

TCP/11/16(410)
Planning Application – 16/00361/IPL – Residential
development (in principle) on land 100 metres south east
of Draoidheil, Madderty

INDEX

- (a) Papers submitted by the Applicant (***Pages 341-370***)
- (b) Decision Notice (***Pages 373-374***)
 - Report of Handling (***Pages 375-383***)
 - Reference Documents (***Page 357-370 and 385-386***)
- (c) Representations (***Pages 387-394***)

TCP/11/16(410)
Planning Application – 16/00361/IPL – Residential
development (in principle) on land 100 metres south east
of Draoidheil, Madderty

**PAPERS SUBMITTED
BY THE
APPLICANT**

10 MAY 2016

RECEIVED

NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)Name Mr + Mrs ShortAddress Carn Draoidheil,MaddertyPostcode PH7 3PQContact Telephone 1 Contact Telephone 2 Fax No E-mail* **Agent (if any)**Name ARTHURSTONE PLANNINGAddress JAMESFIELD CENTREABERNETHYPostcode KY14 6EWContact Telephone 1 01738 850873Contact Telephone 2 07855538906Fax No E-mail* info@arthurstoneplanning.co.uk

Mark this box to confirm all contact should be
through this representative: ☒

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Pert + Kinross Council

Planning authority's application reference number

16/00361/1PL

Site address

Carn Draoidheil, Madderty, Perth
PH7, 3PQ

Description of proposed development

Erection of 2 dwellings in
principle

Date of application

Date of decision (if any)

13/4/16

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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:

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.

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.

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.

Local Review statement
Planning application statement
Location plan
Letter from applicant

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.

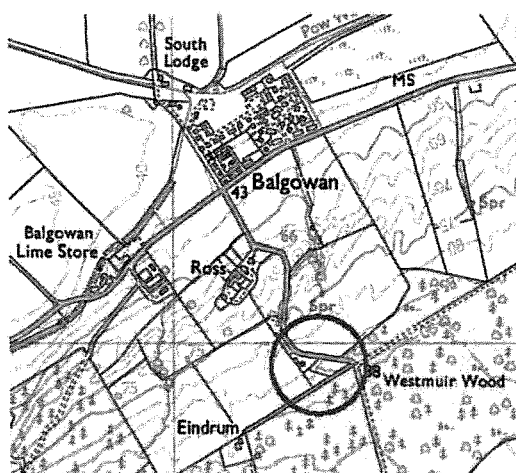
Signed



Date

Local Review Body

Statement



16/00361/IPL

Residential Development (in Principle)

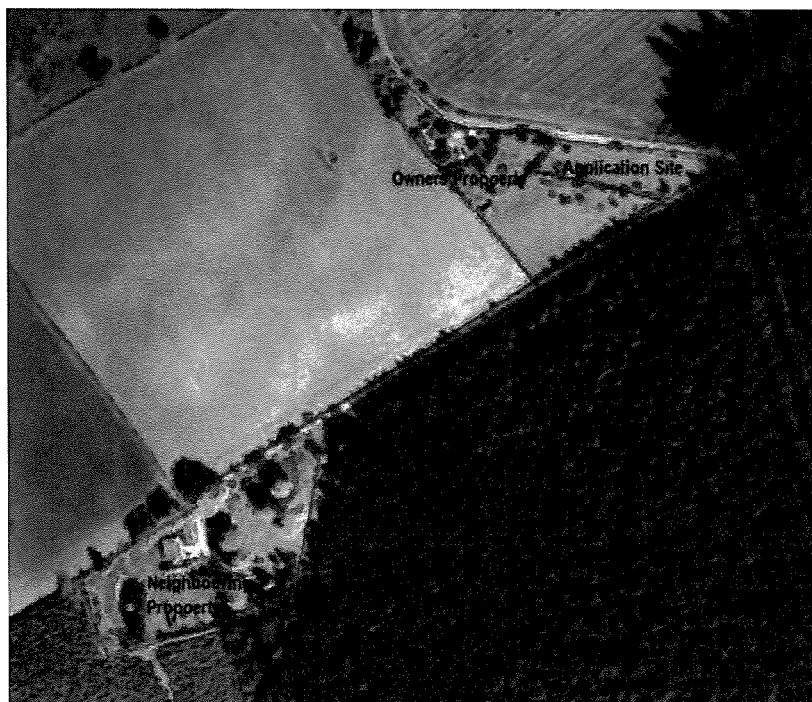
Land 100 metres South East of Draoidheil

Madderty

The purpose of this statement is to support the applicant's request to the Local Review Body to reconsider the application in principle for the erection of two dwellinghouses on land 100 metres south east of Carndraoidheil, Madderty. The application was refused by delegated powers, citing concerns around the physical relationship between Carndraoidheil and neighbouring Eindrum being such that the site could not be considered as infill development and was therefore not agreeable in principle. There were no other reasons for refusal given. It is considered that the reasoning behind this refusal is not valid and the applicant wishes the decision be overturned.

Reasons for Refusal

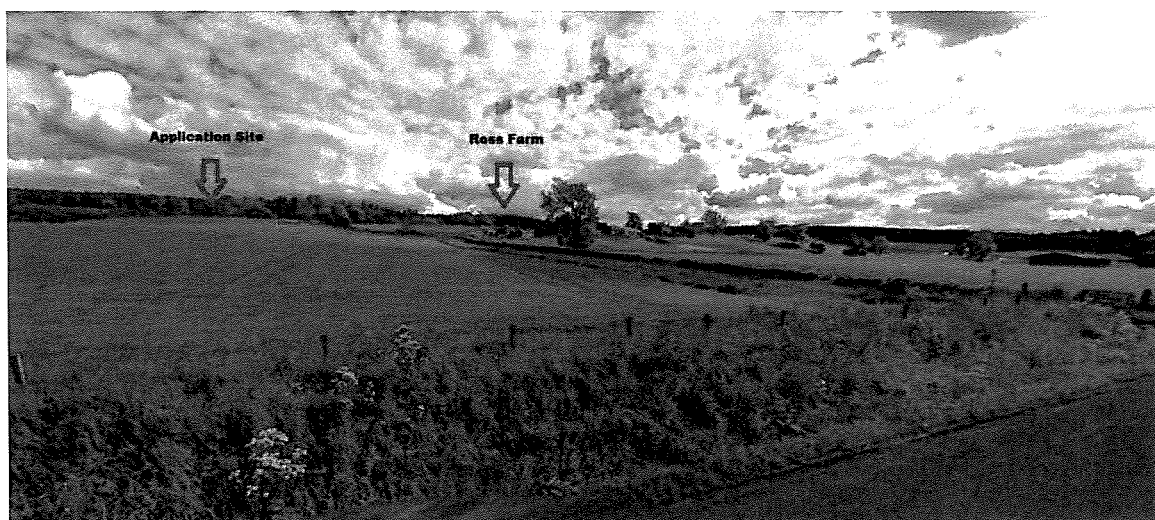
- 1. The proposal is contrary to Policy RD3 of the Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of the categories (1) Building Groups (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. Whilst the submission seeks consent under category 2 infill sites, an infill site is that which sits between two houses or a house and a building of similar size. There are no other buildings immediately associated with this site other than the applicant's property.*

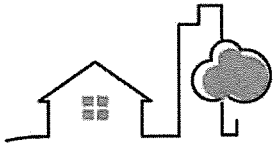


It is very clear that the essence of the Perth and Kinross Adopted Local Plan's Housing in the Countryside Policy Guidance is to encourage appropriately sited residential developments into suitable rural areas. These should be adjacent to and between existing developments to avoid completely isolated developments in unsustainable locations. Our clients ask that Councillors consider these wider objectives which seek to encourage development whilst directing it to suitable sites rather than looking for ways to prevent the proposed residential development and losing the consequential economic gains from rural communities.

Whilst the officer states that he does not consider the site to be an infill opportunity we firmly contend that as the site is bound tightly to the north and south by residential accesses from the public road, both leading to residential dwellinghouses. It is very clearly infill between these two residential properties. We do accept that the access drive to Eindrum, to the south, is longer than to Carndraoidheil, to the north; however, it very much represents a residential land use and its physical relationship to the proposed site is as the adjacent neighbour.

In his Report of Handling, the officer notes that there has been a significant number of residential developments in the surrounding countryside within the local plan area. This demonstrates that not only is there a need for these properties, that there is a general acceptance that housing in this area is acceptable and does represent a sustainable location. Furthermore, the proposed site is significantly more inherently discrete and suitable a location than recent approvals for residential development to the north, within open countryside, and visible from the public main road.





Arthur Stone Planning
& Architectural Design



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The Housing in the Countryside Policy Guidance is indeed **guidance** and a one shoe fits all approach does not make for interesting and bespoke development opportunities. Indeed, the officer considers the driveway to be too long to meet the policy as worded. This seems to be unnecessarily anti-development approach when the officer agrees that the site is:

- 'well contained by existing small scale landscaping' meeting the siting criteria within the Housing in the Countryside Guidance,
- there are no transport objections to the proposals,
- no objections regarding tree protection,
- no objections regarding residential amenity,
- no objections as to the visual impact of the proposed development,
- the approval of this application would provide additional funds for the council in the form of Developer Contributions for education and transport infrastructure

Hence, the only reason the officer did not approve the application was primarily due to the length of the driveway to Eindrum as had this been shorter, pulling the dwellinghouse closer to the public road, the case officer suggests it would have been approved. We strongly contend that this is a case where the strong site attributes of the proposals should have been considered as material considerations.

The principle issues in this case are considered to be:

- the site is located in a naturally enclosed site,
- the site is cannot be seen from the public road to the north or the surrounding countryside and would therefore have a neutral impact on the surrounding countryside,
- the site is currently classed as residential garden ground and is formally tended and presented,
- there is an existing natural stone wall around the majority of the site,
- safe vehicular access and egress can be provided,
- the site has a natural wooded backdrop enclosing the site with defined boundaries on all sides,
- no further development could arise in the future from this being approved due to intervening landscape features,
- the site is of a size suitable for residential development similar to surrounding plot sizes,
- the proposed site would have no impact on the existing levels of residential amenity of neighbouring sites.

Conclusion

Our client asks respectfully that members note the afore mentioned positive attributes of the proposed site and consider whether the prime objectives of the Local plan, to encourage appropriate development, would be satisfied through the approval of this application.

The applicant would be happy to allow Members of the Review Body to visit the site if you feel it would be beneficial.

Carn Draoidheil
Madderty
Crieff
PH7 3PQ

5th May 2016

Dear Sir / Madam

Many thanks for considering this appeal against a recent planning decision.

I understand the planning officer has made his decision based on his interpretation of one piece of guidance for planning. But on reading his decision, apart from his interpretation of this one guideline, all the rest of the considerations were exceptionally favourable. As it is guidance not a rule, each application needs to be considered individually, and what I hope to bring to your attention is our own intimate knowledge of the area and how this small development would enhance, complement and complete the community, which actually fulfils the council's aspirations in their policy.

We have a lovely wee community here, and have recently seen the building and conversion of a number of new properties in our small cluster of houses which has gone some way to completing the group. Granting our application will allow us to complete this community properly and make it an inclusive and cohesive neighbourhood.

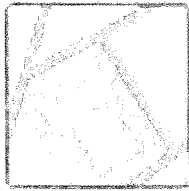
The plot we are applying for is very secluded. It cannot be seen from the main road, and is set in an area that neither overlooks nor is overlooked by anyone, even us, due to perfectly positioned trees and hedges, and it has no effect on the character or appearance of the locality. Only people passing the front of the plot would even know it was there.

You can see from the maps and diagram that the properties at The Ross, ourselves at Carn Draoidheil and Eindrum are within a very clear boundary comprised of established woodland, stone walls, public roads and agricultural land. The positioning of the plot in this application is between ourselves at Carn Draoidheil and the entrance to Eindrum which would vastly improve the inclusivity of our neighbour into this clear group. There is nowhere further to build as there are woods to the south and farmland to the east and west. This is the final piece to make our community complete. We have lived here for over twelve years and have brought our children up here, and we want what's best for it. Granting this application has absolutely no detrimental elements and very many positive benefits, and clearly supports the council's ambitions in this regard.

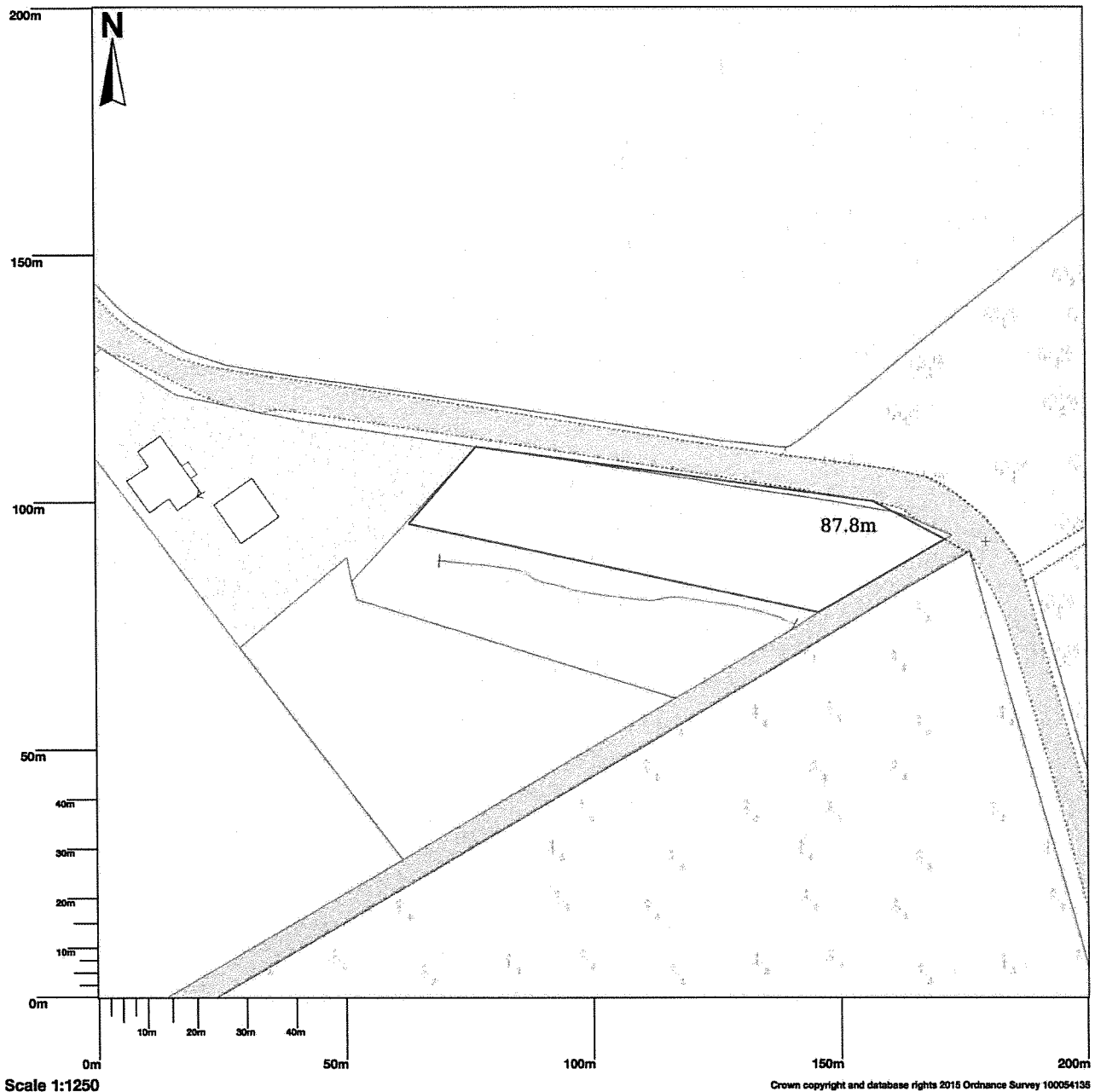
If you would care to visit, I would be more than happy to show you around as I know you would see immediately just how ideal this application is for the area. Many thanks

Yours faithfully

F & V Short



Carn Draoidheil, Madderty, Crieff, PH7 3PQ



Map shows area bounded by: 299340.0,721843.0,299540.0,722043.0 at a scale of 1:1250. 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.

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Planning Statement

Planning permission in principle for
the erection of 2 residential units at
land to the south of Carn Draoidheil
Madderty, Perthshire

Arthur Stone Planning
24 Friar Street
Perth. PH2 0ED

07972920357
07855538906

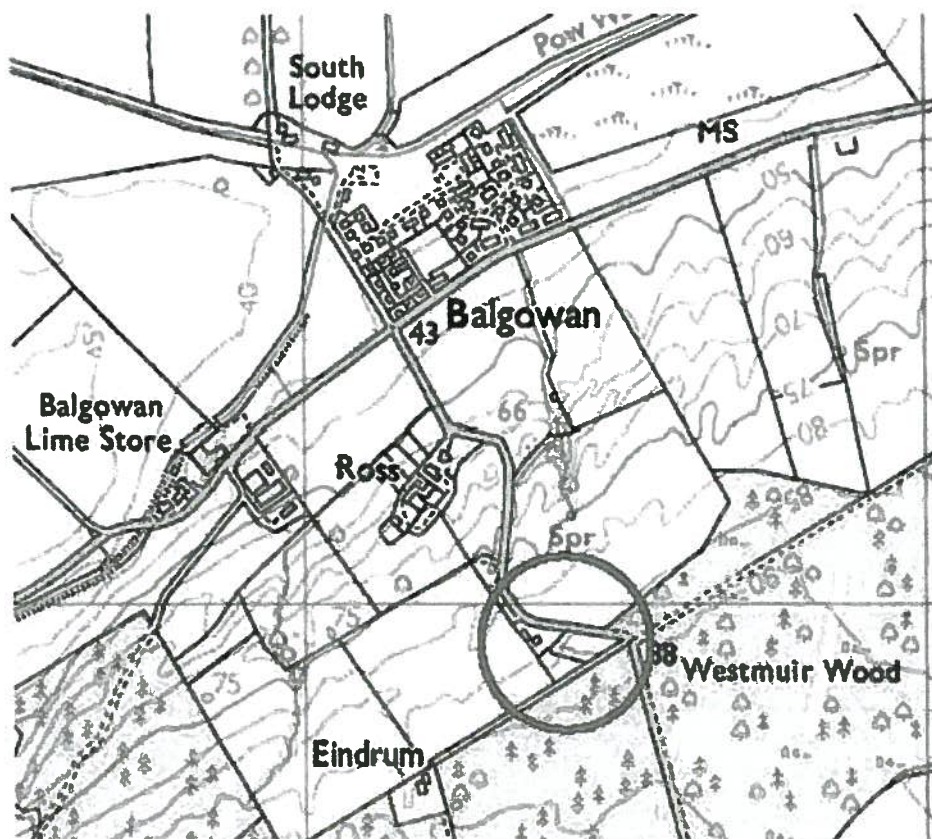
info@arthurstoneplanning.co.uk
www.arthurstoneplanning.co.uk

Introduction

The purpose of this statement is to provide a reasoned justification in support of an application for planning permission in principle for the erection of 2 new dwellinghouses at land to the south east of Carn Draoidheil Madderty, Perthshire.

The statement will deal with the following issues:

- Site Description
- Proposal
- Principle of Use
- Residential Amenity
- Design
- Transportation



Site Description

The application site is located directly to the south east of Carndraoidheil, Madderty, Perthshire. The site is currently part of an extended area of garden ground associated with the property. The site is bounded by a road and natural stone wall to the north, a private driveway and tree belt to the south east, a pony paddock to the south west and by the existing cottage to the north west. The existing cottage is one and a half storey high and utilizes its own vehicular access onto the adjacent public road. A further private shared vehicular access is located on the north eastern corner of the application site, which enables access to a separate residential dwelling (Eindrum) as well as into the south eastern corner of the proposed site. The site occupies an elevated position with the ground falling gradually to the north rendering the plot out of sight from possible public vantage points at Ross farm dwellings, Balgown and beyond.



Arial view of application site



View from western boundary of balgowan at junction with site access road



View into proposed site from the south eastern corner adjacent to driveway into Eindrum

The Balgowan development and a further, smaller cluster of residential dwellings at Ross farm are located to the north of the proposed site and are characterised by a mixture of traditional and modern house types. There is currently an extant detailed planning consent for 2 additional dwellings beyond the northern boundary of the Ross farm cluster. The consensus of the local review panel who approved the application suggested that, 'the proposed site rounds off a building group, is a definable site and can be landscaped by way of condition'. The proposed site is considered a similar proposal and it could be argued that it is more clearly defined within its landscape setting, less exposed to public view and more discretely and naturally sited within the surrounding topography of the area as discussed in more detail below.

Site History

There have been a number of applications approved just north of the site over the last few years for the erection of new dwellinghouses and the conversion of existing agricultural steading buildings to residential use. This demonstrates a clear market need and in principle acceptance by the planning authority that additional, appropriate rural housing would be acceptable in this location which would easily serve Perth, Crieff or one of the many surrounding villages and would further bolster the surrounding active rural community.

03/00715/FUL Alterations and extension to cottage and conversion of existing farm steading to form three dwellinghouses

04/00590/FUL Conversion of existing farm steading to form 3 dwellinghouses

04/01164/FUL Extension to dwellinghouse approved

07/00519/OUT Erection of a single dwellinghouse (in outline) approved

09/02028/AML Erection of a dwellinghouse (Approval of matters specified in conditions)

10/00509/FLL Erection of dwellinghouse and garage to extend existing cluster approved

11/00505/IPL Erection of 2 dwellinghouses approved at local review to extend existing cluster

13/00277/FULL Erection of 2 dwellinghouses approved

13/00816/FULL Erection of dwellinghouse approved

Proposal

This application seeks planning permission in principle to erect 2 new dwellinghouses on the site to the south east of the existing cottage, Carndraoidheil.



View of site and adjacent properties (applicant's existing dwelling to the north west and Eindrum to the south west)

The proposed residential units would incorporate their own shared, centrally located vehicular access directly onto the adjoining public road, which would have good visibility in either direction. The current vehicular access into the site, which is shared with Eindrum, is positioned on a bend in the road and subsequently has a reduced visibility splay to the south for oncoming traffic. Therefore, the newly proposed arrangement would improve this situation considerably. A notional plan has been included (above) which illustrates the relationship between the three sites. No indicative designs or visuals have been provided at this stage although our clients envisage a simple traditional style of cottage of 1 ½ storeys in height, utilizing traditional style finishes to reflect the prevalent style of similar cottages within the vicinity; however, we are more

than happy to provide indicative designs on request. We would ask that following the Planning Officers initial assessment we are able to discuss their thoughts on the application prior to any decision being made.

Principle of Use

Policy RD3, Housing in the Countryside, of the Perth and Kinross Local Plan (2014) is the policy most relevant to this application. Most specifically **Part B, Infill Sites**. The excerpt below is from Perth and Kinross Housing in the Countryside Guide, 2012.

Infill Sites The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained
- The size and design of the infill houses should be in sympathy with the existing house(s)
- The full extent of the gap must be included
- The plot must comply with siting criteria

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

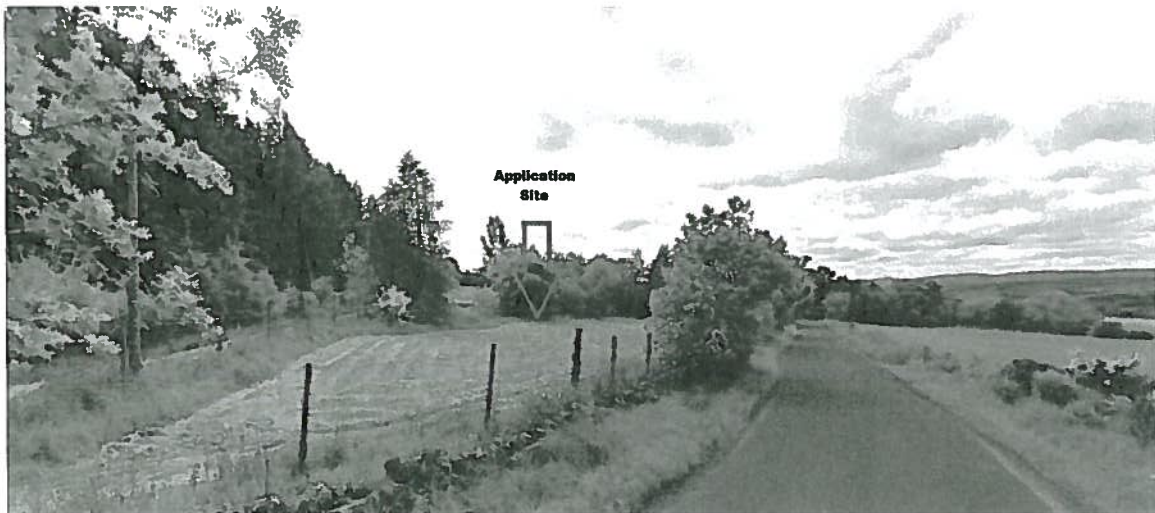
Perth & Kinross Council Housing in the Countryside Guide Supplementary Planning Guidance, 2012

In this case it is considered that the proposed cottages would form a clear infill development on the site as illustrated in the notional plan provided in the previous section of the report. It is considered that the proposed dwellinghouses would be contained by the existing dwellinghouse

Carndraoidheil and the property boundary of Eindrum cottage with Westmuir Woods beyond. This gap site is physically and visually contained by both landform, natural stone walls and buildings and so if granted consent would not lead to any further development given they are clearly separated by thick woodland and the private driveway leading to Eindrum.



View into site from the adjacent public road showing dense woodland to the south and Eindrum driveway



View towards the applicants existing dwellinghouse, Carndraoidheil beyond the mature trees and planting

In direct response to the criteria of Policy 3 of Perth and Kinross Housing in the Countryside Guide, 2012 it is considered that:

- the plot size is easily comparable to the neighbouring properties both adjacent to the site and within the local area, which will allow for a similar layout and plot ratio to be applied
 - the site has a similar layout and road frontage to the existing property Carnraoidheil
 - there are considered to be no adjacent uses that would inhibit the amenity of new residential development on the site particularly since the surrounding land uses are predominantly agricultural grazing with scattered residential properties
 - the full extent of the gap site is incorporated into the proposal
 - The proposed site fully meets the siting criteria as laid out in the Housing in the Countryside Guidance (2014) as below;
- A development of 2 x 1 ½ storey cottages could be designed to sit comfortably within the existing landscape as the proposed site occupies an elevated site set to the rear of a plateau which means that the site is concealed by the natural topography of the site, therefore there would be little or no impact on the surrounding more open areas of countryside.
 - The site is enclosed on three sides by mature trees which renders it completely out of sight from the surrounding countryside and public roads.
 - The site lies within a clearly definable site created by longstanding, neighboring property boundaries, the existing house, the public road, natural stone walls and mature trees. This allows the proposals to slot into the existing gap site with little impact on the surrounds and would contain any future spread of development.
 - The proposals would not have a detrimental impact on the surrounding landscape and would provide a suitable degree of enclosure for new housing within this location.

- The proposals would not occupy a prominent, skyline location.

Given the above, it is considered that the principle of use is acceptable in this case and that the proposal accords with the Council's Housing in the Countryside Policy.

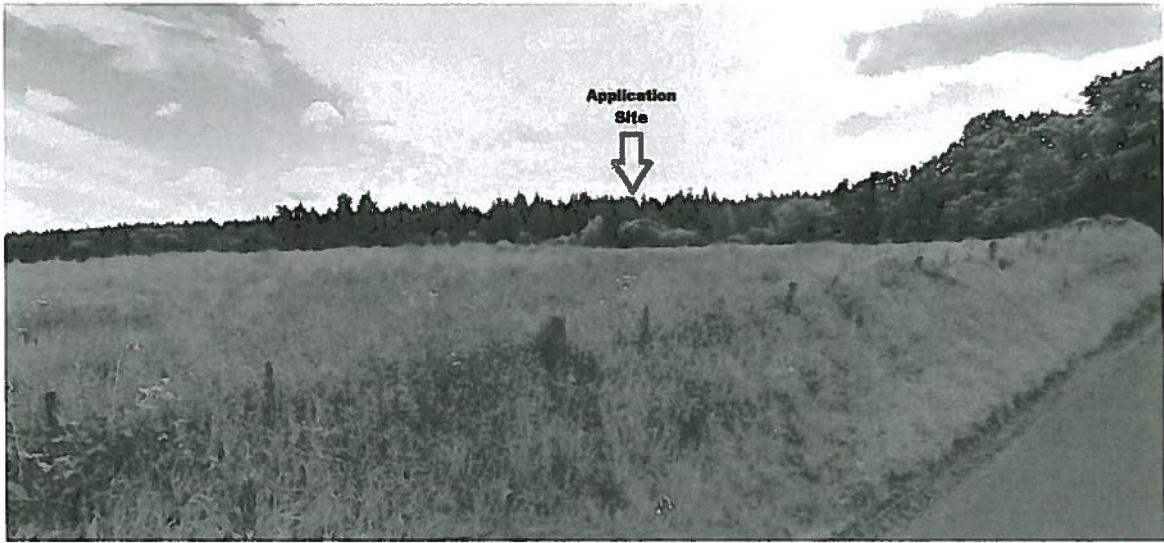
Residential Amenity & Garden Ground

As this is an application for a planning permission in principle the matters of residential amenity and garden ground provision would be dealt with at the detailed full application stage. However, the layout plan submitted alongside this application clearly demonstrate that the site has capacity for the erection of 2 x dwellinghouses as proposed in this case. The plots would be fairly generous in size, reflecting the plot sizes of the adjacent residential properties. There would be more than sufficient space within the plot to provide generous private garden areas, off street parking and sufficient space available to negate any direct overlooking concerns. In addition, as a result of the visual and physical containment of the site with woodland and mature trees the units would not create any undue loss of privacy for any neighbouring properties.

Design & Visual Amenity

As with the matter of residential amenity, the proposed design of the individual cottages would be dealt with as part of a subsequent detailed planning application. However, it is intended that the proposed units will incorporate traditional proportions in order to replicate the traditional features and finishes of the adjacent traditional style 1 ½ storey properties. An indicative house design for this site can be provided to the Planning Officer should they feel it would assist in their determination of the application.

In terms of visual impact, it is considered that this degree of residential development would not alter the rural character of the area given the existing neighbouring residential buildings and the enclosed, discrete nature of the site.



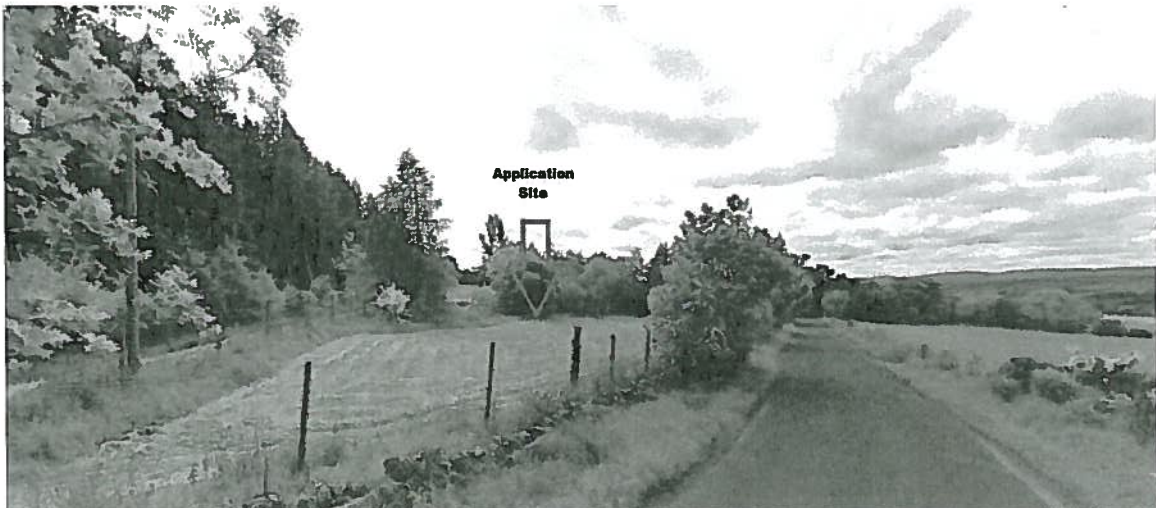
Location of plot from Ross farm steadings on the public access road leading to the proposed site

Transportation

As noted above, in this case it is proposed to create a shared, centrally located residential access directly onto the public road from the proposed plots. The existing neighbouring residential properties (Carndraoidheil and Eindrum) each have their own accesses on either side of the proposed plot, the road is subject to very few vehicle movements, with vehicles being forced to slow down on the bend to the south of the proposed new access allowing for safe egress and ingress and good levels of visibility in both directions. However, the applicant would be more than happy to move the location of the access should Transportation Officers feel that this would be appropriate.



View of existing access into application site from the south



View of adjacent public road where access would be taken into site

Conclusion

In conclusion, it is considered that the proposal for the erection of 2 x residential cottages on the site is acceptable in this case and meets the requirements of the current Development Plan for Perth and Kinross in relation to the principle of development, the site's landscape capacity and road safety.

We would be more than happy to discuss the proposal with the case officer should they have any concerns with the application or require any further information.

TCP/11/16(410)
Planning Application – 16/00361/IPL – Residential
development (in principle) on land 100 metres south east
of Draoidheil, Madderty

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(part included in applicant's submission, see pages 357-370)*

PERTH AND KINROSS COUNCIL

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c/o Arthur Stone Planning And Architectural Design
Alison Arthur
Jamesfield Business Centre
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KY14 6EW

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35 Kinnoull Street
PERTH
PH1 5GD

Date 12.04.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00361/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 9th March 2016 for permission for **Residential development (in principle) Land 100 Metres South East Of Draoidheil Madderty** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of the categories (1) Building Groups (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. Whilst the submission seeks consent under category 2 infill sites, an infill site is that which sits between two houses or a house and a building of similar size. There are no other buildings immediately associated with this site other than the applicant's property.

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

16/00361/1

16/00361/2

16/00361/3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/00361/IPL	
Ward No	N9- Almond And Earn	
Due Determination Date	08.05.2016	
Case Officer	John Williamson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Residential development (in principle)

LOCATION: Land 100 Metres South East Of Draoidheil Madderty

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: 1 April 2016

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for residential development within the garden ground of a property called Carndraoidheil which is located to the south of Balgowan immediately adjacent to the Westmuir Wood which is designated as Ancient Woodland. The site forms part of the extended garden ground of that property and is bound by a public road to the north, a private access track to the south east with the Westmuir Woodland beyond, agricultural grazing land to the south west and by the remaining garden ground of the existing dwelling to the north west. The proposal seeks consent in principle for residential development, however the planning statement suggests a total of two dwellings are sought on the site. The site is relatively well contained by landscaping, the majority of which is relatively small scale but does help to contain the site. There is a gated access into the site off the

access track to the south east. There is a small watercourse immediately adjacent to the south boundary of the site.

SITE HISTORY

16/00348/IPL Residential development (in principle) 17 March 2016

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 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 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.

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 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 NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

OTHER POLICIES

Housing in the Countryside Guide 2012

CONSULTATION RESPONSES

Transport Planning – no objection

Contributions Officer – education and transport infrastructure contributions apply and should be covered by a condition

Community Waste Advisor - Environment Service – advice on waste collection provided

EXTERNAL

Scottish Water – no response within statutory period

REPRESENTATIONS

None received

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

Policy RD3 of the Local Development Plan refers to Housing in the Countryside. It specifically refers to the requirement for all residential development in the countryside to comply with relevant Supplementary Planning Guidance, specifically the Housing in the Countryside Guide 2012. The guide outlines a number of categories upon which development will be assessed against. Policy TA1B in relation to transportation and PM3 relating to infrastructure contributions are also relevant to the consideration of this application. Other relevant policies are outlined in the policy section above.

Principle

In this particular instance, it is considered that the proposed site fails to comply with any of the accepted categories of development within the guidance. These are (1) Building Groups (2) Infill Sites (3) New Houses in the Countryside (4) Renovation or Replacement of Houses (5) Conversion of Replacement of Redundant Non-Domestic Buildings or (6) Rural Brownfield Land. A statement included in the application argues that the proposed site is an infill site and therefore seeks consent under category 2 of the above policy. Category 2 specifically states that development of up to two new houses in gaps between established houses or a house and another substantial building

may be acceptable subject to a series of criteria. In this instance the site clearly does not form an infill site. Whilst there is a house to the north west, there are no other properties in the immediate vicinity which would allow this site to be classed as an infill site. As stated above category 2 states that an infill site is that which sits between two houses or a house and a building of similar size. There are no other buildings immediately associated with this plot other than the applicant's property. As such the proposal fails to meet the key criteria outlined in category 2 of the guidance. The statement mentions the presence of another property called Eindrum, however this is 225 metres away to the south west of the application site and is separated by a large area of agricultural grazing land and therefore in my view fails to have any physical relationship with the application site. As such the site does not meet the criteria relating to infill sites.

The statement within the submission refers to numerous planning decisions in the local area for residential development. Whilst this may demonstrate some market need for housing in this location I consider these decisions to be largely irrelevant to consideration of this application as each have differing circumstances and site context. This proposal requires to be assessed on its own merits against relevant policy, which in this case includes Policy RD3 and the associated Housing in the Countryside Guide 2012. As stated above the proposed site fails to meet any of the relevant categories for development contained within the guide as such the proposal is contrary to Policy RD3 of the LDP.

Access/Traffic

Access to the site is proposed from the adjacent public road to the north. It would appear that there is scope to provide a suitable access on site, however the detailed location chosen would require to provide suitable visibility into the site. This could be covered by a suitably worded condition should any consent be granted. Transport Planning have offered no objection to the proposal.

Residential Amenity

As the application is in principle there is no detail provided which would allow assessment of the impact on residential amenity. This would be considered in more detail should a detailed application be received.

Trees and Landscaping

The site is well contained by existing small scale landscaping and therefore should consent be granted the retention of the landscaping and protection during construction should be secured by condition.

Developer Contributions

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer

Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

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.

Economic Impact

The approval of this application would be of limited economic benefit but it may help support a locally based construction firm and potentially provide work for local contractors. However this has limited bearing on this recommendation.

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 does not comply with the adopted Local Development Plan 2014, specifically in regards to Policy RD3: Housing in the Countryside and its associated SPG on Housing in the Countryside. 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

The proposal is contrary to Policy RD3 of the Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails

to satisfy any of the categories (1) Building Groups (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. Whilst the submission seeks consent under category 2 infill sites, an infill site is that which sits between two houses or a house and a building of similar size. There are no other buildings immediately associated with this site other than the applicant's property.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/00361/1

16/00361/2

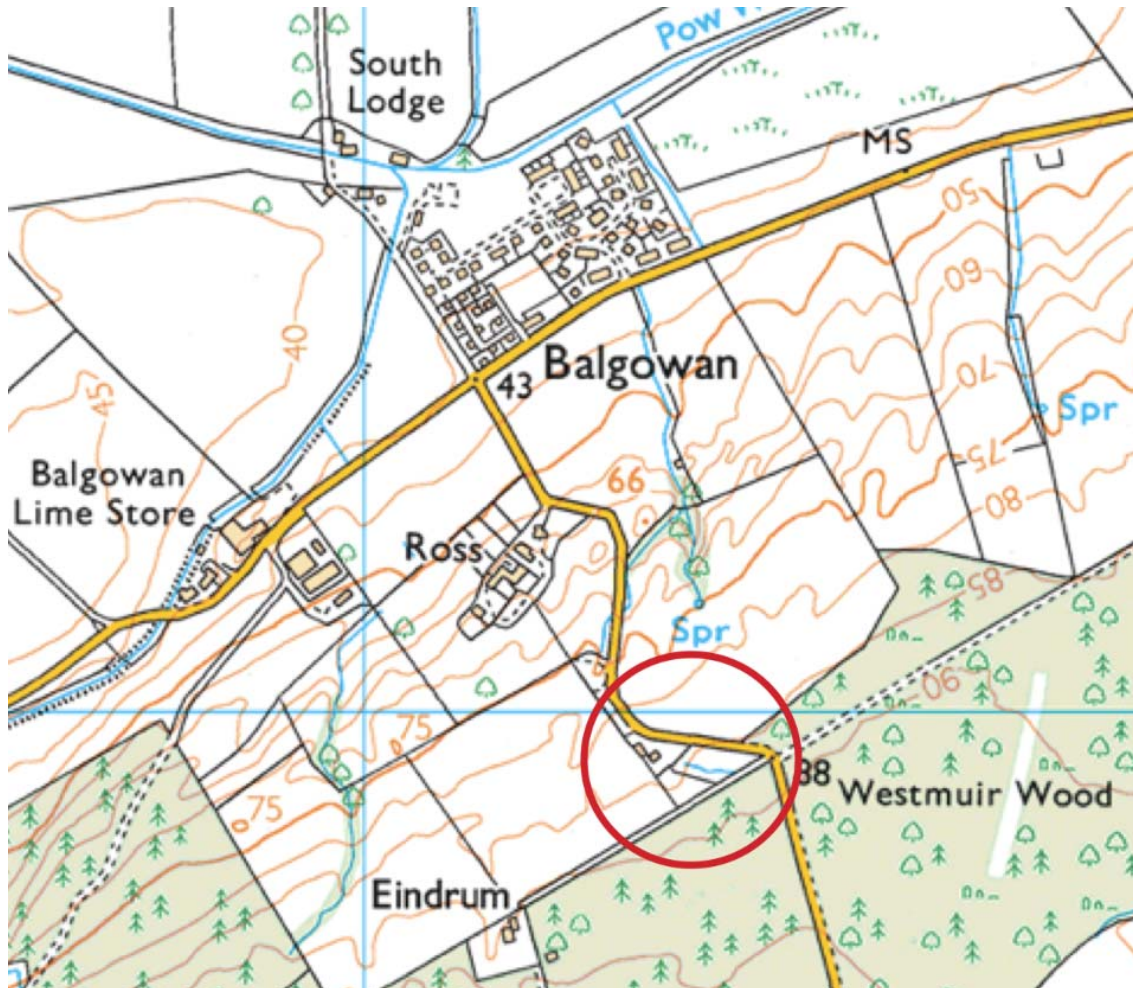
16/00361/3

Date of Report 11.04.2016

Location Plan

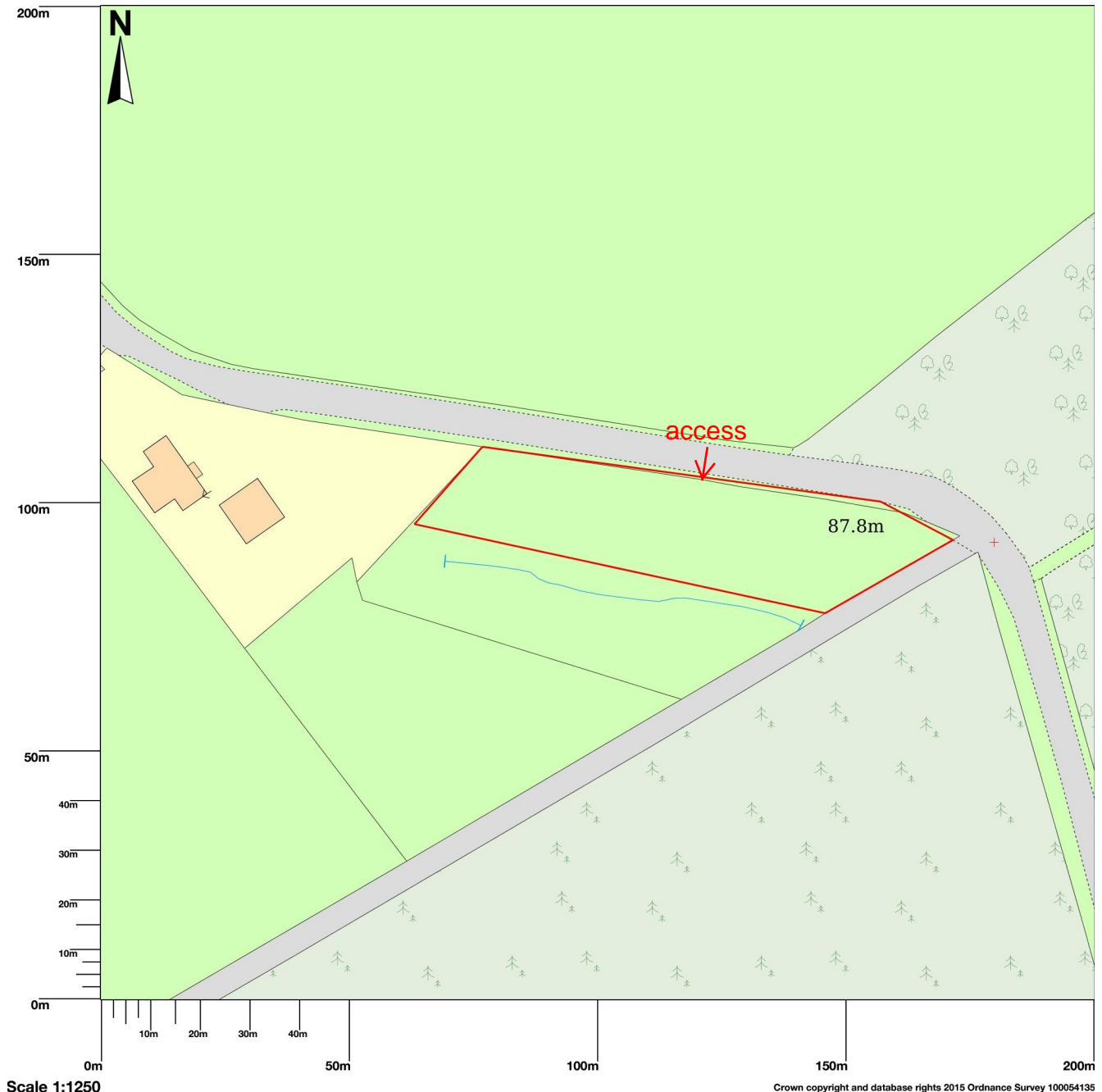
Carn Draoidheil

Madderty, Perthshire





Carn Draoidheil, Madderty, Crieff, PH7 3PQ



Map shows area bounded by: 299340.0,721843.0,299540.0,722043.0 at a scale of 1:1250. 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.

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TCP/11/16(410)
Planning Application – 16/00361/IPL – Residential
development (in principle) on land 100 metres south east
of Draoidheil, Madderty

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00361/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emcloughlin@pkc.gov.uk
Description of Proposal	Residential development (in principle)		
Address of site	Land 100 Metres South East Of Draoidheil Madderty for Mr Frank Short		
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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Madderty 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>		
Recommended planning condition(s)	<p>Primary Education</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> <p>Transport Infrastructure</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 informative(s) for applicant	N/A		

Date comments returned	11 March 2016
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Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00361/IPL	Comments provided by	Melanie Lorimer								
Service/Section	Waste Services	Contact Details	01738 475268								
Description of Proposal	Residential development (in principle)										
Address of site	Land 100 Metres South East Of Draoidheil Madderty										
Comments on the proposal											
Recommended planning condition(s)	<p>Conditions for Planning Consent</p> <p>1. Requirements for Bin Provision</p> <p>1.1 Domestic Properties Serviced by the 3 Bin System</p> <p>All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.</p> <p>Bin Dimensions</p> <table> <tr> <td>Capacity (litres)</td><td>Width(mm)</td><td>Height (mm)</td><td>Depth (mm)</td></tr> <tr> <td>240</td><td>580</td><td>1100</td><td>740</td></tr> </table> <p>1.3 Domestic Properties in Rural Area's</p> <p>Council policy states that refuse collection vehicles will only provide kerbside refuse and recycling collections to properties situated on a private road if all of the following conditions are met :</p> <ol style="list-style-type: none"> the private road serves a settlement, or settlements, rather than sporadic individual properties (as a guide, a settlement is a grouping of six or more properties); there is sufficient turning space for a refuse collection vehicle at the road end (i.e. a turning circle, t-junction or hammerhead), or if the vehicle can enter/exit the road by other safe means (as specified in point 3 below); the condition of the road surface is acceptable for a refuse collection vehicle to access (as specified in point 4 below); sufficient and safe access for the refuse collection vehicle is maintained - i.e. absence of overhanging branches / over grown bushes acceptable surface condition etc. (as specified in point 2 below) 			Capacity (litres)	Width(mm)	Height (mm)	Depth (mm)	240	580	1100	740
Capacity (litres)	Width(mm)	Height (mm)	Depth (mm)								
240	580	1100	740								

	<p>5. the owner of the private road agrees to indemnify the Council (through a signed waiver) against any damage caused from reasonable use of the road by a refuse collection vehicle;</p> <p>6. any bridges or other structures along the private road are certified by a competent person to be safe and meet Perth and Kinross Council health and safety requirements. It is the responsibility of the owner(s) of the road to demonstrate the safety of these structures;</p> <p>If the properties can be accessed safely by service vehicles then condition 1.1 must be followed. If the properties cannot be accessed safely by service vehicles then provision must be made at the road end for the safe storage and servicing of the bin(s) in which case condition 1.2 must be followed.</p> <p>Please contact M Lorimer to discuss the above.</p>
Recommended informative(s) for applicant	
Date comments returned	15/3/2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00361/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	75329 amaric@pkc.gov.uk
Description of Proposal	Residential development (in principle)		
Address of site	Residential development (in principle)		
Comments on the proposal	Insofar as the road matters are concerned I do not object to this proposal, provided the undernoted conditions are attached in the interests of pedestrian and traffic safety.		
Recommended planning condition(s)	<ul style="list-style-type: none"> • Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority. • Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear. • Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site. 		
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	18 March 2016		

TCP/11/16(410)
Planning Application – 16/00361/IPL – Residential
development (in principle) on land 100 metres south east
of Draoidheil, Madderty

**PAPERS SUBMITTED
BY THE
APPLICANT**

10 MAY 2016

RECEIVED

NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)Name Mr + Mrs ShortAddress Carn Draoidheil,MaddertyPostcode PH7 3PQContact Telephone 1 Contact Telephone 2 Fax No E-mail* **Agent (if any)**Name ARTHURSTONE PLANNINGAddress JAMESFIELD CENTREABERNETHYPostcode KY14 6EWContact Telephone 1 01738 850873Contact Telephone 2 07855538906Fax No E-mail* info@arthurstoneplanning.co.uk

Mark this box to confirm all contact should be
through this representative: ☒ Yes ☐ No

* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Planning authority

Pert + Kinross Council

Planning authority's application reference number

16/00361/1PL

Site address

Carn Draoidheil, Madderty, Perth
PH7, 3PQ

Description of proposed development

Erection of 2 dwellings in principle

Date of application

Date of decision (if any)

13/4/16

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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:

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.

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.

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.

Local Review statement
Planning application statement
Location plan
Letter from applicant

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

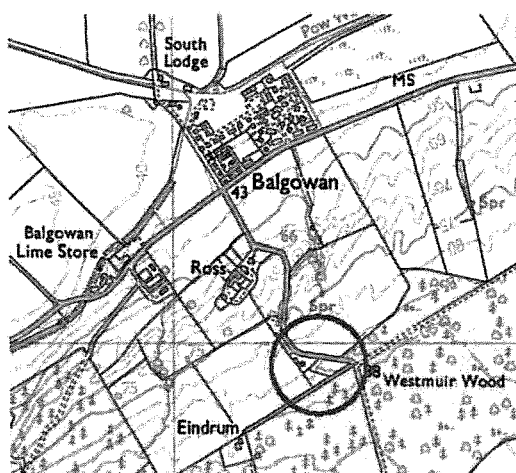


Date

5/4/16

Local Review Body

Statement



16/00361/IPL

Residential Development (in Principle)

Land 100 metres South East of Draoidheil

Madderty

The purpose of this statement is to support the applicant's request to the Local Review Body to reconsider the application in principle for the erection of two dwellinghouses on land 100 metres south east of Carndraoidheil, Madderty. The application was refused by delegated powers, citing concerns around the physical relationship between Carndraoidheil and neighbouring Eindrum being such that the site could not be considered as infill development and was therefore not agreeable in principle. There were no other reasons for refusal given. It is considered that the reasoning behind this refusal is not valid and the applicant wishes the decision be overturned.

Reasons for Refusal

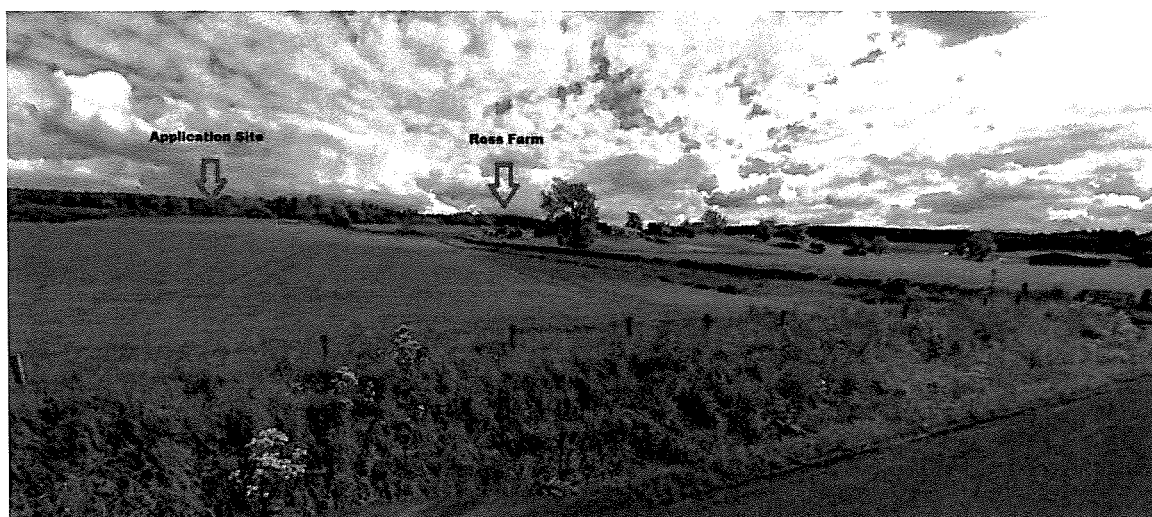
- The proposal is contrary to Policy RD3 of the Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of the categories (1) Building Groups (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. Whilst the submission seeks consent under category 2 infill sites, an infill site is that which sits between two houses or a house and a building of similar size. There are no other buildings immediately associated with this site other than the applicant's property.*



It is very clear that the essence of the Perth and Kinross Adopted Local Plan's Housing in the Countryside Policy Guidance is to encourage appropriately sited residential developments into suitable rural areas. These should be adjacent to and between existing developments to avoid completely isolated developments in unsustainable locations. Our clients ask that Councillors consider these wider objectives which seek to encourage development whilst directing it to suitable sites rather than looking for ways to prevent the proposed residential development and losing the consequential economic gains from rural communities.

Whilst the officer states that he does not consider the site to be an infill opportunity we firmly contend that as the site is bound tightly to the north and south by residential accesses from the public road, both leading to residential dwellinghouses. It is very clearly infill between these two residential properties. We do accept that the access drive to Eindrum, to the south, is longer than to Carndraoidheil, to the north; however, it very much represents a residential land use and its physical relationship to the proposed site is as the adjacent neighbour.

In his Report of Handling, the officer notes that there has been a significant number of residential developments in the surrounding countryside within the local plan area. This demonstrates that not only is there a need for these properties, that there is a general acceptance that housing in this area is acceptable and does represent a sustainable location. Furthermore, the proposed site is significantly more inherently discrete and suitable a location than recent approvals for residential development to the north, within open countryside, and visible from the public main road.



The Housing in the Countryside Policy Guidance is indeed **guidance** and a one shoe fits all approach does not make for interesting and bespoke development opportunities. Indeed, the officer considers the driveway to be too long to meet the policy as worded. This seems to be unnecessarily anti-development approach when the officer agrees that the site is:

- 'well contained by existing small scale landscaping' meeting the siting criteria within the Housing in the Countryside Guidance,
- there are no transport objections to the proposals,
- no objections regarding tree protection,
- no objections regarding residential amenity,
- no objections as to the visual impact of the proposed development,
- the approval of this application would provide additional funds for the council in the form of Developer Contributions for education and transport infrastructure

Hence, the only reason the officer did not approve the application was primarily due to the length of the driveway to Eindrum as had this been shorter, pulling the dwellinghouse closer to the public road, the case officer suggests it would have been approved. We strongly contend that this is a case where the strong site attributes of the proposals should have been considered as material considerations.

The principle issues in this case are considered to be:

- the site is located in a naturally enclosed site,
- the site is cannot be seen from the public road to the north or the surrounding countryside and would therefore have a neutral impact on the surrounding countryside,
- the site is currently classed as residential garden ground and is formally tended and presented,
- there is an existing natural stone wall around the majority of the site,
- safe vehicular access and egress can be provided,
- the site has a natural wooded backdrop enclosing the site with defined boundaries on all sides,
- no further development could arise in the future from this being approved due to intervening landscape features,
- the site is of a size suitable for residential development similar to surrounding plot sizes,
- the proposed site would have no impact on the existing levels of residential amenity of neighbouring sites.

Conclusion

Our client asks respectfully that members note the afore mentioned positive attributes of the proposed site and consider whether the prime objectives of the Local plan, to encourage appropriate development, would be satisfied through the approval of this application.

The applicant would be happy to allow Members of the Review Body to visit the site if you feel it would be beneficial.

Carn Draoidheil
Madderty
Crieff
PH7 3PQ

5th May 2016

Dear Sir / Madam

Many thanks for considering this appeal against a recent planning decision.

I understand the planning officer has made his decision based on his interpretation of one piece of guidance for planning. But on reading his decision, apart from his interpretation of this one guideline, all the rest of the considerations were exceptionally favourable. As it is guidance not a rule, each application needs to be considered individually, and what I hope to bring to your attention is our own intimate knowledge of the area and how this small development would enhance, complement and complete the community, which actually fulfils the council's aspirations in their policy.

We have a lovely wee community here, and have recently seen the building and conversion of a number of new properties in our small cluster of houses which has gone some way to completing the group. Granting our application will allow us to complete this community properly and make it an inclusive and cohesive neighbourhood.

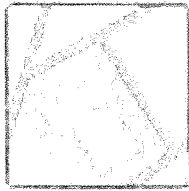
The plot we are applying for is very secluded. It cannot be seen from the main road, and is set in an area that neither overlooks nor is overlooked by anyone, even us, due to perfectly positioned trees and hedges, and it has no effect on the character or appearance of the locality. Only people passing the front of the plot would even know it was there.

You can see from the maps and diagram that the properties at The Ross, ourselves at Carn Draoidheil and Eindrum are within a very clear boundary comprised of established woodland, stone walls, public roads and agricultural land. The positioning of the plot in this application is between ourselves at Carn Draoidheil and the entrance to Eindrum which would vastly improve the inclusivity of our neighbour into this clear group. There is nowhere further to build as there are woods to the south and farmland to the east and west. This is the final piece to make our community complete. We have lived here for over twelve years and have brought our children up here, and we want what's best for it. Granting this application has absolutely no detrimental elements and very many positive benefits, and clearly supports the council's ambitions in this regard.

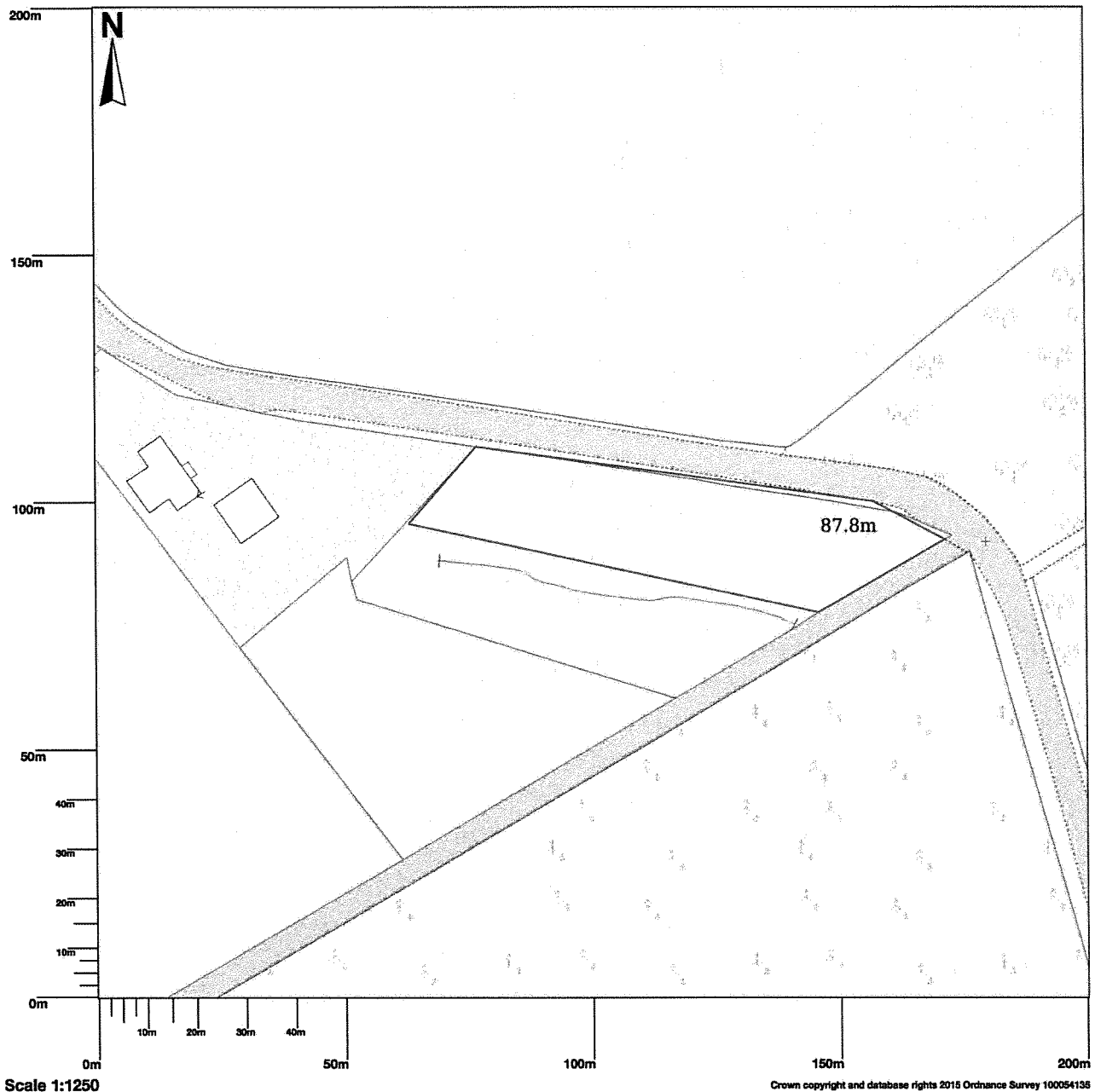
If you would care to visit, I would be more than happy to show you around as I know you would see immediately just how ideal this application is for the area. Many thanks

Yours faithfully

F & V Short



Carn Draoidheil, Madderty, Crieff, PH7 3PQ



Map shows area bounded by: 299340.0,721843.0,299540.0,722043.0 at a scale of 1:1250. 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.

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Planning Statement

Planning permission in principle for
the erection of 2 residential units at
land to the south of Carn Draoidheil
Madderty, Perthshire

Arthur Stone Planning
24 Friar Street
Perth. PH2 0ED

07972920357
07855538906

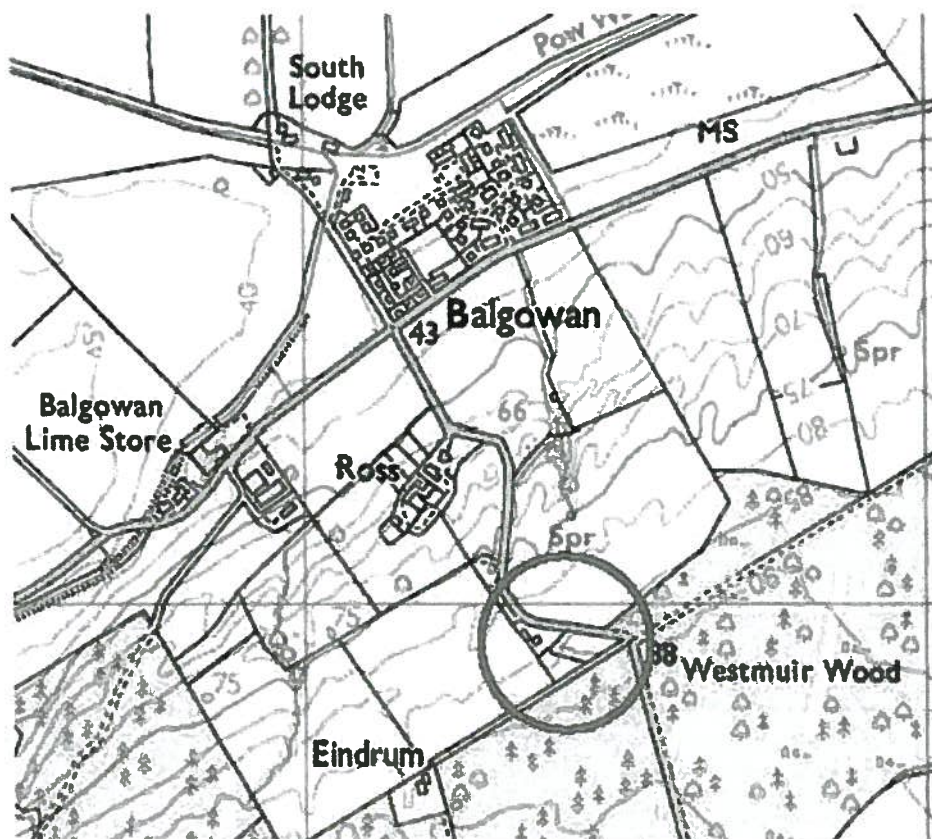
info@arthurstoneplanning.co.uk
www.arthurstoneplanning.co.uk

Introduction

The purpose of this statement is to provide a reasoned justification in support of an application for planning permission in principle for the erection of 2 new dwellinghouses at land to the south east of Carn Draoidheil Madderty, Perthshire.

The statement will deal with the following issues:

- Site Description
- Proposal
- Principle of Use
- Residential Amenity
- Design
- Transportation



Site Description

The application site is located directly to the south east of Carndraoidheil, Madderty, Perthshire. The site is currently part of an extended area of garden ground associated with the property. The site is bounded by a road and natural stone wall to the north, a private driveway and tree belt to the south east, a pony paddock to the south west and by the existing cottage to the north west. The existing cottage is one and a half storey high and utilizes its own vehicular access onto the adjacent public road. A further private shared vehicular access is located on the north eastern corner of the application site, which enables access to a separate residential dwelling (Eindrum) as well as into the south eastern corner of the proposed site. The site occupies an elevated position with the ground falling gradually to the north rendering the plot out of sight from possible public vantage points at Ross farm dwellings, Balgown and beyond.



Arial view of application site



View from western boundary of balgowan at junction with site access road



View into proposed site from the south eastern corner adjacent to driveway into Eindrum

The Balgowan development and a further, smaller cluster of residential dwellings at Ross farm are located to the north of the proposed site and are characterised by a mixture of traditional and modern house types. There is currently an extant detailed planning consent for 2 additional dwellings beyond the northern boundary of the Ross farm cluster. The consensus of the local review panel who approved the application suggested that, 'the proposed site rounds off a building group, is a definable site and can be landscaped by way of condition'. The proposed site is considered a similar proposal and it could be argued that it is more clearly defined within its landscape setting, less exposed to public view and more discretely and naturally sited within the surrounding topography of the area as discussed in more detail below.

Site History

There have been a number of applications approved just north of the site over the last few years for the erection of new dwellinghouses and the conversion of existing agricultural steading buildings to residential use. This demonstrates a clear market need and in principle acceptance by the planning authority that additional, appropriate rural housing would be acceptable in this location which would easily serve Perth, Crieff or one of the many surrounding villages and would further bolster the surrounding active rural community.

03/00715/FUL Alterations and extension to cottage and conversion of existing farm steading to form three dwellinghouses

04/00590/FUL Conversion of existing farm steading to form 3 dwellinghouses

04/01164/FUL Extension to dwellinghouse approved

07/00519/OUT Erection of a single dwellinghouse (in outline) approved

09/02028/AML Erection of a dwellinghouse (Approval of matters specified in conditions)

10/00509/FLL Erection of dwellinghouse and garage to extend existing cluster approved

11/00505/IPL Erection of 2 dwellinghouses approved at local review to extend existing cluster

13/00277/FULL Erection of 2 dwellinghouses approved

13/00816/FULL Erection of dwellinghouse approved

Proposal

This application seeks planning permission in principle to erect 2 new dwellinghouses on the site to the south east of the existing cottage, Carndraoidheil.



View of site and adjacent properties (applicant's existing dwelling to the north west and Eindrum to the south west)

The proposed residential units would incorporate their own shared, centrally located vehicular access directly onto the adjoining public road, which would have good visibility in either direction. The current vehicular access into the site, which is shared with Eindrum, is positioned on a bend in the road and subsequently has a reduced visibility splay to the south for oncoming traffic. Therefore, the newly proposed arrangement would improve this situation considerably. A notional plan has been included (above) which illustrates the relationship between the three sites. No indicative designs or visuals have been provided at this stage although our clients envisage a simple traditional style of cottage of 1 ½ storeys in height, utilizing traditional style finishes to reflect the prevalent style of similar cottages within the vicinity; however, we are more

than happy to provide indicative designs on request. We would ask that following the Planning Officers initial assessment we are able to discuss their thoughts on the application prior to any decision being made.

Principle of Use

Policy RD3, Housing in the Countryside, of the Perth and Kinross Local Plan (2014) is the policy most relevant to this application. Most specifically **Part B, Infill Sites**. The excerpt below is from Perth and Kinross Housing in the Countryside Guide, 2012.

Infill Sites The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained
- The size and design of the infill houses should be in sympathy with the existing house(s)
- The full extent of the gap must be included
- The plot must comply with siting criteria

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

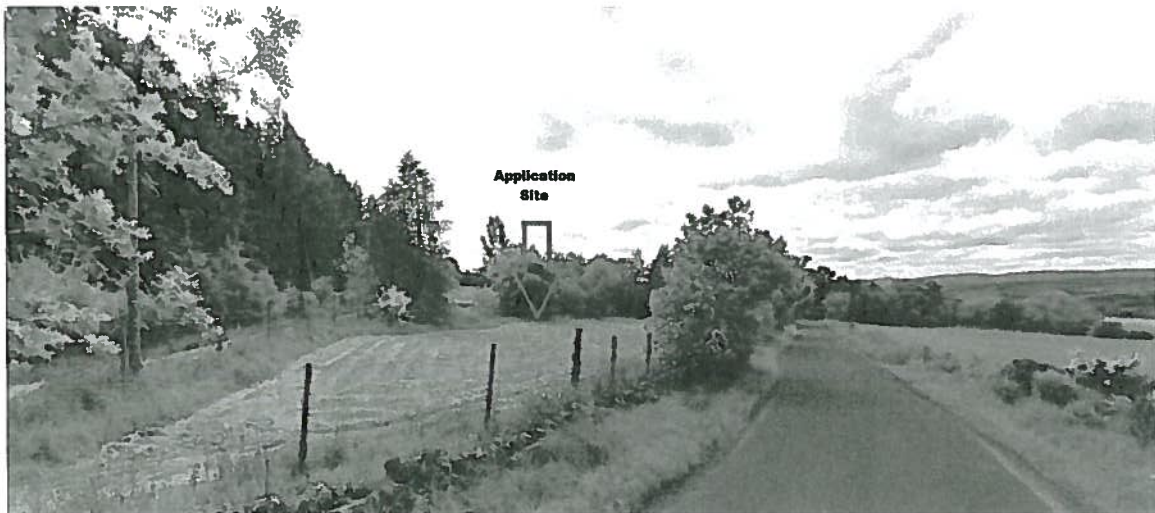
Perth & Kinross Council Housing in the Countryside Guide Supplementary Planning Guidance, 2012

In this case it is considered that the proposed cottages would form a clear infill development on the site as illustrated in the notional plan provided in the previous section of the report. It is considered that the proposed dwellinghouses would be contained by the existing dwellinghouse

Carndraoidheil and the property boundary of Eindrum cottage with Westmuir Woods beyond. This gap site is physically and visually contained by both landform, natural stone walls and buildings and so if granted consent would not lead to any further development given they are clearly separated by thick woodland and the private driveway leading to Eindrum.



View into site from the adjacent public road showing dense woodland to the south and Eindrum driveway



View towards the applicants existing dwellinghouse, Carndraoidheil beyond the mature trees and planting

In direct response to the criteria of Policy 3 of Perth and Kinross Housing in the Countryside Guide, 2012 it is considered that:

- the plot size is easily comparable to the neighbouring properties both adjacent to the site and within the local area, which will allow for a similar layout and plot ratio to be applied
 - the site has a similar layout and road frontage to the existing property Carnraoidheil
 - there are considered to be no adjacent uses that would inhibit the amenity of new residential development on the site particularly since the surrounding land uses are predominantly agricultural grazing with scattered residential properties
 - the full extent of the gap site is incorporated into the proposal
 - The proposed site fully meets the siting criteria as laid out in the Housing in the Countryside Guidance (2014) as below;
- A development of 2 x 1 ½ storey cottages could be designed to sit comfortably within the existing landscape as the proposed site occupies an elevated site set to the rear of a plateau which means that the site is concealed by the natural topography of the site, therefore there would be little or no impact on the surrounding more open areas of countryside.
 - The site is enclosed on three sides by mature trees which renders it completely out of sight from the surrounding countryside and public roads.
 - The site lies within a clearly definable site created by longstanding, neighboring property boundaries, the existing house, the public road, natural stone walls and mature trees. This allows the proposals to slot into the existing gap site with little impact on the surrounds and would contain any future spread of development.
 - The proposals would not have a detrimental impact on the surrounding landscape and would provide a suitable degree of enclosure for new housing within this location.

- The proposals would not occupy a prominent, skyline location.

Given the above, it is considered that the principle of use is acceptable in this case and that the proposal accords with the Council's Housing in the Countryside Policy.

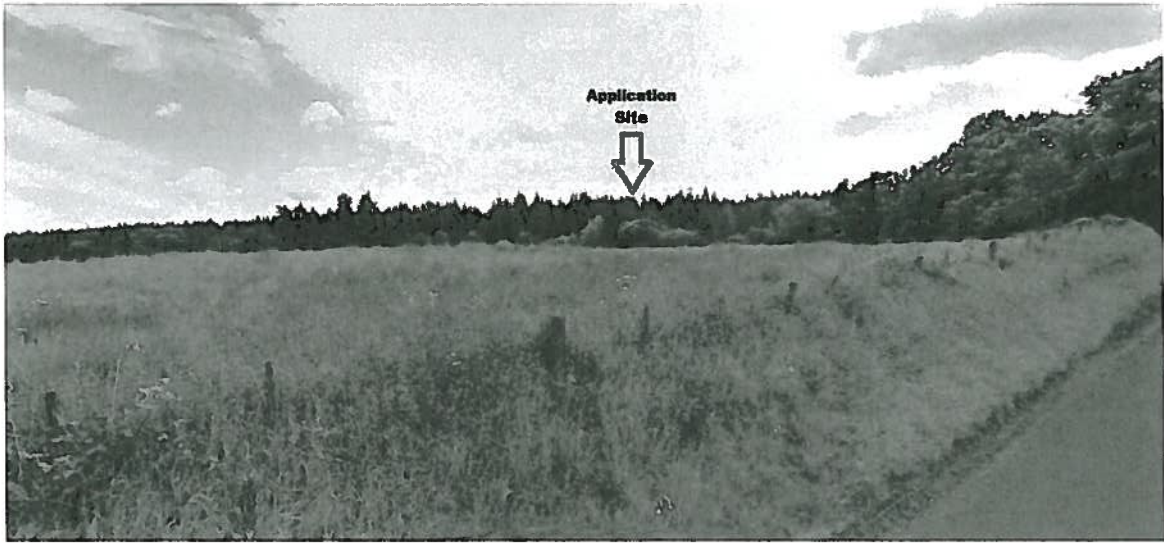
Residential Amenity & Garden Ground

As this is an application for a planning permission in principle the matters of residential amenity and garden ground provision would be dealt with at the detailed full application stage. However, the layout plan submitted alongside this application clearly demonstrate that the site has capacity for the erection of 2 x dwellinghouses as proposed in this case. The plots would be fairly generous in size, reflecting the plot sizes of the adjacent residential properties. There would be more than sufficient space within the plot to provide generous private garden areas, off street parking and sufficient space available to negate any direct overlooking concerns. In addition, as a result of the visual and physical containment of the site with woodland and mature trees the units would not create any undue loss of privacy for any neighbouring properties.

Design & Visual Amenity

As with the matter of residential amenity, the proposed design of the individual cottages would be dealt with as part of a subsequent detailed planning application. However, it is intended that the proposed units will incorporate traditional proportions in order to replicate the traditional features and finishes of the adjacent traditional style 1 ½ storey properties. An indicative house design for this site can be provided to the Planning Officer should they feel it would assist in their determination of the application.

In terms of visual impact, it is considered that this degree of residential development would not alter the rural character of the area given the existing neighbouring residential buildings and the enclosed, discrete nature of the site.



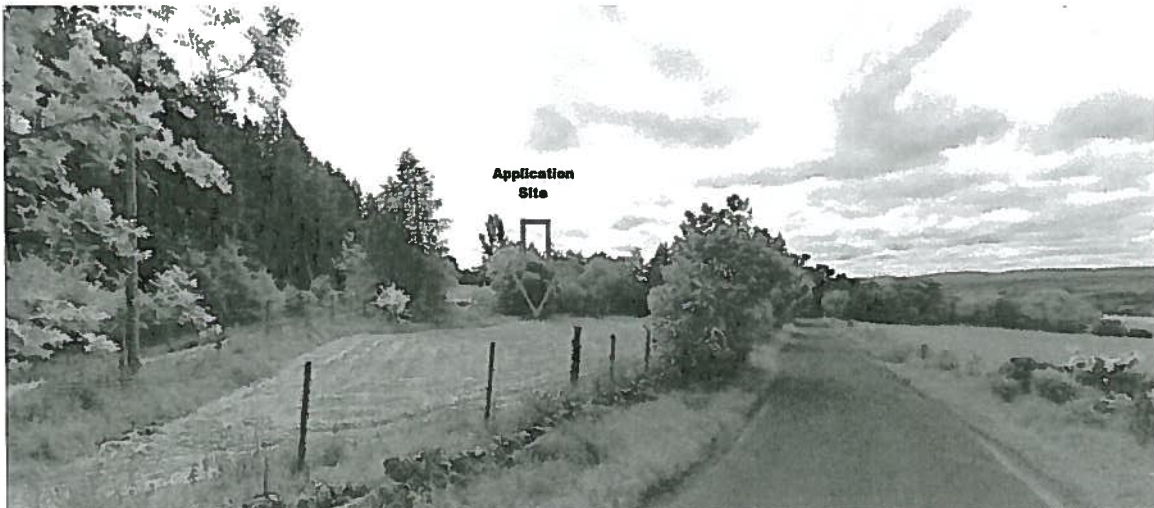
Location of plot from Ross farm steadings on the public access road leading to the proposed site

Transportation

As noted above, in this case it is proposed to create a shared, centrally located residential access directly onto the public road from the proposed plots. The existing neighbouring residential properties (Carndraoidheil and Eindrum) each have their own accesses on either side of the proposed plot, the road is subject to very few vehicle movements, with vehicles being forced to slow down on the bend to the south of the proposed new access allowing for safe egress and ingress and good levels of visibility in both directions. However, the applicant would be more than happy to move the location of the access should Transportation Officers feel that this would be appropriate.



View of existing access into application site from the south



View of adjacent public road where access would be taken into site

Conclusion

In conclusion, it is considered that the proposal for the erection of 2 x residential cottages on the site is acceptable in this case and meets the requirements of the current Development Plan for Perth and Kinross in relation to the principle of development, the site's landscape capacity and road safety.

We would be more than happy to discuss the proposal with the case officer should they have any concerns with the application or require any further information.

TCP/11/16(410)
Planning Application – 16/00361/IPL – Residential
development (in principle) on land 100 metres south east
of Draoidheil, Madderty

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(part included in applicant's submission, see pages 357-370)*

PERTH AND KINROSS COUNCIL

Mr Frank Short
c/o Arthur Stone Planning And Architectural Design
Alison Arthur
Jamesfield Business Centre
Abernethy
United Kingdom
KY14 6EW

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 12.04.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00361/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 9th March 2016 for permission for **Residential development (in principle) Land 100 Metres South East Of Draoidheil Madderty** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of the categories (1) Building Groups (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. Whilst the submission seeks consent under category 2 infill sites, an infill site is that which sits between two houses or a house and a building of similar size. There are no other buildings immediately associated with this site other than the applicant's property.

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

16/00361/1

16/00361/2

16/00361/3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/00361/IPL	
Ward No	N9- Almond And Earn	
Due Determination Date	08.05.2016	
Case Officer	John Williamson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Residential development (in principle)

LOCATION: Land 100 Metres South East Of Draoidheil Madderty

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: 1 April 2016

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for residential development within the garden ground of a property called Carndraoidheil which is located to the south of Balgowan immediately adjacent to the Westmuir Wood which is designated as Ancient Woodland. The site forms part of the extended garden ground of that property and is bound by a public road to the north, a private access track to the south east with the Westmuir Woodland beyond, agricultural grazing land to the south west and by the remaining garden ground of the existing dwelling to the north west. The proposal seeks consent in principle for residential development, however the planning statement suggests a total of two dwellings are sought on the site. The site is relatively well contained by landscaping, the majority of which is relatively small scale but does help to contain the site. There is a gated access into the site off the

access track to the south east. There is a small watercourse immediately adjacent to the south boundary of the site.

SITE HISTORY

16/00348/IPL Residential development (in principle) 17 March 2016

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 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 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.

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 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 NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

OTHER POLICIES

Housing in the Countryside Guide 2012

CONSULTATION RESPONSES

Transport Planning – no objection

Contributions Officer – education and transport infrastructure contributions apply and should be covered by a condition

Community Waste Advisor - Environment Service – advice on waste collection provided

EXTERNAL

Scottish Water – no response within statutory period

REPRESENTATIONS

None received

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

Policy RD3 of the Local Development Plan refers to Housing in the Countryside. It specifically refers to the requirement for all residential development in the countryside to comply with relevant Supplementary Planning Guidance, specifically the Housing in the Countryside Guide 2012. The guide outlines a number of categories upon which development will be assessed against. Policy TA1B in relation to transportation and PM3 relating to infrastructure contributions are also relevant to the consideration of this application. Other relevant policies are outlined in the policy section above.

Principle

In this particular instance, it is considered that the proposed site fails to comply with any of the accepted categories of development within the guidance. These are (1) Building Groups (2) Infill Sites (3) New Houses in the Countryside (4) Renovation or Replacement of Houses (5) Conversion of Replacement of Redundant Non-Domestic Buildings or (6) Rural Brownfield Land. A statement included in the application argues that the proposed site is an infill site and therefore seeks consent under category 2 of the above policy. Category 2 specifically states that development of up to two new houses in gaps between established houses or a house and another substantial building

may be acceptable subject to a series of criteria. In this instance the site clearly does not form an infill site. Whilst there is a house to the north west, there are no other properties in the immediate vicinity which would allow this site to be classed as an infill site. As stated above category 2 states that an infill site is that which sits between two houses or a house and a building of similar size. There are no other buildings immediately associated with this plot other than the applicant's property. As such the proposal fails to meet the key criteria outlined in category 2 of the guidance. The statement mentions the presence of another property called Eindrum, however this is 225 metres away to the south west of the application site and is separated by a large area of agricultural grazing land and therefore in my view fails to have any physical relationship with the application site. As such the site does not meet the criteria relating to infill sites.

The statement within the submission refers to numerous planning decisions in the local area for residential development. Whilst this may demonstrate some market need for housing in this location I consider these decisions to be largely irrelevant to consideration of this application as each have differing circumstances and site context. This proposal requires to be assessed on its own merits against relevant policy, which in this case includes Policy RD3 and the associated Housing in the Countryside Guide 2012. As stated above the proposed site fails to meet any of the relevant categories for development contained within the guide as such the proposal is contrary to Policy RD3 of the LDP.

Access/Traffic

Access to the site is proposed from the adjacent public road to the north. It would appear that there is scope to provide a suitable access on site, however the detailed location chosen would require to provide suitable visibility into the site. This could be covered by a suitably worded condition should any consent be granted. Transport Planning have offered no objection to the proposal.

Residential Amenity

As the application is in principle there is no detail provided which would allow assessment of the impact on residential amenity. This would be considered in more detail should a detailed application be received.

Trees and Landscaping

The site is well contained by existing small scale landscaping and therefore should consent be granted the retention of the landscaping and protection during construction should be secured by condition.

Developer Contributions

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer

Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

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.

Economic Impact

The approval of this application would be of limited economic benefit but it may help support a locally based construction firm and potentially provide work for local contractors. However this has limited bearing on this recommendation.

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 does not comply with the adopted Local Development Plan 2014, specifically in regards to Policy RD3: Housing in the Countryside and its associated SPG on Housing in the Countryside. 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

The proposal is contrary to Policy RD3 of the Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails

to satisfy any of the categories (1) Building Groups (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. Whilst the submission seeks consent under category 2 infill sites, an infill site is that which sits between two houses or a house and a building of similar size. There are no other buildings immediately associated with this site other than the applicant's property.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/00361/1

16/00361/2

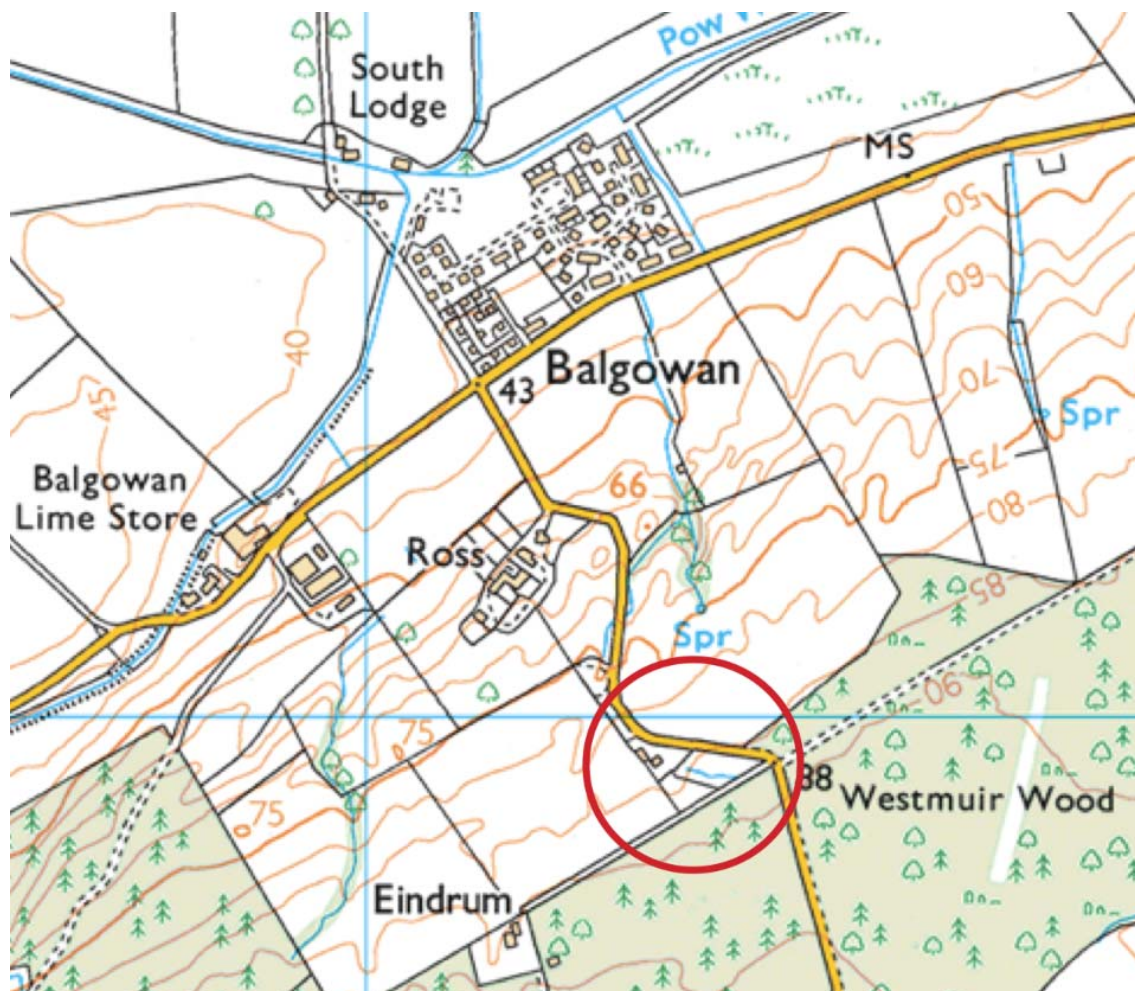
16/00361/3

Date of Report 11.04.2016

Location Plan

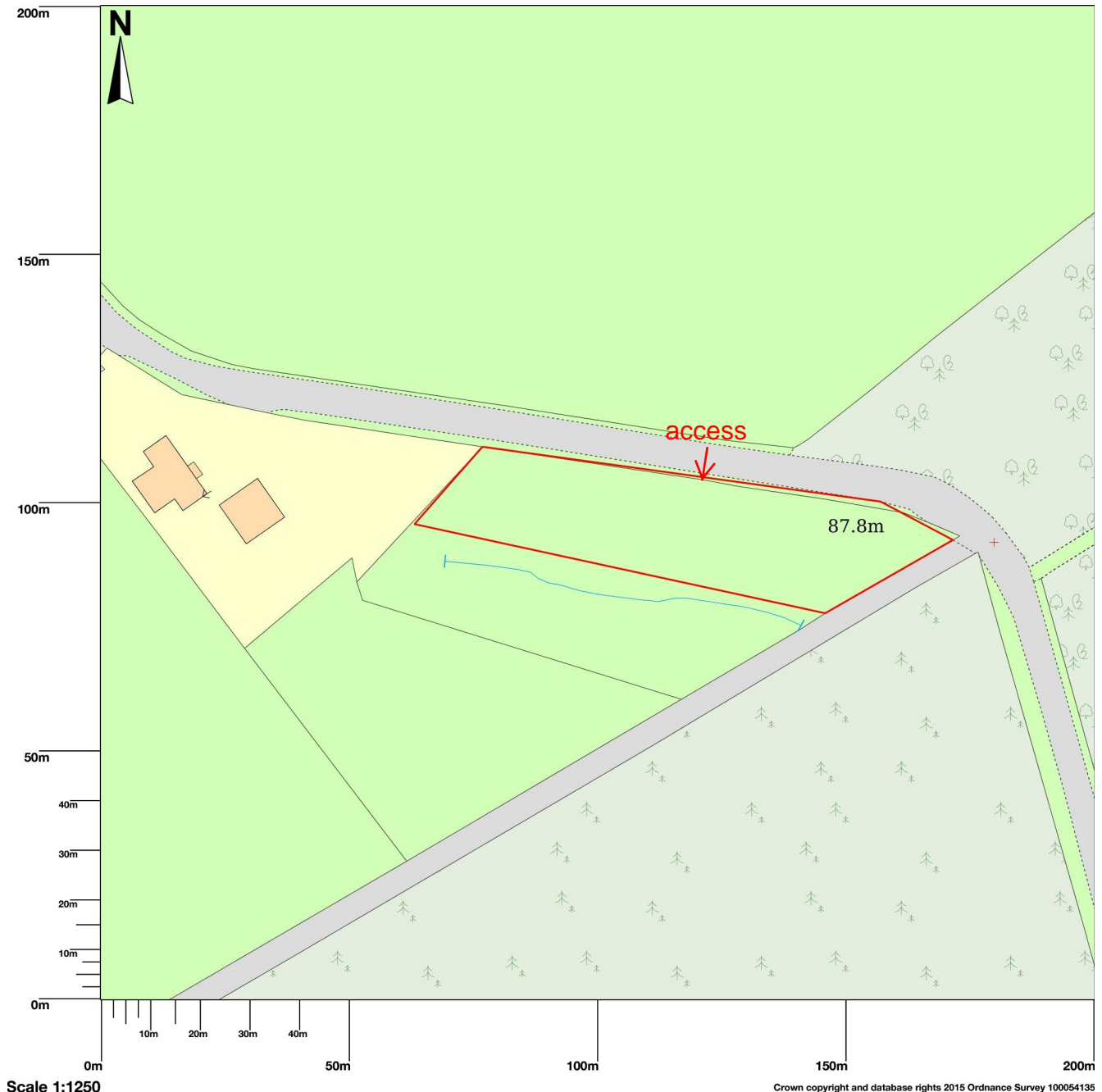
Carn Draoidheil

Madderty, Perthshire





Carn Draoidheil, Madderty, Crieff, PH7 3PQ



Map shows area bounded by: 299340.0,721843.0,299540.0,722043.0 at a scale of 1:1250. 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.

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TCP/11/16(410)
Planning Application – 16/00361/IPL – Residential
development (in principle) on land 100 metres south east
of Draoidheil, Madderty

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00361/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emcloughlin@pkc.gov.uk
Description of Proposal	Residential development (in principle)		
Address of site	Land 100 Metres South East Of Draoidheil Madderty for Mr Frank Short		
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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Madderty 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>		
Recommended planning condition(s)	<p>Primary Education</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> <p>Transport Infrastructure</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 informative(s) for applicant	N/A		

Date comments returned	11 March 2016
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Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00361/IPL	Comments provided by	Melanie Lorimer								
Service/Section	Waste Services	Contact Details	01738 475268								
Description of Proposal	Residential development (in principle)										
Address of site	Land 100 Metres South East Of Draoidheil Madderty										
Comments on the proposal											
Recommended planning condition(s)	<p>Conditions for Planning Consent</p> <p>1. Requirements for Bin Provision</p> <p>1.1 Domestic Properties Serviced by the 3 Bin System</p> <p>All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.</p> <p>Bin Dimensions</p> <table border="1"> <thead> <tr> <th>Capacity (litres)</th><th>Width(mm)</th><th>Height (mm)</th><th>Depth (mm)</th></tr> </thead> <tbody> <tr> <td>240</td><td>580</td><td>1100</td><td>740</td></tr> </tbody> </table> <p>1.3 Domestic Properties in Rural Area's</p> <p>Council policy states that refuse collection vehicles will only provide kerbside refuse and recycling collections to properties situated on a private road if all of the following conditions are met :</p> <ol style="list-style-type: none"> the private road serves a settlement, or settlements, rather than sporadic individual properties (as a guide, a settlement is a grouping of six or more properties); there is sufficient turning space for a refuse collection vehicle at the road end (i.e. a turning circle, t-junction or hammerhead), or if the vehicle can enter/exit the road by other safe means (as specified in point 3 below); the condition of the road surface is acceptable for a refuse collection vehicle to access (as specified in point 4 below); sufficient and safe access for the refuse collection vehicle is maintained - i.e. absence of overhanging branches / over grown bushes acceptable surface condition etc. (as specified in point 2 below) 			Capacity (litres)	Width(mm)	Height (mm)	Depth (mm)	240	580	1100	740
Capacity (litres)	Width(mm)	Height (mm)	Depth (mm)								
240	580	1100	740								

	<p>5. the owner of the private road agrees to indemnify the Council (through a signed waiver) against any damage caused from reasonable use of the road by a refuse collection vehicle;</p> <p>6. any bridges or other structures along the private road are certified by a competent person to be safe and meet Perth and Kinross Council health and safety requirements. It is the responsibility of the owner(s) of the road to demonstrate the safety of these structures;</p> <p>If the properties can be accessed safely by service vehicles then condition 1.1 must be followed. If the properties cannot be accessed safely by service vehicles then provision must be made at the road end for the safe storage and servicing of the bin(s) in which case condition 1.2 must be followed.</p> <p>Please contact M Lorimer to discuss the above.</p>
Recommended informative(s) for applicant	
Date comments returned	15/3/2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00361/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	75329 amaric@pkc.gov.uk
Description of Proposal	Residential development (in principle)		
Address of site	Residential development (in principle)		
Comments on the proposal	Insofar as the road matters are concerned I do not object to this proposal, provided the undernoted conditions are attached in the interests of pedestrian and traffic safety.		
Recommended planning condition(s)	<ul style="list-style-type: none"> • Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority. • Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear. • Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site. 		
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	18 March 2016		

