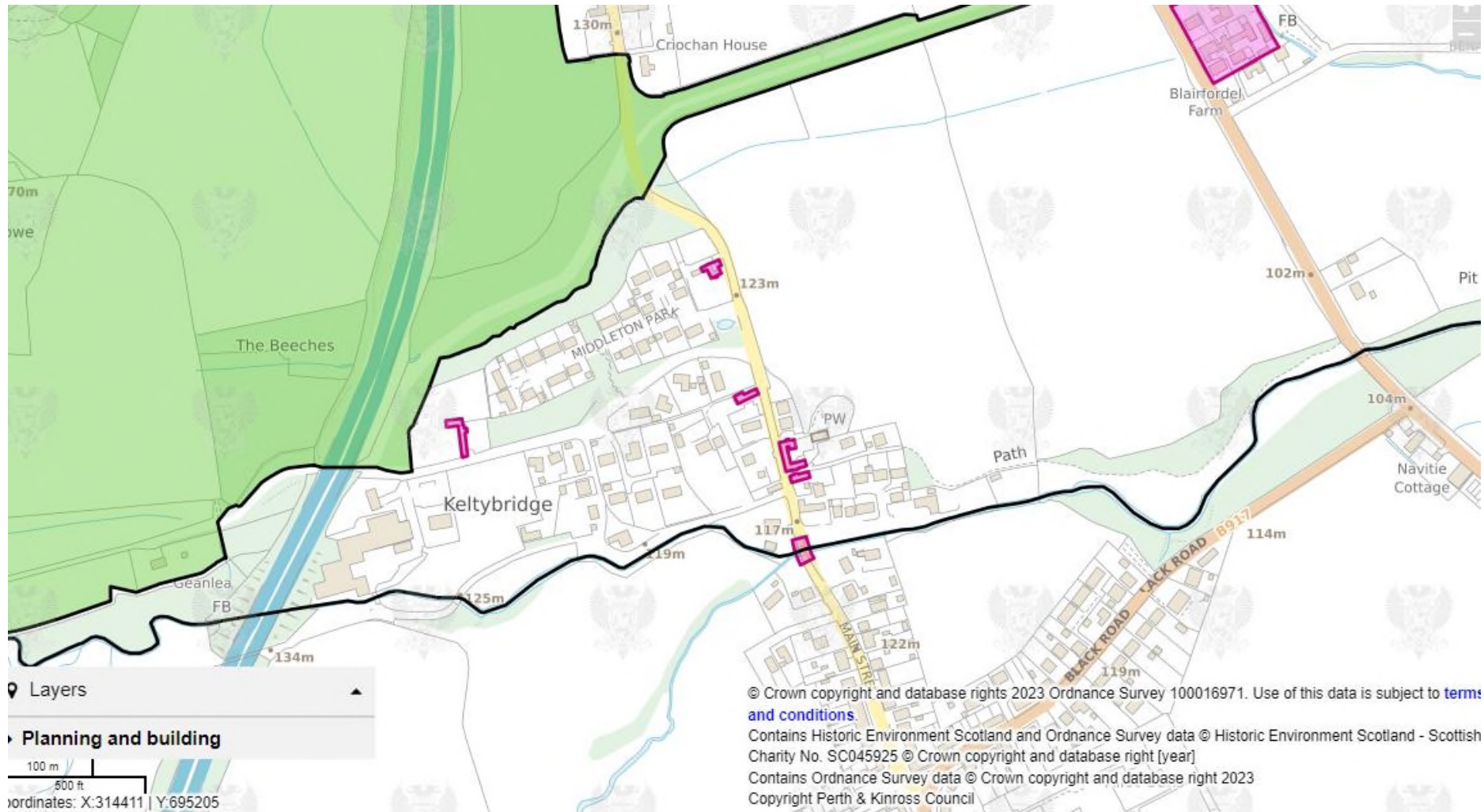


APPENDIX 3: Approved Site Plan and Boundary Fence: 20/00201/FLL



Refer to Conditions 3, 4, and 5 that require the submission and approval of landscape proposals within a specified time. This was not actioned.

10th May 2023



APPENDIX 3A - Buildings of Architectural and Historic Interest (Listed Buildings) in Keltybridge

APPENDIX 4 – Copy extract from case officer’s Delegated Report 20/00201/FLL, dated 24th May 2020

The case Officer’s Delegated Report on 20/00201/FLL dated 25th May 2020 refers to the following applications:

00/01049/FUL Erection of 2 semi-detached dwellinghouses and associated carparking and landscaping at 2 November 2000 Application Withdrawn

00/01380/FUL Erection of a house on 2 November 2000 Application Refused

00/01558/FUL Siting of temporary caravan at 1 December 2000 Application Withdrawn

05/00204/FUL Temporary siting of a site office/storage cabin 27 April 2005 Application Approved

05/02299/FUL Erection of a dwellinghouse with potential for use as guest house 16 February 2006

12/01340/FLL Erection of 4 dwellinghouses at Site 5B 21 November 2013 Application Withdrawn

13/02177/FLL Erection of 2no. dwellinghouses 18 November 2015 Application Approved

17/01593/FLL Erection of 2no. dwellinghouses (revised design) 22 November 2017 Application Approved

18/00170/FLL Erection of 2no. dwellinghouses (revised design) (in part retrospect) 29 March 2018
Application Withdrawn

Whilst each planning proposal must be considered on it’s own merits earlier planning decisions and contexts are germane in some way and we shall briefly portray why.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00532/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse and associated works		
Address of site	Land North Of 31 Main Street, Keltybridge		
Comments on the proposal	<p>The applicant is proposing to erect a four bedroomed dwellinghouse on land north of 31 Main Street. This is a redesign of the house style first applied for under Ref: 22/01945/FLL, making the overall house footprint smaller.</p> <p>The vehicle access to the public road network for the property will be via the existing vehicle access into the site off Main Street, which was previously to provide access to the septic tank and an area of re-wilding.</p> <p>The applicant has advised that the foul drain connection will be made to the Scottish Water Sewer, any works to connect to the sewer will require the correct permits to be in place, prior to any works commencing within the public road network.</p> <p>It is noted in the application response from Scottish Water that only a Foul Connection can be supplied to the applicant, therefore a surface water disposal strategy will need to be sought as there is no connection for surface water from within the site.</p> <p>Parking will be provided on site for two vehicles, which meets the requirements of the National Roads Development Guide.</p> <p>If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its formation. More information on the process can be found on the following website: https://www.pkc.gov.uk/vehicleaccess. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following conditions.</p>		

<p>Recommended planning condition(s)</p>	<p>Prior to the development hereby approved being completed or brought into use, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward-facing gear.</p> <p>Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.</p> <p>Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water is discharged to the public road.</p> <p>Reason - In the interests of road safety.</p> <p>Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type A Road construction detail.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>
<p>Recommended informative(s) for applicant</p>	<p>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 www.pkc.gov.uk/vehicleaccess. 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.</p> <p>The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at https://www.pkc.gov.uk/article/14916/Road-and-footway-permits.</p>
<p>Date comments returned</p>	<p>11 May 2023</p>

Ref:- 23/00532/FLL
Erection of dwelling house
north of 31 Main St.
Keltybridge

Dear Sir/Madam,

13/5/23

I would like to object to the erection of dwelling house - land north of 31 Main St for the following reasons:-

1. Overlooking neighbouring property is loss of privacy.
2. Loss of daylight to habitable rooms of neighbouring property.
3. Upheaval & disturbance to the village yet again is noise, fumes etc.
4. Overbearing is the scale of property would have an oppressive impact on nearby properties is listed building across the road etc.
5. Road safety is may lead to significant impact on road/pavement safety as in the past. - heavy traffic/machinery, parking, digging road up yet again.

2

6. Access/Egress problems - there are already multiple exits onto an already very busy road.

7. Harmful to the setting of the original village setting ie listed buildings dating back to 18th century.

The residents of the village have had upheaval for over 15 years now. Surely it is time to call a halt.


Cathie Dewar





17th May 2023

Development Management
Perth & Kinross Council
Pullar Street, PERTH PH1 5GD

Dear Sirs,

Planning Application - 23/00532/FLL - Land north of 31 Main Street, Keltybridge

i refer to the above application and hereby wish to object strongly to this application for the undernoted reasons:-

The site in question has been the subject of controversial planning applications for many years. The previous planning application Ref 22/0195/FLL for this site was withdrawn by the applicant. The 2 dwelling houses that were given approval in 2014 and the many amendment retrospective approvals thereafter, are now built on the site to the south of this proposal, but were only completed in December 2020. the most northerly one was sold and occupied in December of 2020, with the other to the south sold and occupied early in the following year.

A final retrospective planning Approval Report dated 19th March 2014 Ref 13/02177/FLL for the Erection of 2 dwelling houses at this site was made under the terms of the then **Housing in the Countryside Policy Guide Policy RD3**, November 2012, 6, Rural Brownfield, but was contrary to **Policy PM4** : Settlement Boundaries in the PDLP 2014, The report also indicated that the northern area of this site would be a permanent landscaped area, to be completed within the specific following years growing period, which since completion of the said two dwellings has not materialised, much to the detriment of the approach into the village from the north, which was long promised to be a landscaped area with green open space providing a green buffer to the development to soften the visual impact.

The site has been used by this developer as a "building site yard" for the last 2 years to dump his site spoil from his development directly across the road, making the approach to the village a total eyesore and has only very recently been cleared. This is the history of how he runs his building sites.

I feel that this proposal would be contrary to LDP 2019 **Placemaking Policy 1, b,c,& d**, and will have a serious impact on local residents residential amenity by the

placing of such a development of this size on this small site, with virtually no amenity space.

It will also be contrary to Policy 17 Residential Areas and will not improve the character of the area or the village causing overshadowing and overlooking to neighbouring properties. It will also have a detrimental effect on the Category C Listed Buildings, they are directly opposite, on their character and setting. This would be contrary to **Policy 17 Listed Buildings**.

I also note from the plans that the the area of Community land marked "Existing Landscaped Area and Seating is to be Retained". This area refers to a Community Garden space area at the approach to the village, which is lawned with a flower & shrubbery bed and a seating bench, which was placed and developed by the Community to celebrate the Millennium (in the spring of 2001). It is been maintained by members of the community each year since. The spot was chosen as it has beautiful panoramic views to the east and north over the rural open countryside, and Benarty Hill. It is used by local residents, walkers, cyclists and many others as a resting spot on their travels or merely to just admire the magnificent views. This application would be contrary to **Residential Areas Policy 17** being detrimental to local Residential amenity.

It is difficult to see how **Traffic & Road safety** can be ensured at this site as it is impossible to enable all vehicles to enter and leave in a forward gear. The area designated for parking is for two vehicles and the whole frontage area provided is too small to achieve this. Indeed the previous two completed neighbouring properties to the south, who each have two vehicles, both need to reverse from the main road into the parking area due to the limited space, bringing additional road safety issues for other residents, road users and pedestrians.

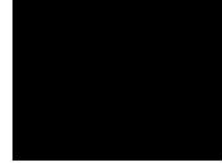
In all, this proposal is, as was the previous application totally inappropriate for this small site and I would urge the planning department to refuse this application for the reasons above, and also with the amount of years the local residents have had to endure the inconvenience, mess, damage to our roadside verges , the list goes on. The village has a perfectly pleasant and delightful approach into our 17th century historical village, like all other residents in Keltlybridge, we would like this area to be finally completed as a landscaped green open space, providing the green buffer we were promised and should have been completed when the previous two dwellings were approved and fin ally completed in 2020/21, I think we deserve this after putting up with building sites for the last 10 years in the heart of our community.

Yours sincerely

Mrs Angela Fraser

Cleish and Blairadam Community Council

Secretary



Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

18 May 2023

Dear Sirs,

Planning Application 23/00532/FLL, Erection of house north of 31 Main Street, Keltybridge, KY4 0JH

The Community Council wishes to **object** to this application as the proposal is not in accordance with Local Development Plan 2 and recently adopted NPF4.

The loss of established amenity ground and biodiversity resource is of considerable concern to the community, an overriding material consideration and contrary to policies. The loss of visual amenity, biodiversity and environmental quality by the building of a house on land specifically set aside for these purposes in a previous consent, results in a betrayal of community expectation and democratic planning processes.

The site that is the subject of this current application is the northern area of amenity land that was part of the development site approved on 18 November 2015 under application 13/02177/FLL for two houses. The applicant was Pelaton Ltd , the same applicant as this current application. In that consented application the northern area of land was described on the site plan as a "*landscaped area to north of proposed houses to be planted with native varieties to increase local wildlife and bio-diversity*".

Condition 7 of the decision notice for 13/02177/FLL states "*The approved landscaping and planting scheme shall be fully implemented within 6 months of the completion of the development and thereafter maintained by the applicants or their successors to the satisfaction of the Planning Authority.*"

REASON :- In the interests of visual amenity and environmental quality."

The Community lobbied long and hard for this amenity designation for the northern section of the site and objects to its development.

The 23/00532/FLL proposal for a house is contrary to Open Space Policy 14 regarding safeguarding areas of land of value to communities for amenity purposes, which states that "*development proposals resulting in the loss of these areas will not be permitted*"

The application is contrary to Biodiversity Policy 41 which states that "*the Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/ protected or not*"

Supplementary guidance to Policy 19, Houses in Countryside states that “it is Council policy to halt the loss of biodiversity”. 23/00532/FLL has not demonstrated a positive contribution to counter the substantial reduction in size of the biodiverse amenity of the site, particularly since the rewilding of the site and tree and hedge planting was completed under 13/02177/FLL and was to be ‘maintained by the applicant or successors’.

Contamination, Policy 58

The applicant’s Design Statement submitted with 13/02177/FLL application states in paragraph 2, Significant Environmental Improvement;- *“As part of the project we would remove the cesspit and all contaminated land”*

The design statement for the current application 23/00532/FLL also refers to removal of the same contamination, under the heading of **Contamination**.

Condition 8 of 13/02177/FLL has not therefore been complied with.

It should also be noted that an amount of construction debris and materials left over from the construction phase of the 2 house development had, until cleared earlier this year, been dumped on this northern amenity area. It is not known if there are residual harmful contaminants present and a ground investigation survey has not been submitted. A ground investigation would also clarify the contamination, referred to in the design statement, relating to the common septic tank.

Placemaking, Policy 1 and Houses in the Countryside policy 19

It is noted that the application site is outwith the settlement boundary. The proposal constitutes ribbon development which policy 19 and supplementary guidance does not support when out with settlement boundaries.

The proposal constitutes overdevelopment of the site due to unacceptable plot ratio for amenity ground.

The development does not contribute positively to the quality of the surrounding built and natural environment . There is a loss of established local amenity and biodiverse areas.

The scale, height and massing of the 2 storey building does not respect the visual amenity of the building group in wider views from the east and north.

The design adversely affects the daylighting to the sitting room and dining apartments of the neighbouring house at 31 Main Street.

The Community Council requests the application be refused for the above reasons.

Yours faithfully

Secretary, Cleish and Blairadam Community Council

c/c local members.

Mr Cameron Hunter (Objects)

Comment submitted date: Thu 18 May 2023

I firmly object to this proposal based on the following areas of concern:

- This directly contravenes the original basis upon which the planning for the two adjacent properties was granted. The revised application for the two dwellings, dated 11th February 2020 stated that the area of ground related to the application "should be allowed to re-wild and vegetate naturally". I do not see a reasonable means by which PKC can grant this application, as this would involve directly revoking their own stipulations made previously.
- Approval of this application would see the removal of the only remaining green space within Keltybridge, which is itself a conservation area and is steeped in history, and should be subjected to controls due its historical value. At a time where the harmful environmental effects of the UK's diminishing biodiversity are being regularly highlighted nationally, this application, if approved, unnecessarily exacerbates a known and serious problem caused by over development.
- There is an existing commitment from the applicant to make the land good, returning it to its natural state following the previously approved works relating to the three recently built properties. A commitment which has yet to be fulfilled, as the land has been used a storage site for building waste and machinery thus far. Little to no effort has been made to meet this commitment throughout what has been a disruptive 2 years of works, which often restricted road access, causing residents significant day-to-day disruption.
- The area itself, is by far too small in its scale to host a dwelling house. This would lead to over intensive development of the area, with a disproportionate density of buildings eroding its character.

Comments for Planning Application 23/00532/FLL

Application Summary

Application Number: 23/00532/FLL

Address: Land North Of 31 Main Street Keltybridge

Proposal: Erection of a dwellinghouse and associated works

Case Officer: Claire Myles

Customer Details

Name: Mr James Millar

Comment Details

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Inappropriate Land Use
- Out of Character with the Area
- Over Intensive Development

- Over Provision of Car Parking
- Road Safety Concerns
- Traffic Congestion

Comment:Objection to planning application 23/00532/FLL

To whom it may concern,

[REDACTED] are writing to object to the recent planning application 22/01945/FLL.

I am reutilising many of the points in my previous objection to which the planning application was withdrawn as we feel that the points are still valid below.

It is important to note that we moved into another property by the same developer in March 2021. When we moved, we enquired about the surrounding area and specifically asked about the land North of 31 Keltybridge. We were told that it would be landscaped into a "wildflower meadow" and were told that it would be done very soon after we moved in. This was certainly a selling feature as we loved the way the village looked on the way in from the North.

Evidently, as per this planning application, this is now not going to be completed and is, instead, going to become another house. We have real concerns about the validity of the plot for the size of dwelling the developer is going to create. Also, we are concerned that it not being in keeping with the village's current aesthetic.

Further to this point, we are also concerned that the land will remain a general dumping ground for the next few years whilst work may slowly start to commence. As per our initial point the plot has been used as a dumping ground for the building material that was used to create the dwelling [REDACTED]

[REDACTED] This has been the case since we moved early 2021.

The site was cleared up temporarily however there has been some recent smaller deliveries already of building material. It makes you wonder if these deliveries will continue to pile up like last year...

When work was taking place [REDACTED], just completed, the constant deliveries of large materials, the parking of workers vehicles and manoeuvring of large plant vehicles was causing serious inconvenience to us and other locals [REDACTED]

[REDACTED]. We have it on good authority (as we cannot attest personally to this) that this has been the case ever since 31 Keltybridge was built going back a number of years. The parking in front of the driveways is also causing huge inconvenience. If the planning is approved this could cause these types of disruptions and traffic issues for the whole village for a good number of years to come.

The developer has no set day routines when it comes to building which means that there is constant interruptions throughout the day, into the evenings and also on weekends. This could be the works inside which has minimum sound impact but, on the other hand, there has also been stoneworks, groundworks and other noisy works taking place into the late afternoon and even on weekends. This isn't just causing noise level issues but also traffic and street problems outlined in the point above.

We therefore request Development Management to refuse this planning application due to the points outlined above. We are asking not only on our own behalf - [REDACTED]

[REDACTED] but also for all the Keltybridge residents. We all have to deal with the unsightly nature of the current dumping ground the plot has become currently. Then, if planning is approved, there will be the constant interruptions that building work creates plus the parking of the worker vehicles - narrowing the already small street - and subsequent larger scale delivery vehicles and plant vehicles causing their own issues. Then, once building works is complete, having another very imposing, potentially unsightly, building squeezed onto the already small site.

We hope and trust that you will take the time to consider the objections outlined above.

Your sincerely,

James & Amie Millar



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Case Officer
Perth and Kinross Council

[By Email: developmentmanagement@pkc.gov.uk]

8 June 2023

Dear Sir or Madam

PLANNING APPLICATION: 23/00532/FLL

Erection of a dwellinghouse and associated works; land north of 31 Main Street, Keltybridge - RECONSULTATION

Thank you for your consultation letter of 2 June 2023 seeking the views of the Coal Authority on the further information submitted in support of the above planning application.

The Coal Authority Response: **Material Consideration**

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically both actual and probable shallow coal mine workings and probable shallow coal mine workings associated with a thick coal seam outcrop, which may have been worked from the surface.

Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The Coal Authority previously objected to this planning application in the absence of a Coal Mining Risk Assessment or equivalent to meet National Policy requirements.

The Coal Authority is therefore now pleased to note the submitted Mine Workings Remediation Report (August 2017, prepared by Groundshire Ltd), the content of which confirms that previously identified shallow mine workings beneath this site have been stabilised. The Coal Authority therefore **withdraws its objection** to this planning application.

I hope this is helpful but please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00532/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Erection of a dwelling house and associated works		
Address of site	Land north of 31 Main Street Keltybridge		
Comments on the proposal	<p>Policy 40: Forestry, Woodland and Trees</p> <p>The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>The submitted tree survey proposes the removal of the majority of trees on the site for arboricultural reasons with replacement planting. I query the removal of all 22 trees as they provide an attractive tree belt and although may not be good in terms of arboriculture, will still be of biodiversity benefit. As trees become older, they become more suited for roosting bats, nesting birds and fungi. I note 6 trees are described as Category U trees and must be removed for the health and safety reasons, but I query whether the design could have incorporated more of the trees from the planning stage. Avoidance of tree loss should always be the first consideration and retaining existing habitat is always better than creating new.</p> <p>For the loss of 22 trees, 46 new are proposed. This is not in accordance with the ratio of 1:3 for every tree lost as outlined in the PKC Planning for Nature Supplementary Guidance Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk). The proposal to plant a new native hedge is welcomed.</p> <p>Policy 41: Biodiversity</p> <p>The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>No ecological survey of the proposed development area or assessment of the likely effects from this development on habitats and species was submitted alongside this application. Policy 41 states that a detailed survey undertaken by a suitably qualified specialist should be submitted where one or more protected or priority species is known or suspected. There are records of red squirrel within 150m of the site and this should have ensured that an ecological survey was submitted.</p>		

	<p>In addition, mature trees in poorer condition may contain bat roosts. Survey to ascertain the presence of bats roosts in trees is required. Further survey cannot be conditioned as advised by the Scottish Government. The full impact of a development on protected species or habitats must be known prior to planning consent being issued.</p> <p>A Biodiversity Enhancement Report has been submitted but without a baseline survey of the site, I'm unclear these recommendations will result in biodiversity enhancement. The standard measures they propose should be incorporated into any new development.</p> <p>I object due to a lack of information on protected species.</p> <p>A checklist of information required to inform a planning application regarding biodiversity is provided in Annex 4 of the PKC Planning for Nature Supplementary Guidance. Applicants are encouraged to ensure information is submitted in accordance with the checklist to reduce future information requests and delays Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk)</p>
<p>Recommended planning condition(s)</p>	<p>The application cannot be assessed until more information is provided on protected species and justification of 22 trees being removed.</p>
<p>Recommended informative(s) for applicant</p>	
<p>Date comments returned</p>	<p>19 July 2023</p>

Town & Country Planning (Scotland) Act 1997
The Town & Country Planning (Schemes of Delegation & Local Review
Procedure) (Scotland) Regulations 2013
Application Ref: 23/00532/FLL - Erection of a dwellinghouse and associated
works, land north of 31 Main Street, Keltybridge

Written Submission from Mr. G. and Mrs J. Simpson, [REDACTED].

Thank you for notifying us of the above APPEAL. We have confidence the members of the Local Review Body (LRB) will study all of the relevant documents leading to the Planning Officer's Delegated Report of Handling and including our original terms of objection. Therefore, we do not find it necessary to go over such terms again but rather seek to highlight the following material considerations in planning:

The appellant's focus: the appellant has listed no less than 13-formal planning submissions for this land; 25- policies; 5-Supplementary Guidance; 3-national Guidance. It is not necessary to focus on such an exhaustive listing. We demonstrate why below.

The Planning Unit: the planning unit in this case relates to the site of planning applications 13/02177/FLL and 20/00201/FLL. The former granted planning permission with 9 conditions for the erection of two houses on the land and Condition 7 related to landscaping of the plot of land.

Condition 7 The approved landscaping and planting scheme shall be fully implemented within six months of the completion of the development and thereafter maintained by the applicants or their successors to the satisfaction of the Planning Authority.

Reason - In the interests of visual amenity and environmental quality.

The 2020 submission only sought to update some of the architectural details of the houses by way of amendment. The Planning Officer's report did however state as below:

Landscape

Landscaping plans have previously been included as part of the site design but have not been submitted with this application. The area to the north contains an existing septic tank associated with housing on the other side of the road. This was originally going to be removed and the area landscaped. Following correspondence with the agent it is noted that the septic tank is not to be removed and that it is proposed that this area is largely to be left to re-vegetate naturally. As limited information has been provided as to how this affects the previously approved landscape plan it is proposed to request landscaping detail by condition.

(COPY EXTRACT FROM OFFICER'S DELEGATED REPORT 20/00201/FLL)

Condition 3 was imposed: 3 Prior to 31st July 2020 full details of the landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include full details of all hard and soft landscaping including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council

as Planning Authority within 7 days of that date. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

The above clearly shows the subject of this APPEAL is part of the 'planning unit' approved with conditions for two houses and which are now built. NB A landscape and planting plan was submitted in May 2017, but it is not clear if this was approved or not.

The Current proposal: It is most disconcerting so much of this is set aside by the appellant and to the extent that planning matters and contexts are often conflated and subject to rhetoric and mere rebuttal of the Council's determination. More importantly we place our full confidence in the terms of the Report of Handling which after detailed consideration, recommended refusal with clear and comprehensive reasons given.

Please note the plot ratio if this appeal were upheld means that the resultant plot ratio for the existing two houses is "over-development".

Landscaping and the planning unit:

NMV LANDSCAPE AND SITE PLAN was submitted in May 2017 under 13/02177/7, however it is not clear if this was approved or not.

When purchasing our property, we were advised by the Developer of the plan to place a locked gate at the entrance to the adjacent land, together with the clear intention to plant wildflowers and allow rewilding of this area. It seemed clear then when the build of the two approved houses was near completion, that landscaping of the land north of 31 Main Street was to begin. This has never happened, the land was piled high of building materials and waste for over a year, with a 'Portaloo' toilet sited immediately outside our living room window.

The appellant is looking to build a third property when it was made clear under planning reference 13/002177 as amended that two houses could be built, on the condition the remaining land was rewilded, landscaped and set aside as green space. We call on the Local Review Body to uphold the decision made by Planning professionals, set out in what is a carefully considered Report of Handling, to secure that the landscape quality of the site is enhanced and delivered in the way already approved and for the compelling reasons asserted. The full extent of land subject of this APPEAL is part of our planning unit.

Since it is not clear whether the appellant is willing to carry out the landscaping required, we humbly suggest or request that the LRB determines that the Council, as planning authority, asserts an emergency TPO on the land and to thereafter register same in accord with the processes under Planning Circular 1/2011 - Tree Preservation Orders. REASON: To safeguard the long-term visual amenity and nature value of the land that is in the public realm.

We thank the Local Review Body for taking time to read and consider our submission.

CDS Planning Local Review Body

From: [REDACTED]
Sent: 08 November 2023 07:53
To: CDS Planning Local Review Body
Subject: Re: LRB-2023-39

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Thank you for your email concerning the appeal against your decision with regard to planning application

Application Ref: 23/00532/FLL - Erection of a dwellinghouse and associated works, land north of 31 Main Street, Keltybridge

I have no further objections but would like to take this opportunity to fully support the robust refusal the application has already received and to say that I see nothing in the appeal that justifies an overturn of the original decision.

Kind regards

Yours faithfully

Sarah Joice

