

**TCP/11/16(574) – Review of Condition 1 of Planning
Consent – 18/01331/FLL – Alterations and erection of
gatepiers and gate at Craginsh, Blairadam, Kelty, KY4 0HX**

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**TCP/11/16(574) – Review of Condition 1 of Planning
Consent – 18/01331/FLL – Alterations and erection of
gatepiers and gate at Craginsh, Blairadam, Kelty, KY4 0HX**

**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 100118659-003

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: Andrew Megginson Architecture

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Andrew

Building Name:

No. 1

Last Name: *

Megginson

Building Number:

Telephone Number: *

0131 467 5951

Address 1
(Street): *

29 Jamaica Mews

Extension Number:

Address 2:

New Town

Mobile Number:

Town/City: *

Edinburgh

Fax Number:

Country: *

Scotland

Postcode: *

EH3 6HL

Email Address: *

andrew@andrewmegginsonarchitecture.com

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"/>
First Name: *	<input type="text" value="Ashley"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Sham"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="CRAIGNISH"/>
Address 2:	<input type="text" value="BLAIRADAM"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KELTY"/>
Post Code:	<input type="text" value="KY4 0HX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="697164"/>	Easting	<input type="text" value="313302"/>
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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)

Proposed piers and electronic gate to Craignish at Blairadam.

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.

We are seeking a review against a decision by Perth and Kinross Council where there has been a misunderstanding of the proposals resulting in a condition associated with the decision that we do not agree with. It is condition 1 we are discussing in which the planning officer has understood the gate to be metal as opposed to timber as proposed.

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)

Decision Notice, Planning Application Form, Location Plan, Site Plan, Existing Plans, Proposed Plans, Supporting Statement, Proposed Plans (Revised for clarity), Proposed Plans (Previously refused), Delegated Report.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/01331/FUL

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

31/07/2018

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

13/10/2018

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

We believe visiting the site will allow the local authority to understand the character of the area to which we discuss in our review statement.

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 Andrew Megginson

Declaration Date: 17/11/2018

Craignish, Blairadam, by Kelty KY4 0HX

Mr. Ashley Sham

Review against a decision by Perth and Kinross Council where there has been a misunderstanding of the proposals resulting in a condition associated with the decision that we do not agree with.

Application Reference: 18/01331/FUL

Date: November 2018



Contents

Section

1. Introduction
2. The Site and Context
3. The Proposed Works
4. Conclusion



Review Document List

Document	Title	Format
Review Document 1	Decision Notice	Electronic
Review Document 2	Planning Application Form	Electronic
Review Document 3	Location Plan	Electronic
Review Document 4	Site Plan	Electronic
Review Document 5	Existing Plans	Electronic
Review Document 6	Proposed Plans	Electronic
Review Document 7	Supporting Statement	Electronic
Review Document 8	Proposed Plans (Revised for clarity)	Electronic
Review Document 9	Proposed Plans (Previously refused)	Electronic
Review Document 10	Delegated Report	Electronic



1. Introduction

- 1.1 This Review Statement has been prepared on behalf of Mr. Ashley Sham in support of a review against a condition associated with a planning consent to form gate piers and a gate at Craignish, Blairadam, by Kelty KY4 0HX (Review Document 1).
- 1.2 A planning application was submitted on the 31st of July 2018, and validated on the same day, with the following supporting documents;
- Planning Application Form (Review Document 2) and
 - Various Drawings and a supporting statement (Review Documents 3-7).

This most recent application is a reworking of a previously refused application (18/00972/FLL), where we have omitted the previously proposed fencing, reduced the scale of the gate feature overall and have amended the design to be more appropriate to the area. Please see Review Document 9 for the previous proposals.

The application was granted on the 13th October 2018, over two months from the validation. Upon receipt of the decision notice and delegated report we noticed a misunderstanding of the proposals. The planning officer (Alma Bendall) had noted that the gates were constructed using metal, when in fact we were proposing solid timber. Although the gates on our drawings were understood as solid timber by the planning officer of the refused application (Keith Stirton), with whom we had correspondence with prior to submitting the revised application, this was not the case for the planning officer for the subsequent approved application. We have revised the submitted drawing to show more clearly the proposals, see Review Document 8.

Upon discussion with the planning officer after receiving the approval, where the misunderstanding was raised, we were told that if we wanted to install a timber gate then a fresh application would require to be submitted.

- 1.3 This review statement has been prepared by Andrew Megginson Architecture (AMA) on behalf of Mr. Ashley Sham (hereafter referred to as the 'applicant'). The application site comprises the curtilage at Craignish, Blairadam, by Kelty (hereafter referred to as either the 'site' or 'property'). We are seeking a review on condition 1, noted below, of the planning approval as due to the misunderstanding in the materiality of the gate, it is not in line with the design we are proposing.
- Condition 1 – The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by the conditions imposed by this decision notice.

- 1.4 This document is structured as follows;

- Section 2 describes the site and context,
- Section 3 provides a summary of the proposed works and appraises material considerations against which the proposals should be judged.
- Section 4 reaches conclusions in relation to the acceptability of the proposals in the context of material considerations.



2. The Site and Context

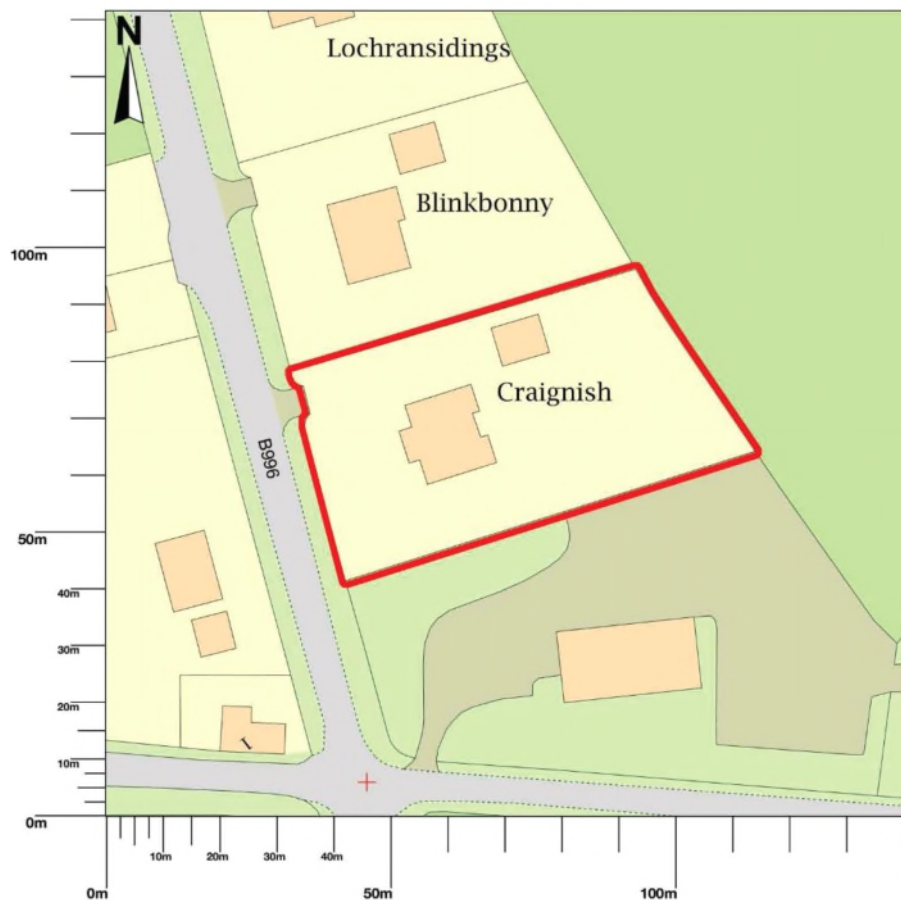


Figure 2.1 – Location plan.

- 2.1 The property is a large, detached dwellinghouse located on the West side of the B996 at Lochran to the North of Blairadam. The building is not listed and is not located within a Conservation Area.
- 2.2 The area in which the property lies can be described as semi-rural and has been subject to a number of new build houses in recent years, which has changed its character significantly. We believe that as the strip of the B996 road, from the Greenacres traveller's site to where it turns at the South, is a moderately used vehicular access route between Kinross and Kelty, the way in which it is normally viewed and interpreted is at high speed (60mph) and should be understood and evaluated as a larger element than that to the immediate site. There are a mix of uses along this road from residential to agricultural and storage with buildings varying in design, age, scale and boundary treatments to the road.
- 2.3 As described above, the area should be understood as a larger element than that of the immediate site. As per the settlement boundary from the Kinross Area Local Plan 2004 (figure 2.2), it encompasses a relatively large strip of the B996. The established Greenacres traveller's site could be seen/ understood today as an extension to the Lochran Sidings settlement and should be considered as part of the area.



The housing to the South where the road turns should also be considered as part of the area based on the justification above in paragraph 2.2.

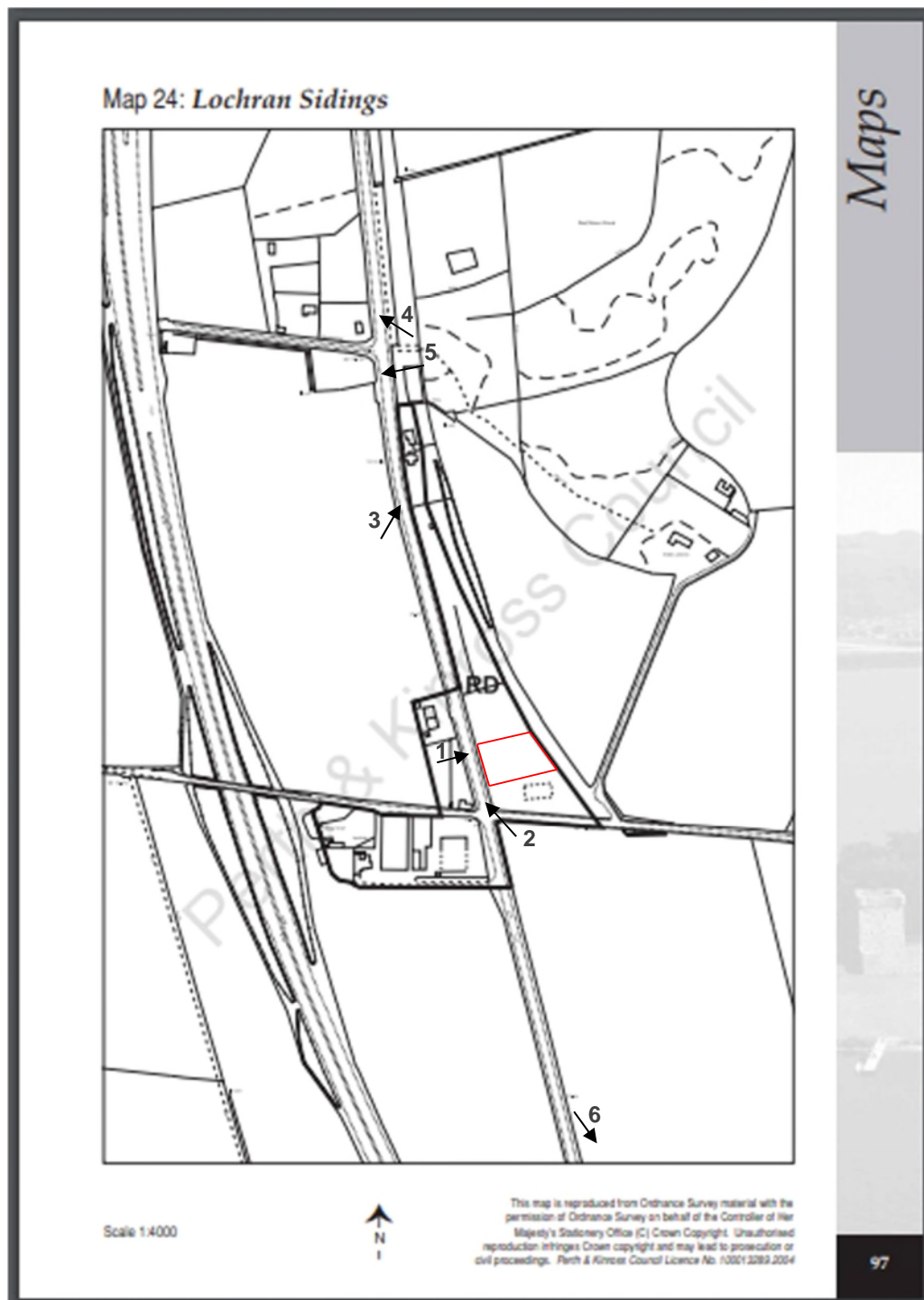


Figure 2.2 – Lochran Sidings settlement boundary plan.



2.4 Below in figure 2.3, photos express some of the different designs, styles and forms of properties and elements along the aforementioned strip of the B996. See figure 2.2 for reference to photo locations.



Figure 2.3 – Photos showing various styles of features in the area of the property. As can be seen from these specific photos a lot of solid elements, mainly timber, are expressed to the B996. The above photos are not exhaustive of these types of elements in the area.



3. The Proposed Works

- 3.1 The planning application seeks consent to form gate piers and a solid timber gate at an existing access point to the site.
- 3.2 The works will match in with elements evident in properties nearby and will not affect the character or appearance of the area, rather they will fit in.
- 3.3 The main principles of the development include;
- Form new gate piers using natural stone to match the existing boundary wall which are reflective of the scale and design of the existing house and surrounding new build units, this has been acknowledged by the planner in the most recent delegated report.
 - Install solid timber gates which will provide security, safety for the applicant's children and a small degree of privacy to the driveway. The timber materiality will match that of the existing gates and the height will be only slightly higher than what is as existing and be in line with the new piers,
 - Make sure the design is simple and that it reflects that which can be seen elsewhere in the area by using natural stone piers, that tie in with the existing wall, and timber of proportions that are most suited.
- 3.4 As can be seen in the area (figure 2.3 – 2, 3 and 6), solid timber elements that front onto the road are evident and form a characteristic of the area. The timber elements vary in height and length however the lowest height seen across the road in picture 2 is around the same height of the proposed gates and it forms a longer frontage than that of the proposed gates.
- 3.5 Solid gates, both timber and metal, are also a characteristic of the area as can be seen in photos 4 and 5. The design and set back of these entranceways are also similar to that of the applicant's site. All along the B996 in this area entranceways are expressed to the road in many different forms and we feel that the proposals would not be dissimilar to other entranceways in the area.
- 3.6 The proposals are set back from the main road and have planting to either side which provides screening until you are directly in front of the entranceway. The applicant has plans for further planting proposals to the right-hand side of the entranceway as you view from the B996. We believe the set back nature and screening will significantly lessen any visual impact, the fact that the proposals front onto a 60mph road will also be a factor to this element.



4. Conclusion

- 4.1 Planning consent is sought by Mr. Ashley Sham to form gate piers and a gate at Craignish, Blairadam, by Keltie KY4 0HX.
- 4.2 We are seeking a review against a decision by Perth and Kinross Council where there has been a misunderstanding of the proposals resulting in a condition associated with the decision that we do not agree with.
- It has been proved that solid timber elements are evident in both the immediate and general settlement area. These are proved both in the form of solid gates, both timber and metal, along with solid timber fencing of varying heights and lengths that fronts onto the road. As discussed, the strip of the B996 along the settlement should be considered in a more holistic manner where these elements form a repetitive aesthetic of the surrounding area.
 - The proposals which are local to the existing entranceway are of a domestic scale with screening to either side, are set back from the main road and will be viewed mainly at 60mph.
 - The proposals retain the open nature of the area with only a small domestic scaled proportion that will be non-visually permeable which is not excessively different to what is existing and is generally in line with elements evident in the area. The set back nature of the proposals and screening mean there will be a non-detrimental streetscape impact.
- 4.3 The proposal is for new gate piers and a gate via an existing entrance point that ties in with the elements of the settlement along the B996 and will not adversely affect the character or appearance of area.
- 4.4 The applicant therefore respectfully requests that planning consent is granted for the reasons stated above.



PERTH AND KINROSS COUNCIL

Mr Ashley Sham
c/o Andrew Megginson Architecture
Andrew Megginson
No. 1
29 Jamaica Mews
New Town
Edinburgh
EH3 6HL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 13 October 2018

Town and Country Planning (Scotland) Acts.

Application Number **18/01331/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 31st July 2018 for planning permission for **Alterations and erection of gatepiers and gate** at Craignish Blairadam Kelty KY4 0HX subject to the undernoted conditions.

Interim Development Quality Manager

Conditions referred to above

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

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

- 2 Prior to the bringing into use of the development hereby approved, all proposed external finishing materials for the wall shall match those as existing in type, colour and texture.

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

Justification

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

Informatives

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

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

18/01331/1

18/01331/2

18/01331/3

18/01331/4

18/01331/5



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 100118659-002

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

Type of Application

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

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

Description of Proposal

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

Proposed piers and electronic gate to Craignish at Blairadam.

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

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:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	No. 1
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 467 5951	Address 1 (Street): *	29 Jamaica Mews
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 6HL
Email Address: *	andrew@andrewmegginsonarchitecture.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Ashley	Building Number:	
Last Name: *	Sham	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *	ashley.sham@pepperwoodcare.co.uk		

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

CRAIGNISH

Address 2:

BLAIRADAM

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KELTY

Post Code:

KY4 0HX

Please identify/describe the location of the site or sites

Northing

697164

Easting

313302

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

We have been liaising with Mr Stirton over the refused application. We emailed Mr Stirton some revisions after a phone call to discuss how the proposals could be more acceptable. We have omitted the fencing, reduced the scale of the gate feature overall and have amended the design to be more appropriate to the area.

Title:

Mr

Other title:

First Name:

Keith

Last Name:

Stirton

Correspondence Reference
Number:

Date (dd/mm/yyyy):

20/07/2018

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

Site Area

Please state the site area:

2684.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

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

Residential

Access and Parking

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

☐

Yes

☒

No

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

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

☐

Yes

☒

No

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

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

3

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

3

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

Water Supply and Drainage Arrangements

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

☐

Yes

☒

No

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

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☐

Yes

☐

No, using a private water supply

☒

No connection required

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

Assessment of Flood Risk

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

☐ Yes ☐ No ☒ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

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

☐ Yes ☒ No

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

No provision required.

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☐ No ☒ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Megginson

On behalf of: Mr Ashley Sham

Date: 31/07/2018

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

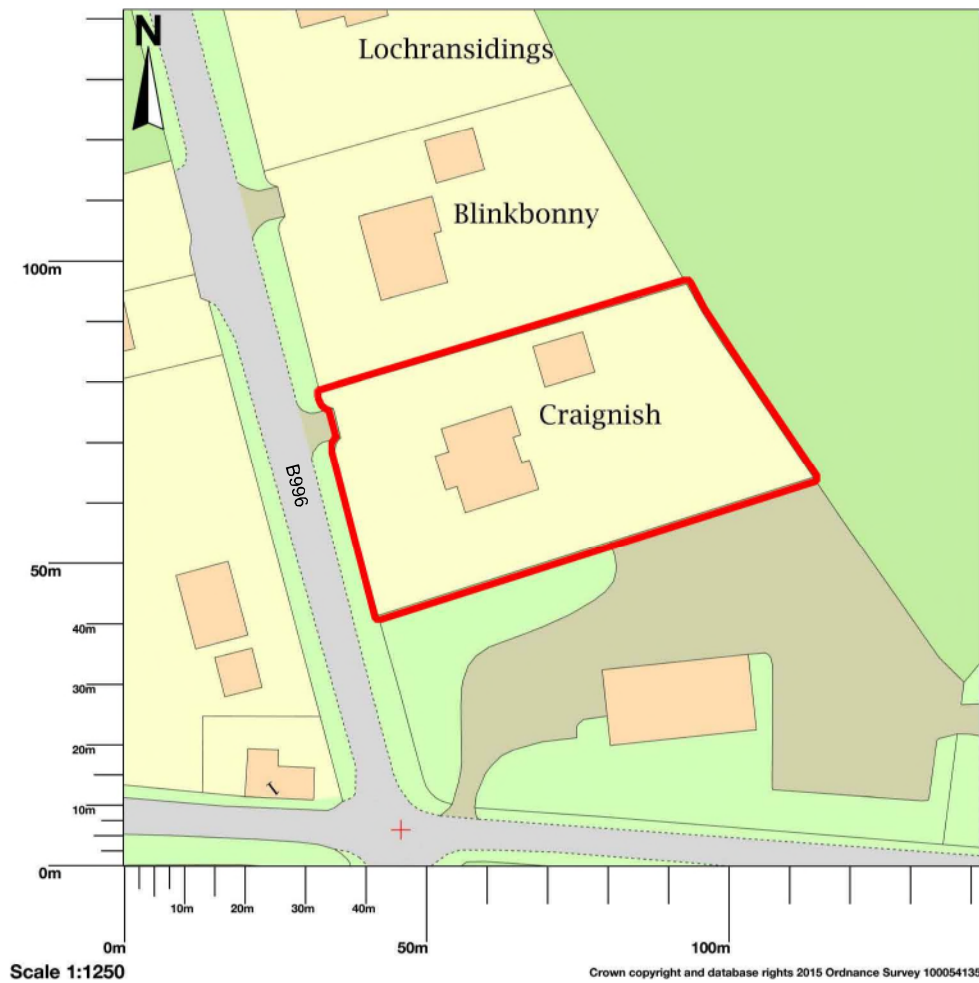
Declare – For Application to Planning Authority

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

Declaration Name: Mr Andrew Megginson

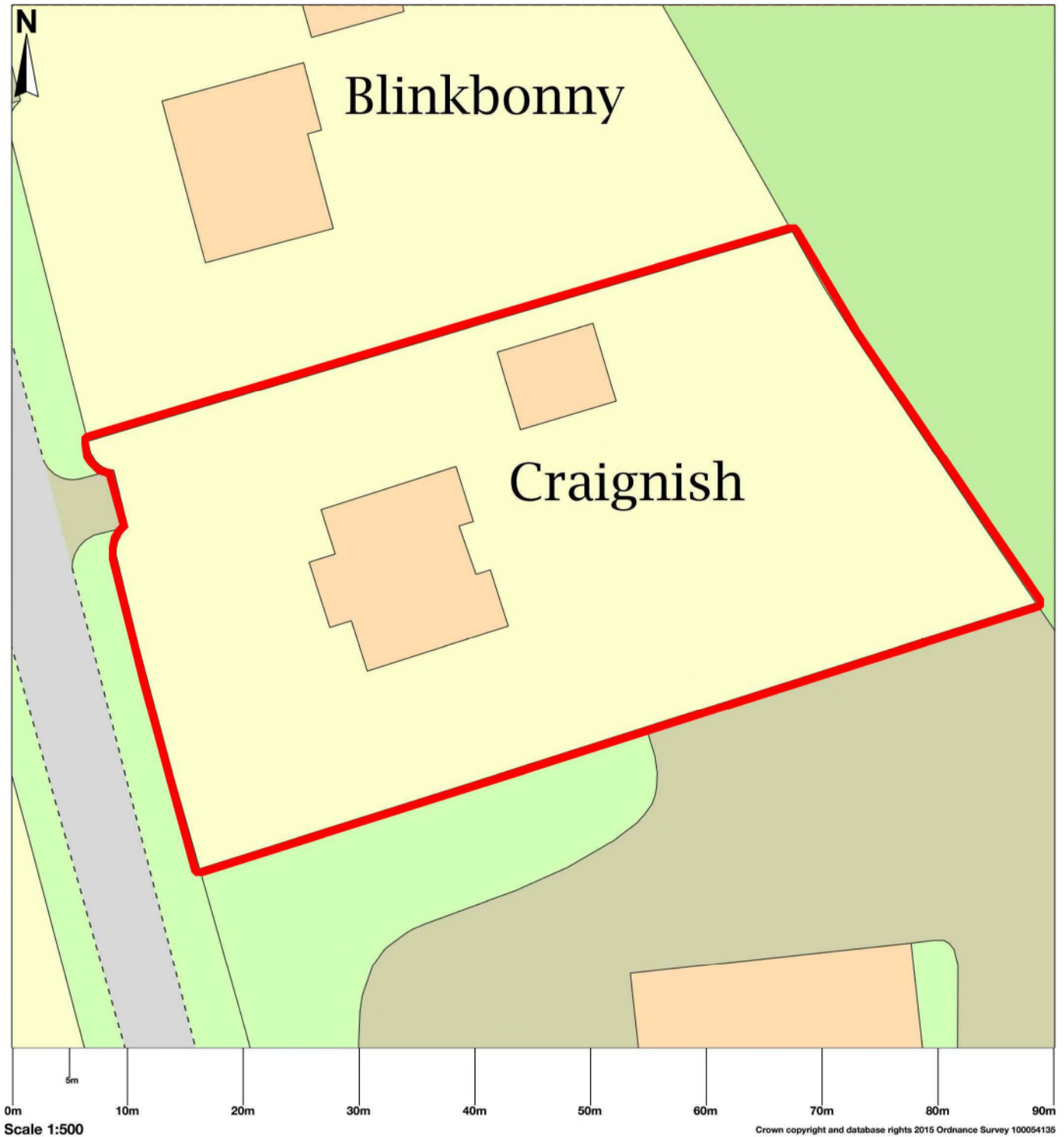
Declaration Date: 04/06/2018

Craignish, Blairadam, Kelty, KY4 0HX



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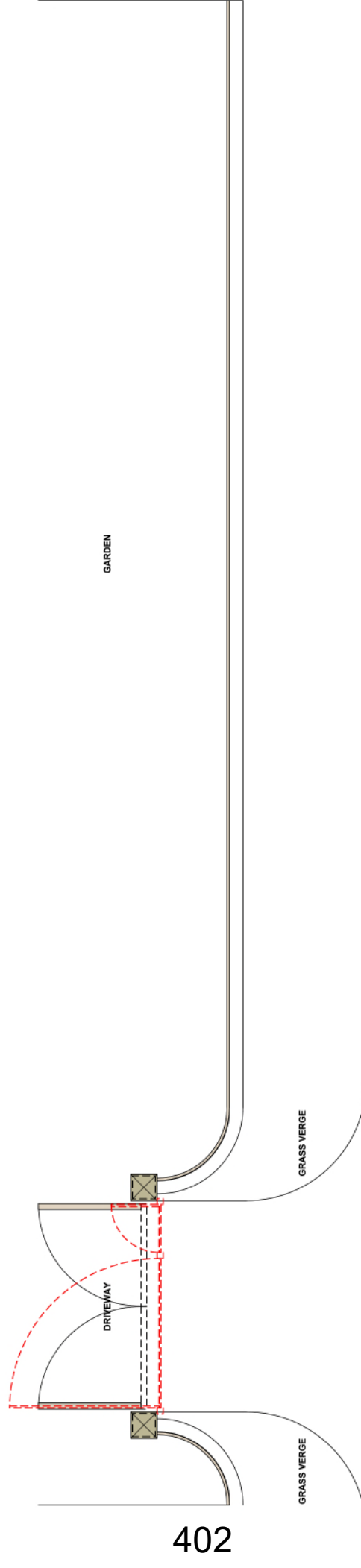
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Proposed Front Elevation I-100



Proposed Plan I-100

Rev A	30/7/18	Drawings amended following consultation with case officer, detail of gate plans simplified, gate plans, gate lowered and fencing omitted
Rev	Drawn	Date
Revisions		

CLIENT	Mr & Mrs A Sham				
PROJECT	Proposed Gates and Fencing to Craignish, Blairadam, by Kelly				
DRAWING	Proposed Drawings				
STATUS					
DRAWN	DATE	CHKD BY	JOB	REV	SCALE
AM	MAY 18	1089-PI-02	1089	A	1:100 @ A3
					Do not scale from this drawing

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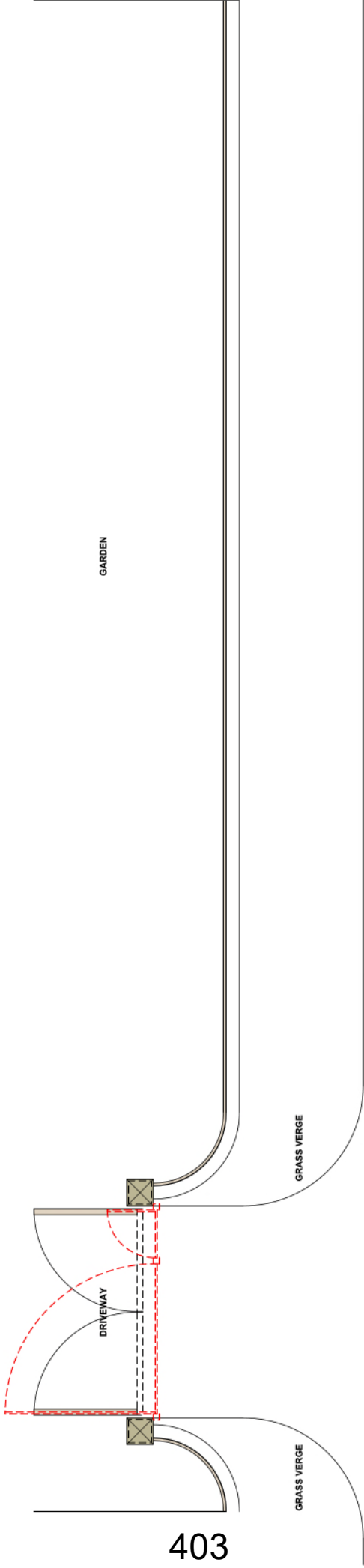


ANDREW MEGGINSON ARCHITECTURE

Timber gates

Natural stone piers
and wall to match
existing

Proposed Front Elevation I-100



Proposed Plan I-100

Rev B	AM	14/11/18	Drawing amended following misunderstanding from planning officer
Rev A	AM	30/7/18	Drawings amended following consultation with case officer, detail of gate piers simplified, gate piers gate lowered and fencing omitted
Rev	Drawn Date		
Revisions			

CLIENT	Mr & Mrs A Sham			
PROJECT	Proposed Gates and Fencing to Craignish, Blairadam, by Kelly			
DRAWING	Proposed Drawings			
STATUS	PLANNING			
DRAWN	AM	DATE	1089-PL-02	JOB
		MAY 18		1089
			REV	B
			SCALE	1:100 @ A3
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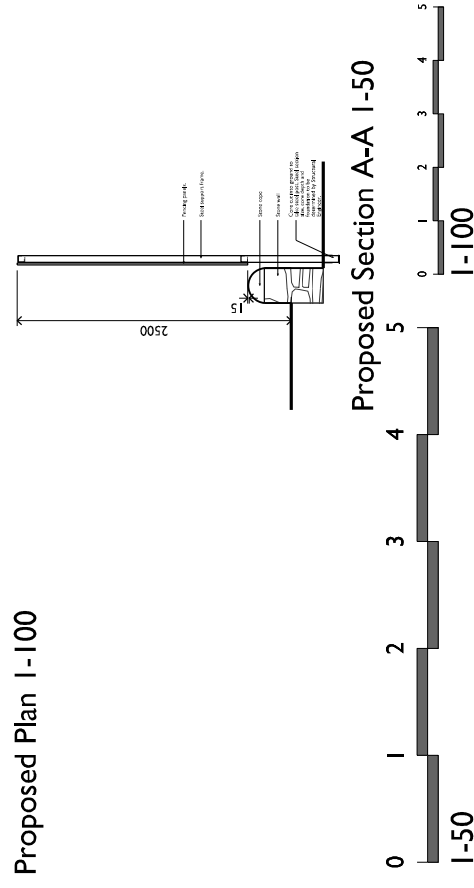
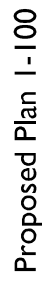
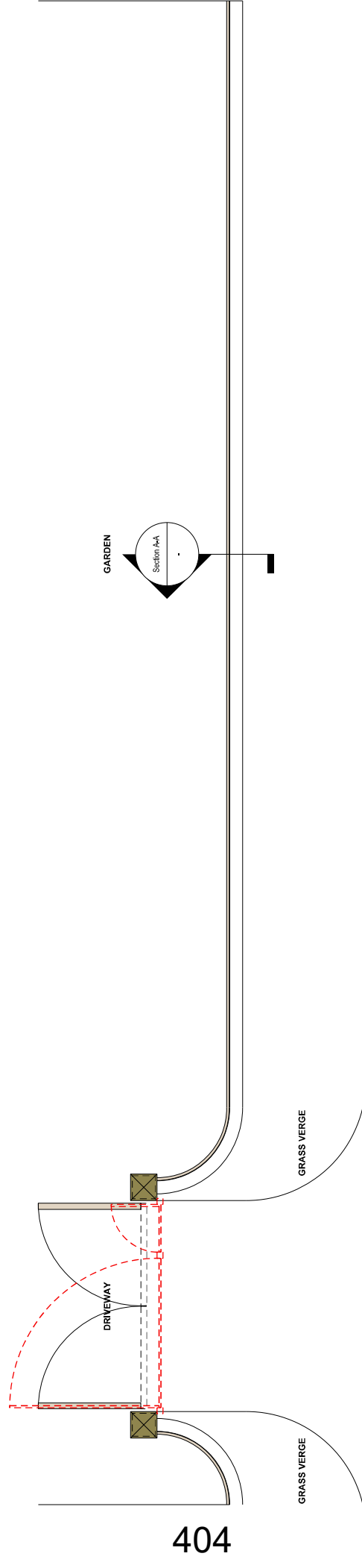
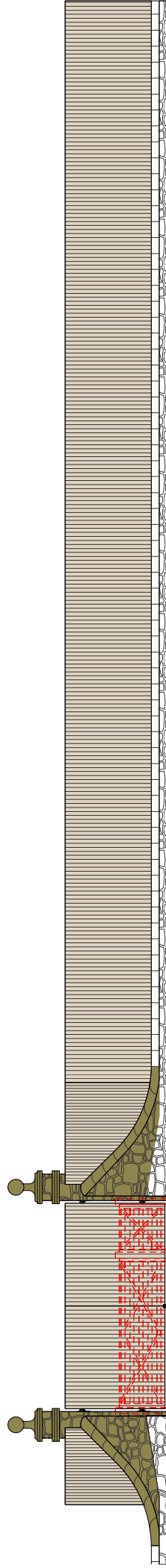
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ANDREW MEGGINSON ARCHITECTURE

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CLIENT	Mr & Mrs A Sham				
PROJECT	Proposed Gates and Fencing to Craignish, Blairadam, by Kelly				
DRAWING	Proposed Drawings				
STATUS	PLANNING				
DRAWN	AM	DATE	MAY 18	DWG NO	1089-PL-02
				JOB	1089
				REV	/
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ANDREW MEGGINSON ARCHITECTURE

PROPOSED PIERS AND ELECTRONIC GATE TO CRAIGNISH AT BLAIRADAM.

SUPPORTING STATEMENT

This Supporting Statement has been prepared by Andrew Megginson Architecture, on behalf of Mr A Sham, for Planning Permission for proposed piers and an electronic gate to a driveway entrance at Craignish at Blairadam.

The purpose of this statement is to provide a brief explanation of what we have considered since the previous planning application was refused.

Upon discussion with the planning case officer of the refused application we have omitted the fencing, reduced the scale of the gate feature overall and have amended the design to be more appropriate to the area. This allows the scheme to take on a much less suburban feel, which was the main case officer's issue. It also allows the client to still retain a distinguished entrance point, although scaled down from the previous proposals.

The new entrance will allow Mr Sham some security, a small degree of privacy to his driveway and safety for his children. We have also looked at precedents in the area in which similar scaled and designed piers can be found at Lochransidings. A solid woodend gate has also been used at the entrance of the traveller's site circa 70 yards away.



REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01331/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	29.09.2018	
Case Officer	Alma Bendall	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Alterations and erection of gatepiers and gate

LOCATION: Craignish Blairadam Kelty KY4 0HX

SUMMARY:

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

DATE OF SITE VISIT: 17 August 2018

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Application relates to a large, detached, recently built dwellinghouse located on the west side of the B996 Kinross – Kelty public road at Lochran, to the north of Blairadam in rural Kinross-shire.

Consent is being sought to form new entrance gates and to raise the height of the stone wall that runs along the front boundary of the property. This is a reworking of an earlier refused application (18/00972/FLL) which proposed a solid gate and increased wall height.

The latest plans indicate that the new, set back entrance will be less substantial in nature, comprising 2.5 metre high stone gate piers with a set of double (5 metre wide) metal gates. Around 3 metres of the existing 0.4 metre high stone boundary wall, either side of the entrance gate piers will be gradually raised in height, culminating to 1.9 metres at the highest point.

SITE HISTORY

03/00335/OUT Erection of a dwellinghouse (in outline) on 8 January 2004 Application Approved

04/00748/FUL Erection of a dwellinghouse with detached double garage 6 October 2004 Application Approved

11/01427/FLL Extension to dwellinghouse 18 October 2011 Application Approved

18/00972/FLL Erection of a fence and gates 3 July 2018 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: n/a; discussions were held following the earlier refusal.

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.

PAN 77 – Designing Safer Places (The Scottish Executive, 2006)

Boundary treatments – Appropriate boundary treatment can help to increase the feeling of community ownership and responsibility. Walls, fences, hedges and changes in levels or materials can all help to define public, private and semi-private spaces. Care should be taken to ensure that the boundary treatment is appropriate for its location and is well maintained. Boundary treatments should be functional without compromising the aesthetics of the surrounding area.

“Scottish Planning Policy” (The Scottish Government, 2014)

Planning should take every opportunity to create high quality places by taking a design-led approach... Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

“Creating Places” (The Scottish Government, 2013)

This policy statement considers ‘place’ to comprise: the environment in which we live, the people that inhabit these spaces and the quality of life that comes from the interaction of people and their surroundings and states that architecture, public space and landscape are central to this.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

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

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

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

OTHER POLICIES – none

CONSULTATION RESPONSES

No external consultations have been issued, internal comment which raises no concerns has been received from Transport Planning officers.

REPRESENTATIONS

None received.

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

The site is located outwith any defined settlement boundary, therefore background placemaking considerations are applicable in this instance which seek to ensure that all development is compatible with its surroundings and does not result in any adverse impact. It is considered that the revised proposals are less intrusive and more in keeping with the character of the hamlet and as such are supportable.

Visual Amenity & Design

The revised scheme is an improvement over the previous proposals in so far as it will be less visually intrusive and more open in nature. A characteristic of the houses in this countryside location is the presence of established hedging and stone walls around the plot frontages. The existing wall is in the main unaffected by the proposals, other than the sections closest to the new gates and stone piers. Whilst it could be argued that the gate element is still excessive in size for the rural location, the change of materials and set back nature of the entrance should help lessen the visual impact. Additionally, the revised proposals are reflective of the scale and design of the existing house and surrounding new build units.

Landscape

The application site is located on the Eastern side of the B996, the main route between Kinross and Kelty. This road frontage forms the boundary of the Loch Leven and Lomond Hills Special Landscape Area. It is also particularly visually prominent in the streetscape on this straight section of road. Whilst the proposed

development would certainly have a streetscape impact, there will be no on or off site adverse landscape impacts.

Residential Amenity

Given the nature of the proposed development, neighbouring residential amenity would not be adversely affected.

Roads and Access

Transportation officers have had the opportunity to comment and have raised no concerns. The access already exists and features ample parking and turning provision. The reduced height of the wall should ensure that current visibility standards are maintained.

Drainage and Flooding

There are no drainage and flooding implications associated with this proposed development.

Developer Contributions

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

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION Approve the application

Conditions and Reasons for Recommendation

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

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

2 Prior to the bringing into use of the development hereby approved, all proposed external finishing materials for the wall shall match those as existing in type, colour and texture.

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

Justification

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

Informatives

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/01331/1
18/01331/2
18/01331/3
18/01331/4
18/01331/5

Date of Report

11/10/18

<p>TCP/11/16(574) – Review of Condition 1 of Planning Consent – 18/01331/FLL – Alterations and erection of gatepiers and gate at Craginsh, Blairadam, Kelty, KY4 0HX</p>

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 389-390)*

REPORT OF HANDLING *(included in applicant's submission, see pages 407-412)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 399-402 and 405)*

**TCP/11/16(574) – Review of Condition 1 of Planning
Consent – 18/01331/FLL – Alterations and erection of
gatepiers and gate at Craginsh, Blairadam, Kelty, KY4 0HX**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01331/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Alterations and erection of gatepiers and gate		
Address of site	Craignish, Blairadam, Kelty, KY4 0HX		
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	17 August 2018		

