

TCP/11/16(554) – 18/00715/FLL – Erection of a workshop/store on land 20 metres north west of Orwell Cottage, Academy Road, Crieff

INDEX

- (a) Papers submitted by the Applicant (***Pages 731-754***)
- (b) Decision Notice (***Pages 757-758***)
 - Report of Handling (***Pages 759-767***)
 - Reference Documents (***Pages 737-741***)
- (c) Representations (***Pages 769-784***)

**TCP/11/16(554) – 18/00715/FLL – Erection of a
workshop/store on land 20 metres north west of Orwell
Cottage, Academy Road, Crieff**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

In response to Perth & Kinross Council's reasons for refusing the application, we have prepared the following points:

1. In response to the reason for refusal that the proposal would cause a loss of daylight and would result in overlooking to neighbouring properties, we have submitted information that is able to demonstrate that this will not occur. Drawing no. PL102 of the planning application demonstrates that all elevations of the proposed workshop/store have no windows, and thus will reduce any opportunity for overlooking. Additionally, drawing no. PL103 has included extracts from the previous approved application (ref:15/01435/FLL) 'Development Management Committee Report' by Perth and Kinross Council (see below), which cites concerns expressed re. overshadowing, concluding that the proposed store will **NOT** have an overshadowing impact on any of the adjacent property, specifically 3 Duff Court.

Ref: Previous approved application 15/01435/FLL - Extract from Development Management Committee 17th February 2015:

39. Some concerns have been expressed regarding the loss of light to adjacent properties from overshadowing from the proposed store. The store building is proposed to be 8m x 5m in footprint and 5.5m to ridge. Whilst it is noted that the store building is proposed on a currently vacant site I consider it to be located a sufficient distance from neighbouring properties to ensure that any overshadowing to properties is minimal and is not to an extent which would merit refusal of the application. Furthermore any shadow which is likely to occur for a significant period would be to the north towards 3 Duff Court which is positioned approximately 11m to the north of the store building and this distance and the intervening land is considered sufficient to prevent any significant overshadowing to this property.

40. The applicant's agent has indicated that the store building is proposed to be used as a workshop/store for an artist/creative use with general storage for supplies and equipment. I consider this type of use within this central part of Crieff to be appropriate and I do not feel that the use of the building for this purpose will result in a detrimental impact on the residential amenity of neighbours. However, I intend to attach a condition to limit the use of the store for this purpose to ensure the Planning Authority maintains control over the use of the store building.

2. In response to the reason for refusal that the proposal would 'result in an increase in traffic on Academy Road, with none of the improvements to the access arrangements outlined in the previous application indicated in the submission.' - this is incorrect as the previously approved application's improvements to the access arrangements will still apply, and this proposal is in addition to these, as highlighted in the submission drawings no. PL100 & PL101.

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

Yes No

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

List of documents and evidence

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

Drawings:

PL100
PL101
PL102
PL103

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

Checklist

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

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

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

Declaration

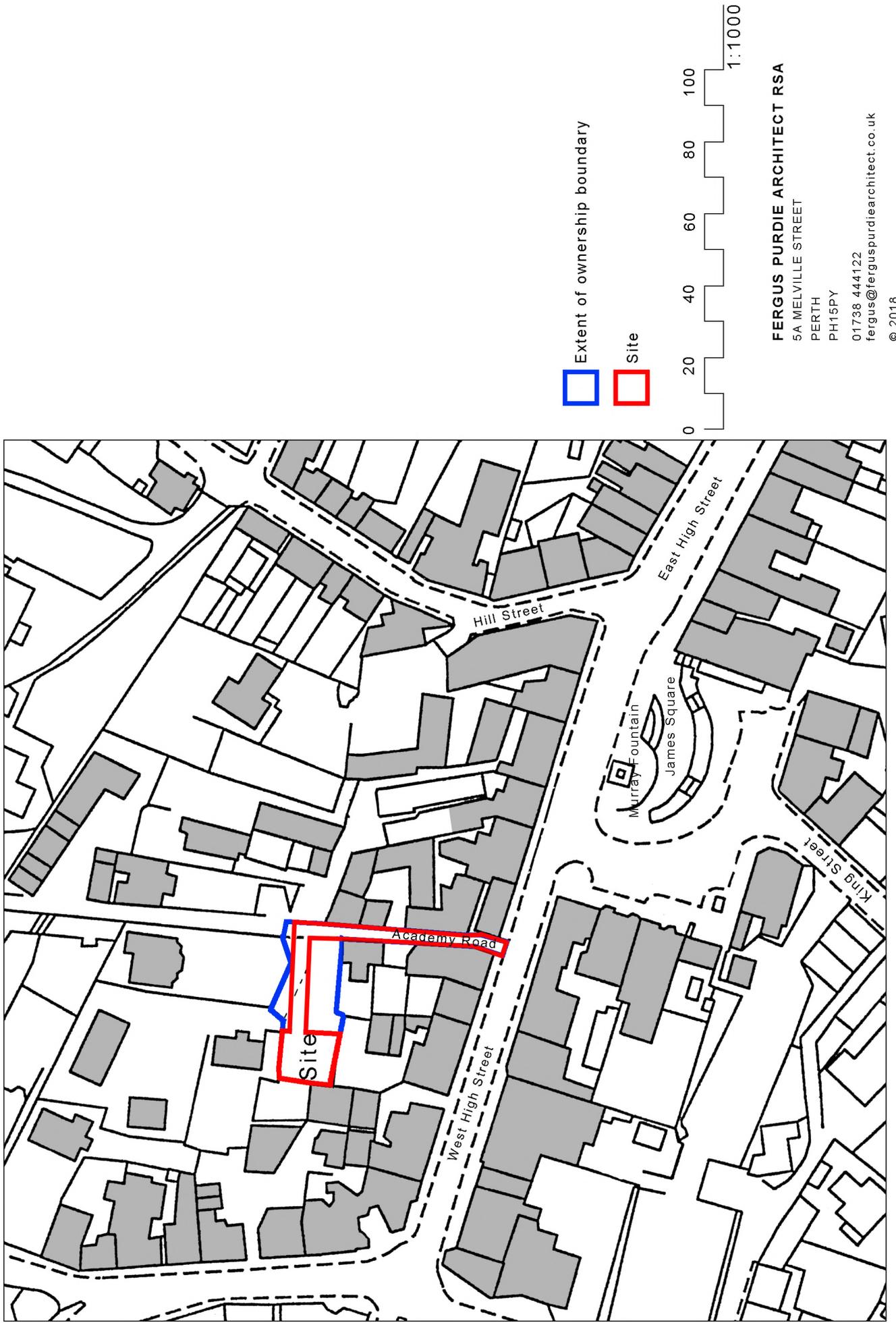
I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Fergus Purdie

Date

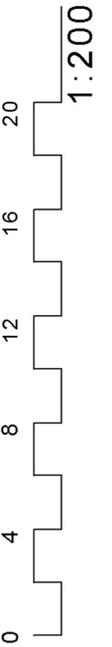
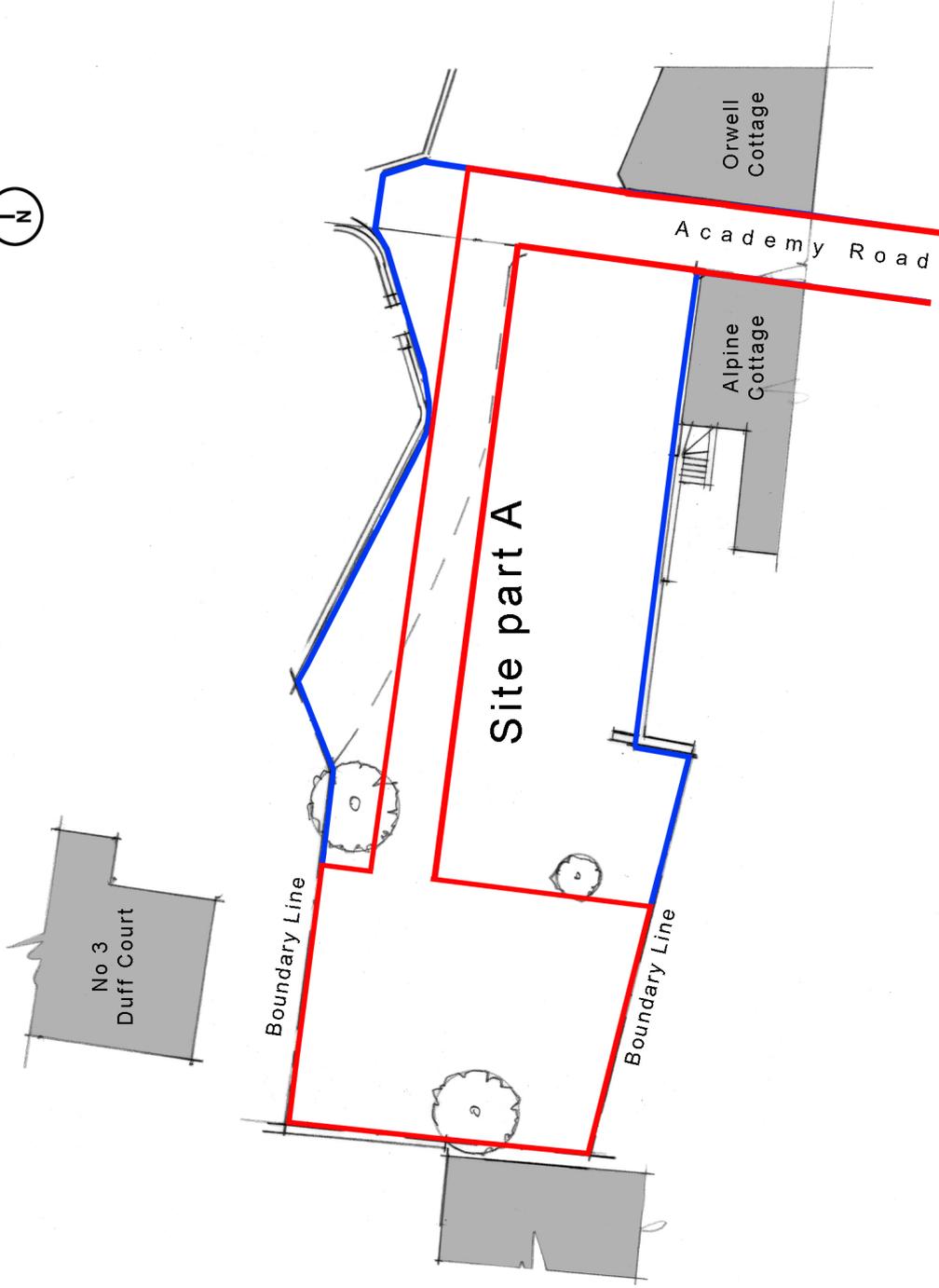
04/09/2018



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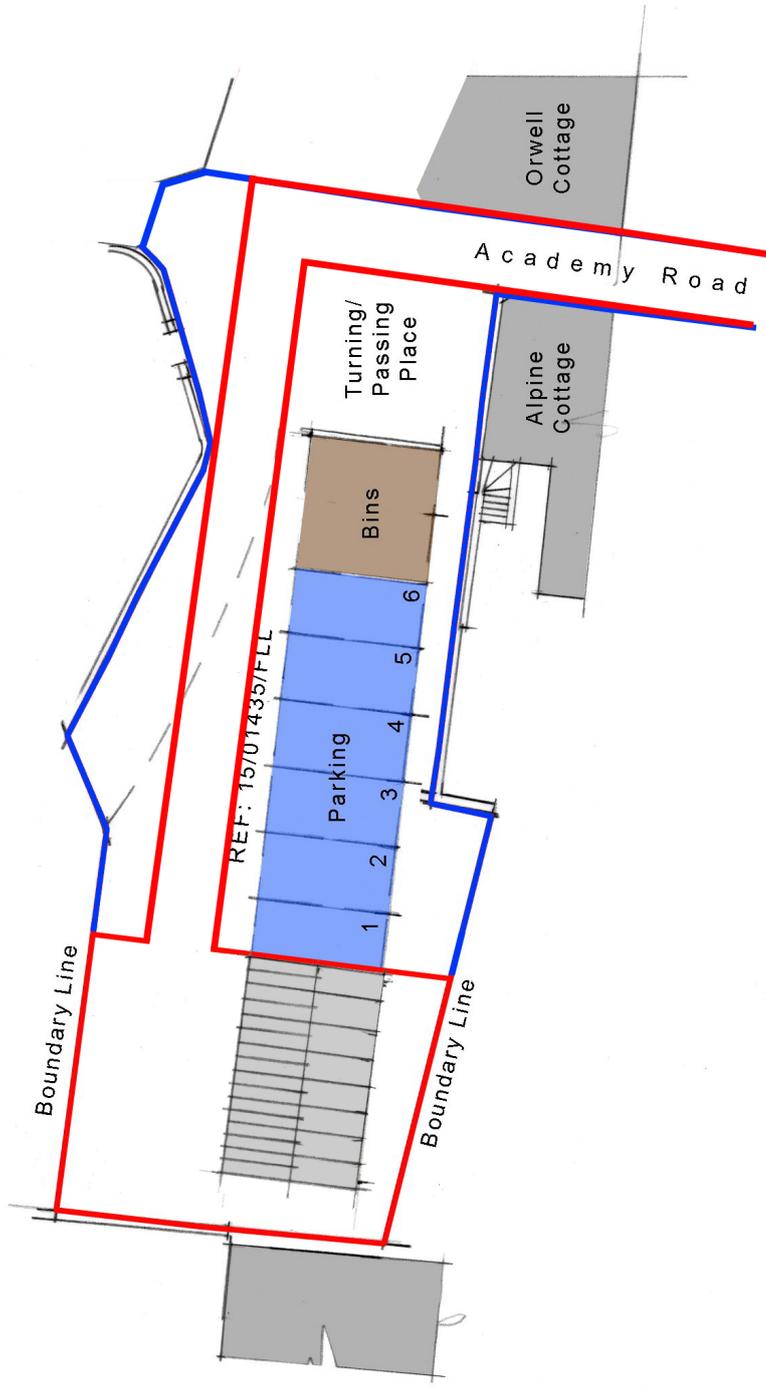
Proposed Store at Academy Road, Crieff

(PL)100 rev A - Site Plan



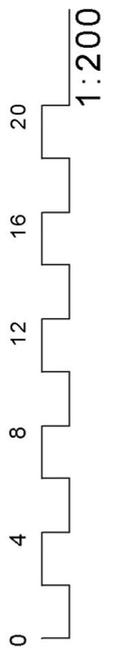
Proposed Store at Academy Road, Crieff

(PL)101 rev A - Planning and Design Strategy



739

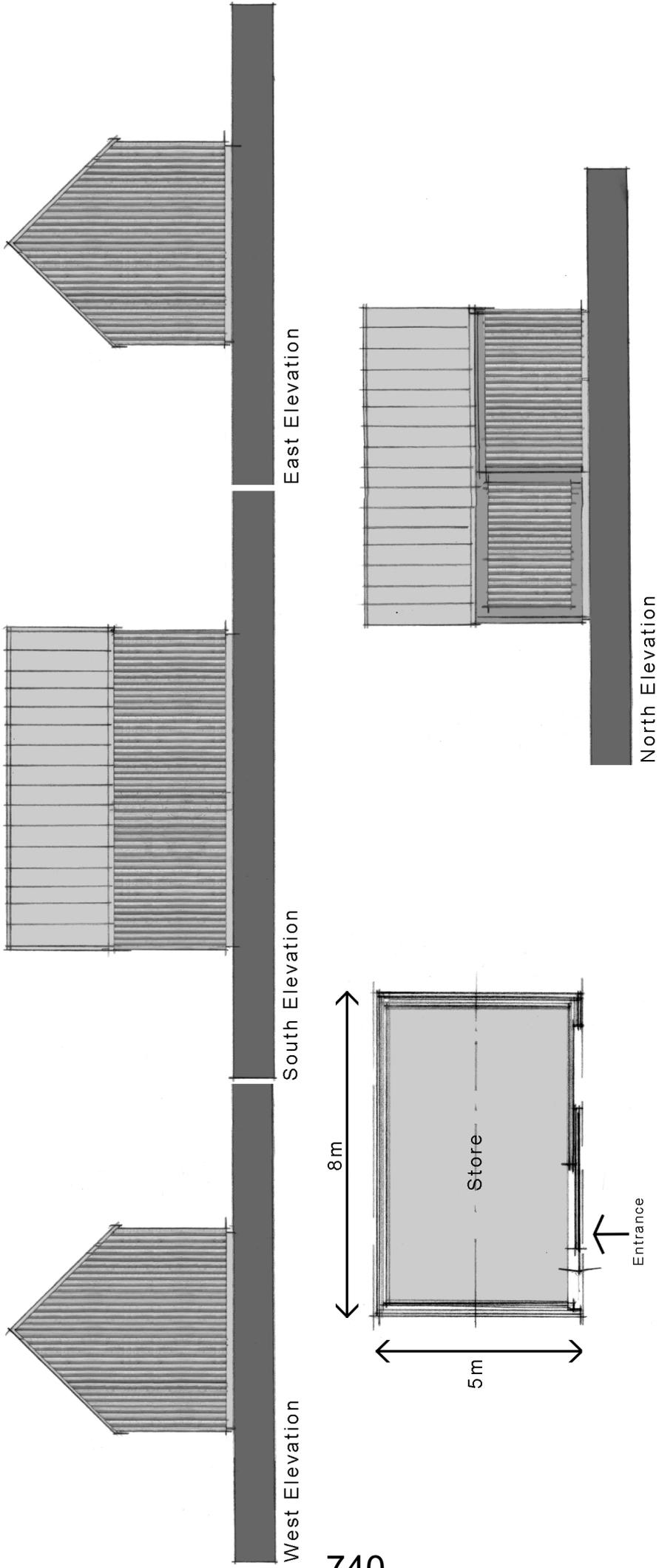
- Note -
Surface Materials
- Continue use of tarmac on vehicular access
- Introduce use of paving blocks on parking and bin areas



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Proposed Store at Academy Road, Crieff

(PL)102 rev A - Store Plan & Elevations



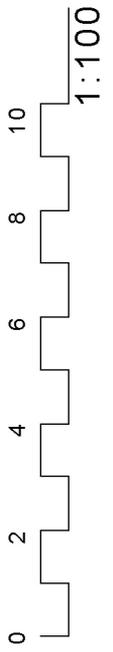
740

Note -

Material Specification

Walls - Timber Cladding

Roof - Profiled Sheeting



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5A MELVILLE STREET

PERTH

PH15PY

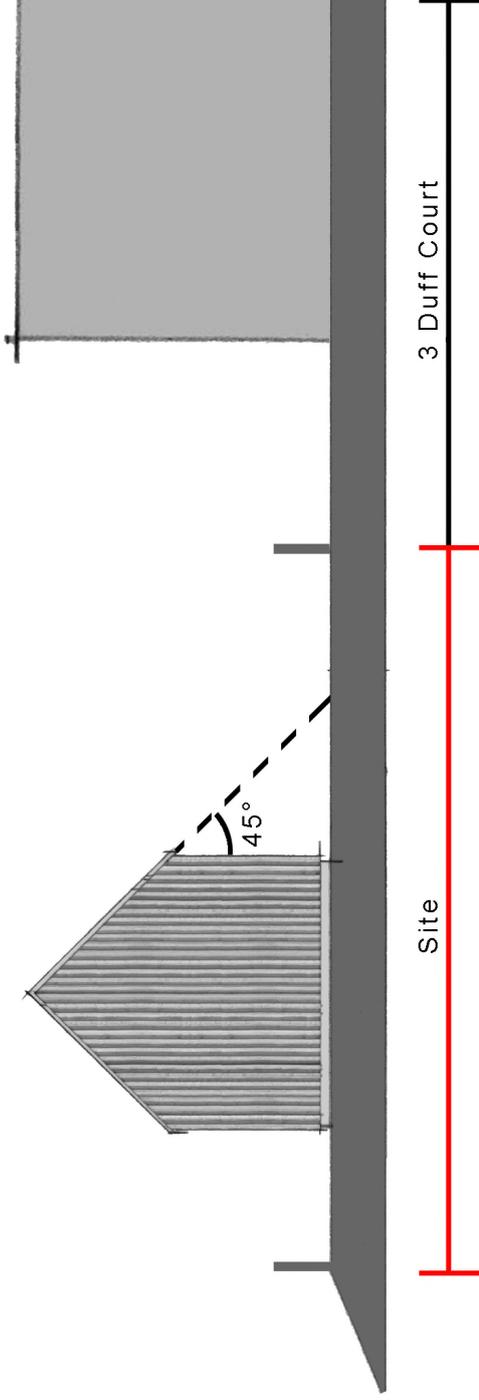
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Proposed Store at Academy Road, Crieff

(PL)103 - Overshadowing Diagram



741

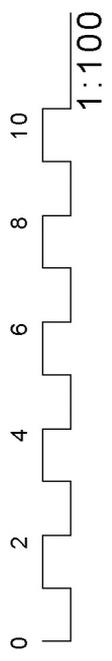
Overshadowing Diagram - The 45 degree rule of thumb method is used to demonstrate that the proposed store does not have an overshadowing impact on the neighbouring property at 3 Duff Court. Additionally extracts from the previous approved application (ref:15/01435/FLL) 'Development Management Committee Report' by Perth and Kinross Council (see below), cites concerns expressed re. overshadowing, concludes that the proposed store will not have a overshadowing impact on any of the adjacent property, specifically 3 Duff Court.

Ref: Previous approved application 15/01435/FLL - Extract from Development Management Committee 17th February 2015:

39. Some concerns have been expressed regarding the loss of light to adjacent properties from overshadowing from the proposed store. The store building is proposed to be 8 m x 5 m in footprint and 5.5m to ridge. Whilst it is noted that the store building is proposed on a currently vacant site I consider it to be located a sufficient distance from neighbouring properties to ensure that any overshadowing to properties is minimal and is not to an extent which would merit refusal of the application. Furthermore any shadow which is likely to occur for a significant period would be to the north towards 3 Duff Court which is positioned approximately 11m to the north of the store building and this distance and the intervening land is considered sufficient to prevent any significant overshadowing to this property.

40. The applicant's agent has indicated that the store building is proposed to be used as a workshop/store for an artist/creative use with general storage for supplies and equipment. I consider this type of use within this central part of Crieff to be appropriate and I do not feel that the use of the building for this purpose will result in a detrimental impact on the residential amenity of neighbours. However, I intend to attach a condition to limit the use of the store for this purpose to ensure the Planning Authority maintains control over the use of the store building.

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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 100092878-002

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)

Erect a store building to be used as a workshop/store for an artist/creative use with general storage for supplies and equipment.

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:	Fergus Purdie Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Fergus	Building Name:	
Last Name: *	Purdie	Building Number:	5A
Telephone Number: *	01738444122	Address 1 (Street): *	Melville Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 5PY
Email Address: *	mail@ferguspurdiearchitect.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Miss	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Jane	Building Number:	16
Last Name: *	Brown	Address 1 (Street): *	Mains Gardens
Company/Organisation		Address 2:	Tranent
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH33 1FB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Vacant land at Academy Road, Crieff.

Northing

721652

Easting

286375

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

168.00

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)

Vacant site

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?

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)? *

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?? * Yes No
(e.g. SUDS arrangements) *

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)

There is a proposed new provision for secure store.

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

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr/Mrs/Ms . Lappin

Address:

[REDACTED]

Date of Service of Notice: *

07/05/2018

Name:

Mr/Mrs/Ms . Innes

Address:

[REDACTED]

Date of Service of Notice: *

07/05/2018

Name:

Mr/Mrs/Ms . Scott

Address:

[REDACTED]

Date of Service of Notice: *

07/05/2018

Name:

Mr/Mrs/Ms . Ward-Atkins

Address:

[REDACTED]

Date of Service of Notice: *

07/05/2018

Name:

Mr/Mrs/Ms . Telfer

Address:

[REDACTED]

Date of Service of Notice: * 07/05/2018

Name: Mr/Mrs/Ms . O'Kane

Address: [REDACTED]

Date of Service of Notice: * 07/05/2018

Name: Mr/Mrs/Ms . Taylor

Address: [REDACTED]

Date of Service of Notice: * 07/05/2018

Name: Mr/Mrs/Ms . Douglas

Address: [REDACTED]

Date of Service of Notice: * 07/05/2018

Name: Mr/Mrs/Ms . Livesay

Address: [REDACTED]

Date of Service of Notice: * 07/05/2018

Name: Mr/Mrs/Ms . Stimpson

Address: [REDACTED]

Date of Service of Notice: * 07/05/2018

Name: Mr/Mrs/Ms . Cunninham

Address:

[Redacted Address]

Date of Service of Notice: *

07/05/2018

Name:

Mr/Mrs/Ms . Reid

Address:

[Redacted Address]

Date of Service of Notice: *

07/05/2018

Name:

Mr/Mrs/Ms . Rodger

Address:

[Redacted Address]

Date of Service of Notice: *

07/05/2018

Name:

Mr/Mrs/Ms . McBoyle

Address:

[Redacted Address]

Date of Service of Notice: *

07/05/2018

Name:

Mr/Mrs/Ms . Smith

Address:

[Redacted Address]

Date of Service of Notice: *

07/05/2018

Name:

Mr/Mrs/Ms . Melrose

Address:

[Redacted Address]

Date of Service of Notice: *

07/05/2018

Name:	Mr/Mrs/Ms . Duff
Address:	[REDACTED]
Date of Service of Notice: *	07/05/2018
Name:	Mr/Mrs/Ms . McIntosh
Address:	[REDACTED]
Date of Service of Notice: *	07/05/2018

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:	
Address:	
Date of Service of Notice: *	

Signed:	Fergus Purdie
On behalf of:	Miss Jane Brown
Date:	03/05/2018
	<input checked="" type="checkbox"/> Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Overlooking diagram

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 Fergus Purdie

Declaration Date: 30/04/2018

Payment Details

Online payment:

Payment date:

Created: 03/05/2018 14:10

TCP/11/16(554) – 18/00715/FLL – Erection of a workshop/store on land 20 metres north west of Orwell Cottage, Academy Road, Crieff

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 737-741)*

PERTH AND KINROSS COUNCIL

Miss Jane Brown
c/o Fergus Purdie Architect
Fergus Purdie
5A Melville Street
Perth
PH1 5PY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 5th June 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00715/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 3rd May 2018 for permission for **Erection of a workshop/store Land 20 Metres North West Of Orwell Cottage Academy Road Crieff** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal, by virtue of its position, height and close proximity to the adjoining properties, would create an unacceptable loss of daylight and have a dominant and imposing impact, to the detriment of the residential amenity of the neighbouring properties. The proposal would also result in overlooking to neighbouring properties. Approval would therefore be contrary to the Perth and Kinross Council Placemaking Guide, Policies PM1A, PM1Bc and RC1 of the Perth & Kinross Local Development Plan 2014, which seek to protect and where possible improve existing residential amenity, and ensure that development contributes positively to the quality of the built environment by respecting the amenity of the place.
2. The proposal will result in an increase in traffic on Academy Road with none of the improvements to the access arrangements outlined in the previous application indicated in this submission. The proposal will

therefore result in an increase risk to pedestrian and traffic safety and is therefore contrary to Policy TA1B 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

Notes

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

Plan Reference

18/00715/1

18/00715/2

18/00715/3

18/00715/4

18/00715/5

REPORT OF HANDLING
DELEGATED REPORT

Ref No	18/00715/FLL	
Ward No	P6- Strathearn	
Due Determination Date	02.07.2018	
Case Officer	John Williamson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a workshop/store

LOCATION: Land 20 Metres North West Of Orwell Cottage Academy Road
Crieff

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: 10 May 2018

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning consent is sought for the erection of a workshop/store on land adjacent to Orwell Cottage on Academy Road within the Conservation Area of Crieff. The proposed workshop/store was originally proposed as part of application 15/01435/FLL in conjunction with the erection of a dwellinghouse on nearby land with associated access, improvements, parking provision and waste storage. The wider proposal subject to the 2015 consent involved the eastern and western sides of Academy Road. To the west of Academy Road the proposal involved the erection of single storey store/workshop building, formation of six car parking spaces, a bin store and a turning/passing place for vehicles using Academy Road. This area of the site is currently derelict and unused and does not contribute positively to the character of the Conservation Area. This area of the site is currently contained by residential development on all sides. It is also identified within the Crieff Conservation Area Appraisal as an area in need of improvement. Consent for a dwellinghouse was granted on the eastern side of Academy Road.

The 2015 application was recommended for approval at officer level and approved by the Development Management Committee subject to a condition (8) which omitted the single storey store/workshop building due to the significant impact it would have on residential amenity. This application seeks consent for the erection of an identical workshop/store to that which was not permitted under the 2015 consent.

It should also be noted that the conditions on the 2015 consent require both the east and west sides of the site to be developed concurrently to ensure that an overall

benefit to the current arrangements on Academy Road can be provided. This would therefore ensure that the house was developed but only after the associated passing place, parking spaces and bin store area was completed. At the time of my visit the development had not been commenced. I have noted that the sites appear to be marketed separately. The buildings which occupied the house site to the east have been demolished under the separate demolition consent.

SITE HISTORY

14/02201/IPL Erection of dwellinghouse 13 March 2015

14/02202/IPL Erection of a dwellinghouse 13 March 2015 Application Withdrawn

15/01435/FLL Erection of dwellinghouse, erection of store and formation of parking and bin store area 17 August 2016 Application Permitted

15/01436/CON Demolition of buildings 9 March 2016 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 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 adaptation.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RC1 - Town and Neighbourhood Centres

Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

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 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 HE3A - Conservation Areas

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

OTHER POLICIES

None

CONSULTATION RESPONSES

Transport Scotland – no response

Transport Planning – requirement to refer to Transport Scotland

REPRESENTATIONS

The following points were raised in the 6 representation(s) received:

- Over-development
- Traffic and pedestrian safety
- Failure to previous decision
- Design and Scale
- Impact on residential amenity
- Loss of open space
- Out of character
- Contrary to Development Plan
- Impact on visual amenity
- Loss of daylight or sunlight

The above issues are addressed within the appraisal section below.

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.

Principle

The application site is located within Town Centre of Crieff where Policy RC1 applies. This indicates that there is a presumption in favour of commercial development. The site in question is surrounded by residential uses and Academy Road is residential in character as it sits behind and to the north of High Street, Crieff. The proposed store is to be utilised as a workshop and the agent has indicated that this may be used by an artist or similar and again the general principle of a use of this nature could be considered to be acceptable. However policy RC1 also requires a proposal to respect the residential amenity of an area and this will be considered further below.

Impact on Character of Conservation Area/Visual Amenity/Design

Policy HE3A of the LDP seeks to ensure that new development contributes positively to the character and appearance of the conservation area. The site is currently vacant, unkept land which does not contribute positively to the character of the conservation area.

This site is identified in the Crieff Conservation Area Appraisal as one which is in need of improvement. The introduction of a parking area, bin store approved as part of the 2015 application will bring the area back into use and in my view will make a positive contribution to the Conservation Area by visually tidying up an unkept site but also ensuring that it becomes a functional part of the area utilised by the residents of Academy Road and therefore introduces overall benefit to the immediate surroundings of Academy Road. These alterations are not included as part of this application.

The store building is proposed to be relatively simple in its form with gable ends and a pitched roof which relates well to other buildings in the vicinity. The proposed timber cladding and metal profiled sheet roof are found elsewhere in the Conservation Area and help to define the building as being a store/workshop rather than a residential dwelling and as such are considered to be acceptable. The store is proposed to be 8m x 5m in footprint with a height of 5.5m to ridge. I consider this scale of building can be accommodated on the site. As such the proposal is considered to comply with the LDP in terms of visual amenity and impact on the conservation area.

Residential Amenity

It is noted that concerns relating to loss of light to adjacent properties from the store building have been identified. The store building is proposed to be 8m x 5m in footprint and 5.5m to ridge. The Council's previous decision on the proposed store building was to omit it from the previous consent due to the significant detrimental impact it would have on residential amenity. As this proposal is identical to the previous submission the concerns relating to residential amenity remain. The workshop building will sit at a higher elevation than the properties to the south and will therefore overlook the garden ground of these properties and their rear windows and may have the potential to result in overshadowing to garden ground. It will also appear as a recessive structure given its elevated nature.

For the avoidance of any doubt I do not consider the proposed building to result in overshadowing to the property at 3 Duff Court due to the distance between the proposal and the nearest windows on this property.

Concerns have been expressed through letters of representation regarding the future use of the proposed store/workshop. The applicant's agent has indicated that it is intended to be used as a store/workshop for an artist/creative industry with general storage for supplies and equipment. A workshop/store has the potential to generate additional traffic and noise associated with it may affect residential amenity given the close proximity to residential properties. As such the proposal is considered to be of detriment to the nearby residential amenity because of its proposed use and resultant noise. The proposal is therefore contrary to Policy RC1 and PM1A and B

Traffic

The overall 2015 development was granted on the basis that it would result in overall improvements to the access into Academy Road by providing a bin store and by providing additional car parking spaces for residents and an associated passing/turning place.

The store was considered under the previous application as part of a wider improvement to the access referred to above.

This proposal relates solely to the erection of the store building and the proposed improvements subject to the 2015 consent are not included as part of this application and as such there is no scope to link the two developments to ensure the improvements are actually undertaken. As such I consider the proposed workshop would potentially result in an increase in traffic on Academy Road with none of the improvements outlined in the previous application secured. As such the proposal is contrary to policy TA1B of the LDP.

Land Stability

The stability of the land to accommodate the development is not a material planning consideration and any developer would require to ensure that the land is suitable for the development and will not impact on neighbouring land stability.

Drainage

The site is served by the public drainage system in Creiff and the application form indicates that the intention is to connect into this system. It also states that the proposal is to connect to the public water supply network and that a SUDS system will be utilised to cater for surface water drainage. The principle of this is considered to comply with policies EP3B and C of the LDP.

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

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

The proposal, by virtue of its position, height and close proximity to the adjoining properties, would create an unacceptable loss of daylight and have a dominant and imposing impact, to the detriment of the residential amenity of the neighbouring properties. The proposal would also result in overlooking to neighbouring properties.

Approval would therefore be contrary to the Perth and Kinross Council Placemaking Guide, Policies PM1A, PM1Bc and RC1 of the Perth & Kinross Local Development Plan 2014, which seek to protect and where possible improve existing residential amenity, and ensure that development contributes positively to the quality of the built environment by respecting the amenity of the place.

The proposal will result in an increase in traffic on Academy Road with none of the improvements to the access arrangements outlined in the previous application indicated in this submission. The proposal will therefore result in an increase risk to pedestrian and traffic safety and is therefore contrary to Policy TA1B 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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/00715/1

18/00715/2

18/00715/3

18/00715/4

18/00715/5

Date of Report

4 June 2018

TCP/11/16(554) – 18/00715/FLL – Erection of a workshop/store on land 20 metres north west of Orwell Cottage, Academy Road, Crieff

REPRESENTATIONS

Tracy McManamon

From: Yvonne hughes [REDACTED]
Sent: 15 May 2018 19:11
To: Development Management - Generic Email Account
Subject: Planning application 18/00715/fll

To whom it may concern

Regarding the planning application for the above reference no, I would like to put forward my objections to it.

I live at [REDACTED] and the proposed development will be right next to the property. This building will block sun from getting to my garden, it will be in constant shade. From a privacy point of view the height of the building means they can see into the majority of my windows.

Yours Yvonne Hughes.

Sent from my Samsung Galaxy smartphone.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00715/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a workshop/store		
Address of site	Land 20 Metres North West Of Orwell Cottage Academy Road Crieff		
Comments on the proposal	Insofar as the roads matters are concerned this application affects a Trunk Road and should be referred to the appropriate Trunk Road Management Organisation and the Director, Transport Scotland, Trunk Road: Network Management.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	18 May 2018		

Comments for Planning Application 18/00715/FLL

Application Summary

Application Number: 18/00715/FLL

Address: Land 20 Metres North West Of Orwell Cottage Academy Road Crieff

Proposal: Erection of a workshop/store

Case Officer: John Williamson

Customer Details

Name: Mr Alan Innes

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Excessive Height
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: I object to the building of a store unit being erected at the proposed site. I feel that the land is unstable and would need extensive works carried out to rectify this. This may result in adverse damage to parts of my property. The materials to be used ie wooden cladding, would not bode well with the existing residential buildings. Extensive traffic to this site could be problematic and be detrimental to the peacefulness of the residential area.

Yours Alan Innes

RECEIVED
29 MAY 2018



ENTERED IN COMPUTER
24 May 2018
29 MAY 2018

Perth & Kinross County Council
Planning & Development
Pullar House
Perth PH1 5GD

Dear Sir/Madam

Re: Planning Application 18/00715 site plan for proposed store, SW of Orwell Cottage, Academy Road, Crieff

We wish to once more make the following comments regarding the re-application of requested planning for erection of Workshop/Store on vacant ground west of Academy Road, Crieff.

Original request **denied** 18 August 2016 15/01435/FLL Item 8 reason being in interests of residential amenity as store considered to have significant loss of residential amenity on neighbouring property. Justification then was that proposal not in accordance with the Development Plan and there are no material reasons which justified departing from the Development Plan.

There is no reference to the parking bays which already have planning permission on this site solely for use of Academy Road Residents.

Use of workshop will increase traffic on this narrow road and size is as large as house, no matter which way one looks at it it will be for commercial use. Land is still very unstable where it would be built.

Yours faithfully



Comments for Planning Application 18/00715/FLL

Application Summary

Application Number: 18/00715/FLL

Address: Land 20 Metres North West Of Orwell Cottage Academy Road Crieff

Proposal: Erection of a workshop/store

Case Officer: John Williamson

Customer Details

Name: Mr Gavin Dunmall

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Loss Of Trees
- Out of Character with the Area
- Over Looking
- Road Safety Concerns

Comment: To the Development Quality Manager,

I object on Multiple Grounds,

The proposed development is in a purely Residential area yet it is a Commercial property being considered.

I'm aware that historically there was commerce in Academy Rd but that hasn't been the case in a very long time.

The overshadowing of the Hughes property is substantial.

Academy Rd is a narrow Private road, any increase of Traffic will be hazardous to the Children and pets who live here.

The Land in question is backfilled rubble and unstable.

And I draw your attention to the fact that the Secretary of State has deemed the land unfit to be

built on.

And for the building to go ahead it would clearly need piling or other heavy works, putting neighbouring properties at risk.

The proposed location is in an elevated position making the Proposed Workshop much taller than surrounding residences.

Academy Rd is a narrow Private road, any increase of Traffic will be hazardous to the Children and pets who live here.

The Land in question is currently being advertised for sale WITH a Workshop that the current Application clearly disallows.

Comments for Planning Application 18/00715/FLL

Application Summary

Application Number: 18/00715/FLL

Address: Land 20 Metres North West Of Orwell Cottage Academy Road Crieff

Proposal: Erection of a workshop/store

Case Officer: John Williamson

Customer Details

Name: Mr John Duff

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Light Pollution
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Out of Character with the Area
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: I am objecting to this application on the following grounds.

1) This area of land is subject to a previous still valid application 15/01435/fll

There were requirements on this application that had to be met before building of a house on the east side of this plot.

These included a passing place on the road a bin area and 6 parking places (to be made available to residents of academy Rd) and general improvements of this site.

None of these requirements have been met, I therefore presume the council have cancelled that approval before looking at this application .

2) This piece of land is being advertised for sale with planning permission already in place for a "store/garage suitable for commercial use"

This can be viewed online at Asset Properties Crieff.

Asset-properties.co.uk

Application 15/01435/fll states as a condition no commercial use.

Has application 15/01435/fll been cancelled?

3) Previous application 15/01435/fll declined the erection of a store in part (8) of decision for reason

"In the interest of residential amenity in that the proposed store is considered to have significant loss of residential amenity on neighbouring property"

1 what has changed since this decision?

2 Has the council cancelled approval of 15/01435/fll before looking at this application.

This application is in contravention of the previous requirements.

4) The road is unsuitable for any increase in traffic. Previous application 15/01435/fll approval states that the 6 parking spaces must not be made commercially available and are only for residents of Academy Rd.

The separation and sale of this land would mean that condition would not be fulfilled. Application 15/01435/fll would have to be cancelled before looking at this application.

The property being advertised for sale as a commercial site shows the owners intention to disregard the planning departments authority.

5) Safety - There are a number of young children and elderly people living on Academy Rd and Duff Court and the road has no pavement and is very narrow. The idea of this being used by any commercial concern should be unacceptable.

Two properties front doors open directly onto Academy Rd. Very unsatisfactory at the best of times.

6) Impact on neighbouring houses.

The development would have a serious impact on the level of light into a number of properties particularly 3 Duff Court, Alpine Cottage and Orwell Cottage.

7) Environmental - This piece of land has Japanese Knotweed growing on it, and the impact this may have on neighbouring properties by spreading the plant to other properties.

I believe the top 4 meters of soil must be removed before building. This would put the foundation of neighbouring properties at risk.

8) This is not in keeping with the rest of the properties in design or materials and has been turned down in a still valid application 15/01435/FLL

9) 15/01435/fll requires a passing place on the lane ,then bin storage, then 6 parking spaces and this would not allow access to any building without encroaching on 3 Duff Court.

Comments for Planning Application 18/00715/FLL

Application Summary

Application Number: 18/00715/FLL

Address: Land 20 Metres North West Of Orwell Cottage Academy Road Crieff

Proposal: Erection of a workshop/store

Case Officer: John Williamson

Customer Details

Name: Ms Geraldine Ward

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Land Use
- Loss Of Open Space
- Out of Character with the Area

Comment: This proposed development contravenes PKC's conservation area policy, it is not in keeping with surrounding buildings either in scale, nor materials used. Furthermore this is clearly a commercial development in a residential area, as the owner is currently marketing the property as parking with a shed, having failed to gain permission for the 'shed' in a previous application and the permission granted clearly stating that the permission was specifically for resident parking this edit has clearly been ignored. Academy Road is a narrow one way lane and any increase in traffic would have a clear detrimental effect on existing access and safety issues. It is also my understanding that the development of this site was to be in conjunction with the proposed residential development that formed part of the original application, with consent given on the understanding that the applicant provided resident parking by now proposing and marketing a commercial development this contravenes the conditions of the original application. The proposed site and scale of this development also blocks light to the neighbouring properties.

