

TCP/11/16(605) – 19/00503/FLL - Formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP

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TCP/11/16(605) – 19/00503/FLL - Formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP

**PAPERS SUBMITTED
BY THE
APPLICANT**



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100158745-002

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	DM Hall		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Duncan	Building Name:	The Mill
Last Name: *	Clow	Building Number:	
Telephone Number: *	01786833800	Address 1 (Street): *	Station Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Bridge of Allan
Fax Number:		Country: *	United Kingdom
		Postcode: *	FK9 4JS
Email Address: *			

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Errol Airfield"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Errol"/>
Company/Organisation	<input type="text" value="Morris Leslie Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perthshire"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 7TB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="SOUTH INCHMICHAEL FARM"/>
Address 2:	<input type="text" value="ERROL"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 7SP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="725225"/>	Easting	<input type="text" value="324884"/>
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Description of Proposal

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

Formation of vehicular access (in retrospect)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See attached local review statement.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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

Local review statement. Application as submitted. Report of Handling for track as built. Decision Notice for track as built. Report of Handling for track as consented. Decision Notice for track as consented. Plan showing track as existing, track as consented and track as built.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00503/FLL

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

28/03/2019

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

24/05/2019

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

To understand the relative positions of the track as built, the consented track and the existing track.

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The site is being used by vehicles and agricultural machinery.

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Duncan Clow

Declaration Date: 30/05/2019

LOCAL REVIEW STATEMENT

This Local Review is being submitted on behalf of Morris Leslie Ltd against the refusal of Planning Permission for a vehicular access in retrospect at South Inchmichael Farm.

It is the Applicant's opinion that Planning Permission can and should be granted for this track as (partially) built, and that there is no need for the Council to continue with its enforcement action and notice against it, which is currently the subject of a separate appeal to Scottish Ministers.

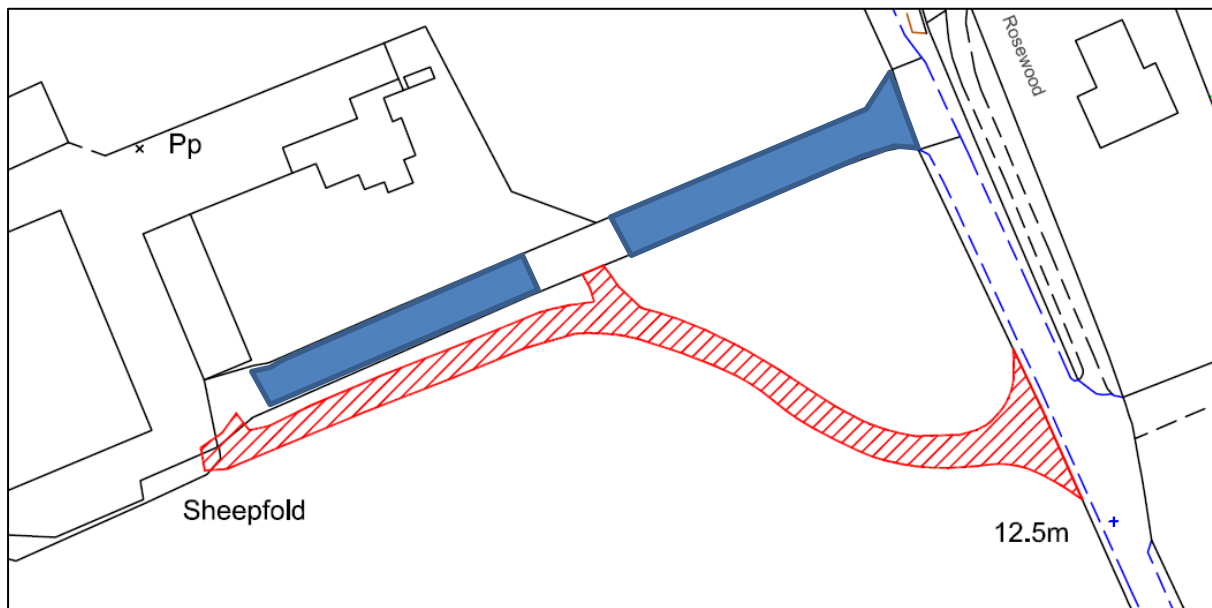
The access track as built is as described in the Report of Handling. However, contrary to what is said therein, there is no reason why there has to be two tracks running parallel, as the Applicant is willing to remove most of the existing one (see further below).

Our reading of the Report of Handling seems to base the refusal of the Application very much on this basis of there being two tracks parallel to each other and, take that possibility away, and we can see little to choose between the track as built, or the consented one, for that matter, in terms of their respective impact on the character of the area. The consented one was seen as acceptable in principle in 2017 (see Report of Handling and Decision Notice attached) and the track as built is not that different from the one consented and in part overlaps it, as shown on the enclosed graphic that shows the relative positions of the existing track, consented track and the one as built (see plan attached). It is difficult to see how one can be acceptable and one, with very little difference, is not.

The consented track was accompanied by a requirement to stop-up the existing one, and to plant a hedge, a scheme for that hedge has already been submitted to, and approved by, the Council on 14th May 2019. If the Council want to further than that and have the first part of the existing track removed entirely, following approval of this Application, it can be, and can be removed as far back as the spur that is proposed to serve South Inchmichael farmhouse. That area of land, as generally indicated below in blue, can be aerated, covered in topsoil and planted with wild flowers in the form of a field margin.

The same goes for the existing track between the spur serving the farmhouse and where the new track re-joins the existing farmyard hard surface, as also indicated below in blue.

The exact areas of each, and the precise details of how they are treated and planted, can be the subject of a suitably worded planning condition.



The consented track has not been required to have hedges planted along its length, but, if hedges are important to the Council, as seems to be highlighted in the Report of Handling, then the Applicant is willing to do that also, as part of the planting scheme alluded to above.

The Applicant apologises for not involving PKHT earlier, but has been working collaboratively with them ever since the matter was first raised through their appointed archaeologist. The Applicant will continue to do so. It should also be noted that following desk-top and site investigations agreed with PKHT that no archaeology has been found in this general area.

It is hoped that Councillors will support this application and allow for the track as built to remain, with the proposals to treat the existing track suggested above, or such scheme as they would wish.

In planning terms, there is difference, we say, between this as built track and the one consented, which the Applicant would construct were this local review to be unsuccessful and the track as built has to be reinstated.

We reiterate that there is no need for there to be two tracks, and the redundant parts of the existing track can be removed and planted and the access stopped up with a hedge. Indeed, a landscaping scheme showing a hedge to be planted across the existing track was approved by PKC officers as recently as 14 May 2019.

For all the above, it is respectfully requested that this local review be allowed and Planning Permission granted.

PERTH AND KINROSS COUNCIL

Morris Leslie Ltd.
c/o DMH Baird Lumsden
Duncan Clow
The Mill
Station Road
Bridge Of Allan
FK9 4JS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 24th May 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/00503/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 17th April 2019 for permission for **Formation of vehicular access (in retrospect) South Inchmichael Farm Errol Perth PH2 7SP** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy PM1A 'Placemaking' of the adopted Perth & Kinross Local Development Plan 2014, as the provision of 2 roads running parallel to each other in this location is out of character with the area and does not contribute positively to the quality of the surrounding built and natural environment.
2. The proposal is contrary to Policy PM1B (a) 'Placemaking' of the adopted Perth & Kinross Local Development Plan 2014, as the development fails to create a sense of identity and erodes the character of the area by virtue of lack of established boundary treatments, namely on the southern boundary, to contain the development.

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

- 1 The Enforcement Notice dated the 20th February 2019 shall be fully adhered to. The unauthorised development must be removed in full in compliance with the Written Scheme of Investigation, prepared by PKHT, which was appended to the notice, and the site reinstated to its pre-development condition, all to the satisfaction of the Council as Planning Authority.

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

Plan Reference

19/00503/1

19/00503/2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/00503/FLL	
Ward No	P1- Carse of Gowrie	
Due Determination Date	16.06.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Formation of vehicular access (in retrospect).

LOCATION: South Inchmichael Farm, Errol, Perth, PH2 7SP.

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: 6th May 2019

SITE PHOTOGRAPHS

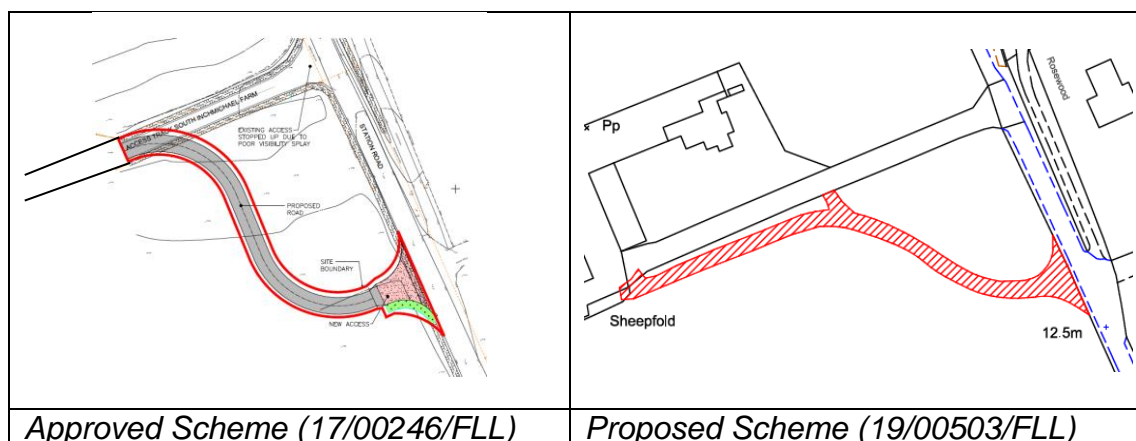


BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is South Inchmichael Farm, Errol, by Perth. The application seeks detailed planning permission (in retrospect) for the formation of vehicular access. The site is located adjacent to a Scheduled Ancient Monument (South Inchmichael).

A similar application was approved in 2017 under application 17/00246/FLL. The approved application tied into the existing access track. The proposed

application will now form a new track running parallel to the existing track. The below plan shows the approved plan compared to the proposed:



ENFORCEMENT INTEREST

Due to the archaeological sensitivity of the site, a condition (condition 4) was attached to the 2017 consent requiring a programme of archaeological works prior to the commencement of works. This scheme of archaeological works was not received prior to works commencing. Furthermore, it was highlighted that the proposal was not being constructed in accordance with the approved plans.

Due to the serious breaches of planning, an Enforcement Case was consequently opened (refer to case 18/00326/PLACON). An Enforcement Notice was subsequently served on the 20th February 2019 which requires the removal of the said development. This current application therefore seeks to regularise the current unauthorised development.

SITE HISTORY

16/02036/FLL - Formation of vehicular access and associated works 23 January 2017: Application Withdrawn

17/00246/FLL - Formation of vehicular access and associated works 7 March 2017: Application Approved

17/01941/FLL - Change of use of agricultural buildings to industrial (class 5) and storage/distribution units (class 6) and the formation of parking 15 December 2017: Application Withdrawn

18/00243/FLL - Change of use of agricultural buildings to industrial (class 5) and storage/distribution units (class 6) and the formation of parking 10 April 2018: Application Approved

18/01868/FLL - Erection of an agricultural shed and formation of hardstanding 10 December 2018: Application Approved

PRE-APPLICATION CONSULTATION

No formal pre-application consultation undertaken, however there has been vast correspondence with the Enforcement Officer regarding the unauthorised works on the site (refer to case 18/00326/PLACON).

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

Within the approved Strategic Development Plan, TAYplan 2016, the primary policies of specific relevance to this application are Policies 2 and 9.

Policy 2: Shaping Better Quality Places

Part A of Policy 2 seeks to 'deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets'.

Policy 9: Managing TAYplan's Assets

Part C of Policy 9 aims to safeguard the integrity of natural and historic assets through understanding and respecting the regional distinctiveness and scenic values of the TAYplan area.

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 ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy HE1 – Scheduled Monuments and Non-Designated Archaeology

The Council will seek to protect areas or sites of known archaeological interest and their setting. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

Policy TA1A – Existing Infrastructure

The Plan identifies existing transport infrastructure; encouragement will be given to the retention and improvement of these facilities provided the improvements are compatible with adjoining land uses.

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

None of relevance.

CONSULTATION RESPONSES

Transport Planning:

No objection to the proposed development subject to conditional control regarding vehicular access.

Perth & Kinross Heritage Trust (PKHT):

As the works are in retrospect, any damage to archaeological features has potentially already taken place. As such, no archaeological mitigation is required.

REPRESENTATIONS

No letters of representation 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

The formation of vehicular access and associated works is considered to be acceptable in principle. Nevertheless, full consideration must be given to the siting, massing, layout and design of the proposed access and potential impacts upon the amenity of the area. The Placemaking Policies PM1A and PM1B are therefore directly applicable to ensure that the development contributes positively to the creation of place and identity. These policies are in addition to Policy ER6 which seeks to protect and enhance the landscape qualities of an area. In this instance, Policy HE1 'Scheduled Monuments and Non-Designated Archaeology' is also directly applicable due to the site being in close proximity to South Inchmichael unenclosed settlement Scheduled Monument (SM7199). As the proposal seeks to improve existing transport infrastructure, Policy TA1A will also apply.

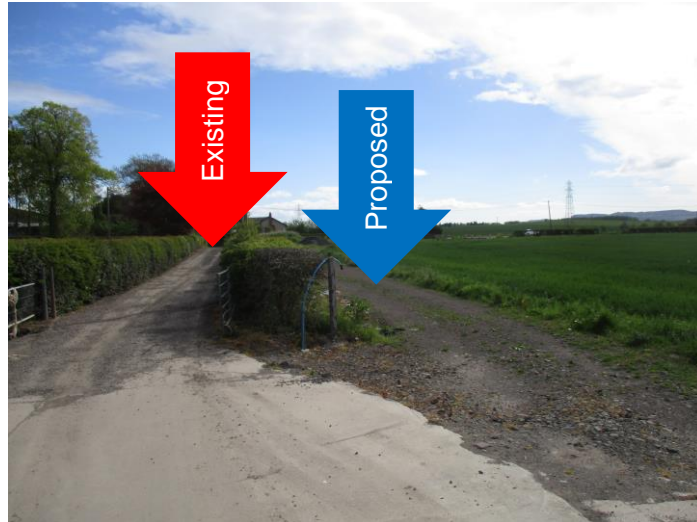
For reasons mentioned within this report it is considered that the proposal is contrary to the aforementioned Local Development Plan and as such is recommended for refusal.

Design, Layout and Road Implications

The existing access to South Inchmichael Farm has impaired visibility due to the adjacent roadside retaining wall. The 2017 consent (17/00246/FLL) allows for a new access to be created which provides a safer connection to the public carriageway and allows for more suitable turning facilities for larger vehicles. The existing access was to be blocked up once the new access was operational. The approved access connected to the existing road which leads to South Inchmichael Farm and associated dwellinghouse.

This new proposal has a similar access to that approved however instead of connecting to the existing road will form a new road running parallel to the existing. The new road will lead directly to South Inchmichael Farm by-passing the existing dwellinghouse.

My colleagues in Transport Planning were consulted as part of this application and have no objection to the proposed development, subject to conditional control regarding vehicular access. Whilst my colleagues in Transport Planning have no objection from a roads point of view, from a Placemaking perspective, it is considered that the proposed development is unacceptable. This is due to the development being out of character with the area. There is no requirement for 2 roads to run parallel to each other in this archaeologically sensitive area and there are no similar schemes in the local area. The development will therefore be out of place and will set a precedent for future development. The below photographs shows the 2 roads next to each other at the access to the farm itself:



It can also be observed from the above photograph that the existing road is well contained by hedging on either side. This helps to screen the road from the surrounding area whilst also being in keeping with the character of this area of the Carse of Gowrie. It also contributes positively to the visual amenity of the area. The proposed road has no screening or boundary treatments proposed on the southern boundary thus making the road exposed and highly visible.

In summary, the approved access under application 17/00246/FLL is considered to be an acceptable solution to improve the access to the farm and associated dwellinghouse. There is no justifiable need for the approved scheme to be amended to provide 2 roads parallel to each other in this sensitive location.

Historic Environment and Landscape

The site is adjacent to a Scheduled Ancient Monument (South Inchmichael). As previously mentioned, due to the archaeological sensitivity of the site, a condition (condition 4) was attached to the 2017 consent requiring a programme of archaeological works prior to the commencement of works. This scheme of archaeological works was not received prior to works commencing.

My colleagues in Perth & Kinross Heritage Trust (PKHT) were consulted as part of this current application. My colleagues have identified that the site is considered to be archaeologically sensitive due to the high density of archaeological features located in and within close proximity to the development site. However, as the works have already been carried out without planning consent, PKHT believe that any damage to the archaeological remains will have already taken place and as such, have no recommended conditions to be added to any consent granted. PKHT do however consider it necessary to ensure that if the site is reinstated to its former use then early consultation with PKHT is undertaken to ensure that there is no further disturbance to any archaeological remains. An informative

will therefore be added to this refusal to ensure that the applicant is aware of this.

Residential Amenity

Due to the location and scale of the proposal, I do not consider there to be any impact upon the residential amenity of any nearby residential receptor. Any impacts upon residential amenity from the proposed development will be similar to that of the existing road which is to be stopped up.

Drainage and Flooding

I do not consider there to be any drainage or flooding implications associated with the proposal as the site is not within an area known to flood risk and the nature of the works do not raise any significant concern.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

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 not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the 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.

Reasons for Recommendation

- 1 The proposal is contrary to Policy PM1A 'Placemaking' of the adopted Perth & Kinross Local Development Plan 2014, as the provision of 2 roads running parallel to each other in this location is out of character with the area and does not contribute positively to the quality of the surrounding built and natural environment.
- 2 The proposal is contrary to Policy PM1B (a) 'Placemaking' of the adopted Perth & Kinross Local Development Plan 2014, as the development fails to create a sense of identity and erodes the character of the area by virtue of lack of established boundary treatments, namely on the southern boundary, to contain the development.

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

- 1 The Enforcement Notice dated the 20th February 2019 shall be fully adhered to. The unauthorised development must be removed in full in compliance with the Written Scheme of Investigation, prepared by PKHT, which was appended to the notice, and the site reinstated to its pre-development condition, all to the satisfaction of the Council as Planning Authority.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/00503/1
19/00503/2

Date of Report 24th May 2019



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100158745-001

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

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Formation of vehicular access and associated works.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☐ No ☒ Yes – Started ☐ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/06/2018

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

.

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	DMH Baird Lumsden		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Duncan	Building Name:	The Mill
Last Name: *	Clow	Building Number:	
Telephone Number: *	01786833800	Address 1 (Street): *	Station Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Bridge of Allan
Fax Number:		Country: *	United Kingdom
		Postcode: *	FK9 4JS
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	
Company/Organisation	Morris Leslie Ltd.	Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

SOUTH INCHMICHAEL FARM

Address 2:

ERROL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PERTH

Post Code:

PH2 7SP

Please identify/describe the location of the site or sites

Northing

725225

Easting

324884

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Title:

Mr

Other title:

First Name:

Edward

Last Name:

Jordan

Correspondence Reference
Number:

Date (dd/mm/yyyy):

26/03/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.10

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Agricultural field.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- ☐ Yes
☐ No, using a private water supply
☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☐ Yes ☒ No

If Yes or No, please provide further details: * (Max 500 characters)

None required

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☒ Yes ☐ No

Do you have any agricultural tenants? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

--

Signed: Duncan Clow

On behalf of: Morris Leslie Ltd.

Date: 28/03/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
☐ Elevations.
☐ Floor plans.
☐ Cross sections.
☐ Roof plan.
☐ Master Plan/Framework Plan.
☐ Landscape plan.
☐ Photographs and/or photomontages.
☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

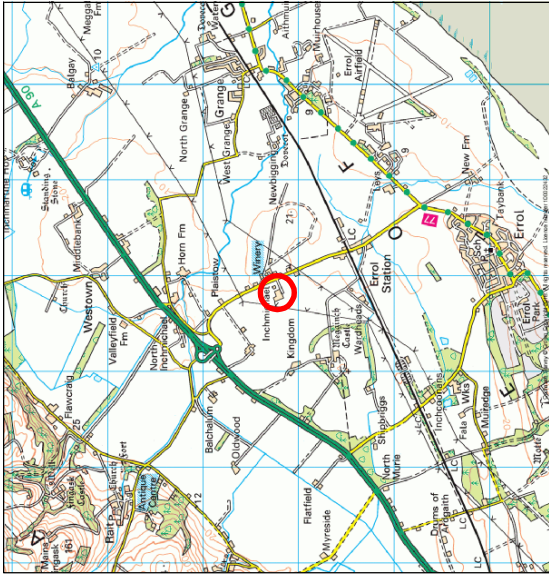
Declaration Name: Mr Duncan Clow

Declaration Date: 28/03/2019

Payment Details



Created: 28/03/2019 09:25



Location Plan Scale NTS

THIS IS THE PLAN REFERRED TO IN
THE FOREGOING PLANNING
APPLICATION

South Inchmichael Farm, Errol, PH2 7SP

Ref. PP-18-00941B PH

Date. 22/03/2019

Scale 1:2500

0 50m 100m

@ A3 Size

m - meters

o.l. - or thereby

u/d - undefined

DM HALL

CHARTERED SURVEYORS

27 Canmore Street, Dunfermline

Tel: 01383 621262

Email: architecture@dmhall.co.uk

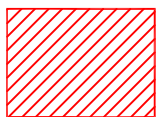
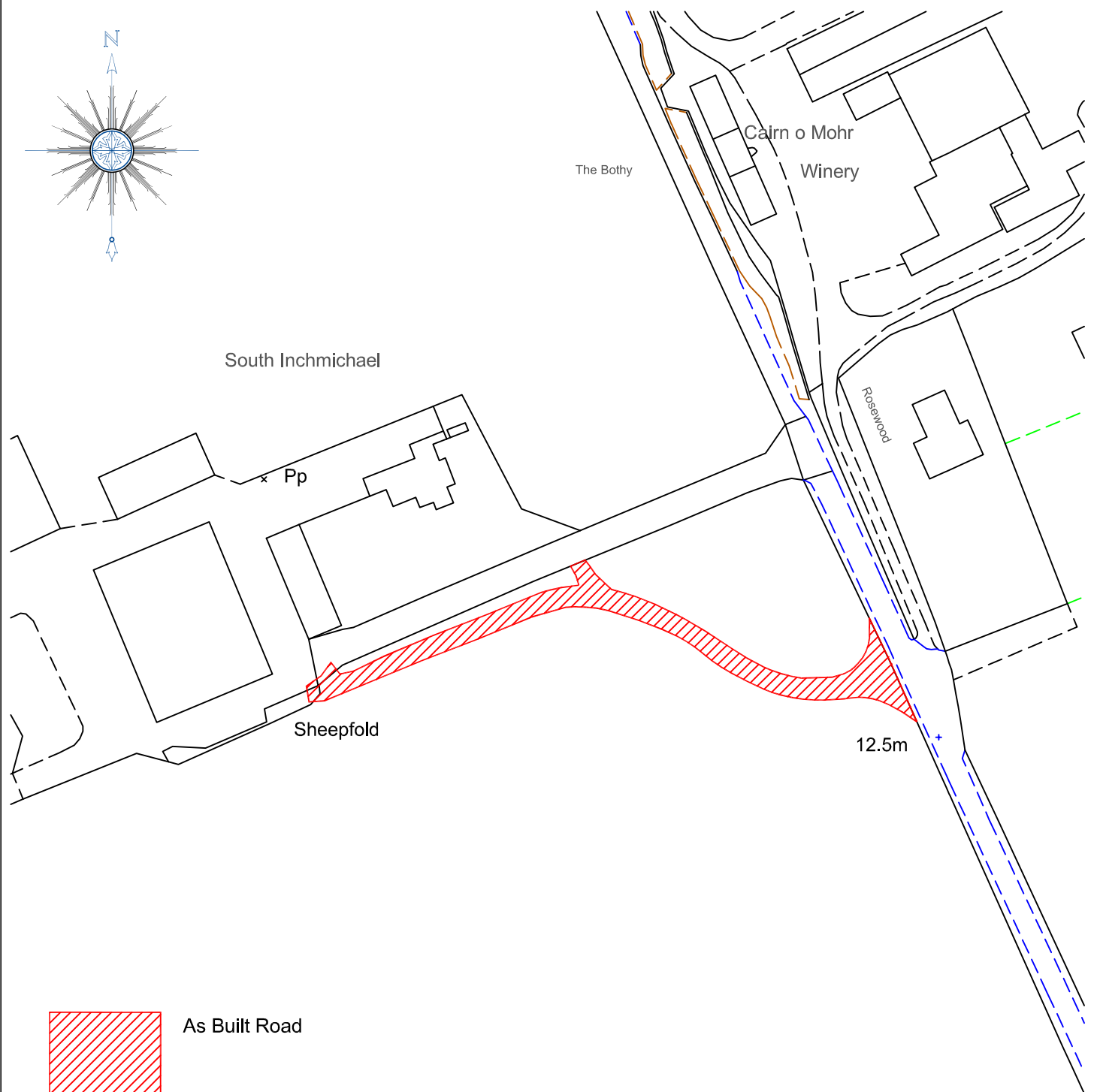


THIS IS THE PLAN REFERRED TO IN THE FOREGOING
PLANNING APPLICATION



South Inchmichael Farm, Errol, PH2 7SP

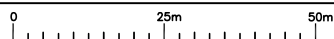
Ref. PP-18-00941A PH
Date. 22/03/2019



As Built Road

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Scale 1/1250



@ A4 Size

m - meters
c - centre line

o.t. - or thereby
u/d - undefined

DM HALL
CHARTERED SURVEYORS

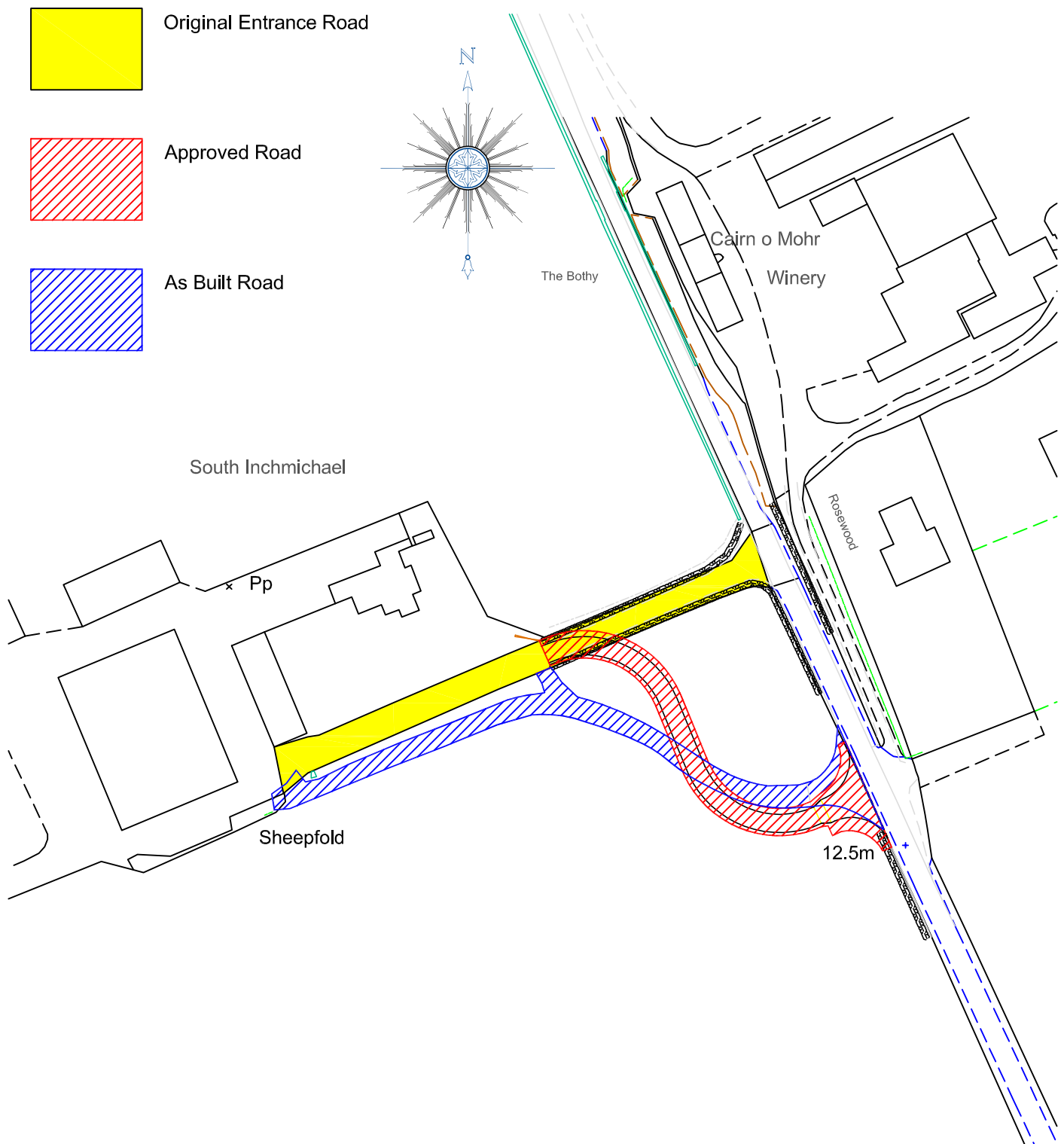
27 Canmore Street, Dunfermline

Tel: 01383 621262

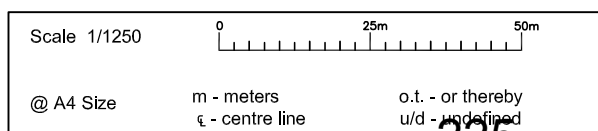
Email: architecture@dmhall.co.uk

South Inchmichael Farm, Errol, PH2 7SP

Ref. PP-18-00941B PH
Date. 29/05/2019



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DM HALL
CHARTERED SURVEYORS

27 Canmore Street, Dunfermline
Tel: 01383 621262
Email: architecture@dmhall.co.uk

PERTH AND KINROSS COUNCIL

Morris Leslie Group
c/o Scott Bennett Associates
David Purves
19 South Castle Drive
Dunfermline
Fife
KY11 9PD

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 7 March 2017

Town and Country Planning (Scotland) Acts.

Application Number **17/00246/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 8th February 2017 for planning permission for **Formation of vehicular access and associated works** at South Inchmichael Farm Errol Perth PH2 7SP subject to the undernoted conditions.

Interim Head of Planning

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to the development hereby approved being brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 3 Prior to the use of the development hereby approved, visibility splays of 2.4m x the maximum available using land that is in the control of the applicant shall be provided to the left and right of the access measured between points 1.05m above the road level and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

- 4 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

- 5 The existing access shall be stopped up with hedging of a matching height and species to the surrounding boundary treatments onto Station Road within 6 months of the implementation of this Planning Permission, all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and to protect the character of the area.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant may be required.

- 5 The applicant is advised that in terms of Sections 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.
- 6 The applicant should identify any potential conflicts with Scottish Water assets. The applicant must contact Scottish Water Asset Impact at service.relocation@scottishwater.co.uk before any work is carried out on site. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

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

Plan and Document Reference

17/00246/1

17/00246/2

17/00246/3

17/00246/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/00246/FLL	
Ward No	N1- Carse of Gowrie	
Due Determination Date	07.04.2017	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Formation of vehicular access and associated works.

LOCATION: South Inchmichael Farm, Errol, Perth, PH2 7SP.

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 5th January 2017

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is South Inchmichael Farm, Errol, by Perth. The application seeks detailed permission for the formation of vehicular access and associated works.

The proposed works involve stopping off the existing access due to a poor visibility splay and creating a new access track from South Inchmichael Farm

to Station Road. The proposed junction onto Station Road will be a bell mouth junction and will measure approximately 20metres at maximum width, whilst the proposed road itself will be approximately 4metres in width. It is indicated that adoptable highway standard tarmac will be used for the bell mouth extents into the new junction with the remainder of the road being formed from hardcore with a gravel blinding finish. There will be adoptable standard kerbing around the bell mouth extents with a grass verge applied to the remainder of the road. The existing road will be removed in full as part of the proposals and the existing access is to be removed with hedging installed across the junction to match the current road boundary treatment. It is indicated that the proposed parcel of land as a result of this proposal will be retained for agricultural usage and once the existing road is removed then the parcel of land will be accessed from the existing adjacent field.

It should be noted that this application supercedes a previously withdrawn application (16/02036/FLL) which was withdrawn for issues relating to the identified site boundary on the submitted plans.

SITE HISTORY

16/02036/FLL - Formation of vehicular access and associated works 23 January 2017 - Application Withdrawn.

PRE-APPLICATION CONSULTATION

None.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Within the approved Strategic Development Plan, TAYplan 2012, the primary policies of specific relevance to this application are Policies 2 and 3.

Policy 2: Shaping Better Quality Places

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic

assets... and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets'.

Policy 3: Managing TAYplan's Assets states that 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets by understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding historic buildings.

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 ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy HE1 – Scheduled Monuments and Non-Designated Archaeology

The Council will seek to protect areas or sites of known archaeological interest and their setting. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

Policy TA1A – Existing Infrastructure

The Plan identifies existing transport infrastructure; encouragement will be given to the retention and improvement of these facilities provided the improvements are compatible with adjoining land uses.

OTHER POLICIES

None.

CONSULTATION RESPONSES

External

Scottish Water:

No objection to the proposed development however notes that Scottish Water should be consulted by the applicant to identify any potential conflicts with Scottish Water assets due to the proximity of identified assets to the development site.

Perth and Kinross Area Archaeologist:

It is considered that the development site lies within an area that is considered to be archaeologically sensitive due to the high density of archaeological features located in and within close proximity to the development site. It is therefore recommend that a condition for a programme of archaeological works is added to any consent.

Historic Environment Scotland (HES):

No objection to the proposed development however notes that the proposal has the potential to impact upon South Inchmichael unenclosed settlement Scheduled Monument (SM7199) and further advice should be sought where necessary.

Dundee Airport Ltd:

No objection to the proposed development as the given position and height would not infringe the safeguarding surfaces for Dundee Airport.

Internal

Transport Planning:

No objection to the proposed development due to a recent Traffic Regulation Order being approved however recommends conditions and an informative to be added to any consent.

Conservation Team:

During an informal discussion with the Conservation Team it was stated that there were no concerns with this proposal.

REPRESENTATIONS

One letter of representation was received regarding the proposal. In summary, the letter highlighted the following concerns:

- No objection to the principle of a new vehicular access being formed as aware of the issues which currently exist on this stretch of road and is aware of traffic measures required by previous nearby applications
- Highlighted that potential traffic documents for other applications may need updated to show this new proposal

- It is not clear how this proposal would improve the safety of the road (with reference to proposed and existing speed limits)
- No legend indicated on the submitted block plan therefore makes it difficult to understand
- No indication of proposed drainage (concerns of surface run-off)
- Concerns at width of proposed road and junction (in relation to use and passing places)
- Loss of agricultural land
- Proposal will result in a potential development site being created

ADDITIONAL STATEMENTS RECEIVED:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The formation of vehicular access and associated works is considered to be acceptable in principle. Nevertheless, full consideration must be given to the siting, massing, layout and design of the proposed access and potential impacts upon the amenity of the area. The Placemaking Policies PM1A and PM1B are therefore directly applicable to ensure that the development contributes positively to the creation of place and identity. These policies are in addition to Policy ER6 which seeks to protect and enhance the landscape qualities of an area. In this instance, Policy HE1 – Scheduled Monuments and Non-Designated Archaeology is also directly applicable due to the site being in close proximity to South Inchmichael unenclosed settlement Scheduled Monument (SM7199). As the proposal seeks to improve existing transport infrastructure, Policy TA1A will also apply.

For reasons mentioned within this report it is considered that the proposal complies with all relevant policies of the identified Local Development Plan.

Design and Layout

Initially, full details of the proposed road, in particular, the proposed materials and boundary treatments were not provided. This information was therefore requested and was provided by the agent as it is considered to be important information in the determining of the application. On receiving this information, I am satisfied at the proposed materials and boundary treatments as they are relatively standard for this type of development and are suitable for the nature of the development.

In relation to layout, I am satisfied that the layout is the most practical for the site without encroaching upon the nearby Scheduled Monument. I am however aware that the layout of this proposal creates a parcel of land which could be used for future development. This was also raised as a concern within the letter of representation received in relation to this proposal. It is indicated that the parcel of land created is to be used as a continuation of agricultural land to the adjacent field. Whilst it is noted that this could result in a potential development site, any proposal for this site would be determined and assessed as part of a separate application therefore I have no concerns of the future development of this site at this stage.

Historic Environment and Landscape

As previously mentioned, the site is in close proximity to a Scheduled Monument therefore it is essential that the proposal does not create any negative impacts upon the designated site. It is considered that the proposal will not have any negative impact upon the designated site; however on consulting the archaeologist as part of this application, a condition will therefore be added to the consent requiring the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation. This will ensure that the proposal will not compromise the features that give rise to designation and will protect them from any harmful development. Furthermore, on consulting Historic Environment Scotland and the internal Conservation Team, neither have any objection to the proposed development. I am therefore satisfied that the proposal will have no impacts upon the historic environment.

In relation to landscape, due to the gradient of the land being relatively flat and the proposals being relatively low-lying in height, I do not consider the proposals to have any negative impact upon the landscape character of the area.

Residential Amenity

Due to the location and small scale of the proposal, I do not consider there to be any impact upon the residential amenity of any nearby residential receptor.

Any impacts upon residential amenity from the proposed development will be similar to that of the existing road which is to be stopped up.

Visual Amenity

As it is indicated that the existing access is to be stopped up with hedging to match the existing surrounding boundary treatments and the proposed road is constructed from similar materials, I do not have any concerns upon the visual amenity of the area. I will add a condition to the consent to ensure that the existing access is replaced with hedging to match the surrounding boundary treatments as indicated in correspondence.

Roads and Access *(including Road Safety)*

The existing access to South Inchmichael Farm has impaired visibility due to the adjacent roadside retaining wall. This proposal is for this access to be stopped up and a new access to be formed to the south.

Transport Planning were consulted as part of this application and stated that whilst this proposal will improve the access for the existing usage of the farm site, the new access would not appear to offer the full visibility splay that would be required for a national speed limit. However, a Traffic Regulation Order has recently been approved for lowering the speed limit on this section of road to 40mph and the visibility splays available will therefore comply with the standards required. Therefore, the Transport Planning Officer does not object to the proposal subject to conditions and an informative being added to the consent. I will consequently add these accordingly.

Furthermore, it is considered that the proposed road is considered to be of a suitable width and appropriate for the level of traffic likely to be generated by South Inchmichael Farm and is an improvement to what presently exists in relation to road safety. I do not consider the provision of passing places to be appropriate as suggested by the letter of representation received.

The letter of representation received in relation to this proposal also highlighted that potential traffic documents for other applications may need updated to show this new proposal. It should be noted however that this is not a consideration for this particular planning application.

Drainage and Flooding

I do not consider there to be any drainage or flooding implications associated with the proposal as the site is not within an area known to flood risk and the nature of the works do not raise any significant concern.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

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 to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

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

Approve the application.

Conditions and Reasons for Recommendation

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the development hereby approved being brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 3 Prior to the use of the development hereby approved, visibility splays of 2.4m x the maximum available using land that is in the control of the applicant shall be provided to the left and right of the access measured between points 1.05m above the road level and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

- 4 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

- 5 The existing access shall be stopped up with hedging of a matching height and species to the surrounding boundary treatments onto Station Road within 6 months of the implementation of this Planning Permission, all to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity and to protect the character of the area.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning

control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant may be required.
- 5 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.
- 6 The applicant should identify any potential conflicts with Scottish Water assets. The applicant must contact Scottish Water Asset Impact at service.relocation@scottishwater.co.uk before any work is carried out on site. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/00246/1
17/00246/2
17/00246/3
17/00246/4

Date of Report 7th March 2017

TCP/11/16(605) – 19/00503/FLL - Formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP

PLANNING DECISION NOTICE *(included in applicant's submission, pages 203-204)*

REPORT OF HANDLING *(included in applicant's submission, pages 205-213)*

REFERENCE DOCUMENTS *(included in applicant's submission, pages 223-224)*

TCP/11/16(605) – 19/00503/FLL - Formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00503/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning		
Description of Proposal	Formation of vehicular access (in retrospect)		
Address of site	South Inchmichael Farm, Errol, Perth, PH2 7SP		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
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 C Figure 5.7 access detail, of Type B Road construction 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	15 May 2019		



To:	Sean Panton, Planning Officer
From:	Clare Henderson, Development Management Archaeologist
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	21 st May 2019

19/00503/FLL | Formation of vehicular access (in retrospect) | South Inchmichael Farm Errol Perth PH2 7SP

Thank you for consulting PKHT on the above application. I can confirm that the proposed development site lies within an area that is considered to be archaeologically sensitive due to the high density of archaeological features located in and within close proximity to the development site.

The track for which consent is retrospectively sought crosses an archaeological site (MPK5171) comprised of an unenclosed settlement of prehistoric date, visible as a series of cropmarks on oblique aerial photographs. Archaeological features identified include linear features, pits, souterrain and unenclosed settlement, and represents rare evidence of prehistoric settlement in the Carse of Gowrie. Much of this site is designated as nationally important and is protected through scheduled monument legislation as South Inchmichael, unenclosed settlement N of (7199).

As groundworks for the track have already been carried out (potentially damaging any archaeological features present), should permission be granted no new ground disturbance is proposed and therefore archaeological work would not be required.

However it should be noted that consent was granted for an access track (17/00246/FLL) which has been the subject of enforcement action. PKHT produced a Written Scheme of Investigation in relation to **a) new groundwork to remove the presently unauthorised track** or **b) new groundwork for the creation of the consented track**. This document remains valid in relation to this site, and early consultation with PKHT is advised should any further ground disturbance for this scheme be proposed.

