

TCP/11/16(444)
Planning Application – 16/00656/FLL – Erection of 3
dwellinghouses (change in design) (in part retrospect) on
Land 100 Metres North West of Boreland House, Cleish

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Planning Application – 16/00656/FLL – Erection of 3
dwellinghouses (change in design) (in part retrospect) on
Land 100 Metres North West of Boreland House, Cleish

**PAPERS SUBMITTED
BY THE
APPLICANT**



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100025948-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	JJF Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Joe	Building Name:	
Last Name: *	Fitzpatrick	Building Number:	35
Telephone Number: *	01592874360	Address 1 (Street): *	Aytoun Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Burntisland
Fax Number:		Country: *	UK
		Postcode: *	KY3 9HS
Email Address: *	joe.fitzpatrick@tiscali.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="."/>
First Name: *	<input type="text" value="Ken"/>	Building Number: <input type="text" value="84"/>
Last Name: *	<input type="text" value="Thomson"/>	Address 1 (Street): * <input type="text" value="High Street"/>
Company/Organisation	<input type="text" value="Thomson Homes"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Cowdenbeath"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="KY4 9NF"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="698407"/>	Easting	<input type="text" value="308682"/>
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Description of Proposal

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

Notice of Review Relating to Planning Application 16/00656/FLL Erection of 3 dwellinghouses (change in design) (in part retrospect) Land 100 Metres North West Of Boreland House Cleish

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see attached Notice of Review - Supporting Statement

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

☐ Yes ☒ No

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

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

1. Perth and Kinross Council Decision Notice 16/00656/FLL 2. Perth and Kinross Council Decision Notice 15/01033/FLL 3. Notice of Review supporting Statement 4. Plans Under 16/00656/FLL Submission - Elevations and Relative Height Plan 5. Plan of Original Approval Under 15/01033/FLL - Elevations Etc

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/00656/FLL

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

13/04/2016

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

21/07/2016

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Joe Fitzpatrick

Declaration Date: 22/09/2016

NOTICE OF REVIEW – Supporting Statement

16/00656/FLL Erection of 3 dwellinghouses (change in design) (in part retrospect) Land 100 Metres North West Of Boreland House Cleish

Applicant: Thomson Homes

21st September 2016

1.0 INTRODUCTION

- 1.1 In August of 2015 Perth and Kinross Council approved an application for planning permission to allow the demolition of the steading forming plots 6, 7, and 8 (part of the overall residential development at Boreland Cliesh) and its replacement with a new build structure. The application was approved subject to a condition that details of the proposed replacement structure were to be submitted to the Council and approved prior to the commencement of works on site. This condition, Condition 3 of planning permission 15/01033/FUL, was fully complied with by Thomson Homes. However, on inspection by the Council's Planning Enforcement Team during the construction process the structure was considered to have varied from the approved details. Thomson Homes, on instruction by the Council, then ceased construction work immediately and submitted an application to vary the terms of Condition 3 to reflect the marginal difference between the approved details and the construction on site. This application was subsequently refused for the following reason:

- 1. The development does not contribute positively to the quality of the surrounding built and natural environment as the design, height and scale of the development does not respect the character and amenity of the surrounding area and is contrary to policy PM1A of the Perth and Kinross Local Development Plan 2014.***

The reason put forward for this refusal was:

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

- 1.2 A copy of the Decision Notice has been attached with this submission (Document 1).

2.0 GROUNDS FOR REVIEW

- 2.1 The Council's online planning application portal does not include the Report of Handling associated with the assessment of this application. For this reason it is not possible to comment on the specific considerations that have led to an assessment that the marginal differences in design, height and scale between the structure under construction and the details approved under Condition 3 of planning permission 15/01033/FUL should pose such a serious concern as to fail to respect the character and amenity of the surrounding area.
- 2.2 The covering letter submitted with the application details the extent of the differences between the details approved under Condition 3 and those of the current structure as follows:
- an increase in the ridge height by 145mm;
 - an increase in the wallhead height by 145mm;
 - replacement of the clipped eaves with an overhanging eave.
- 2.3 Notwithstanding that such minor changes would normally have been dealt with by the Council as a non-material variation, such marginal differences are not considered to represent the degree of injury to amenity and character of the surrounding area claimed by the Council's Development Management Team.
- 2.4 The basis of the approval granted under planning permission 15/01033/FUL involved the erection of a replacement structure. However, it is clearly impossible with modern building standards and techniques to provide an exact replica of the original building and this is one of the reasons why Condition 3 was attached to the 2015 approval. In this regard the minor differences between the details approved under condition 3 and those described above are not considered to involve any departure from the principle of erecting a structure which looks like the original structure. The irony in this case is that had the details submitted by Thomson Homes in discharging the requirements of Condition 3 involved a design that/

reflected the structure now under construction then the Council, in recognition of the limitations imposed on achieving a replica design due to modern building standards and techniques, would no doubt have approved this on the basis that such a design would nevertheless reflect the overall principle of replacement. In this regard I would hope to reassure the Local Review Body that the minor differences from the details approved under Condition 3 are a consequence of factors relating to building standards and modern construction techniques encountered during the construction process. Generally speaking it is often the case that in the course of progression from planning approval stage to actual construction onsite that minor changes have to be made to reflect circumstances which weren't fully appreciated at the time approval was granted. As mentioned already, such minor changes are usually considered by the Council as non-material variations.

- 2.5 Clearly questions may arise as to why Thomson homes did not seek advice from the Council regarding the above changes prior to committing to the construction stage. However, this is a consequence of the differences being so marginal that Thomson Homes were unaware of the materiality of such changes until the Council's enforcement officer visited the site and enforcement proceedings were subsequently taken by the Council. In this regard I would hope to assure the Review Body that the turn of events was in no way a deliberate attempt to simply circumvent due process.
- 2.6 To reiterate the terms of the application submission, the proposed amendments to the ridge and wallhead height have proved necessary in order that the proposed structure achieves compliance with current building standards. In addition, the revised eaves detail has the advantage that the timber frame can be ventilated without the use of roof vents in the roof plane. This is considered to represent a substantial improvement compared to the details approved under Condition 3 by avoiding what would otherwise have represented a substantial departure from the external appearance of the original structure in that a traditional overhanging eaves detail is considered to be preferable to an expanse of modern highly visible roof vents.
- 2.7 To further reiterate the terms of the application submission, there is nothing in the wording of Condition 3 that requires the details approved under Condition 3 to then be implemented without any scope for variation in relation to changes made necessary in response to factors which were unforeseen at the time the initial details were approved. A copy of the decision notice for the approval under planning permission 15/01033/FLL, which includes the wording for Condition 3, is attached as Document 2.
- 2.8 Given the above, and notwithstanding the considerable history associated with this site, the determining issue in the assessment of this application for planning permission should not be whether the amendments involve a change from the initially submitted and approved details but rather whether the proposed amendments will result in a material change of such significance to the external appearance of the structure as to justify refusal on the basis of adversely affecting the character and amenity of the surrounding area. In this regard it is considered that such minor amendments will result in a structure which is indistinguishable in design terms from the design already approved by the Council. Any minor changes in the external appearance of the structure are considered to be of such marginal significance, if not an improved design, when compared to the structure approved under planning permission 15/01033/FLL, that the amenity and character of the surrounding area will not be adversely affected in any way.
- 2.8 To argue that a difference in height of 145mm, less than the span of a child's hand, should justify refusal of this application based on the character and amenity of the surrounding area when a structure only 145mm lower in height was considered to be entirely acceptable seems at best untenable. In addition, the overhanging eaves detail is a traditional feature and although representing a departure from the approved details, the revised design will improve the overall appearance and authenticity of the structure as a traditional building and as a consequence will also not result in any injury to amenity or adverse effect on the character of the surrounding area.

3.0 **CONCLUSION**

- 3.1 It is considered that the above supporting statement provides a strong case for setting aside the concerns expressed by the Development Management Team with respect to the impact of the proposals on the amenity and character of the surrounding area. On this basis, and contrary to the view of the Development Management Team, it is considered that there is no justification for refusal of this application under Policy PM1a of the Perth and Kinross Local Development Plan 2014. Although, the structure now under construction represents a minor departure from the details approved under Condition 3 of planning permission 15/01033/FUL, given the extremely marginal nature of the changes involved this does not in itself represent an adequate justification for refusal of the application.
- 3.2 Therefore, in view of the above, the proposed development is considered to be entirely consistent with the development plan in that there will be no injury to amenity or adverse effect on the character of the surrounding area as a result of the minor extent of the change in design when compared to the already approved structure under planning permission 15/01033/FLL. Therefore, in relation to Policy PM1a of the Perth and Kinross local Development Plan 2014, a favourable determination under Section 25 of the Town and Country Planning (Scotland) Act 1997 is considered to be merited in this case. For this reason I would request that the Perth and Kinross Local Review Body recommend approval of this application.

PERTH AND KINROSS COUNCIL

Cocklaw Developments
c/o E. Dalton Design And Construction Services
Ed Dalton
Kilmory
Crombie Point
By Dunfermline
Fife
KY12 8LQ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 6 November 2015

Town and Country Planning (Scotland) Acts.

Application Number **15/01033/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 23rd June 2015 for planning permission for **Demolition of steading and erection of 8 dwellinghouses (in part retrospect)** at Land 100 Metres North West Of Boreland House Cleish subject to the undernoted conditions.

Development Quality Manager

Conditions referred to above

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

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

- 2 The rebuild of the roadside steading building (Plots 6, 7, 8) shall be completed prior to the commencement of any works of development of Plots 1 and 5 as shown on the Site Layout Plan - Drawing Ref: 15/01033/2 and all to the prior approval in writing of the Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to ensure the rebuild is completed.

- 3 Prior to the commencement of further works on site full engineering drawings of the roadside steading building (Plots 6, 7, 8) shall be submitted to and approved in writing by the Council as Planning Authority.

Reason - To ensure that the development is carried out in accordance with the plans approved; to ensure a satisfactory standard of local environmental quality.

- 4 The development proposed for Plots 6, 7 and 8 shall be inspected by the Planning Authority at the following junctures.

- Damp-proof course
- Wall head level
- Truss erection

Development shall not progress beyond these junctures without the prior written approval of the Planning Authority.

Reason - To ensure the development resembles the building demolished as closely as reasonably practicable.

- 5 Prior to the commencement of development relative to plots 6, 7 and 8, a sample of the mortar and stone from the demolished roadside steading building are to be sent to the Scottish Lime Centre Trust, or other such qualified body as previously approved, for analysis. The written report of the analysis shall be submitted to the Planning Authority as a matter of record. The recommendations and specifications of the Scottish Lime Centre Trust, or other such qualified body as previously approved, shall be implemented in full accordance with the written record previously submitted and all to the satisfaction of the Planning Authority.

Reason - To ensure the building resembles as closely as reasonably practicable the structure that was demolished contrary to previous permissions.

- 6 Prior to the commencement of further development a sample panel of the roadside steading wall measuring a minimum of 3m² shall be erected for inspection and approval by the Planning Authority. For the avoidance of doubt the sample wall requires to include an example of the stone quoins, window lintels, jamb stone and cill to be used throughout the development.

Reason - To ensure the development resembles the building demolished as closely as reasonably practicable.

- 7 Prior to the commencement of further development details of the specification and quality of the proposed reuse of original stone, clay pantiles and all exterior materials shall be inspected on site for the approval of the Planning Authority. The details as approved shall be implemented prior to the occupation and/or use of the development. For the avoidance of doubt the original stone is to be reused as much as is practically possible and any additional stone requirement must be with the prior agreement in writing by the Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to ensure the development resembles the building demolished as closely as reasonably practicable.

- 8 All external doors and windows of Plots 6, 7 and 8 shall be first constructed and thereafter maintained in timber, with a painted finish of a colour agreed in writing by the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 9 Prior to commencement of any further works on site, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways/private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Reason - In the interest of private water supplies.

- 10 The vehicular access to the steading unit shall be formed in accordance with the Council's Road Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority, prior to the occupation of any further dwelling units.

Reason - In the interests of road safety.

- 11 The gradient of the access shall not exceed 3% for the first 5.00metres measured back from the edge of carriageway and the access shall be constructed so that no surface water is discharged onto the public road.

Reason - In the interests of road safety.

- 12 Prior to any further dwelling hereby approved being occupied the mitigation measures identified on page 14 of the submitted bat report of the 09/00500/FLL approval shall be carried out in full in accordance with details which shall previously have been submitted to and approved in writing by the Council as Planning Authority. The approved bat boxes shall remain in place at all times thereafter and maintained free of obstruction.

Reason - To safeguard the welfare of protected wildlife in the interests of the amenity of the area.

- 13 Prior to the occupation of any further dwelling a barn owl nest box and ledge shall be incorporated into the development in accordance with details which must be submitted to and approved in writing by the Council as Planning Authority.

Reason - To safeguard the welfare of protected wildlife in the interests of the amenity of the area.

- 14 Prior to the occupation of any further dwellings details of a road end bin store incorporating fencing and hard standing for the appropriate capacity of this development in either individual 240 litre bins or communal bins shall be submitted to and approved in writing by the Council as Planning Authority. The bin store should be no more than 10 metres from the road side.

Reason - In the interest of waste management and road safety.

- 15 Prior to the commencement of further works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

Reason - To ensure a satisfactory standard of local environmental quality.

- 16 Prior to the commencement of further works on site, a detailed landscaping and planting scheme for the application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted, and the scheme as approved shall be carried out and completed within 6 months of the occupation of any further house. Any tree, plant or shrub which, within a period of 5 years from planting dies becomes damaged or diseased shall be replaced with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure details are acceptable to the Local Planning Authority; to ensure a satisfactory standard of local environmental quality.

- 17 Prior to the commencement of further works on site, a detailed coursing plan for the proposed rebuilt roadside steading building showing all external walls shall be submitted for the prior approval of this council as planning authority. For the avoidance of doubt the coursing shall reflect as closely as possible that of the previous roadside steading building.

Reason - In the interests of visual amenity.

Justification

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

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended))
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant will be required.
- 5 If connection to the public mains proves to be impractical the following should be noted if a private water supply is utilised.
- 6 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 7 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
- 8 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.

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

Plan and Document Reference

15/01033/1

15/01033/2

15/01033/3

15/01033/6

15/01033/7

15/01033/8

15/01033/9

15/01033/10

15/01033/11

15/01033/12

15/01033/13

PERTH AND KINROSS COUNCIL

Thomson Homes
c/o JJF Planning
Joe Fitzpatrick
35 Aytoun Crescent
Burntisland
UK
KY3 9HS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21.07.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00656/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 25th May 2016 for permission for **Erection of 3 dwellinghouses (change in design) (in part retrospect) Land 100 Metres North West Of Boreland House Cleish** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The development does not contribute positively to the quality of the surrounding built and natural environment as the design, height and scale of the development does not respect the character and amenity of the surrounding area and is contrary to policy PM1A of the Perth and Kinross Local Development Plan 2014.

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

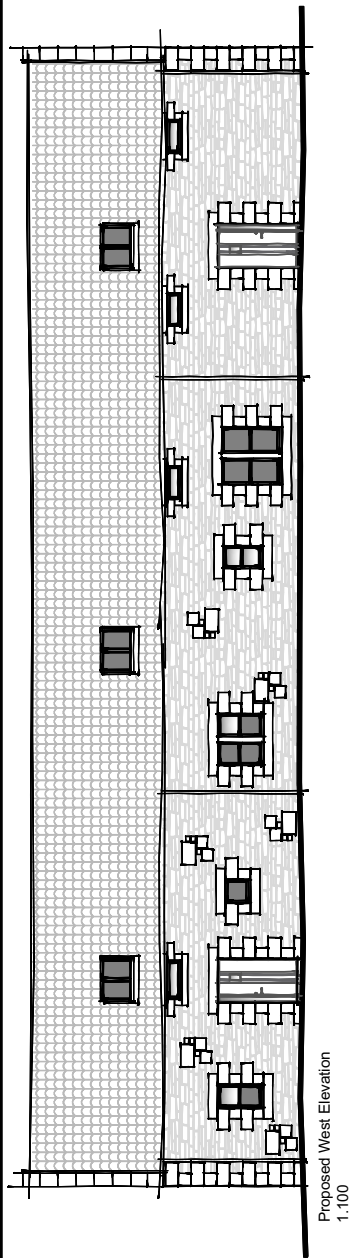
16/00656/5

16/00656/1

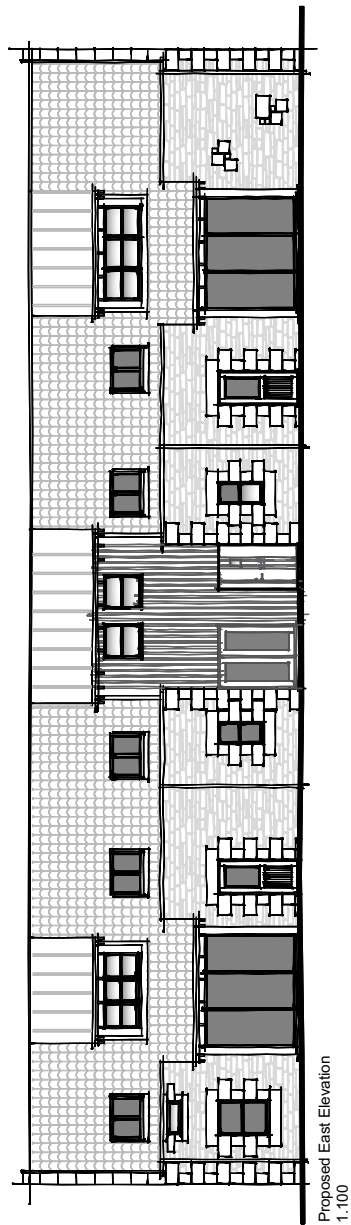
16/00656/2

16/00656/3

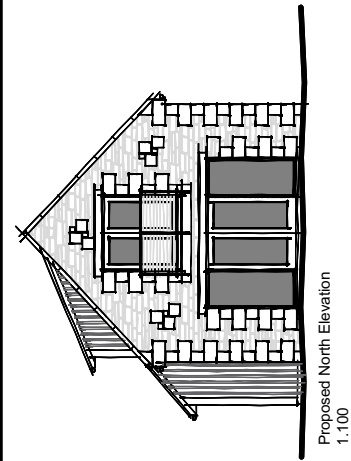
16/00656/4



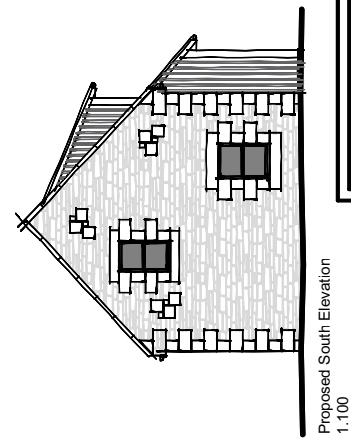
Proposed West Elevation
1:100



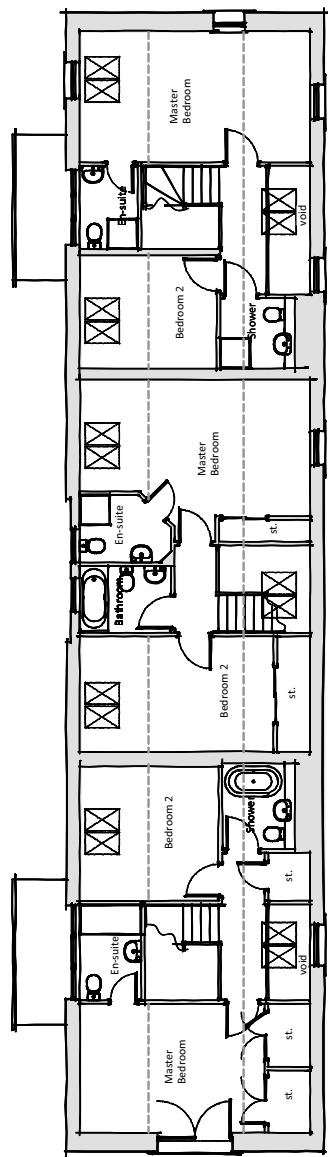
Proposed East Elevation
1:100



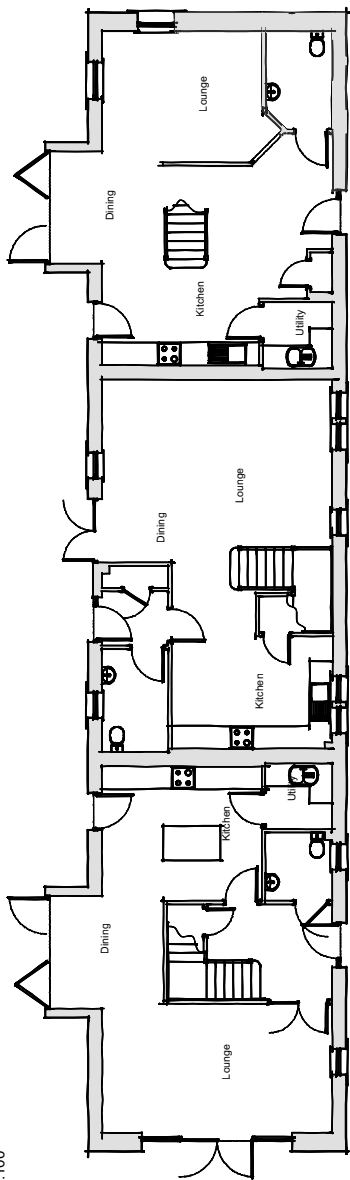
Proposed North Elevation
1:100



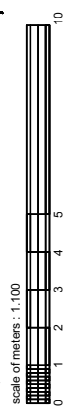
Proposed South Elevation
1:100



Proposed First Floor Plan
1:100



Proposed Ground Floor Plan
1:100



Rev'n	Date	Description	By

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Project/ Client:
**Proposed Dwellinghouses
at Plots 6, 7 & 8, Boreland Farm, by Cleish
for Thomson Homes Ltd**

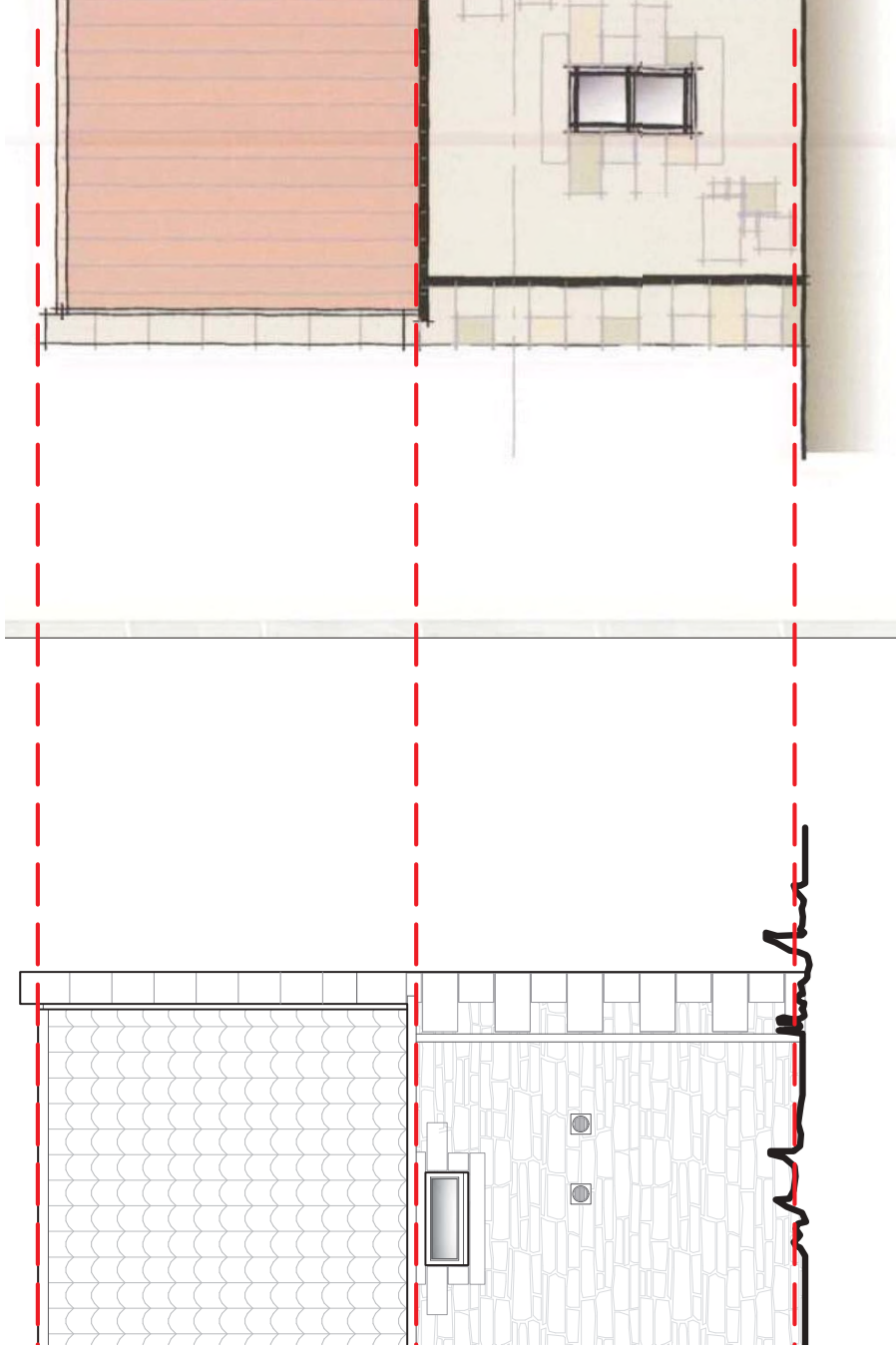
Drawing Title:
**Planning:
Floor Plan & Elevations**



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Architectural Services and
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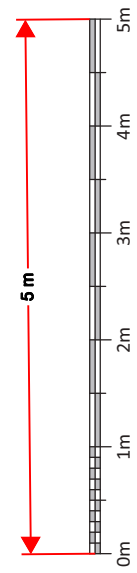
A: 317 Rona Place, Glenrothes, Fife, KY7 6RR
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Project Reference: 14-185_Boreland Farm	Scales: 1:100	Date: 13 May 16
Drawing Number: 16-14/185-056	Sheet size: A2	Drawn: d.v.
	Revision: 	Checked:
		d.d.g.



Partial elevation:
As-proposed

Partial elevation:
As-approved



Rev'n	Date	Description	d.d.g.	By
A	25 Apr 16	Title block, scale bar and text added		

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Project / Client:

Proposed Dwellinghouses
at Plots 6, 7 & 8, Boreland Farm, by Cleish
for Thomson Homes Ltd

Drawing Title:

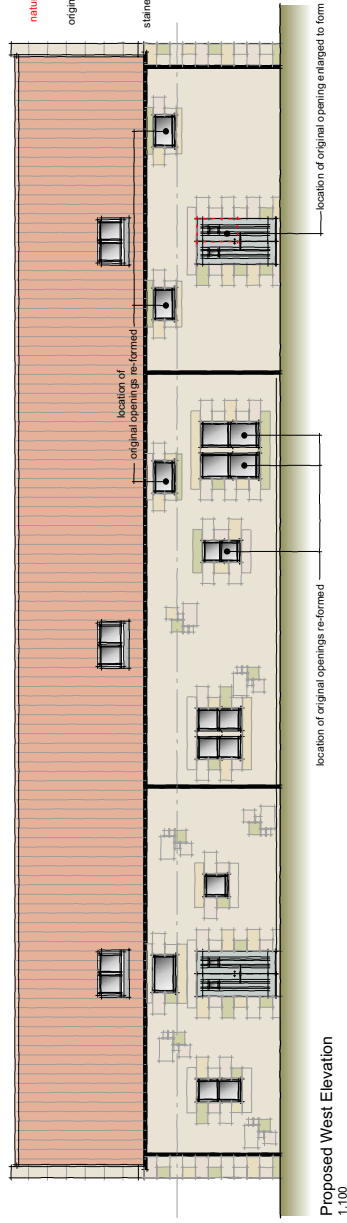
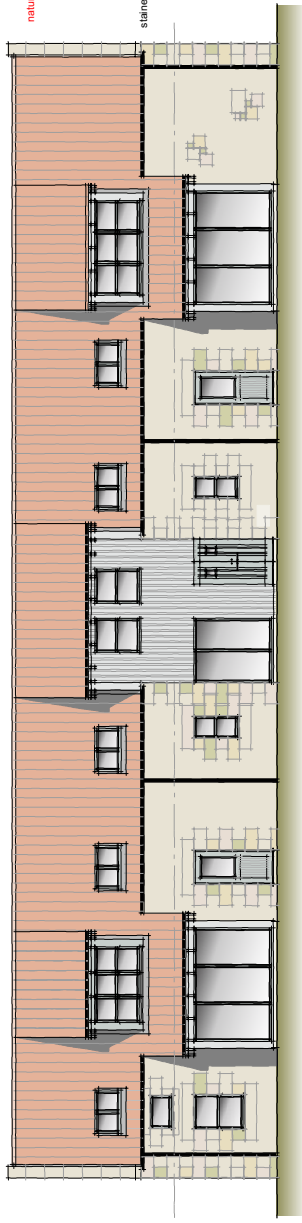
Planning:
Relative difference in heights



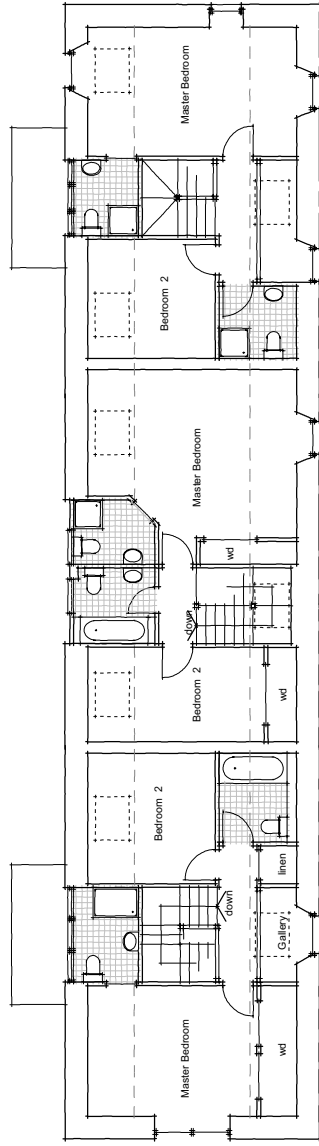
Architectural Services and
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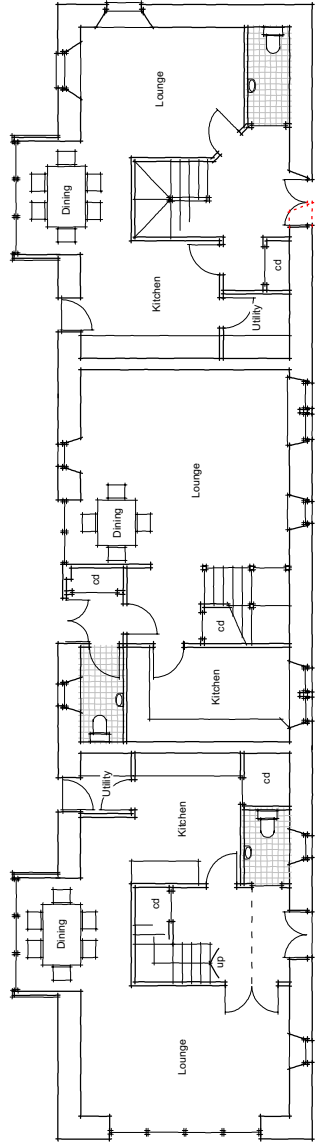
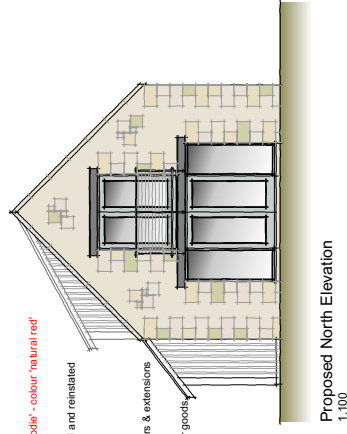
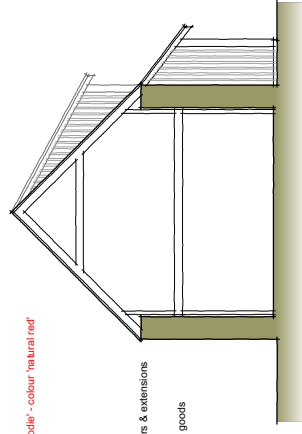
Project Reference: 14-185_Boreland Farm	Scales: 1:50	Date: 25 Apr 16
Drawing Number: 16-14/185-041	Sheet size: A3	Drawn: d.d.g.
	Revision: A	Checked: d.v./k.t.

Proposed West Elevation
1,100

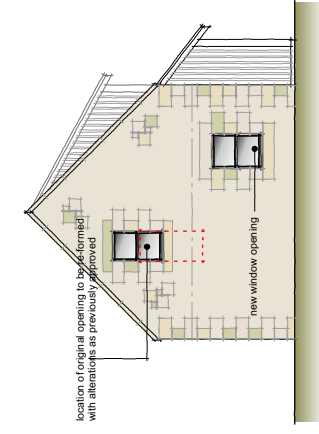
Proposed East Elevation



Proposed First Floor Plan
1.100

Proposed Ground Floor Plan
1:100Proposed North Elevation
1,100

Typical Section
1:100

Proposed South Elevation
1.100

Revisions :
A : CGM : 04.08.15
re-use of existing stone noted in red below,
panicle specification added.
B : CGM : 04.08.15
notations updated

E. Dalton

Kilmory, Crombie Point, Crombie,
by Dunfermline, KY12 8LQ
Tel: 01383 882382

Project
Proposed Demolition & Re-construction
of Steading Building at Boreland Farm,
by Cleish for
Cocklaw Developments.

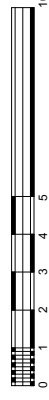
Drawn By	CGM
Date	02.06.15
Scale	1:100
Drawing No.	1505.D.02 Rev B

Drawing As Approved Under Application Ref 09/00500/ELL

EXISTING BUILDING TAKEN DOWN AND RE-BUILT IN ACCORDANCE WITH
STRUCTURAL ENGINEER'S UPDATED REPORT DATED APRIL 2015

Re-construction To Be In Accordance With Survey Information And Carried Out By Stone Masons To Ensure Quality Of Workmanship.

scale of meters : 1.100



TCP/11/16(444)
Planning Application – 16/00656/FLL – Erection of 3
dwellinghouses (change in design) (in part retrospect) on
Land 100 Metres North West of Boreland House, Cleish

PLANNING DECISION NOTICE *(included in applicant's submission, see page 1411-1412)*

REPORT OF HANDLING

REFERENCE DOCUMENT *(part included in applicant's submission, see page 1413-1414)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/00656/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	24.07.2016	
Case Officer	Steve Callan	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of 3 dwellinghouses (change in design) (in part retrospect)

LOCATION: Land 100 Metres North West Of Boreland House Cleish

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: 14 June 2016

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The site is located at Boreland, approximately 0.9km west of Cleish and comprises a former farm steading area. The site borders the Country Road to the west, with residential development to the north and south and open farmland to the east. Vehicular access to the dwellings will continue to be from the County Road from a position to the north of the former roadside steading.

The site is located outside of any defined settlement boundary in an area where housing in the countryside planning policies apply. The site also lies within the Loch Leven Drainage Catchment Area.

The application site received planning permission in May 2011 for the conversion of a traditional stone steading building along the road frontage to form 3 dwellings and the erection of 5 new dwellings within the remainder of the site.

Full planning permission (in part retrospect) was sought in 2015 (15/01033/FLL) as the applicant demolished the stone steading building along the road frontage and as a consequence it was considered to have invalidated the entire 09/0500/FLL planning permission as the 5 new build dwelling received planning permission on the basis that the road side steading conversion occurs.

In order to try and regularise the entire development the application was presented back to the Development Management Committee on 12 August 2015. The application was approved by the committee subject to numerous conditions and a full understanding that no further variation of this permission will occur on site.

Whilst monitoring the development in late February 2016 the Councils Enforcement Officer noted that the roadside building appeared to be higher than what had been approved. A number of meetings and discussions took place with the developer and his agent to try and resolve the issue and ensure the building is built as per the approved plans.

However it was confirmed that the timber kit purchased for the building was higher than the approved plans and would result in an increase in wall head by nearly 300 mm and the ridge height will also increase by 145mm. The changes to the wall head and ridge height has had the added consequence of a change in window dimension just below the wall head and the proposed dormer windows.

A request for a Non-Material Variation (NMV) was rejected in March 2016 and in an attempt to regularise the development the applicant has submitted an application to amend the approved plans of the roadside steading building in isolation.

SITE HISTORY

09/00500/FLL Conversion of steading to 3 dwellinghouses and erection of 5 dwellinghouses 17 May 2011 Application Permitted.

14/01769/FLL Modification of permission 09/00500/FLL (Conversion of steading to 3 dwellinghouses and erection of 5 dwellinghouses) removal of condition 4 relating to window / door type 29 January 2015 Application Permitted.

15/01033/FLL Demolition of steading and erection of 8 dwellinghouses (in part retrospect) 6 November 2015 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: Various meetings and discussions have taken place on site, in the office and over the phone and email.

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.

The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are:

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking

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 TAYPlan 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 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 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.

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 TA1A - Transport Standards and Accessibility Requirements

Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

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 NE1 - Environment and Conservation Policies

National, local and European protected species should be considered in development proposals.

Policy EP2 - New Development and Flooding

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP7A - Drainage within the Loch Leven Catchment

Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

Policy EP7B - Drainage within the Loch Leven Catchment

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

Policy EP7C - Drainage within the Loch Leven Catchment

Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

Policy EP12 - Contaminated Land

The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

OTHER POLICIES**Housing in the Countryside Supplementary Guidance 2012**

The Council's Housing in the Countryside Guide 2012 stipulates a number of categories where new housing in the countryside may be considered.

Developer Contributions including Affordable Housing Supplementary Guidance April 2016

The developer contributions policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting infrastructure improvements necessary as a consequence of development.

The Council's Affordable Housing Policy is applicable to all residential development of 5 units and above. It therefore remains relevant to this application. A minimum of 25% of affordable units should be provided on site, in accordance with the terms of the Policy and extant planning consent.

Guidance on the siting and design of houses in rural areas

Encourages the incorporation of traditional design features in new residential buildings to reinforce vernacular traditions.

CONSULTATION RESPONSES

EXTERNAL

Scottish Water: No response received.

Cleish and Blairadam Community Council: No response received.

INTERNAL

Community Waste: No response received.

Environmental Health: Comment has been made on previous applications for this site regarding the ground gas at the site which has the potential to impact the development. Recommendations were made requiring that the properties are fitted with appropriate gas protection measures and should planning permission be granted a condition is recommended.

Transport Planning: No objection to the proposal

Developer Contributions Officer: No requirement.

REPRESENTATIONS

The following points were raised in the 11 representations received: Two representations object to the proposal whilst nine are in support. The issues raised by the objectors are as follows:

- Out of character and will not result in a replica of the demolished building.

- Unnecessary changes to eaves and windows.

The letters of support commented that the proposed changes are insignificant and undistinguishable. The proposed changes will not affect the character of the steading development or surrounding area.

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

Delegated Authority

Because the previous applications have been determined by Development Management Committee the normal procedure is that this application should also be presented back to committee. However based on the decision made on the 15/01033/FLL application and clear instruction that no variations should be permitted and we confirmed to the applicant that the building should be built as per the original approved plans, a request to the Convenor of Development Management Committee was submitted to seek authorisation to determine the application under delegated powers. The Convenor confirmed on 2 July 2016 that the application can be determined under delegated powers.

Policy 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.

Design and Layout

In the applicants supporting letter he points out that the main differences with the 15/01033/FLL approval are as follows:

- an increase in the ridge height by 145mm;
- an increase in the wallhead height by 145mm;
- replacement of the clipped eaves with a 145mm overhang.

The applicant contends that the proposed amendments are relatively minor and would normally be considered as a non-material variation. It is considered that if the development was still a conversion there may have been scope to look at these changes as acceptable building tolerances.

However the proposal is not a conversion and is a new build development and the timber kit purchased to sit behind the reconstructed stone wall is higher than the approved plans and will result in unacceptable height increases of the ridge, wallhead and overhanging eaves instead of clipped eaves. On closer inspection of the plans the wallhead will actually result in an increase in 345mm and not 145 as suggested. The increase in height will be partially screened by the introduction of overhanging eaves rather than clipped eaves as approved. It is considered that the proposed changes are more significant than suggested and will result in a clumsy non-traditional finish to the roadside building.

On further inspection of the proposed elevation plans and when compared to the 15/01033/FLL approved plans the proposed change in wallhead and ridge heights has an impact on several window dimensions on both the east and west elevations. The windows just below the eaves will now be much smaller than approved and the dormer windows will also be smaller and appear more squashed and out of scale with the ground floor windows.

It is considered that the proposed height changes will result in an unacceptable design change of the road side building and the cumulation of the changes is too much of variation on the approved plans that would warrant support. The proposal is considered to not comply with LDP Policy PM1 – Placemaking in that the proposed design does not respect the existing permission, immediate surroundings in terms of appearance, height and scale.

Landscape

The site sits in a low lying position within a recognised group of dwellings at Boreland and with established planting along the southern edge of the site, together with the terrain, this reduces the prominence of the group within the wider landscape and public views are localised.

The current proposal will not have an adverse impact on the local landscape character and would be acceptable landscape fit.

Residential Amenity

The proposed dwellings all have a suitable sized garden area and are located far enough from each other to ensure an acceptable level of residential amenity is achieved in a manner which would not adversely affect any of the existing properties nearby.

Adjacent dwellings would not be overlooked to any material extent and the presence of approved boundary planting and the orientation of buildings would ensure an acceptable relationship.

Visual Amenity

As mentioned above it is considered that the proposed changes are more that indistinguishable and will result in a more clumsy non-traditional finish to the roadside building and when compared to the 15/01033/FLL approved plans the proposed change in heights has an impact on several window dimensions on both the east and west elevations. The windows just below the eaves will now be much smaller than approved and the dormer windows will also be smaller and appear more squashed and out of scale with the ground floor windows.

The proposal is considered to not comply with LDP Policy PM1 – Placemaking in that the proposed design does not respect the existing permission and immediate surroundings in terms of visual appearance.

Roads and Access

Transport Planning raise no objections to the proposal. Whilst it is acknowledged that occupiers of the dwellings would be car dependant it is recognised that it is a necessity within less populated rural areas. In any event the development at this location was previously considered to be acceptable.

Drainage and Flooding

The site is located within the Loch Leven Catchment Area where LDP policies seek to secure phosphate reduction measures in the interests of maintaining the Conservation value and interest of the Loch (SSSI, SPA RAMSAR).

In the 2015 application SEPA confirmed that the revised drainage proposals would deliver the necessary 125% gains and did not raise an objection on flood grounds. Because the proposed changes do not impact on required drainage and flooding infrastructure there is no issue at this stage.

Contaminated Land

The Contaminated Land Officer was previously consulted on the 15/01033/FLL where the decision was made to recommend the application be conditioned in respect to its previous land use being agricultural.

As with the previous consent granted the Contaminated Land Officer has recommended that a 4 part suspensive condition is incorporated prior to the commencement of any future construction within the development site.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application as it is essentially a change in house type and the applicant has paid the required contributions for the previous approvals.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

In this respect, the proposal is not considered to comply with the approved Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application for the reason following

Reasons for Recommendation

The development does not contribute positively, to the quality of the surrounding built and natural environment as the design, height and scale of the development does not respect the character and amenity of the surrounding area and is contrary to policy PM1A of the Perth and Kinross Local Development Plan 2014.

Justification

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/00656/1

16/00656/2

16/00656/3

16/00656/4

16/00656/5

Date of Report 21 July 2016

A	24 May 16	Ownership/application outlines updated	d.d.g.		
Rev'n	Date	Description	By		

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Project / Client:

Proposed Dwellinghouses
at Boreland Farm, by Cleish
for Thomson Homes Ltd

Drawing Title:

Building Warrant:
Location Plan



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Project Reference:

14-185-Boreland Farm

Date:

27 Sept 15

Drawing Number:

15-14/185-184

Scales:

1:1250

Sheet size:

A4

Drawn:

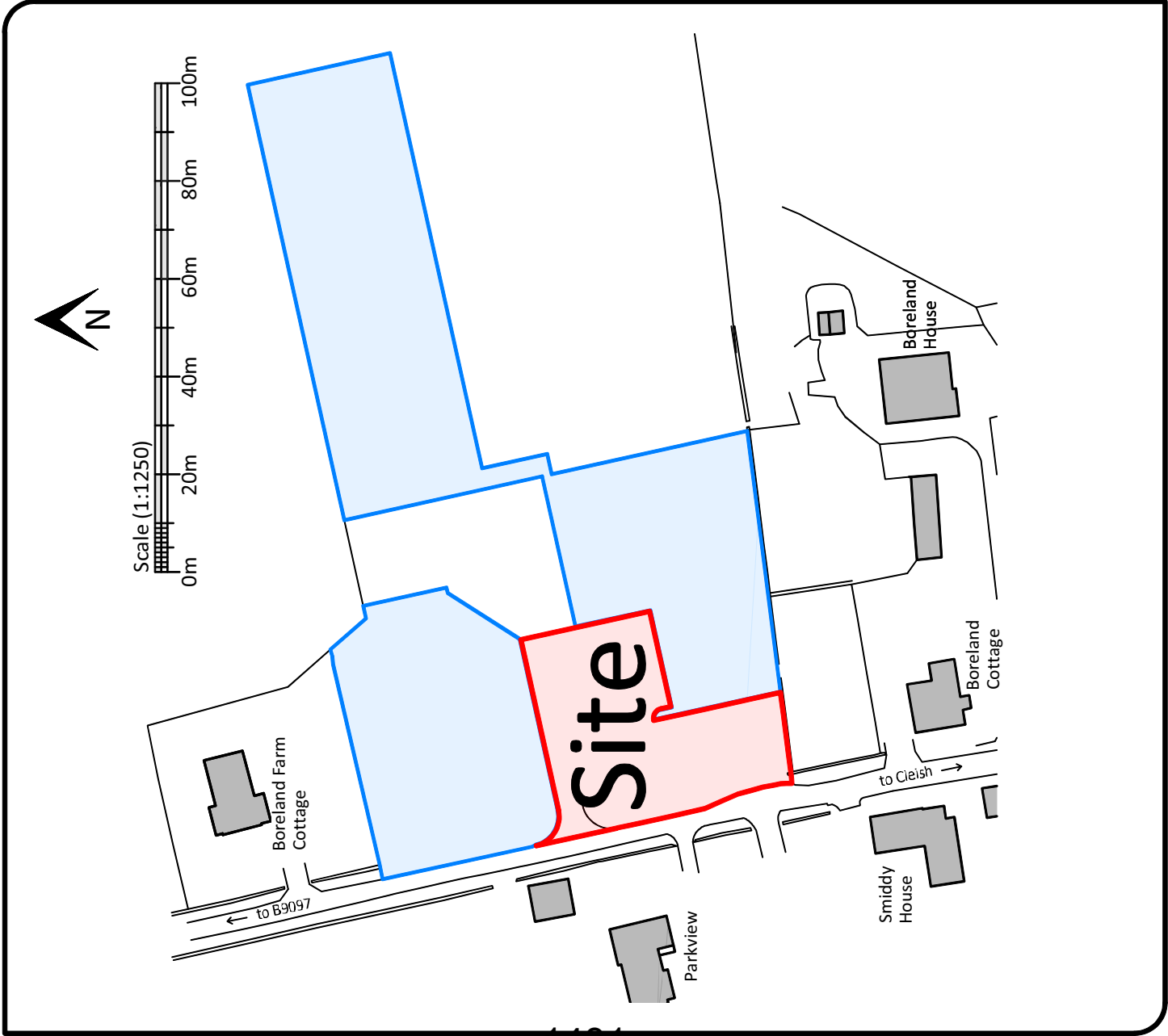
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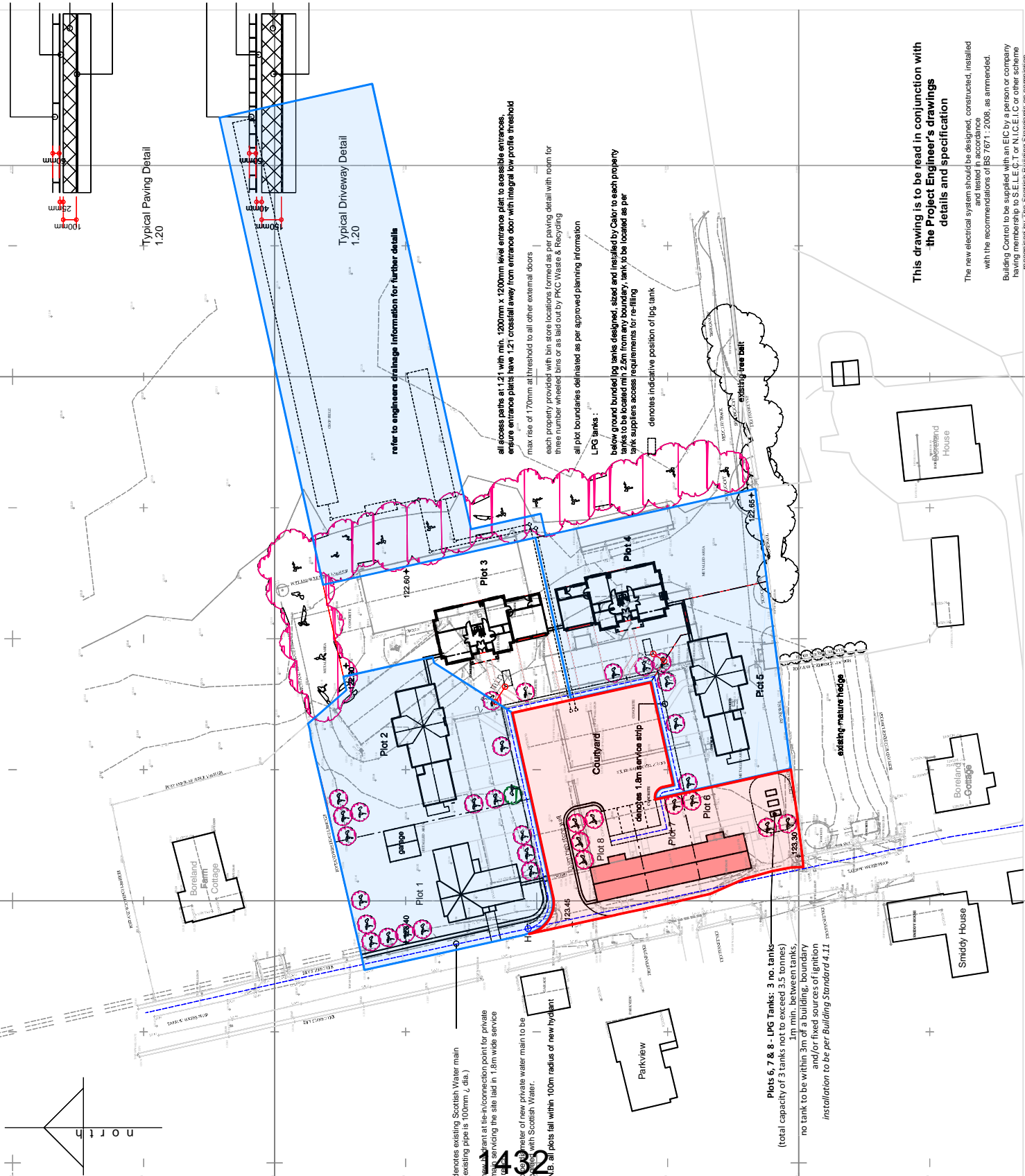
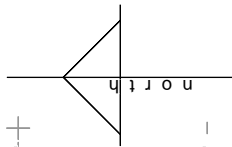
Revision:

A

Checked:

d.d.g.





- 50mm thick pc concrete paving slabs
- 25mm thick screeded sand bed, max falls on paths and patios 1:21
- 100mm thick well compacted type 1 sub-base material
- geotextile material by 'Terram' or equivalent below sub-base
- 50mm thick driveway sets with kiln dried jointing sand brushed into joints
- 40mm thick screeded sand bed
- 150mm thick well compacted type 1 sub-base material
- geotextile material by 'Terram' or equivalent below sub-base

Typical Paving Detail
1:20

Typical Driveway Detail
1:20

refer to engineers drainage information for further details

all access paths at 1:21 with min. 1200mm x 1200mm level entrance plate to accessible entrances, ensure entrance plates have 1:21 crossfall away from entrance door with integral low profile threshold

max rise of 170mm at threshold to all other external doors
each property provided with bin store locations (formed as per paving detail with room for three number wheeled bins or as laid out by PHC Waste & Recycling
all plot boundaries delineated as per approved planning information

LPG tanks :
below ground bundled log series designed, sized and installed by Calor to each property
tanks to be located min 2.4m from any boundary, tank to be located as per
unit suppliers access requirements for refilling
denotes indicative position of lpg tank

denotes existing Scottish Water main
new grant at tie-in/connection point for private
main servicing the site (aid in 1.8m wide service
(existing pipe is 100mm 2 dia.)
all water of new private water main to be
supplied with Scottish Water.
N.B. all plots fall within 100m radius of new hydant

Plots 6, 7 & 8 - LPG Tanks: 3 no. tanks
(total capacity of 3 tanks not to exceed 3.5 tonnes)
1m min. between tanks,
no tank to be within 3m of a building, boundary
and/or fixed sources of ignition
Installation to be per Building Standard 4.11

This drawing is to be read in conjunction with
the Project Engineer's drawings
details and specification

The new electrical system should be designed, constructed, installed
and tested in accordance
with the recommendations of BS 7671: 2008, as amended.
Building Control to be supplied with an EIC by a person or company
having membership to S.E.L.E.C.T or N.I.C.E.I.C or other scheme
recognised by The Scottish Building Standards on completion

Rev'n	Date	Description	By
A	15 Nov 15	LPG tanks shown for Plots 6, 7 & 8	d.v.

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Project / Client:
**Proposed Dwellinghouses
at Plots 6, 7 & 8, Boreland Farm, by Cleish
for Thomson Homes Ltd**

Drawing Title:
**Building Warrant:
Block Plan**



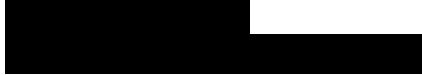
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Project Reference: 14-185-Boreland Farm	Scales: 1:500	Date: 27 Sept 15
Drawing Number: 15-14/185-183	Sheet size: A2	Drawn: d.v.
	Revision: A	Checked: d.d.g.

TCP/11/16(444)
Planning Application – 16/00656/FLL – Erection of 3
dwellinghouses (change in design) (in part retrospect) on
Land 100 Metres North West of Boreland House, Cleish

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

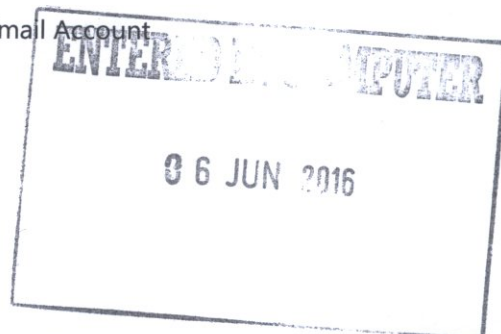
Planning Application ref.	16/00656/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin 
Description of Proposal	Erection of 3 dwellinghouses (change in design) (in part retrospect)		
Address of site	Land 100 Metres North West Of Boreland House Cleish for Cocklaw Development		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, 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 Cleish Primary School.</p> <p>The proposal is a modification of the current planning consent and will not increase the overall number of units on site. The Guidance will not apply.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0</p> <p><u>Total: £0</u></p>		
Recommended informative(s) for applicant			
Date comments	06 June 2016		

Tracy McManamon

16/00656/FUL

SC

From: Lorraine Flood
Sent: 06 June 2016 12:49
To: Development Management - Generic Email Account
Subject: web enquiry



Please see web enquiry below:

15/01033/FUL

Dear Sir,

I wish to strongly oppose the requested Amendment to Details Approved Under Condition 3 of Planning Permission 15/01033/FUL.

This very emotive and controversial application was subjected to exceeding local attention to ensure the building restoration was completed retaining all original features. Perth & Kinross Planning Officers assured us this would be enforced with many appropriate conditions to planning.

The developers total disregard for all building standard conditions and regulations was confirmed with the completely unnecessary demolition of the entire building and this retrospective amendment is yet another disregard of the Perth & Kinross Planning Department and the law.

1. This proposal is out of character and has no part to play in the replica building as the 2009 consented drawings and the recent 15/01033/fll consent clearly state that the original openings are to be retained/reformed.
2. The proposed introduction of extended/overhanging eaves is certainly uncharacteristic of buildings of this date and type and did not exist on the original building and should not therefore form part of a 'replica.
3. The proposed amendments to the ridge are indeed not necessary to ensure compliance with Building Standards and this is merely an excuse to justify the deed.
4. There are indeed several well known technical solutions which do not require eaves ventilation and use sarking boards rather than sheets and certain breather membranes with specific types of insulation.
5. The original planning restriction were imposed to ensure replica of the existing steading and should be enforced.

I therefore strongly oppose and object to this proposal for amendment and request enforcement of the full agreed planning consent.

Yours sincerely

Ron Kitchin
Kirkdale
Cleish
KY130LR

Kind regards

RECEIVED

10 JUN 2016

Sc2.

**BORELAND HOUSE
CLEISH
KINROSS-SHIRE
KY13 0LN**



7th June 2016

Planning Officer
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth PH1 5GD

Dear Sir

**16/00656/FLL Erection of 3 dwellinghouses on land 100 metres north west of
Boreland House,**

We are writing to object to the above application.

This site has a long history of controversial applications, rejections and deep community dissatisfaction. The strong objections of the Cleish and Blairadam Community Council, the Kinross-shire Civic Trust and the local residents have been well expressed over this period.

The actions which have caused this new application, the unauthorized height increase in the building and the extension of overhanging eaves, are unnecessary and in conflict with the original planning application. In addition it appears that the window sizes have changed. This is yet another example of this developer's determination blatantly to ignore the planning conditions and proceed in his own way.

Our reasons for objecting to this application are as follows:

1. The roof of this building has already been raised above the specified height without consultation or authorisation..
2. The changes to the eaves and windows are unnecessary.
3. We believe that the Council should stand up to this developer and reject any further applications that deviate from the original planning consent.
4. We do not know what cladding the developer intends to use for the exterior of the building and we suspect that he will again try deviate from the specified stone finish.

Yours sincerely,


Neil and Margaret Kilpatrick

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref PK16/00656/FLL

Our ref LJA

Date 7 June 2016

Tel No (

The Environment Service

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Consultation on an Application for Planning Permission

PK16/00656/FLL RE: Erection of 3 dwellinghouses (change in design) (in part retrospect) Land 100 Metres North West Of Boreland House Cleish for Cocklaw Development

I refer to your letter dated 27 May 2016 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 07/06/2016)

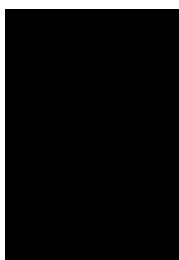
Recommendation

Comment has been made on previous applications for this site regarding the ground gas at the site which has the potential to impact the development. Recommendations were made requiring that the properties are fitted with appropriate gas protection measures.

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

Condition

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



Tracy McManamon

From: Arnold & Christine Allen [REDACTED]
Sent: 13 June 2016 15:43
To: Development Management - Generic Email Account
Subject: Planning Application 16/00656/FLL

As prospective buyers of plot 7 Boreland Farm Steading, we are hopeful of the council's agreement to proceed with the building of the property, by allowing the additional 145mm required for the eaves and ridge height.

We are, naturally, awaiting the construction of the property to begin and to see the finished converted steading, which according to the plans in place will enhance the area for the existing residents. We can see no objection with the change in dimensions that will molest the view, as the original steading was there for a considerable time.

By allowing the modified construction to proceed this can only be a considerable benefit for the neighbours, and indeed, a benefit for the Kinross countryside.

Arnold & Christine Allen
Arcos Gardens
Avenida Los Olivos 28
Carretera de Algar Km3
Arcos de la Frontera 11630
Cadiz
Spain

13 June 2016



Comments for Planning Application 16/00656/FLL

Application Summary

Application Number: 16/00656/FLL

Address: Land 100 Metres North West Of Boreland House Cleish

Proposal: Erection of 3 dwellinghouses (change in design) (in part retrospect)

Case Officer: Steve Callan

Customer Details

Name: Mr John & Mary Bayne

Address: Smiddy House, Boreland Farm, Cleish, Kinross KY13 0LN

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We would like to support this planning application. There seems to be a hold up over a trivial matter regarding height of this build. Once this is finished to a high standard one will never notice height of build. We need to have this dealt with speedily as we do not want to be living next door to a building site any longer than nessecary

Comments for Planning Application 16/00656/FLL

Application Summary

Application Number: 16/00656/FLL

Address: Land 100 Metres North West Of Boreland House Cleish

Proposal: Erection of 3 dwellinghouses (change in design) (in part retrospect)

Case Officer: Steve Callan

Customer Details

Name: Mr Mark Galloway

Address: 3 Boreland Steading, Cleish, Kinross KY13 0LN

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area

Comment: I'd like to offer my support to the planning application on the following grounds.

1. The existing unsafe steading building was not of "Historic" importance, nor was it of "Outstanding Architectural" importance. Therefore the rebuild although broadly looking the same as the existing steading should not need to match any of the previous details. The changes to the eaves form the original design will now be more in-keeping and consistent with the rest of the steading development.

2. The increase in ridge height is insignificant on a building of this overall size.

Neither of these non-material changes will in any way affect the architectural qualities of the new steading building, nor will it affect the character of the rest of the steading development or the surrounding dwellings.

We look forward to the completion of the development after yet another unnecessary delay due to trivial matters.

Comments for Planning Application 16/00656/FLL

Application Summary

Application Number: 16/00656/FLL

Address: Land 100 Metres North West Of Boreland House Cleish

Proposal: Erection of 3 dwellinghouses (change in design) (in part retrospect)

Case Officer: Steve Callan

Customer Details

Name: Mrs Shirley-anne Harkness

Address: Boreland Farm Cottage, Cleish, Kinross KY13 0LN

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area

Comment: I live next door to this lovely development and would like to see this finished as I am currently trying to sell my house and prospective purchasers do not want to live next door to a building site.

I can see that that there will be no perceivable difference in the height of the building from that of the details approved under condition 3 of the current approval.

I am concerned that these three dwellings are I believe sold and if this drags on any longer there is a risk that buyers will pull out. This is such a shame as this all seems to be so needlessly pedantic.

I ask that you let this development carry on to completion. The longer this drags on the more mess and dust we all have to endure. Summer will come and go and I will not be happy if I am still sitting next door to a building site without my house sold in the months to come.

Yours sincerely

Comments for Planning Application 16/00656/FLL

Application Summary

Application Number: 16/00656/FLL

Address: Land 100 Metres North West Of Boreland House Cleish

Proposal: Erection of 3 dwellinghouses (change in design) (in part retrospect)

Case Officer: Steve Callan

Customer Details

Name: Mr Michael Hermiston

Address: 56 Whitehouse Crescent, Gorebridge EH23 4FT

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this application. The completion of these houses will result in a well finished building with considerable character well suited to the local community and its surroundings.

The proposed building of which this application refers will measure over 7 meters in height. The minimal changes to the height of the eaves and that of the ridge height as a result of the need to alter the building from the original stone construction to a new modern kit construction seems inconsequential. There would be absolutely no perceivable difference in the proposed completed building as outlined in the current planning application and that of the building that was previously approved under condition 3 of the current approval.

Additional comment.

16/06/2016/PLL

SC2

Tracy McManamon

From: Paul Rennie-Smith [REDACTED]
Sent: 14 June 2016 17:39
To: Development Management - Generic Email Account
Subject: Re: Planning and building comment ref 101001953218

Paul Rennie-Smith
current address:
10 Middleton Park
Keltybridge
KY40GZ

Future address (from Aug 2016):

Plot 2
Boreland Steadings
Cleish
KY13 0LN



Sent from my iPhone

On 14 Jun 2016, at 15:43, Development Management - Generic Email Account
<DevelopmentManagement@pkc.gov.uk> wrote:

Good Afternoon

To enable us to register your comments we will need your full name and postal address including postcode.

Regards

Tracy McManamon
Senior Support Assistant
Planning and Development
35 Kinnoull Street
Perth
PH1 5GD

[REDACTED]
<image001.jpg>
<image002.jpg>

From: Karyn Marmion
Sent: 14 June 2016 14:58
To: Development Management - Generic Email Account
Subject: Planning and building comment ref 101001953218

See web enquiry below

Reference 16/00656/FLL
Boreland Steadings
Cleish

I am writing to confirm that I do not have any objection to the planning submission. I do not believe that there is any perceivable difference to the height of the roof set against the consent required for approved condition 3.

Only contact details email [REDACTED]

Customer does not require a reply

Regards

Karyn Marmion
Customer Service Advisor
Customer Service Centre
Pullar House
35 Kinnoull Street
Perth
PH1 5GD
Tel : 01738 475000
Email : enquiries@pkc.gov.uk

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General enquiries and requests under the Freedom of Information (Scotland) Act

Comments for Planning Application 16/00656/FLL

Application Summary

Application Number: 16/00656/FLL

Address: Land 100 Metres North West Of Boreland House Cleish

Proposal: Erection of 3 dwellinghouses (change in design) (in part retrospect)

Case Officer: Steve Callan

Customer Details

Name: Mr Paul Rennie-Smith

Address: 10 Middleton Park, Keltybridge, Kelty KY4 0GZ

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area

Comment: I am moving into Plot 2 at Boreland in August and wanted to express my support for the application on the basis that I believe that there is no perceivable difference with the additional height of the building, set against the original planning consent that was requested.

Comments for Planning Application 16/00656/FLL

Application Summary

Application Number: 16/00656/FLL

Address: Land 100 Metres North West Of Boreland House Cleish

Proposal: Erection of 3 dwellinghouses (change in design) (in part retrospect)

Case Officer: Steve Callan

Customer Details

Name: Mr Stewart Keddie

Address: 59 Seafar drive, Meadows View, Kelty Ky4 0jx

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area

Comment: I fully support this development, the marginal difference of 145mm in height of the Steading when completed, will make no obvious difference and will allow a build of great quality in style and character to complement the whole development and therefore the whole local area.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00656/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED]
Description of Proposal	Erection of 3 dwellinghouses (change in design) (in part retrospect)		
Address of site	Land 100 Metres North West Of Boreland House Cleish		
Comments on the proposal	Insofar as the roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	15 June 2016		

Comments for Planning Application 16/00656/FLL

Application Summary

Application Number: 16/00656/FLL

Address: Land 100 Metres North West Of Boreland House Cleish

Proposal: Erection of 3 dwellinghouses (change in design) (in part retrospect)

Case Officer: Steve Callan

Customer Details

Name: Mrs Caroline Tait

Address: 107 Main Street, Thornton KY1 4AH

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As purchaser of plot 8 of this development I wish to fully support this application.

The original unsafe steading had no historic or architectural importance therefore there should be no need for the new building to match (to the mm) the exact dimensions of the previous building. There would be absolutely no perceivable difference in the proposed completed building as outlined in the current planning application and that of the building that was previously approved under condition 3 of the current approval.

The proposed building of which this application refers will measure over 7 meters in height. The minimal changes to the height of the eaves and ridge height are inconsequential and the delay by Perth and Kinross Council planning department seems to be unnecessary and overtly pedantic.

Once completed this building will be of great architectural character and fitting of the local area and add to the local community.

Comments for Planning Application 16/00656/FLL

Application Summary

Application Number: 16/00656/FLL

Address: Land 100 Metres North West Of Boreland House Cleish

Proposal: Erection of 3 dwellinghouses (change in design) (in part retrospect)

Case Officer: Steve Callan

Customer Details

Name: Mr Jonathan Truby

Address: 4 Boreland Steading, Cleish, Kinross KY13 0LN

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area

Comment: I wish to offer my support in regards to this proposed application.

Given the overall scale of the this building I do not believe that the proposed increase in ridge and eaves height will be discernible from the existing approved planning or that these minor changes will have any impact on surrounding properties.

CHX Planning Local Review Body - Generic Email Account

From: Arnold Allen [REDACTED]
Sent: 20 October 2016 16:33
To: CHX Planning Local Review Body - Generic Email Account
Subject: Re: TCP/11/16(444)

Dear Sirs,

In response to the email received regarding the modification to the Boreland Steading conversion, we reiterate our support for this modification to be approved.

The 145mm difference, on the overall height of the building, could not be discernible to the naked eye, and would require instruments of measurement to notice the difference.
Therefore, we cannot see how this would affect the local topography of the area.

Yours faithfully
Arnold & Christine Allen
Sent from my iPad

Kirkdale
Cleish
Kinross KY13 0LR
1st November 2016

Dear Sirs,

Planning Local Review TCP/11/16(444). Application ref. 16/00656/FLL
Boreland, Cleish, Kinross

Further to my letter of objection dated 6 June 2016 it is noted that the reason for refusal relates to respect for character and amenity and I wish to support this decision.

The importance to Boreland of this steading building and its character is well established. In the Scottish Government Appeal Reporter's decision of 4 August 2008 the retention of the building is described as assisting greatly in anchoring the new build whilst also retaining local character.

Conditions in planning consents 09/00500/FLL and particularly 15/01033/FLL, following unwarranted demolition, strive to protect and restore that character. Approved drawings accompanying both applications demonstrate the intention so to do. Any variation or deviation from the character of the original is consequently a material change.

A high level of importance can therefore be placed upon achieving the desired outcome.

In the applicant agent's supporting letter to consented application 15/01033/FLL it is stated that *"the proposals involve the complete replacement of the former steading with a replica which is indistinguishable from that which would have resulted had the original structure been converted"*.

The engineer's report with photographic record of the steading building submitted with application 09/00500/FLL clearly shows the original detailing at the eaves, i.e. no boxed out eaves nor fascia (see attached copy of engineer's report). The introduction of a boxed out eaves is an alien modern intervention, uncharacteristic of the original building and consequently should not form part of its replica.

In relation to the applicant's agents' letter of 18 April 2016 submitted as part of 16/00656/FLL and in the notice to this Review referring to condition 3 of 15/01033, condition 3 concerns structural engineering drawings and does not relate to non-structural details such as the eaves detail, about which there can be no doubt nor scope for variation given the aforementioned context. There is nothing unforeseen about the eaves detail.

There are examples of modern construction techniques with innovative adaptation to achieve a desired result, as evident in many conservation projects. The contention that the boxed eaves is required for ventilation purposes misrepresents the various concealed and continuous eaves ventilation systems, discreet dry ridge ventilation products and breather membranes currently available to the industry.

It is noted from comparing drawings submitted to 16/00656/FLL planning portal on 22 September 2016, presumably as part of this Review, that the size and proportion of high level windows shown on the west, road frontage elevation do not conform to the 15/01033/FLL approved elevations as they are narrow longitudinal slits as opposed to the original openings evident from photos. This deviation is also present in the timber structure currently erected on site and is another example of the apparent lack of importance being placed on achieving the character of the replica building and may have resulted from unapproved alterations to internal layouts also evident from the submitted drawings.

I have concern that incremental loss of character by several deviations from the original will collectively compromise the end result and defeat the best intentions of both the Planning Authority and Developer.

I ask that the Review upholds the refusal notice.

Yours faithfully

Ron Kitchen

**Structural inspection
at
Boreland Farm, Cleish**

**9476
KDS**

1.0 Introduction

McGregor McMahon Associates were commissioned by Cocklaw Developments Ltd to undertake a Structural Inspection of a steading building at Boreland Farm, Cleish.

The purpose of the report was to assess the suitability of the building for conversion to private dwellings. The building is stone built with a timber trussed pantiled roof.

2.0 Survey

The property comprises a traditionally built steading building with a pitched roof.

The walls are constructed in solid stone with the roof being timber site made trusses finished in pantiles.

The building has most recently been used as a farm store and to provide usable storage a timber joisted 1st floor has been removed to provide full height accommodation. In addition one gable has been removed to provide a full height access door.

The roof line is poor and the trusses do exhibit some signs of distress. Given their age they will be constructed in untreated timber so the opportunity for decay, and infestation and rot is high. Damp staining was visible on the inside walls where the roof covering has already failed.

The external stone walls are slightly out of plumb possibly due to the removal of the intermediate floor, however they are stable.

In small isolated areas there are areas where the stonework requires repair but generally this is localised deterioration and will require only minor rebuilding as part of the overall redevelopment.

All timber lintols etc built into the external wall should be removed.

3.0 Conclusion

The property has been altered from a two storey to single storey building during its life and this has resulted in some movement of the outer walls.

It is clear that the roof is at the end of its useful life and as such the following works are required during the development

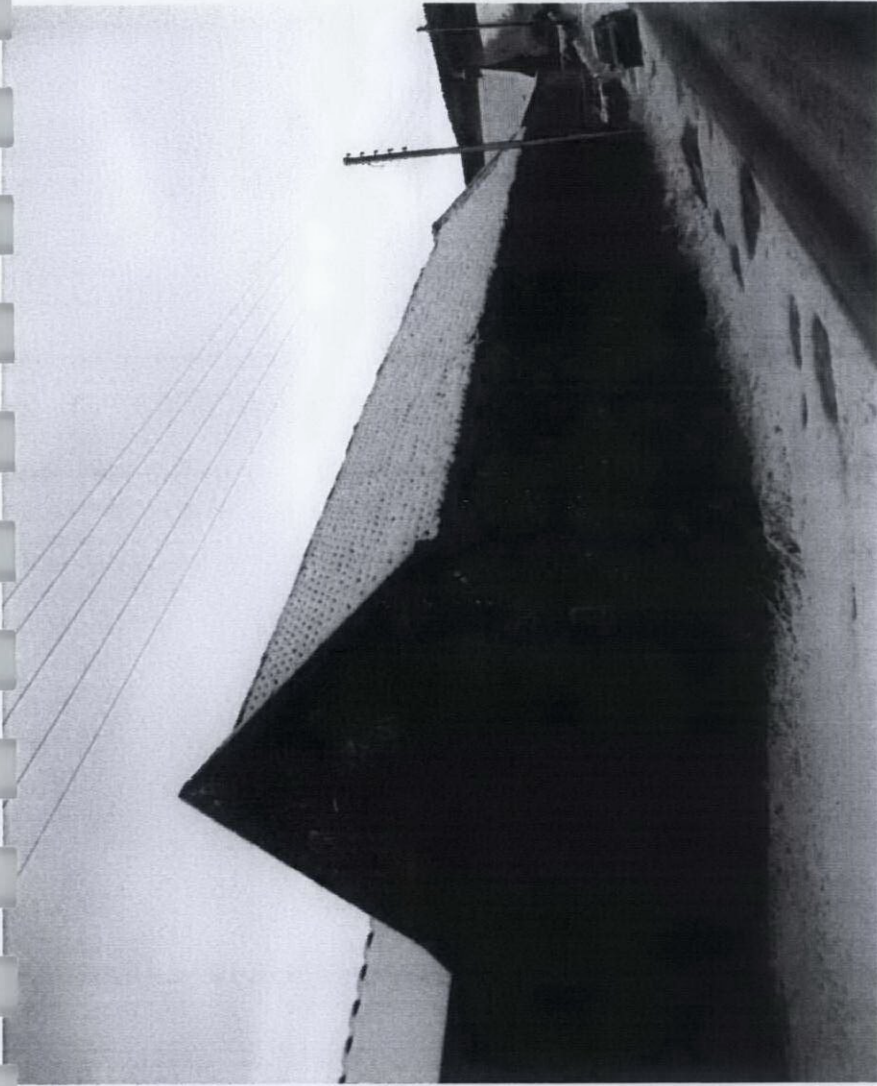
- (1) Remove all roof coverings etc
- (2) Take down and remove all timber trusses wall plate etc
- (3) Remove all timber built into external walls
- (4) Infill with lime mortar the pockets for the joists previously removed.
- (5) Rebuild isolated failed stonework
- (6) Pick and point all external faces
- (7) Install DPC

On this basis we are satisfied that the building can be incorporated into new dwellings.

Ken Simpson
January 2010



Picture 1 – Roadside Elevation



Picture 2 – Gable/Road Elevation Showing Roof



Picture 3 – Road Elevations



Picture 4 – Gable Showing Door Opening



Picture 5 – Rear Elevation



Picture 6 – Rear Elevation



Picture 8 – Wall elevation Showing Failing Stonework



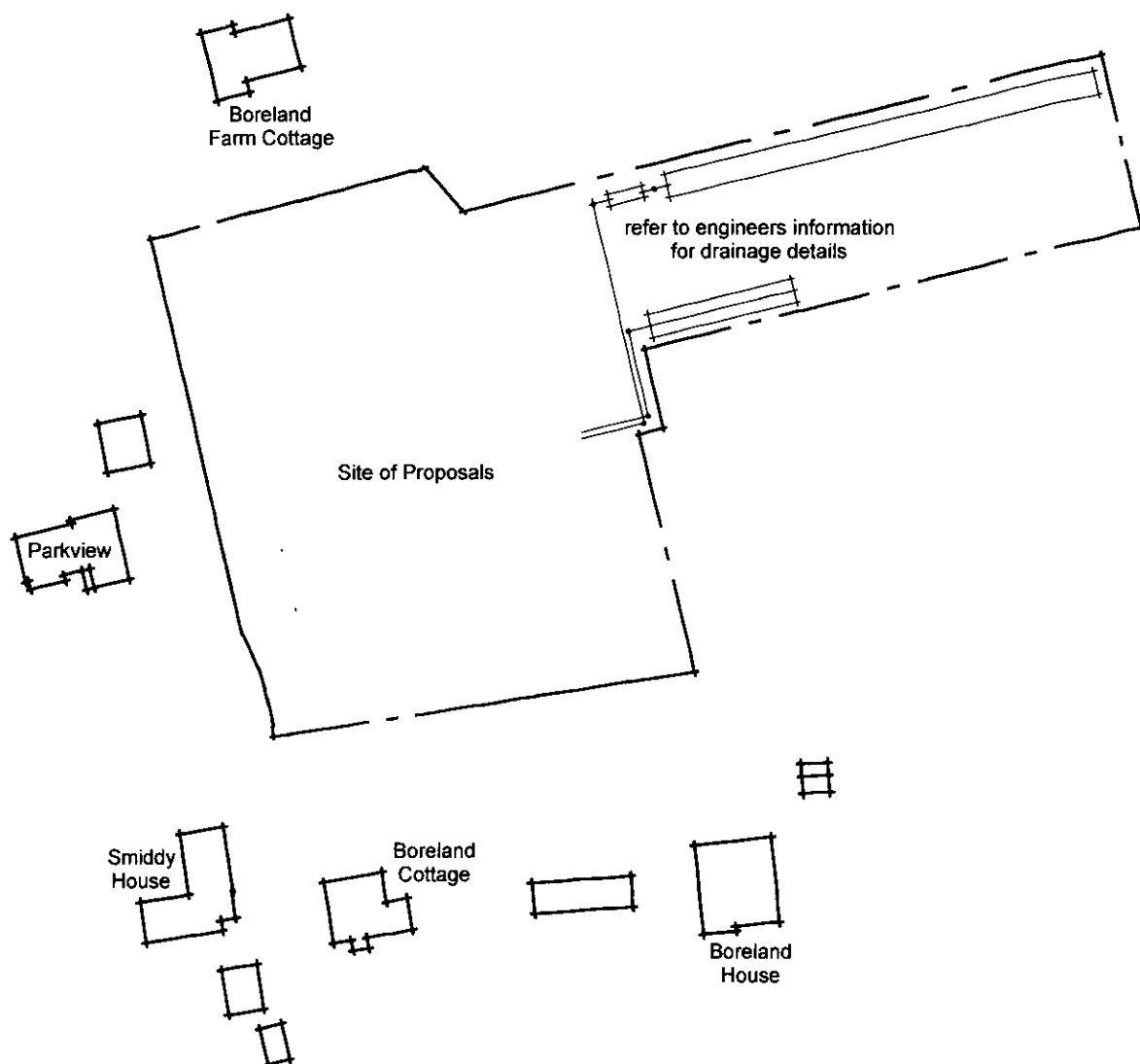
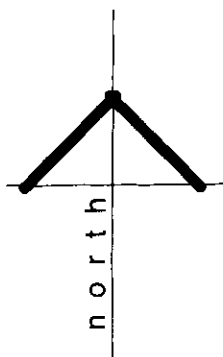
Picture 7 - Elevation Showing Extent of Stone Repairs



Picture 10 – Existing Roof Structure Internal



Picture 9 – Pockets in wall Where joists were removed



Site Location Plan
1.1250@A4

E.Dalton
Design
&
Construction Services.

Kilmory, Crombie Point, Crombie,
by Dunfermline, KY12 8LQ
Tel: 01383 882382

office/fax 01592 874360

mobile 07974 426615

email joe.fitzpatrick@tiscali.co.uk

Paige Crighton
Committee Support Assistant
Corporate and Democratic Services
Perth and Kinross Council
2 High Street
Perth
PH1 5PH

23rd November 2016

Dear Ms Crighton,

Notice of Review - 16/00656/FLL Erection of 3 dwellinghouses (change in design) (in part retrospect) Land 100 Metres North West Of Boreland House Cleish

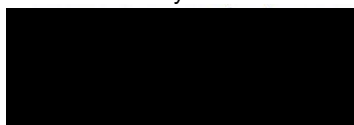
Thank you for your email of the 10th November inviting comment on representations that have been submitted regarding the above matter. I would be very grateful if the following response to these representations could be brought to the attention of the Local Review Body.

It is noted that two representations have been submitted, one supporting and one objecting to the proposals. The supporting representations reiterate one of the points raised in the supporting statement i.e. that the height differences is so marginal as to be unnoticeable to the naked eye.

The points raised in the further letter of objection focus on the variation in the eaves detail as opposed to the variation in height. In this regard the main concern expressed relates to the introduction of a modern boxed eaves arrangement. It should be noted that the point raised relates to the wallhead arrangement only in that a boxed eaves arrangement already formed part of the detail approved for the dormers and single storey additions. In addressing this, as with the marginal increase in height, the proposed variation in the eaves detail at the wallhead is similarly marginal in that the extent of the horizontal projection from the is extremely limited and certainly not what could be considered to constitute a modern boxed dormer soffit and barge board design. Although there is quite clearly a difference from the originally submitted detail, it is difficult to see in what way such a marginal difference should be considered detrimental to the character and amenity of the surrounding area. Notwithstanding, if the Local Review Body so wishes then the proposed "boxed eaves" arrangement can easily be replaced with a more traditional outrigger design whereby the ends of the rafters remain exposed.

In terms of more general comment on the issues raised, the emphasis of the objection is on a concern with respect to the variation of the proposed design in terms of achieving a replica structure. However, while every effort has been made to achieve this, it is unrealistic in view of modern construction techniques to expect the provision of an exact copy. However, more fundamentally, whether or not the proposed structure replicates the original design is not the basis for consideration of this request for the delegated decision to be reviewed. The relevant issue under this review is whether the marginal variations from the details approved under Condition 3 of planning permission 15/01033/FLL are of such significance as to be considered detrimental to the overall character and amenity of the area. In this regard it is considered that in view of the extremely marginal nature of the variations, this is clearly not the case.

Yours faithfully



Joe Fitzpatrick
BSc(Hons) MRTPI
On behalf of Thomson Homes

