

TCP/11/16(599) – 18/02257/IPL – Erection of a dwellinghouse (in principle), land 30 metres west of Craigellachie, Chapelhill

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**TCP/11/16(599) – 18/02257/IPL – Erection of a dwellinghouse
(in principle), land 30 metres west of Craigellachie,
Chapelhill**

**PAPERS SUBMITTED
BY THE
APPLICANT**

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

☐ MB

☐

☒

☒

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

—

Site inspection

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

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

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

IT WOULD BE MORE HELPFUL TO HAVE A SITE INSPECTION ACCOMPANIED BY MYSELF TO POINT OUT THE LINKS TO THE REMAINDER OF MY GARDEN AT WILLOWVIEW WHICH

IS IN THE LDP SETTLEMENT AREA. Page 2 of 4

Statement

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

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

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

PLEASE SEE ENCLOSED SEPARATE DOCUMENT.

11. PLANNING IN PRINCIPAL APPLICATION - HAWKSTONE VIEW: APPEAL

21 ANNEXE 1: ORIGINAL APPLICATION TO INCLUDE SITE IN SETTLEMENT AREA, NOVEMBER 2010

ANNEXE 2(a) CALL FOR SITES APPLICATION 5/3/2015

ANNEXE 2(b) ACKNOWLEDGEMENT 16/JUNE 2013

ANNEXE 2(c) LD PLAN 2 AWAITING DECISION 15 SEPTEMBER 2016

ANNEXE 3: SUMMARY OF SALIENT POINTS REGARDING REQUEST FOR APPROVAL

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

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

THE ONLY AREAS NOW MENTIONED ARE IN DIRECT RESPONSE TO THE COMMENTS MADE REGARDING THE LOCAL SETTLEMENT PLAN AND DUE TO BEING OUTWITH THE AREA, EVIDENCE OF BUSINESS CASE RE - CHILD MINDING AT WILLOW VIEW BUSINESS AND A MORE DETAILED RESPONSE RE SHOP ANALYSIS AND POLICY 6: SETTLEMENT BOUNDARIES DRAFT HOUSING IN THE COUNTRYSIDE + CATEGORY 3 - NEW HOUSES IN THE OPEN COUNTRYSIDE.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

As per previous comments on page 3 of this document
 SWOT ANALYSIS
 SEPARATE DOCUMENT PAGES 1-7 STATEMENT OF REASONS:
 ANNEX 1 - 3,

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

Checklist

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

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

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

Declaration

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

Signed



Date

29/4/19

Introduction: Business background:

My wife and I have lived in Cottown for 30 years and for part of that time have been actively involved with the community council and with my wife providing a home-based Childminding Service for the last 19 years and prior to that, set up an After School Club in St. Madoes Primary School.

I applied to create a building plot on the site in question which is part of our garden, to allow us to downsize from our large 5 bedroomed property at Willow View, Cottown, which doubled as a family home and Business.

I am seeking a review of my application for the reasons listed below.

Summary of Appeal reasons:

Application number: 18/02257/IPL, dated 20th February, 2019, the Reasons for Refusal were stated as:

The proposal is contrary to the Perth and Kinross Local Development Plan 2014 Policy PM4 Settlement Boundaries as the site lies out with the defined settlement of Cottown/Chapelhill.

Justification

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

Firstly, I formally applied to include the site into the Settlement area in 2010, (Annexe 1), then again in 2014 (Annexe 2) and had not heard that it was not included. I was told on pre application in 2018 that the plan had yet to be finalised. Copies of the e mail trails were submitted with the application but not placed on the application website.(These documents were submitted in the Pre Application).

Secondly, the rest of our garden is included in the LDP Settlement area, so it seems more of an oversight than a fixed view and may be due to confusion due to a submitted application by Errol Park Estates in 2014 who used the same name on their application – Willow View and incorporated a boundary of trees in our “railway line” which was not there’s to do so.

Thirdly, I contest the comment that there are no material reasons which justify granting this application and set out why in this document.

Fourthly, a document which I submitted with the original application titled - “Summary of Salient Points Regarding Requesting for Approval” along with the e mail trail demonstrating due process for inclusion into the Settlement Area were not uploaded by the Council on to their website and therefore I have no way of knowing if these documents were taken into consideration or not (I have attached copies).

Fifthly, I note that there were no objections from members of the public, adjoining landowners, or any of the external consultants.

Main Appeal comments:

1/. LDP Settlement Area:

The crux of the matter in this appeal is that we were aware that the site was adjacent to, but not in the 2014 LDP Settlement area and concede this, but were given conflicting messages within the planning department that firstly it was not necessarily vital that the site was within the Settlement area and secondly, that we had applied for our large garden which includes this site, to have it put into the settlement area initially in 2010, then when only part of the garden was put in, reapplied in 2014.

Therefore, as due process had been undertaken by me, plus being told that no final decision had been made, I felt that we had two reasons for going ahead with the application.

Due process inclusion in the Settlement area was demonstrated and the associated paper trail submitted, but these documents which I re submit, were not added to the public documents.

I also state that the Pre application designated officer, recommended that it should not be approved for reasons based on the 2005 application by a previous owner. To me, this was a somewhat minimalistic approach to determining a recommendation (based on a 13 year old application) as the person assigned had not realised that previous issues such as being in a 60mph zone, a non defined house type (in terms of size and use) had changed to a 30mph area since then plus three new houses had been applied for and granted off of the same road within 200yards of this site, since then.

That is why I further contacted the Planning Department and was then recommended to apply, by a different planning officer.

Comments on the Refusal Letter:

The sole reason given for refusal is because "The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from The Development Plan".

Comments made by a member of the TES-Development Plans to the Development Quality Manager Ref:18/02257/IPL notes that *"this site is adjacent to the settlement boundary . Adopted Local Development Plan PM4: Settlement Boundaries is applicable:..... Proposed Plan 6 goes further, stating that development directly adjoining settlement boundaries will only be permitted in limited circumstances e.g. locational need. Although through the consultation, there have been some objection to the wording of the wording of Policy 6, it is still appropriate to give it some weight in assessing this application – I would contest that a policy that is still under consideration should not be used as the primary reason to negate this application.*

It is further stated that:

“Development directly adjoining these settlement boundaries will only be permitted where the proposal is:

- (a) In accordance with Policy8: Rural Business and Diversification and is not adjacent to a principal settlement - the site is directly adjacent to one bungalow and opposite a semi detached cottage – this cannot be defined as a principal settlement.*
- (b) Justifiable on the basis of a specific operational and locational need and it can be demonstrated that there are no suitable sites available within the settlement boundary*

Until my wife’s retirement in 2018 shortly before placing this application, my wife ran Isobel Baxter Childminding Services for 19 years, Care Inspectorate Reference: CS2003009800 - from Willow View, which served the pre school and primary school children of St. Madoes and the surrounding area.

This was a busy and successful venture with over a year long waiting list. An attempt by mothers of school children in 2018 to create an alternative pre and after school service within the primary school has failed.

It should be pointed out that this application was for us to build on the site and potentially downsize from Willow View, Cottown, which in turn would free up this ideal property for someone else to run a similar Childminding Service with extensive outdoor activity equipment on site in the 1.5 acre garden. There is undoubtedly a proven business need for increased childminding services within this area.

- (c) Required to address a shortfall in housing land supply in line with Policy 24: Maintaining an Effective House supply” - I would suggest that it could be helpful to create a further good quality house within the area and certainly not detrimental to build on a brown field site.*

The Comments go on to conclude: *“there is no operational need for development on this site and there is no shortfall in terms of housing in this area. It is also not supporting rural business and diversification....”* I would suggest that it is potentially supporting business in the area, by permitting the site to be built on, in turn frees off Willow View, a 1.5 acre site with five bedroomed house, to continue to be used as a Childminding business serving the local community or as a small holding/business venture.

I would also question therefore why, in the last three years, if there is no shortfall in this area, has approval been given for an additional three new builds at Hawkstane alone and currently for four houses on land to the south of Cottown road. There clearly is an on going demand for housing in the area, with also a major steading conversion ongoing at the far end of Leetown on the Ross road.

Furthermore: There were no objections by either the external consultants or the public. The same original person delegated for the pre application application, was delegated to make the final decision of refusal.

Therefore I contest that firstly, the plan is not finalised and secondly I would contest that the “no material reasons which justify departing from the Development Plan” is an arbitrary subjective comment with no real or detailed foundation.

I would also please ask that this appeal is reconsidered based on the following areas of your own proposed Policy guidance as detailed below:

Non-statutory Supplementary Guidance is Guidance which has been agreed by the Council but not approved by Scottish Ministers. This does not have as much 'weight' in the decision making process as statutory Supplementary Guidance but is still taken in to consideration as part of any relevant applications

Applying the Council's own recommendation of a **SWOT analysis**, you may conclude that the Strengths and Opportunities far outweigh the Threats and Opportunities.

Strengths

- Enclosed redundant brown field site
- Good vehicular access in existing 30mph zone with existing wide lowered kerb vehicular access
- Established open space
- Good footpath connections to Carse network
- Walking distance of St. Madoes and the River Tay.
- Mains Water supply at entrance to site
- Electricity poles on site
- Slight incline provides drainage through existing pipework
- Part of our existing garden
- Adequate space down old railway line for Ground or Air Source heating or any applicable technology.
- No opposition to application from public, neighbours or consultants.
- No existing trees or landscaping issues as is a flat brown field former commercial yard
- Ridge height in keeping with existing newer builds in Hawkstane.

Weaknesses:

- Currently not in the LDP but remainder of garden is and site borders settlement area.
- Applied for incorporation into LDP2 in 2010 then again in 2014. Awaiting decision.

Opportunities:

- South facing site
- Attractive views out into surrounding countryside
- Good recreational facilities including open space and footpaths
- Opportunity to replace dilapidated storage barn and redundant brown field site with new attractive modest sized eco home.
- To contribute to the concept of mixed tenure in Hawkstane/Cottown. Currently there is a mix of single, 1.5 and 2 storey housing. Creating a three bedroomed 1-1.5 storey eco home but in a traditional style as per the original application.

Threats:

- Not currently in LDP2 and potential to undermine the future decision-making process of the Council and Ministers on the Settlement areas.
- Suggestion that this site was confused with a previous application pre 2014 by Errol Park Estate which they called Willow View, (which is the name of our house since 1976) and in their plans incorporated trees on our land erroneously as a border to their field.
- Hence re submitted application for incorporation into LDP 2 in March 2014, and still awaiting Ministerial decision.

LINKS TO PLACEMAKING SECTIONS Consultation Draft 31 January to 14 March 2019

Policy 6: Settlement Boundaries

Draft Housing in the Countryside Supplementary Guidance

"the Council's objective is to strike a balance between the need to protect the outstanding landscapes of the Perth & Kinross area, and encourage appropriate housing development in rural areas including the open countryside and areas outwith settlements. The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported, and the need to travel minimised.

Policy 19 therefore supports proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

(1) Building Groups

(2) Infill sites

(3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance

(4) Renovation or replacement of houses"

(5) Conversion or replacement of redundant nondomestic buildings

(6) Development on rural brownfield land The application of Policy 19 is limited within the Green Belt to proven economic need, conversions or replacement buildings (Categories 3.3, 4 and 5).

Consultation Draft 31 January to 14 March 2019 DRA

The proposed building site is a recognised Brown field site and former Pitfour Brick railway line works yard which therefore meets criteria (6) above.

Further more, on the site and shown in the submitted images with the application, is a former commercial barn (retrospective planning for this store was achieved by the father of the previous owners in the late 60s and was then a replacement for an original set of commercial stores. The remaining barn is in a poor state of repair and it is argued that it meets the requirement of criteria (5) replacement of redundant non domestic buildings.

Category 3 - New Houses in the Open Countryside

3.1 Existing Gardens – The site is within our existing garden.

3.2 Houses in Areas of Flood Risk

3.3 Economic Activity

3.4 Houses for Local People - the proposal is for my wife and I who have lived in Cottown for 30 years to down size and retire to, thus freeing off a larger family home for local people to purchase.

3.5 Houses for Sustainable Living

Siting Criteria Proposals for a new house falling within category 3 will, unless otherwise stated, require to demonstrate that it meets all of the following criteria when viewed from surrounding vantage points:

- **it blends sympathetically with land form;** - it does and the site and surrounding area, have not changed over the years,
- **it uses existing trees, buildings, slopes or other natural features to provide a backdrop;** - no changes would be undertaken to site. The existing mixed Beech and Hawthorn Hedge along the East boundary would be retained.
- **it uses an identifiable site (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (for example, a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;** - **it would use the existing identifiable site with no subdivision at all.**
- **it does not have a detrimental impact on the surrounding landscape** – it will improve the visual impact of a now redundant former commercial yard by removing the ageing commercial barn/shed.

Consultation Draft 31 January to 14 March 2019 DRAFT

In Summary,

When making a decision on this appeal, I please ask that you take into consideration our efforts to have this area included in the Settlement area over the last 8 years and note the changes since the previous landowner made an application in 2006.

I would equally contest that if the site were to remain out with but immediately adjoining the agreed Settlement plan when the plan is eventually finalised by Ministers, that there are still sufficient reasons demonstrated in this appeal to justify agreeing to permit this application on appeal.

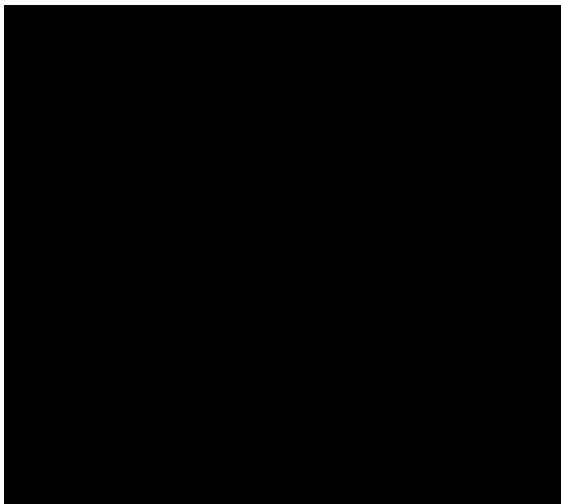
Documents that were previously submitted but not added to the Public site are included in Appendices 1 – 3.

Yours Sincerely,



29/4/2019.

Michael Baxter



ANNEXE 1: Original Application to include site in Settlement Area, November 2010.

Now :- [REDACTED]

MIKE BAXTER

From: "TES Development Plan - Generic Email Account" <DevelopmentPlan@pkc.gov.uk>
To: "MIKE BAXTER" [REDACTED]
Sent: 01 November 2010 09:32
Subject: RE: AWARENESS AND ADVICE SOUGHT - MR M AND MRS I BAXTER, WILLOWVIEW COTTOWN

Dear Mr and Mrs Baxter

Local Development Plan Main Issues Report – Willowview, Cottown

I acknowledge and thank you for your representation of 29 October 2010 relating to the above.

Your comments will be taken into account as part of the process leading to the publication of the Proposed Plan which is scheduled for publication towards the end of 2011.

Representations and any information you have provided will be available for public inspection, published online and may be shared with other appropriate professionals and service providers, please be assured, however, personal details such as signatures and telephone numbers etc. will be removed from representations prior to this.

If you have access to the internet and have not already completed the consultation evaluation questionnaire, I would encourage you to do so. The link can be found at <http://www.surveymoz.com/s/358628/local-plan-consultation-evaluation> if you have already completed this questionnaire, thank you.

In the meantime should I require any further information or clarification of your submission, I will contact you again.

I hope that you find this satisfactory.

Yours sincerely

Brenda Murray
Team Leader
Local Development Plans

From: MIKE BAXTER [mailto:[REDACTED]]
Sent: 29 October 2010 13:54
To: TES Development Plan - Generic Email Account

[REDACTED] 31/3/18

1. PART OF CORRESPONDENCE TO INCLUDE IN LOCAL DEVELOPMENT PLAN THE YARD + RAILWAY LINE AT HAWKSTANE - WILLOW VIEW.
2. WILLOWVIEW 1.5 ACRE SITE WAS ALREADY IN THE LDP.



Perth and Kinross Local Development Plan

ANNEXE 2(a)
SUBMITTED BY EMAIL
5/3/15.

Call for Sites

20 January - 31 March 2015

This form should be used to make a submission to the call for sites process to promote a site for development or redevelopment in the Perth and Kinross Local Development Plan. This form should be used where a change to a settlement boundary is suggested but should not be used for housing sites of fewer than 5 units as the Local Development Plan does not identify sites of this scale. Requested information should be concise and to the point.

For help completing this form you are advised to read the associated [Guidance notes](#) or ring us on 01738 475300

PART 1 APPLICANT AND SITE DETAILS

1. Your Details

Name	MICHAEL & ISOBEL BAXTER
Organisation/ Community Council	N/A
Building No./Name	WILLOW VIEW
Address	COTTOWN, BY GLENCARSE
Town/City	PERTH
Postcode	PH2 7NL
Telephone	
Mobile	
Email	

2. Lead Developers Details (if any)

Name	
Organisation	
Building No./Name	
Address	
Town/ City	
Postcode	
Telephone	
Mobile	
Email	

3. Primary Landowner's Details (if known)

Name	MICHAEL & ISOBEL BAXTER	Postcode	
organisation	OWNER & RESIDENT	Telephone	
Building No./Name	WILLOW VIEW	Mobile	
Address	COTTOWN, BY GLENCARSE PERTH PH2 7NL	Email	
Town/City			

- ☒ Please confirm, by ticking this box, that the landowner(s) has been notified that a submission is being made to the Call for Sites process relating to the land in their ownership?
See question 33.

4. Who is the main contact for this submission?

- ☒ You ☐ Developer ☐ Land Owner
☐ Other

5. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha)

Square Metres (sq m)

6. Postal Address or Location of proposed Development (please include postcode)

Please identify the location of the site in your accompanying location plan.

The site is marked in red on the attached document. It is owned by us and partly borders our other land marked in green, which is in the Local Development Plan already.

7. Current and Proposed Land Use

Please describe the current designation and use of the site:

The current use of the site is as an extension to our garden/land. It comprises to the North, a former commercial yard used by the previous owner, Mr Christie for storage and parking for his removal business large vehicles. There is a storage outbuilding on the site in which we keep out ride on Tractor and other gardening tools etc. The thinner line running approximately North to South, is part of the now disused Pitfour Brick Railway Line and is grassed with drainage running underneath it and is used as an alternative access to our garden. It leads to our 1.5 acre land, (marked in green) that is already in the Local Development Plan.

What land use would you like the site considered for?

Housing and/or road access to additional Housing. The North yard end has access directly on to the St. Madoes to Errol Road and has a lowered kerb that was in place when we bought the land several years ago. The proposal is that it might be used for potential housing development and that the old railway line might be used for future access to our 1.5 acre land for additional housing and possibly as access to the adjacent area owned by Errol Park Estate, who have also already identified it as an area for potential housing development within the Local Development Plan.

PART 2 ADDRESSING THE SELECTION CRITERIA

ENHANCING PLACE

8. Which of the strategic objectives within the Perth and Kinross Community Planning Partnership's Community Plan 2013 - 2023 does the proposal support? Select all that apply.

- ☐ Giving every child the best start in life
- ☐ Developing educated, responsible and informed citizens
- ☐ Promoting a prosperous, inclusive and sustainable economy
- ☐ Supporting people to lead independent, healthy and active lives
- ☒ Creating a safe and sustainable place for future generations

Please explain how?

By providing a potential alternative and safer access point to permit possible future residential housing in the area. To provide additional brown field land for additional housing.

9. How will the proposal support local communities? How will the proposal enhance or create new local facilities?

It could facilitate safer access to and expansion of, housing in the area.

10. Will the proposal create any permanent employment within Perth and Kinross?

No.

11. If the proposal will result in a loss of employment land, please give further details.

It will not, as both areas are "brown" field and have not been used for commercial purposes for many years.

12. If the proposal supports a designated National Planning Framework national priority or a site identified in the Strategic Development Plan, please give details.

The area proposed for inclusion, borders an existing area within the Local Development Plan and specifically a Housing proposal previously submitted by Errol Park Estate, confusingly also called Willow View.

13. Explain how the proposal meets a potential land supply issue in the Perth and Kinross Local Development Plan.

Please note that for housing sites we are most interested in receiving information on potential sites in the housing market areas covering Highland, Strathmore and Strathearn; there is unlikely to be a need for additional land in the Perth Housing Market Area or the Kinross Housing Market Area. For further information please see the associated Guidance Notes.

It provides the potential for additional housing within the Carse of Gowrie area, but on a brown field site and not on arable existing farm land. Please note that this is simply the addition of more land that we own which borders the existing land that we own and was successfully incorporated into the original Local Development Plan. Adding this piece of land which we purchased after our original submission gives a safer access route for any future housing development on the land

14. Is the proposed site within or next to an existing settlement area?

☒ Yes ☐ No

15. Is the proposed site within the Green Belt as identified in the Perth and Kinross Local Development Plan?

☐ Yes, go to question 16 ☒ No, go to question 17

16. Describe what makes the proposal suitable or appropriate at a green belt location. Is a green belt location essential? If so, why?

17. Will the proposal affect any cultural heritage asset(s)?

(for example, Scheduled Monuments, archaeological sites, listed buildings and or their setting, Conservation Areas, Gardens and Design Landscapes, Historical Battlefields). Please provide details of the asset(s) and of the impact (positive or negative) that the proposal will have.

The proposal will not affect any cultural heritage assets. It is simply an old hard packed yard and a disused (for well over 100 years) railway line for the Pitfour Brick works which closed over 100 years ago.

18. Provide details of any known previous development of the site.

There has been no previous development of the site other than the siting of an outhouse used for Furniture storage and surrounding off road furniture van parking in the 1960s through to the 1990s. Prior to that and over 100 years ago the area was a part of a private railway line and works, which in its entirety would have gone between Glencarse railway station and the Errol Brick works on the river Tay, but no longer exists in any part.

19. Will development of this site re-use existing buildings?

No. The existng arced roofed outbuilding is in a poor condition and is currently used to store a ride on tractor only. It is only approx 7m x 4m in size.

20. Explain the compatibility of the proposal with neighbouring uses.

The neighbourhood comprises a small number of private residences in Cottown and on the Errol Road. The adjacent fields are owned by Errol Park Estate who have put in a submission to develop this land for housing in the future and it is included in the Plan. Any housing development would need to be in keeping with the mix of existing single and 1.5 storey houses.

21. Explain the compatibility of the proposal with the existing character of the surrounding area.

Any further housing development on the proposed site and adjacent gardens currently owned by us would only facilitate a small expansion in housing with little if any impact in terms of vehicle useage or visual impact.

22. How does the site's location promote the use of sustainable transport?

The site has direct access on to the existing B road between St. Madoes and Errol and there is a bus stop within a few metres of the entrance to the yard, so there would be no detrimental impact on the use of sustainable transport.

23. Does the site make best use of solar gain? Is the site protected from prevailing winds?

The yard and site run North to South so any housing could be placed south facing for maximum solar gain.

INFRASTRUCTURE CAPACITY

24. Is the site serviced by the following existing utilities infrastructure? Select all that apply.

☐ Water

☐ Sewerage

☐ Electricity

☐ Gas

☐ Telecommunications/Digital

25. Have you approached the relevant utility providers to discuss whether capacity exists within the utility network? Please give details.

Only informally at present, but electricity poles run the full length within the old railway line serving houses to the North and South of our line, which could be readily utilised as are existing telephone poles within a few metres of the site going down parallel with the old railway line on the Cottown road.

Mains water is present at the entrance to the yard at the north most end of the site and there are existing field drains running the length of the old railway line. There is no sewerage facility at present. Residents in Cottown all use individual or shared septic tanks.

26. Explain how the site relates to existing road and rail networks.

The site entrance is on the B road between St. Madoes and Errol at the entrance to Hawkstane and would have its own road as access (the old railway line).

27. Please provide details of any known capacity issues in the existing road and rail networks and how these can be overcome.

NOTE: You may be required to submit further information during the planning process, prepared by a suitably qualified professional, to establish the suitability of the proposal in this regard.

The existing Cottown road would not be used to access any housing development within the land that we own, so there would be no adverse effect on this road.

SITE TECHNICAL CONSTRAINTS

28. Do you have information that supports that the site is free from, or can be made free of any constraints?

(For example, site stability, contamination, flood risk, overhead lines, health and safety exclusion zones)

NOTE: You may be required to submit further information during the planning process, prepared by a suitably qualified professional, to establish the suitability of the proposal in this regard.

There have never been any constraints on this site.

SAFEGUARD GREEN INFRASTRUCTURE

29. Please explain what effect the proposal will have on the landscape character of the area.

Any additional building within our owned land would be small in numbers and expected to be in keeping with the majority of houses in the area which are 1.5 storey or single storey detached or semi detached.

30. How will the development contribute to the green network?

Any future development would require the housing to make maximum use of sustainable products and new heating technology in keeping with the green network.

31. Is this site located within 2km of, or likely to have an effect on a designated Natura 2000 site?
Please give details.

☐ Yes ☒ No

NOTE: You may be required to submit further information during the planning process, prepared by a suitably qualified professional, to establish the suitability of the proposal in this regard.

32. In what way would development of the site impact on a national, regional or local designated site?

NOTE: You may be required to submit further information during the planning process, prepared by a suitably qualified professional, to establish the suitability of the proposal in this regard.

No impact.

DELIVERABILITY IN THE PLAN PERIOD

33. What is the ownership/control status of the site? Select all that apply.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Owned/controlled by single developer. | <input type="checkbox"/> Owned/controlled by multiple developers. |
| <input type="checkbox"/> Controlled by single owner. | <input type="checkbox"/> In control of multiple owners. |
| <input type="checkbox"/> In partnership with a developer. | <input type="checkbox"/> In partnership with multiple developers. |
| <input type="checkbox"/> No developer involvement in the proposal. | |

Where there are additional developers or landowners involved please provide details.

34. When is the development proposed to take place on the site?

- ☒ Within 5 years of adoption of the Local Development Plan (up to 2023)
- ☐ Within 5-10 years (up to 2023 – 2028)
- ☐ Beyond 10 years (beyond 2028)

35. Provide details to demonstrate that the site can be considered effective in terms of any housing proposals.
(Whole, or in part to establish the suitability of the proposal in this regard).

Has direct access to an existing road. Is within a few metres of existing local transport/bus routes. Has existing electricity and communications networks running through the site. Is a brown field site. Is within 5 minutes walking distance of St. Madoes primary school and St. Madoes itself. Is close to but separate from Cottown and would use a separate new access road.

PART 3 DECLARATIONS

Action Programme

- ☐ I, the promoter/agent confirm that if my site is successful in the Call for Sites process and promoted within the Local Development Plan I will provide the Council with information as required to allow the Council to fulfill its duties to prepare Action Programmes.

Further Information

- ☐ I, the promoter/agent confirm I am aware that as part of the Local Development Plan process I may be required to provide further information in the form of studies/investigations or other documentation prepared by suitably qualified professionals to support the information I have provided on this form and/or to establish the suitability of the site for development or redevelopment in line with the proposed use.

- ☐ I, the promoter/agent accept that details of this proposal may be publicised as part of consultation on this and future phases of the preparation of the local Development Plan.

Signature

- ☐ I, the promoter/agent certify that this is a submission for the Call for Sites process as part of Perth and Kinross Local Development Plan. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge (for electronic submissions, please confirm your statement by ticking the box instead of providing signature).

Signature:

Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

36. How did you find out about the call for sites process? optional question.

- ☐ Councils website
☐ Notice in Newspaper, could you tell us which one below?
☒ PKC Development Plan Scheme
☐ Telephone enquiry to Council
☐ Email enquiry to Council
☐ Social Media (e.g. Twitter, Facebook)
☐ Other, could you tell us how below?

Further information

Completed Submission forms and location plans should be addressed to
developmentplan@pkc.gov.uk

Or alternatively by post to:

Local Development Plan Team
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

The Call for Sites process will run from Tuesday 20 January 2015 for 10 weeks. Completed Submissions must be received by Tuesday 31 March 2015.

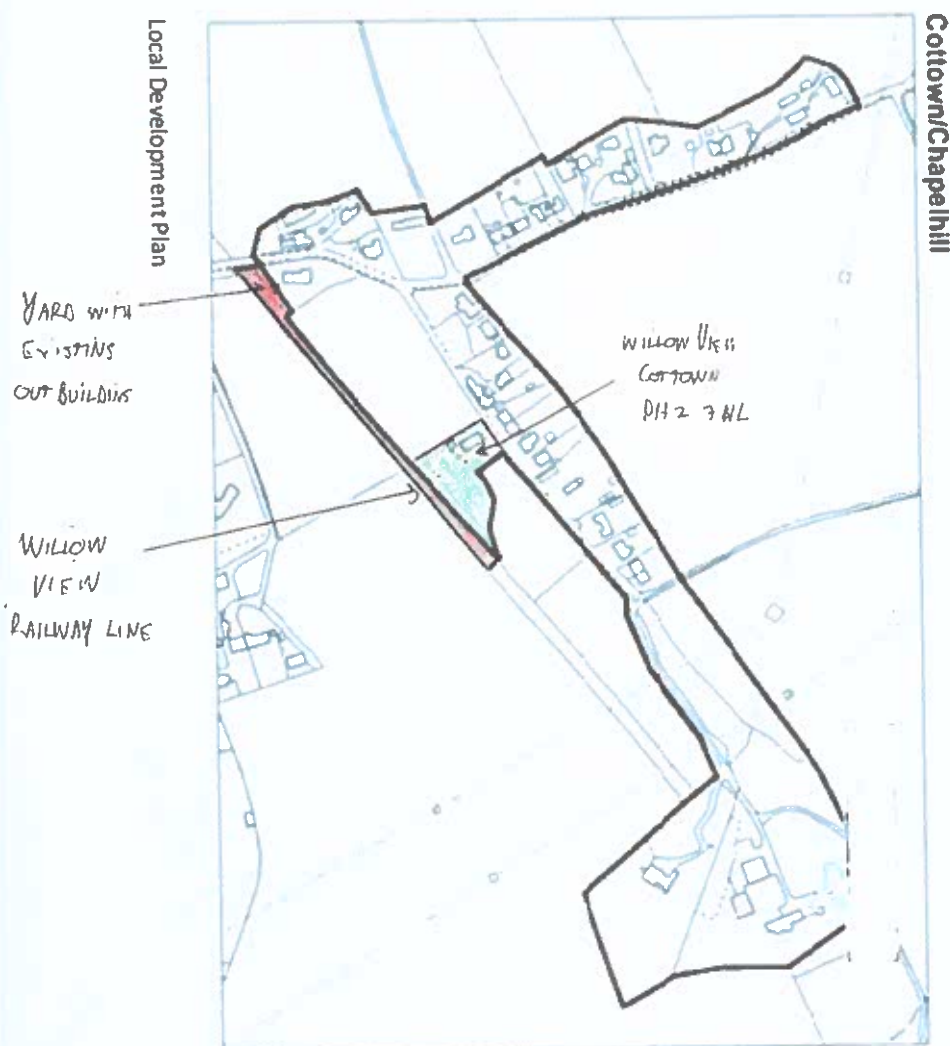
ANNEXE 2(a): Perth and Kinross Local Development Plan

Call for Sites 20 January - 31 March 2015 - This form was used to request again to include the remainder of our garden, namely the site in question and former railway line. It was submitted by e mail on 5 March 2015, (a hard copy is attached) - acknowledged below

5/3/15

Request for inclusion of owner's additional land - yard and "old" railway line at Willow View, Cottown

- Area in green – existing land owned by Mr and Mrs M Baxter, Willow View Cottown.
- Area in red – requested additional land to be included – owned by Mr and Mrs M Baxter



Michael Baxter

Isobel Baxter

5/3/15

5/3/15

From: DevelopmentPlan@pkc.gov.uk
Sent date: 25/03/2015 - 16:29
To: [REDACTED]
Subject: RE: FAO. Brenda Murray - Re: Your Letter dated 5 December, 2014: Call for Issues and Call for Sites:20 January - 31 March
Attachments: image001.gif 1.3 KB

Dear Mr and Mrs Michael and Isobel Baxter

Perth and Kinross Local Development Plan
Call for Issues and Sites: Cottown

I acknowledge and thank you for your e-mail of 5 March relating to the above.

Your submission will be considered and will help the Council to prepare the Local Development Plan – Main Issues Report, which will be published for consultation this autumn. We will contact you again nearer the time to let you know when this will take place.

Submissions will be available for public inspection and may be published online and shared with other appropriate professionals and service providers. Please be assured however that personal details such as signatures, e-mail address and telephone numbers will be removed.

In the meantime if I need any further information or clarification of your submission, I will contact you again.

Yours sincerely
Brenda Murray
Team Leader, Local Development Plan
The Environment Service
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

<https://btmail.bt.com/cp/applink/mail/LoadMessagePrint?cKey=1427318689958-5344...> 25/03/2015

ANNEXE 2(b):

**Delayed Office Opening for
Employee Training**

*This Office will be closed from 8.45am –
11.00am on the 1st Thursday of each
month*



Mr And Mrs Michael And Isobel Baxter
Willow View
Cottown
Perth
PH2 7NL

Planning and Development
Head of Service David Littlejohn

Pullar House 35 Kinnoull Street
Perth PH1 5GD

Contact Brenda Murray
Tel (01738) 475300
E-mail: DevelopmentPlan@pkc.gov.uk

Our ref

Your ref

Date 16 June 2015

Dear Mr And Mrs Baxter,

Perth & Kinross Local Development Plan 2018-23
Summary of responses received to the Call for Issues and Sites

The Call for Issues and Sites period ended on 31 March 2015. As you know this exercise was undertaken to gather information for the Main Issues Report (MIR). Over 270 responses were received suggesting various issues and over 200 sites for consideration in the preparation of the MIR.

My team have prepared a short summary of the responses received which you can find online at <http://www.pkc.gov.uk/mainissuesldp2>. The summary has been prepared for information to give people an idea of what has been suggested and further comment is not being sought at this stage.

Our Development Plan Scheme outlines the timetable towards adoption of the Local Development Plan, and advises that we will publish and consult on the Main Issues Report in the autumn.

In the meantime if you would like further advice, or have an issue you would like to discuss, please don't hesitate to contact my team.

Yours faithfully

Brenda Murray
Development Plans Team Leader

Jim Valentine
Executive Director

ANNEXE 2 (c): on going awaiting a decision:

**Delayed Office Opening
for Employee Training**

*This office will be closed from
8.45am - 11.00am on the first
Thursday of each month.*



Planning & Development
Head of Planning – Nick Brian

Pullar House, 35 Kinnoull Street, PERTH PH1 5GD
Tel 01738 475000

Contact **Brenda Murray**

www.pkc.gov.uk

Mr And Mrs Michael And Isobel Baxter
Willow View
Cottown
Perth
PH2 7NL

Date 15 September 2016

Dear Mr And Mrs Baxter,

Perth & Kinross Council – Local Development Plan 2

Further to your interest in the Local Development Plan (LDP) process, I am writing to let you know of the latest timetable for publishing the LDP Proposed Plan.

Following the consultation on the Main Issues Report, we are now working on producing a 'Proposed Plan'. This is the next step in the preparation of the Council's second LDP. The LDP must be consistent with the Strategic Development Plan, TAYplan. TAYplan is also under review and the TAYplan Proposed Plan was submitted to the Directorate for Planning and Environmental Appeals (DPEA) for Examination in June this year. It had been expected that this would be a fairly quick Examination which would allow us to consider any implications arising from the Examination report and then publish the LDP Proposed Plan for consultation before the end of this year. The DPEA are, however, experiencing significant resource issues and it is now likely that we will receive the TAYplan Examination Report around the beginning of March 2017. In light of this it is proposed that the LDP Proposed Plan will be reported to the first available Council meeting after the summer recess in 2017. Following that it will be published for public consultation.

The Development Plan Scheme sets out the timetable for the LDP. The Scheme will be updated and reported to the next Enterprise and Infrastructure Committee on 9 November 2016. It will then be published on the Council's website:
<http://www.pkc.gov.uk/developmentplanscheme>

Yours faithfully

Brenda Murray
Team Leader – Development Plans

The Environment Service
Depute Chief Executive Jim Valentine • Director (Environment) Barbara Renton

ANNEXE 3:

PLOT OF GROUND ADJACENT TO CRAIGELLACHIE, HAWKSTANE

PLANNING PERMISSION IN PRINCIPLE PROPOSAL

APPLICATION REFERENCE:- 10014439

SUMMARY OF SALIENT POINTS REGARDING REQUEST FOR APPROVAL

- a) An application to include our house and garden area of Willow View, Cottown plus the yard at Hawkstane and the linked railway line, into the LDP/Settlement area was submitted on 29/10/10 to develpomentplan@pkc.co.uk
- b) In 2014, we discovered that the then proposal (still to be decided) did not include our garden in the proposed LDP, but not the yard or railway line.
- c) It was then suggested that the yard and railway line may have been confused with an unrelated submission by Errol Park Estates to include the paddock to the East and immediately adjacent, to the railway line, which they also, unknown to us, called Willow View This area was put into the LDP.
- d) On 20/1/15, we contacted Brenda Murray to rectify this situation and were requested to resubmit an application for the Yard and Railway line. Resubmitted plans and forms (included) were sent electronically on 5/3/15 and acknowledged by e mail from Brenda Murray on 25/3/15), (copy included).
- e) In early 2018, as we had both now retired, we decided to downsize from our house and large garden, sell it in due course, and initially seek Planning in Principle to build a modest 3 bedroom eco home on the yard with drainage down the railway line, making the assumption that the yard and railway line were now included in the Settlement Area, having heard nothing to the contrary.
- f) Having paid the appropriate fee of £120 in April 2018, we submitted a Pre Application Enquiry Form: 18/00294/PREAPP.
- g) We received a response letter from Ms. J Fergusson, Planning Officer, with the surprise news that the yard and site remained directly adjacent to, but not in, the proposed Settlement area, which to us, remains the crux of the matter, as we have demonstrated due process since 2010 to have it included, particularly as the remaining part of our garden is in it.
- h) It should also be noted that the yard and railway line are established brown field sites with the yard being used by a local furniture removal company and large vans were parked there with the correct permissions, until the mid noughties, by the previous owner, with an established extensive lowered curb access for large

SUMMARY OF SALIENT POINTS REGARDING REQUEST FOR APPROVAL

-2-

- i) vehicles, power lines on site and mains water at the road side. It is suggested that

the routine access and egress by large slow moving furniture removal vans in a then 60mph zone, was potentially far more dangerous than useage by modern cars in a now 30mph zone.

- j) A copy of our response to JF dated 25/7/18 is included and discusses a number of factors which have changed since a previous planning application by the owner of the furniture removal business was rejected prior to our purchasing the yard and railwayline.
- k) A further response from JF dated 13/8 /2018, re iterated that *“the principle of the development cannot be established as the site lies out with the settlement boundary...”* and further stated that *“the Period of representation for the Proposed Local Development Plan 2 has now closed so there would be no opportunity at this time to review the current settlement boundary (unless you have already submitted a representation), I would advise that you correspond with the Development Plans Team on this issue.”*
- l) As we had already submitted a representation, we therefore contacted by phone on 19/9/18, Mr. A. Finlayson of the Development Plans Team, who in turn having heard our issues, suggested we speak to Ms B Nichol of the same team
- m) After a lengthy discussion with Ms B Nichol on 21/9/18, outlining our current situation and the factors that have changed since the last application, she noted that firstly the LDP2 had not been decided yet and secondly that she would recommend applying for Planning In Principle and would discuss her viewpoint with Ms. J Fergusson also.
- n) Key changes since previous Planning request by previous owner in 2006:
 - a) A reduction in the speed limit of St Madoes to Errol road at entrance, from 60mph now to 30mph zone.
 - b) A change of use from previously large slow moving furniture removal vans (which had relevant permissions to do so), to modern domestic vehicles is proposed.
 - c) The hedge bordering the East perimeter of the yard/Craigellachie, has been maintained and not grown in height. This was seen as an issue by a landowner neighbour/objector at the time, but in reality, the reduction in speed limit and the simple solution to place a mirror on a pole within the site, would easily resolve this alleged issue, to the East side only.
 - d) It should also be pointed out that since that last application in 2006, two detached houses have been approved and built - Heligan House and a second

SUMMARY OF SALIENT POINTS REGARDING REQUEST FOR APPROVAL

detached new build to the North of Heligan House, now making four detached properties plus one semi-detached property all sharing a single access on a bend opposite Craigellachie, with arguably far worse visibility and a much higher volume of car user access compared with what we are asking for on a straight stretch. We would welcome a site visit to allow comparisons between the two sets of access.

- e) Moreover, there is a considerably smaller plot than ours bordering the East boundary of Craigellachie with access on a blind bend (diagonally opposite the five house single access point) that has been granted Planning permission for a new build in recent years.
- f) The yard access for our site is on a straight stretch with clear visibility to the West and reasonable visibility to the East in our opinion.
- g) We note from the Pre Application report that the Development of the site would not be considered to have an impact on the wider landscape character or the visual amenity of the area, and that there are no Natural Heritage or Biodiversity or Cultural considerations.
- h) We note from the Pre Application report that Drainage and Flooding should be able to be accommodated within the site and no known flood risk. (In the 29 years we have lived there, the proposed site has never flooded).
- i) Unlike the previous applicant, we are clear in what we would wish to build and include potential plans for an Eco Home, (Hebridean Home) on a relatively small footprint of 14.2 x 5.9 metres with a garage also, if permitted.
- j) This gives adequate space for off road parking and drainage areas and the opportunity to build a modest but highly efficient 2 to 3 bedroomed home with a relatively small ridge height of 6.2 metres (considerably less than the two new builds diagonally opposite), with the opportunity for alternative heat/energy sources, based on an established Hebhomes design.
- k) We note that there are Plots in Angus with full Hebhomes Planning - article dated September 28, 2018 for the much larger versions of what we propose.

TCP/11/16(599) – 18/02257/IPL – Erection of a dwellinghouse (in principle), land 30 metres west of Craigellachie, Chapelhill

PLANNING DECISION NOTICE *(included in applicant's submission, pages 83-84)*

REPORT OF HANDLING *(included in applicant's submission, pages 85-91)*

REFERENCE DOCUMENTS *(included in applicant's submission, pages 93-94)*

PERTH AND KINROSS COUNCIL

Mr Michael Baxter
Willow View
Cottown
By Glencarse
Perth
Perthshire
PH2 7NL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 20th February 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/02257/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 21st December 2018 for permission for **Erection of a dwellinghouse (in principle) Land 30 Metres West Of Craigellachie Chapelhill** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to the Perth and Kinross Local Development Plan 2014 Policy PM4 Settlement Boundaries as the site lies outwith the defined settlement of Cottown/Chapelhill.

Justification

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

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

Plan Reference

18/02257/1

18/02257/2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/02257/IPL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	20.02.2019	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 30 Metres West Of Craigellachie Chapelhill

SUMMARY:

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

DATE OF SITE VISIT: 15 January 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The site is located to the west of the defined settlement of Cottown/Chapelhill. It forms a long linear strip which runs along the settlement boundary and is defined by the public road to the north, a dwelling to the east and agricultural land to the west/south/part of the east boundary. The site is linear as it forms part of an old railway line.

The application is for the erection of a dwelling in principle and a number of plans/photos/supporting information has been submitted. All of the information submitted has been considered however the formal plans have been noted as the location plan and site plan.

SITE HISTORY

05/00591/OUT Erection of house (in outline) 2 June 2005 Application Refused

06/01148/OUT Erection of a dwellinghouse 9 January 2007 Application Refused at Development Control Committee

PRE-APPLICATION CONSULTATION

Pre application Reference: Various discussions with policy team and negative pre-application enquiry response.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM4 - Settlement Boundaries

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy RD3 - Housing in the Countryside

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

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

No other policies

CONSULTATION RESPONSES

Development Negotiations Officer	Conditions required if approved
Scottish Water	No objection
Transport Planning	No objection
Environmental Health (Contaminated Land)	No objection condition required if approved
Environmental Health (Private Water)	Private water issues noted however this was an error
Strategy And Policy	Contrary to Development Plan

REPRESENTATIONS

No letters received

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

This site is located out with but adjacent to the Chapelhill/Cottown settlement boundary. It is a thin strip of land that was originally part of an old railway line in this area. It has a shed located on it at present. The site is adjacent to the settlement boundary and Policy PM4: Settlement Boundaries is applicable. This policy states that;

"For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary."

The proposal is therefore considered contrary to the adopted LDP which seeks to define settlement boundaries and encourage infill development within. Proposals for development out with and in this case adjoining settlement boundaries are not supported.

The Proposed Plan LDP2 has updated this policy. Policy 6 Settlement Boundaries goes further, stating that development directly adjoining settlement boundaries will only be permitted in limited circumstances e.g. locational need. Although through the consultation, there has been some objection to the wording of Policy 6, it is still appropriate to give it some weight in assessing this application. The policy states that:

"For those settlements which have a boundary defined in the Plan, built development will be contained within that boundary. Development directly adjoining these settlement boundaries will only be permitted where the proposal is:

- (a) in accordance with Policy 8: Rural Business and Diversification and is not adjacent to a principal settlement;
- (b) justifiable on the basis of a specific operational and locational need and it can be demonstrated that there are no suitable sites available within the settlement boundary; or
- (c) required to address a shortfall in housing land supply in line with Policy 24: Maintaining an Effective Housing Land Supply."

There is no operational need for development on this site and there is no shortfall in terms of housing in this area. It is also not supporting rural business and diversification. In conclusion, this proposal would be contrary to the emerging LDP policy.

Design and Layout

The application is in principle however photographs and floorplans of indicative house types have been submitted. With no site plan to show how the development could be accommodated and with the linear nature it is not clear how a dwelling could be located within the site.

Residential Amenity

The site is narrow with a 20m frontage, a small dwelling could be accommodated within the site but it may be challenging to achieve acceptable window to boundary distances.

The proposed development is on land historically identified as having been used for mineral railway operations, in particular extracting, handling and storage of ores and their constituents. As such the risk of historic land contamination needs to be assessed for this application prior to any development commencing.

Roads and Access

Insofar as the roads matters are concerned, the Transport Planning Officer has not objected to this proposal subject to a condition relating to the proposed access.

Drainage and Flooding

No drainage or flooding implications.

Developer Contributions

The application is in principle, should the recommendation have been for approval conditions would have been required to cover contributions in relation to education and transport infrastructure.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not to comply with the approved

TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1 The proposal is contrary to the Perth and Kinross Local Development Plan 2014 Policy PM4 Settlement Boundaries as the site lies out with the defined settlement of Cottown/Chapelhill.

Justification

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

Informatives

N/A

Procedural Notes

Not Applicable.

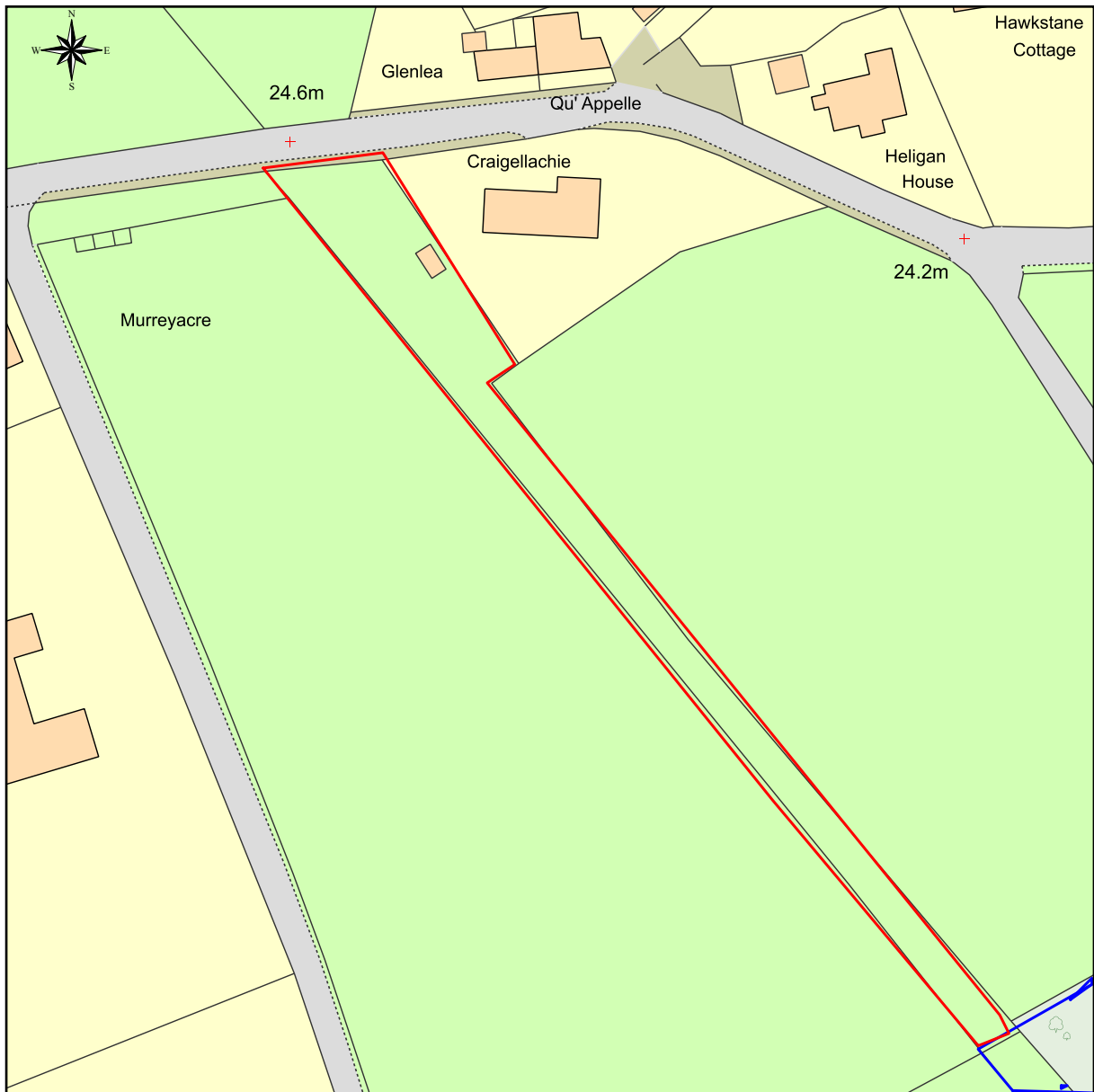
PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/02257/1

18/02257/2

Date of Report 19.02.19

Plot of Ground from Hawkstane to Willow View, Cottown



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2018. Ordnance Survey 0100031673

0m 20m 40m 60m 80m 100m

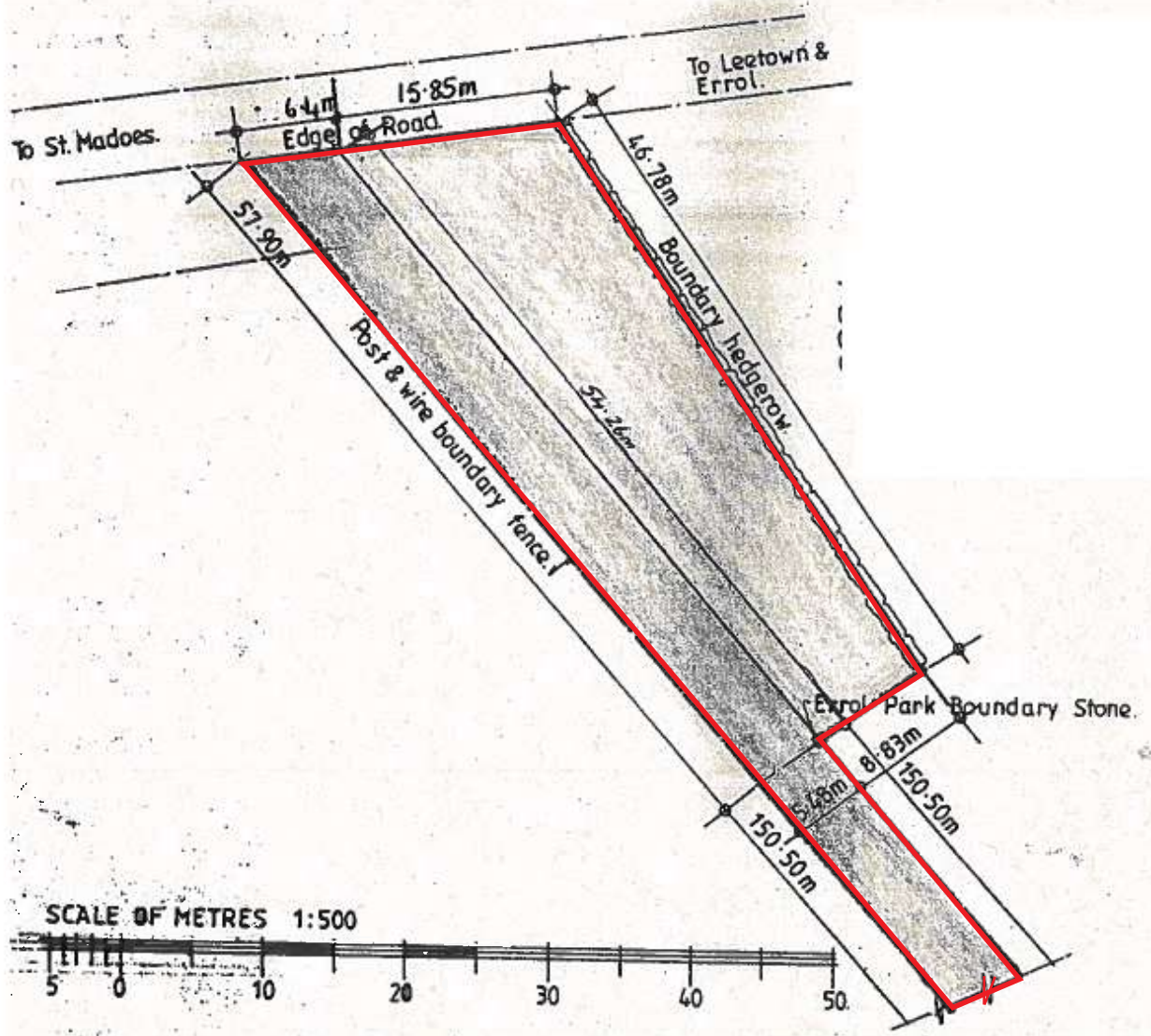
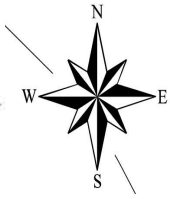
Scale: 1:1250, paper size: A4

100144439

Planning in Principle Application

New Build proposed for existing yard area adjacent to Craigellachie, with drainage down ex railway line. Blue area is north west corner of 1.5 acre Willow View, garden of house owned by us, also.





TCP/11/16(599) – 18/02257/IPL – Erection of a dwellinghouse (in principle), land 30 metres west of Craigellachie, Chapelhill

REPRESENTATIONS

10th January 2019

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



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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

PH2 Chapelhill Craigellachie Land 30M West Of
PLANNING APPLICATION NUMBER: 18/02257/IPL
OUR REFERENCE: 771424
PROPOSAL: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

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 and would advise the following:

Water

- There is currently sufficient capacity in the Clatto Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

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 normally 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 all of our application forms on our website at the following link**
<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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 Dom Property:**
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered 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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk

Yours sincerely

Angela Allison

[Redacted signature]

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/02257/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres West Of Craigellachie, Chapelhill		
Comments on the proposal	<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 St Madoes Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		

	<p>Transport Infrastructure</p> <p>CO00 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.</p>
Recommended informative(s) for applicant	N/A
Date comments returned	14 January 2019

Memorandum

To	Development Quality Manager	From	Regulatory Services Manager
Your ref	18/02257/IPL	Our ref	KIM
Date	23 January 2019	Tel No	

Housing & Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission PK18/02257/IPL RE: Erection of a dwellinghouse (in principle) Land 30 Metres West of Craigellachie Chapelhill for Mr Michael Baxter

I refer to your letter dated 17 January 2019 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 23/01/2019)

Recommendation

The proposed development is on land historically identified as having been used for mineral railway operations, in particular extracting, handling and storage of ores and their constituents. As such the risk of historic land contamination needs to be assessed for this application prior to development commencing.

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

Condition

EH41 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

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

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

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/02257/IPL	Comments provided by	Bea Nichol Planning Officer
Service/Section	TES -Development Plans	Contact Details	██████████ ██████████
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres West Of Craigellachie Chapelhill		
Comments on the proposal	<p>This proposal is located out with but adjacent to the Chapelhill/Cottown settlement boundary. It is a thin strip of land that was originally part of an old railway line in this area. It has a shed located on it at present. As this site is adjacent to the settlement boundary, Adopted Local Development Plan PM4: Settlement Boundaries is applicable. This states:</p> <p>“For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.”</p> <p>The Proposed Plan new Policy 6 goes further, stating that development directly adjoining settlement boundaries will only be permitted in limited circumstances e.g. locational need. Although through the consultation, there has been some objection to the wording of Policy 6, it is still appropriate to give it some weight in assessing this application. The policy states that:</p> <p>“For those settlements which have a boundary defined in the Plan, built development will be contained within that boundary. Development directly adjoining these settlement boundaries will only be permitted where the proposal is:</p> <p>(a) <i>in accordance with Policy 8: Rural Business and Diversification and is not adjacent to a principal settlement;</i></p> <p>(b) <i>justifiable on the basis of a specific operational and locational need and it can be demonstrated that there are no suitable sites available within the settlement boundary; or</i></p> <p>(c) <i>required to address a shortfall in housing land supply in line with Policy 24: Maintaining an Effective Housing Land Supply.</i>”</p> <p>There is no operational need for development on this site and there is no shortfall in terms of housing in this area. It is also not supporting rural business and diversification. In conclusion, this proposal would be contrary to LDP policy.</p>		
Recommended planning			

condition(s)	
Recommended informative(s) for applicant	.
Date comments returned	05/02/2019

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/02257/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres West Of Craigellachie Chapelhill		
Comments on the proposal	Insofar as the roads matters are concerned, I do not object to this proposal provided the undernoted condition is attached in the interests of pedestrian and traffic safety.		
Recommended planning condition(s)	AR01 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.		
Recommended informative(s) for applicant	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
Date comments returned	13 February 2019		

