

TCP/11/16(223)

Planning Application 12/01507/FLL - Alterations and conversion of garage into a house (removal of Condition 3 of 12/00045/FLL to form independent dwellinghouse and formation of new access) at The Rowans, New Fowlis, Crieff, PH7 3NH

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD

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Planning Department

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

Thank you for completing this application form:

ONLINE REFERENCE 000053973-001

The online ref number 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: MBM Planning & Development

Ref. Number:

First Name: * Mark

Last Name: * Myles

Telephone Number: * 01738 450506

Extension Number:

Mobile Number:

Fax Number: 01738 450507

Email Address: * mm@mbmplanning.co.uk

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

Building Name: Algo Business Centre

Building Number:

Address 1 (Street): * Glenearn Road

Address 2:

Town/City: * Perth

Country: * UK

Postcode: * PH2 0NJ

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Mr

Other Title:

First Name: *

George

Last Name: *

McOmish

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

The Rowans

Building Number:

Address 1 (Street): *

New Fowlis

Address 2:

Town/City: *

Crieff

Country: *

Scotland

Postcode: *

PH7 3NH

Site Address Details

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

Address 1:

The Rowans

Address 5:

Address 2:

New Fowlis

Town/City/Settlement:

Crieff

Address 3:

Post Code:

PH7 3NH

Address 4:

Please identify/describe the location of the site or sites.

Northings

723079

Easting

292829

Description of the Proposal

Please provide a description of the 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)

Alterations and conversion of garage into house (removal of condition 3 of 12/00045/FLL) to form independent dwellinghouse and formation of new access

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) – 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 of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See statement attached containing grounds of appeal

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

☐ Yes ☒ No

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)

MBM1 - Planning application forms and plans, MBM2 - Decision notice, MBM3 - New Fowls settlement boundary plan, MBM4 - Decision Notice and approved plans for 12/00045/FLL, MBM5 - Report of Handling, MBM6 - Letter from applicant's doctor & Statement containing grounds of appeal

Application Details

Please provide details of the application and decision.

What is the application reference number? *

12/01507/FLL

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

20/08/12

Has a decision been made by the planning authority? *

☒ Yes ☐ No

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

31/10/12

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 conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

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

To view the variety and mix of densities, scale, form and pattern of development within New Fowlis as a whole

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: Mark Myles

Declaration Date: 14/12/2012

Submission Date: 14/12/2012

1. Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review appeal submitted on 14th December 2012 on behalf of Mr George McOmish. The appeal relates to the removal of condition 3 of 12/00045/FLL, to form an independent dwellinghouse and formation of new access at the Rowans, New Fowlis by Crieff. The planning application to remove condition 3 (12/01507/FLL) (copy attached - MBM1) was refused by PKC on 31st October 2012 (decision notice attached – MBM2).
- 1.2 The property lies within the New Fowlis settlement boundary as shown on Map 18 (see MBM3) of the Strathearn Area Local Plan. Planning permission had originally been granted to convert the detached garage into ancillary accommodation linked to the main house on 26th March 2012 (12/00045/FLL) (decision notice and approved plans attached - MBM4).
- 1.3 The proposal requires to be considered under the terms of the development plan which in this case are policies 2 and 81 of the Strathearn Area Local Plan. Contrary to the view expressed on page 3 of the planning officer's Report of Handling (MBM5), the council's Housing in the Countryside Policy does not apply to this proposal as the property clearly lies within the defined settlement boundary as shown in MBM3.

2. Assessment of PKC Reasons for Refusal

- 2.1 The planning application was refused on 31st October 2012 for two reasons i.e. it was considered to be contrary to policies 2 and 81 of the Stratheam Area Local Plan. In effect both reasons for refusal raise similar issues, so this statement addresses both policies together.
- 2.2 As noted above the property lies within the defined settlement boundary for New Fowlis so does not lie within the open countryside. The housing in the countryside policy does not therefore apply to this proposal.
- 2.3 As the property lies within a defined small settlement, Policy 81 is the key policy consideration on which to assess the application. The policy states that *'there may be scope for small scale residential and compatible development but only where this will not adversely affect the density, character or amenity of the settlement and where all of the following criteria are met*
- a) *development is located to accord with the existing pattern of development and open space within the settlement.*
 - b) *the design and layout of the development should respect the setting and amenity of adjacent properties.*
 - c) *ribbon development is avoided.*
- 2.4 Policy 2 of the plan is the general development criteria policy that applies to all proposals. From assessing the Report of Handling and the reason for refusal no. 1, the council officer has used criteria b), c) and f) of Policy 2 i.e. regard being paid to the scale, form, colour and density of existing development within the locality, development not resulting in a significant loss of amenity to the local community, and the site being large enough to accommodate the development satisfactorily in planning terms.
- 2.5 The Report of Handling confirms that the principle of residential use of the detached garage has already been accepted by virtue of the previous planning permission.
- 2.6 The officer's report (MBM5) provides a thorough assessment of the plot sizes of the properties that are located **immediately** adjacent to the site and this forms the basis of the argument for refusal on the grounds that the resultant plots will be smaller than those located immediately adjacent. The Report of Handling does acknowledge that there are more modest plots within the older part of the settlement but suggests that this site has no relationship to those properties.
- 2.7 We disagree with that assessment. The property lies within the settlement of New Fowlis as specifically defined by the boundary as shown in MBM3. As New Fowlis is a defined small settlement the detailed wording of Policy 81 also requires any

assessment to focus on the density, character and amenity, and pattern of development in the settlement as whole (as confirmed by the wording in the policy that we have highlighted in bold above).

- 2.8 The planning officer has taken a narrow interpretation of policy and focused solely on the immediate adjacent properties and that is not what Policy 81 requires. Policy 2 also requires an assessment to be based on looking at the local community i.e. in this case that is taken as being the small settlement of New Fowlis as a whole.
- 2.9 It is evident from visiting New Fowlis and also from looking at the site location plan (MBM1) that accompanied the planning application that within the settlement there are a wide range of property sizes and styles, various differing densities and scales of development as well as a variety of colours and materials. Policies 2 and 81 certainly do not encourage uniformity or any assessment to be based solely on looking at the character and density of the immediately adjacent properties. As there is already a mix and variety of densities and patterns of developments within the wider New Fowlis community, the proposal can be considered to accord with this mix and therefore consistent with the stated elements of policies 2 and 81.
- 2.10 Similarly the issues raised regarding the perceived lack of useable garden space causing '*severe detriment to the residential amenity of the existing dwellinghouse*' have in our view been exaggerated. The Report of Handling accepts that the proposed unit would have a reasonable level of garden ground. The existing dwellinghouse would retain large areas of private amenity garden space which would be far in excess of the council's normal minimum standards. The proposal would not result in a 'significant' loss of amenity to the wider community or to the residents of the existing or proposed properties. No objections were raised from any adjacent resident regarding loss of amenity or overlooking.
- 2.11 Whilst the officer's report dismisses the applicant's personal circumstances as not being relevant to the consideration of this application, a letter of support has been received from the applicant's doctor dated 15th November 2012 (MBM6). The applicant's simply wish to remain in the same location albeit in a smaller property that would be more suited to their future needs and this type of mixed development is encouraged by Scottish Planning Policy in all communities.
- 2.12 We must also comment on the Report of Handling's assessment of the Council's Education Contribution Policy. The report states that the previous permission granted for the change of use of the garage shows only one bedroom and there is space within the large open living area to form a second bedroom, which could be done without planning permission as works would be solely internal. The report justifies the application of the council's contributions policy on this basis.

- 2.13 The report clearly fails to recognise that condition no. 1 of the planning permission 12/00045/FLL (MBM4) requires the proposed development to be carried out in accordance with the approved plans. Therefore despite the fact that the applicants have no intention or need to create a second bedroom, the officer is incorrect to state there would be no future control over any such work. If the Local Review body were minded to approve this appeal then the council's education contribution policy is not considered to be applicable or necessary in this case.

3 Conclusions

- 3.1 This Notice of Review appeal highlights that the proposed application does pay regard to the mixed scale, form, colour and density of development within the defined small settlement of New Fowlis. There would be no significant loss of amenity to existing or proposed residents or to the wider community as a whole. This view is supported by the fact that no objections were received from any individual.
- 3.2 The applicant's own personal circumstances provide added justification in support of the proposed application which is also encouraged by Scottish Planning Policy.
- 3.3 The council's education contribution policy is not applicable in this case as any changes to the proposed property are already controlled by condition 1 on the previous consent 12/00045/FLL.
- 3.4 We therefore respectfully request that this Notice of Review is approved as the proposal is considered to be in conformity with the detailed wording of Policies 2 and 81 of the Strathearn Area Local Plan, subject to any conditions that may be considered necessary by the Local Review Body.

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application
 PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
 ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<i>Mr</i>	Ref No.	
Forename	<i>George</i>	Forename	
Surname	<i>McOMISH</i>	Surname	
Company Name		Company Name	
Building No./Name	<i>The Rowans</i>	Building No./Name	
Address Line 1	<i>New Fowls</i>	Address Line 1	
Address Line 2		Address Line 2	
Town/City	<i>Crieff</i>	Town/City	
Postcode	<i>PH7 3NH</i>	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Postal Address or Location of Proposed Development (please include postcode)			
<i>The Rowans New Fowls CRIEFF Perthshire PH7 3NH</i>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission		<input checked="" type="checkbox"/>	
Planning Permission in Principle		<input type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

Plot Sub division + formation of new access

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

/

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

House + Auxiliary Accommodation

9. Access and Parking

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

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain 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?

2

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

2

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

☐
☒
☒

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

☐
☐
☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐
☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☒

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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 ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

EXISTING KERBSIDE ARRANGEMENT

14. Residential Units Including Conversion

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

Yes ☐ No ☒

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

RESIDENTIAL

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☒

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and/or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:

Name:

GEORGE T. McOMISK

Date:

14/08/2012

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2008

CERTIFICATE A, B, C D OR E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than THE APPLICANT was owner 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 application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

[Redacted Signature]

On behalf of:

GEORGE THOMAS McDONISH

Date:

14 / 08 / 2012

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) [] served notice on every person other than [] who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☒
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and [] served notice on every person other than [] who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other _____ was an owner 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

- (2) _____ served notice on each of the following persons other than who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and _____ served notice on each of the following persons other than _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:

Date:

CERTIFICATE E

Certificate E is for use where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land.

I hereby certify that -

- (1) No person other than _____ was owner 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 application. ☐
- (2) The land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

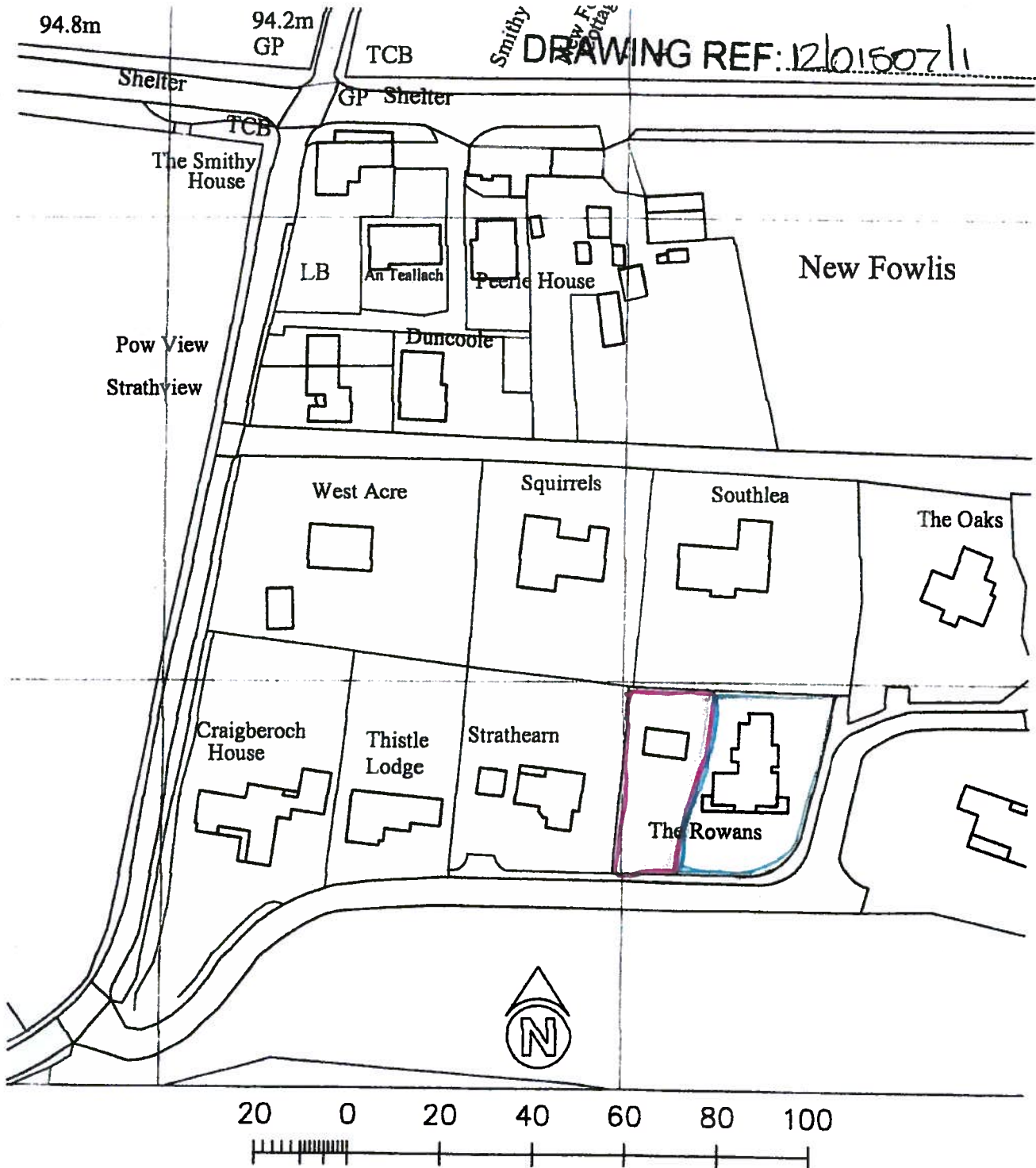
On behalf of:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

PERTH AND KINROSS COUNCIL

DRAWING REF: 12/01507/1



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HEALTH AND SAFETY NOTES:

Significant Residual Hazards	Present	Description	Significant Residual Hazards	Present	Description
Asbestos	<input type="checkbox"/>		Buried and Overhead Services	<input type="checkbox"/>	
Health Hazards	<input type="checkbox"/>		Underground Structures	<input type="checkbox"/>	
Structural Instability	<input type="checkbox"/>		Adjacent Activities	<input type="checkbox"/>	
Ground Conditions	<input type="checkbox"/>		Site Restrictions	<input type="checkbox"/>	
Contamination	<input type="checkbox"/>		Other (Specify)	<input type="checkbox"/>	

Client
McOmish, George

Project
**Conversion of garage to house
The Rowans, New Fowlis, Crieff**

Drawing Title
Location Plan

James Denholm Partnership
ARCHITECTS

11 Dunira Street Comrie Perthshire PH16 2LJ
Tel: (01764) 670899 Fax: (01764) 670995

Purpose

Scale

1:1250

Drawn by

PH

Date

Dec 2011

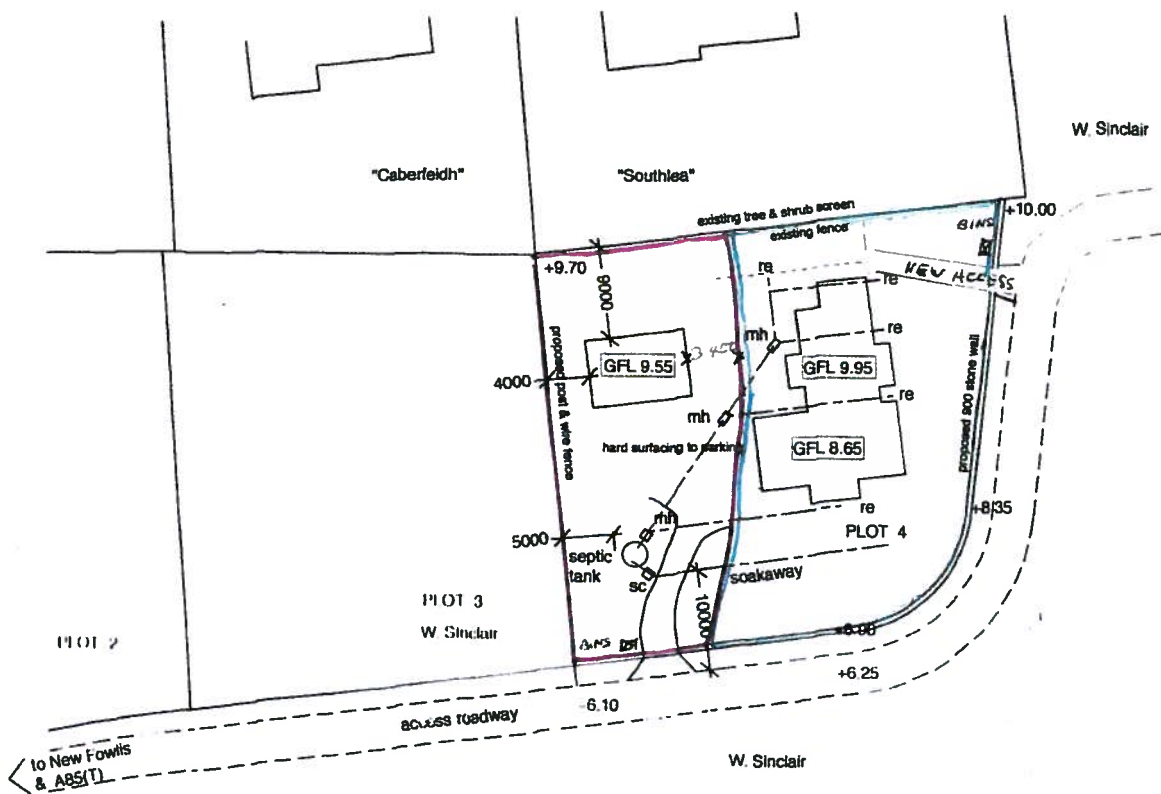
Dwg. No.

Loc-01

Job No.

4147

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BLOCK PLAN 1:500

PERTH AND KINROSS COUNCIL

DRAWING REF: 210150712

PERTH AND KINROSS COUNCIL

Mr George McOmish
The Rowans
New Fowlis
Crieff
PH7 3NH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 31st October 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/01507/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 20th August 2012 for permission for **Alterations and conversion of garage into a house (Removal of condition 3 of 12/00045/FLL to form independent dwellinghouse and formation of new access)** The Rowans New Fowlis Crieff PH7 3NH for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Strathearn Area Local Plan Policy 2 which, amongst other criteria, requires all development to have regard to the scale, form, colour and density of existing development within the locality, thus ensuring the development does not result in a significant loss of amenity to the local community, and that the site should be large enough to accommodate the development satisfactorily in planning terms. The proposal will have a detrimental effect on the amenity of the area by virtue of the form and density of the proposed and resultant plots and the lack of provision of adequate private amenity ground for the resultant plot.

2. The proposal is contrary to Strathearn Area Local Plan 2001 Policy 81: Small Settlements which requires that any small-scale residential development does not adversely affect the density, character or amenity of the settlement and that development accord with the established pattern of development and that the setting and amenity of adjacent properties is respected. The proposed development would detrimentally affect the density, character and amenity of the area; it does not reflect the existing pattern of development of the settlement, and; the design and layout does not respect the setting and amenity of adjacent properties.

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

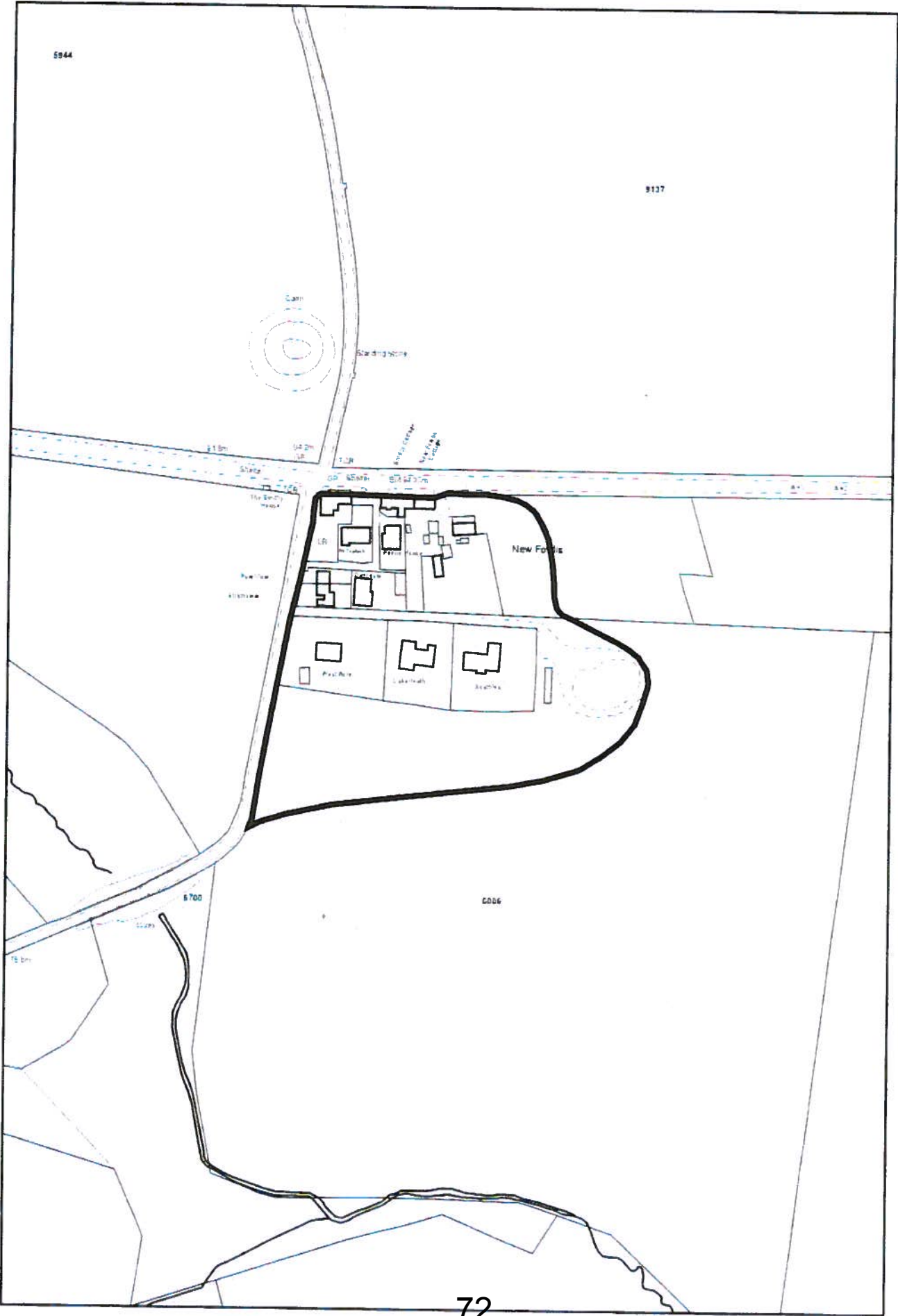
The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

12/01507/1

12/01507/2

Map 18: *New Fowlis*



PERTH AND KINROSS COUNCIL

Mr And Mrs George McOmish
James Denholm Partnership
11 Dunira Street
Comrie
Crieff
PH6 2LJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 26 March 2012

Town and Country Planning (Scotland) Acts.

Application Number **12/00045/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 30th January 2012 for planning permission for Alterations and Conversion of garage into ancillary accommodation The Rowans New Fowlis Crieff PH7 3NH subject to the undernoted conditions.

Development Quality Manager

Conditions Referred to Above

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Unless otherwise agreed, all proposed external finishing materials shall match those of the existing building in type, colour and texture, to the satisfaction of the Planning Authority.
3. The development authorised by this consent shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be let or sold separately without the prior approval of the Council as Planning Authority.

Reasons for Conditions

1. To ensure that the development is carried out in accordance with the plans approved.
2. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
3. In order to safeguard the residential amenity of the area and to effectively control the development.

Justification

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

Notes

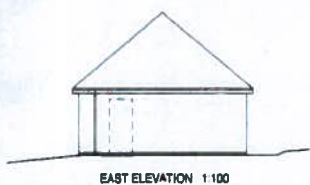
1. An application for Building Warrant may be required.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the 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. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
5. 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).

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

12/00045/1

12/00045/2



EAST ELEVATION 1:100



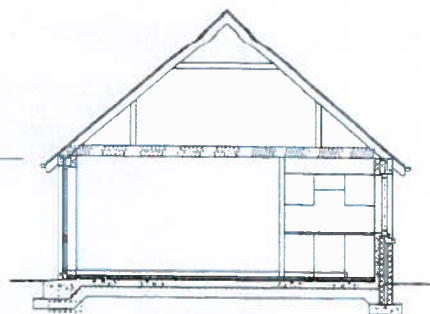
NORTH ELEVATION 1:100



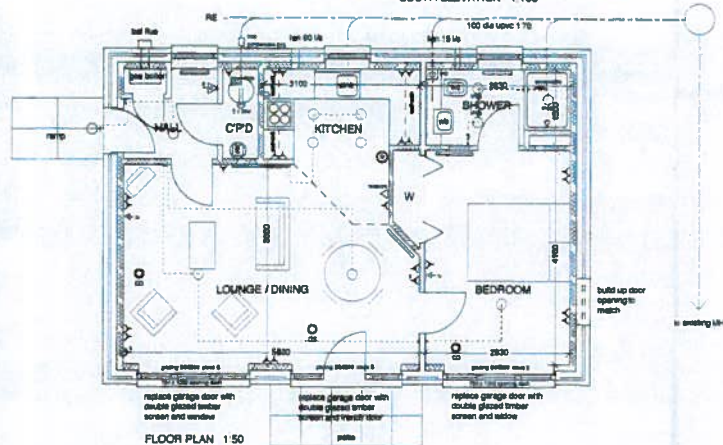
WEST ELEVATION 1:100



SOUTH ELEVATION 1:100

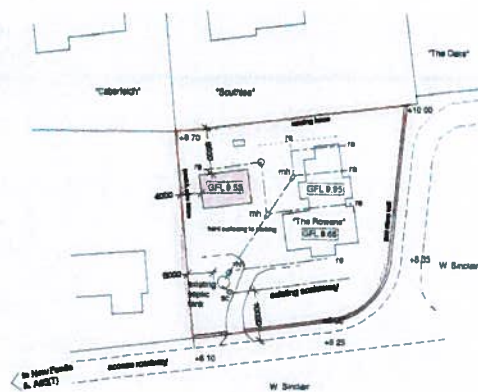


SECTION 150



FLOOR PLAN 1:50

Scale of metres @ 1:50



BLOCK PLAN 1:500

PERTH AND KINROSS COUNCIL
DRAWING REF. 12/00.45/2

Proposed Conversion of Garage to 'Granny Flat'
The Plover, New Fosse Craft
G.T. & Mrs C. M. A. McCreesh
4147 L-01 (B) September 2006 PH
James Denholm Partnership
Architects
11 Dinning Street, Perthshire PH16 3LJ
Tel: 01764 670099 Fax: 01764 670095

SCANNED

SCANNED

CHECKED IN

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/01507/FLL
Ward No	N9- Almond And Earn

30/10/12. CB

31/10/12
AC

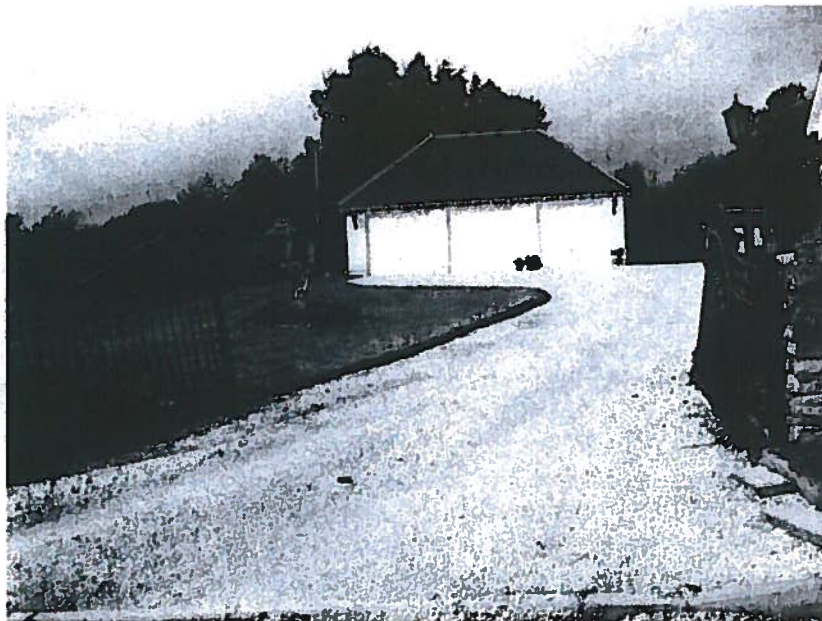
PROPOSAL: Alterations and conversion of garage into a house (Removal of condition 3 of 12/00045/FLL to form independent dwellinghouse and formation of new access)

LOCATION: The Rowans New Fowlis Crieff PH7 3NH

APPLICANT: Mr George McOmish

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 28 August 2012



OFFICERS REPORT:

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TayPlan 2012 and the adopted Strathearn Area Local Plan 2001. The proposed Local Development Plan 2012 is a material consideration.

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.

There are no specific policies of strategic importance, relevant to this proposal contained in the TayPlan.

The application site is located within the small settlement of New Fowlis to the east of Crieff. A number of houses have been developed over recent years including the one which is to be sub-divided as part of this proposal. The large house which is also in the applicant's ownership occupies the original plot which is comparable in size to the others in the immediate area and developed at the same time as the neighbouring plots. Previously permission was granted to the applicant to convert the original detached garage into ancillary accommodation, linked to the main house. The current application seeks to remove that link and to allow the smaller unit to be occupied as a standalone property.

The principle of residential use has already been accepted through the permission for ancillary accommodation and therefore it is only the details of the scheme which remain to be considered. Policy 81 of SALP supports infill development where it would not adversely affect the density, character or amenity of the settlement and where certain criteria are met.

The proposed plot measures some 675sq.m, with the associated resultant plot being some 978sq.m. The proposed plot is very significantly smaller than the neighbouring plots, with the original applicant's plot being some 1656sq.m, the plot to the east being some 1642sq.m, the plots to the west being 1501sq.m, 1246sq.m and over 2000sq.m respectively. There are more modest plots within the older part of the settlement towards the main road junction but the application site has no relationship with those. The resultant plot, even though larger than the proposed plot, does not relate to the adjacent plots as a much higher percentage of the plot would be developed. The layout of that plot also means that the resultant house has very little if any usable private garden ground as the proposed unit would retain the existing vehicular access into the site and therefore a new access would be required to access the original house. This is shown to be located to the north east of the house with the parking area to the north of the house. The main dwellinghouse is a large family home and the result of this development would mean that any future occupiers would not have adequate private garden ground associated with what is a substantial family home. This would be to the severe detriment of the residential amenity of that dwellinghouse. Whilst the proposed unit and plot would have a reasonable level of garden ground, the plot is of such a constrained size that it does not reflect the character or density of the surrounding, established area. Allowing this development would be to the detriment of the character and density of the immediate area and would be contrary to policy 81. It would also be contrary to policy 2 as that policy carries a requirement that built development should have regard to the scale, form, colour and density of existing development within the locality and that the site should

be large enough to accommodate the development satisfactorily in site planning terms.

A letter has been submitted by the applicant's doctor confirming the applicant's disability and difficulty in climbing stairs. The doctor advises that it would be of benefit to the applicant to have increased accommodation at ground level. The existing dwellinghouse has substantial accommodation at ground level which could be utilised or the ancillary accommodation formed from the garage block could also be used by the applicant to live in, should this suit better. The existing condition only requires that the two units not be let or sold separately. Whilst sympathetic to the applicant's predicament, this is not a material planning justification for setting aside long established development plan policies. It is a relatively common situation which other people resolve by relocating to more appropriate accommodation.

Although the previous permission granted for the change of use of the garage shows only one bedroom, there is space within the large open living area to form a second bedroom. This could be done without requiring further planning permission as works would be solely internal. On this basis, if permission were to be granted for the current proposal I consider that the Council's contributions policy towards education provision would be applicable and therefore a financial contribution of £6395 would be required to be secured prior to the issuing of any permission.

Given the above I conclude that the application is contrary to development plan policy and there is no overriding public need which justifies the setting aside of the development plan in this case. I therefore recommend refusal of the application.

It is perhaps worth noting that I would consider the proposal is also contrary to PLDP PMA1, RD3 and the Council's Housing in the Countryside Policy 2009.

DEVELOPMENT PLAN

S_081 Strathearn Small Settlements

Note: Policies 1 - 43 also apply in the small settlements.

See Inset Maps 14 - 20

Inset Maps 14 to 20 identify small settlements and hamlets where there are no specific development proposals. There may be scope for small-scale residential and compatible development but only where this will not adversely affect the density, character or amenity of the settlement and where all the following criteria are met:

- a) Development is located to accord with the existing pattern of development and open space within the settlement.
- b) The design and layout of the development should respect the setting and amenity of adjacent properties.
- c) Ribbon development is avoided.

Note: Some of the settlement boundaries contain more significant potential for development. However, it is not intended that these be developed as small suburban housing estates, but rather as individual or small groups of houses designed and located to reflect the existing pattern of development and open space within these settlements.

In all applications high standards of siting, design and finish will be required, in accordance with the Council's "Guidance on the Siting and Design of Houses in Rural Areas". Reference should also be made to policies 3, 4 and 5.

S_002 Strathearn Development Criteria

All developments will also be judged against the following criteria:

- (a) The sites should have a landscape framework capable of absorbing or, if necessary, screening the development and where required opportunities for landscape enhancement will be sought;
- (b) In the case of built development, regard should be had to the scale, form, colour, and density of existing development within the locality;
- (c) The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community;
- (d) The road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided;
- (e) Where applicable, there should be sufficient spare capacity in drainage, water and education services to cater for the new development;
- (f) The site should be large enough to accommodate the development satisfactorily in site planning terms;
- (g) Buildings and layouts of new developments should be designed so as to be energy efficient;
- (h) Built developments should where possible be built within those settlements that are the subject of inset maps.

PKC Local Development Plan, Jan 2012 Proposed Plan

This is the Council's most recent policy statement and is a consideration. The Plan has yet to be adopted.

Policy PMA1: Placemaking requires that all development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaption. The design and siting of development should respect the character and amenity of the place and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works where appropriate to the local context and the scale and nature of the development.

Policy RD3: Housing in the Countryside

This policy supports the development of single houses or groups of houses which fall within at least one of the six identified categories. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area. Further guidance is provided within the Supplementary Guidance.

OTHER POLICIES

Housing in the Countryside Policy 2009: This policy updates the Council's previous Housing in the Countryside Policy 2005. It seeks to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage

appropriate housing development in rural areas (including the open countryside).

The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations; and
- Ensure that high standards of siting and design are achieved.

It remains the aim of the Development Plan to seek to locate the majority of new development in or adjacent to existing settlements but the Council will support proposals for the erection, or creation through conversion of single houses and groups of houses in the countryside which fall into at least one of the six prescribed categories within this policy. A series of criteria is also applicable to all proposals.

SITE HISTORY

01/01606/OUT Erection of dwellinghouse (in outline) 30 January 2002 Application Permitted

02/01026/FUL Erection of a dwellinghouse with garage at 11 December 2002 Application Permitted

07/00064/FUL Conversion of existing garage to a granny flat 7 March 2007 Application Permitted

12/00045/FLL Alterations and Conversion of garage into ancillary accommodation 27 March 2012 Application Permitted

CONSULTATIONS/COMMENTS

Education And Children's Services

This development falls within the Madderty Primary School catchment area. Based on current information this school will reach the 80% capacity threshold.

Approved capacity	73
Highest projected 7 year roll	70
Potential additional children from previously approved applications	16.47
Possible roll	86.47
Potential % capacity	118.5%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Transport Planning

No objection subject to conditions relating to provision of turning facilities and car parking spaces.

TARGET DATE: 20 October 2012

REPRESENTATIONS RECEIVED:

Number Received: none

Summary of issues raised by objectors:

Not applicable.

Response to issues raised by objectors:

Not applicable.

Additional Statements Received:

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

Legal Agreement Required:

no

Summary of terms:

N/A

Direction by Scottish Ministers:

no

Reasons:-

- 1 The proposal is contrary to Strathearn Area Local Plan Policy 2 which, amongst other criteria, requires all development to have regard to the scale, form, colour and density of existing development within the locality, thus ensuring the development does not result in a significant loss of amenity to the local community, and that the site should be large enough to accommodate the development satisfactorily in planning terms. The proposal will have a detrimental effect on the amenity of the area by virtue of the form and density of the proposed and resultant plots and the lack of provision of adequate private amenity ground for the resultant plot.
- 2 The proposal is contrary to Strathearn Area Local Plan 2001 Policy 81: Small Settlements which requires that any small-scale residential development does not adversely affect the density, character or amenity of the settlement and that development accord with the established pattern of development and that the setting and amenity of adjacent properties is respected. The proposed development would detrimentally affect the density, character and amenity of the area; it does not reflect the existing pattern of development of the settlement, and; the design and layout does not respect the setting and amenity of adjacent properties.

Justification

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

Dr Martin & Partners

Crieff Medical Centre

Partners

Dr A E Martin
Dr D G Mitchell
Dr H T Dougall
Dr A Matthews
Dr S Evans
Dr C Jones



RCGP Scotland
2005-2008

Assisted by:

Dr S Sinclair

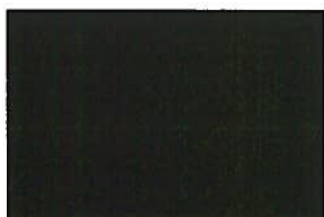
15 November 2012

To Whom It May Concern:

**George Mcomish
The Rowans
New Fowlis
Crieff
Perthshire
PH7 3NH
Date of Birth 11.01.42**

Mr. McOmish is a patient of mine and has asked me to provide a report to support a planning application for conversion of a garage at his residence to provide ground floor accommodation.

He suffers from chronic back and generalized joint pain, related to long-standing osteoarthritis. He also has a permanent disability in the form of weakness of his left foot. He now walks with 2 sticks and is finding it now virtually impossible to manage to climb the stairs in his house. As a result it would benefit him significantly to be able to convert his property and allow him increased accommodation on the ground level.



Andrew Martin

TCP/11/16(223)

Planning Application 12/01507/FLL - Alterations and conversion of garage into a house (removal of Condition 3 of 12/00045/FLL to form independent dwellinghouse and formation of new access) at The Rowans, New Fowlis, Crieff, PH7 3NH

PLANNING DECISION NOTICE (included in applicant's submission, see pages 70-71)

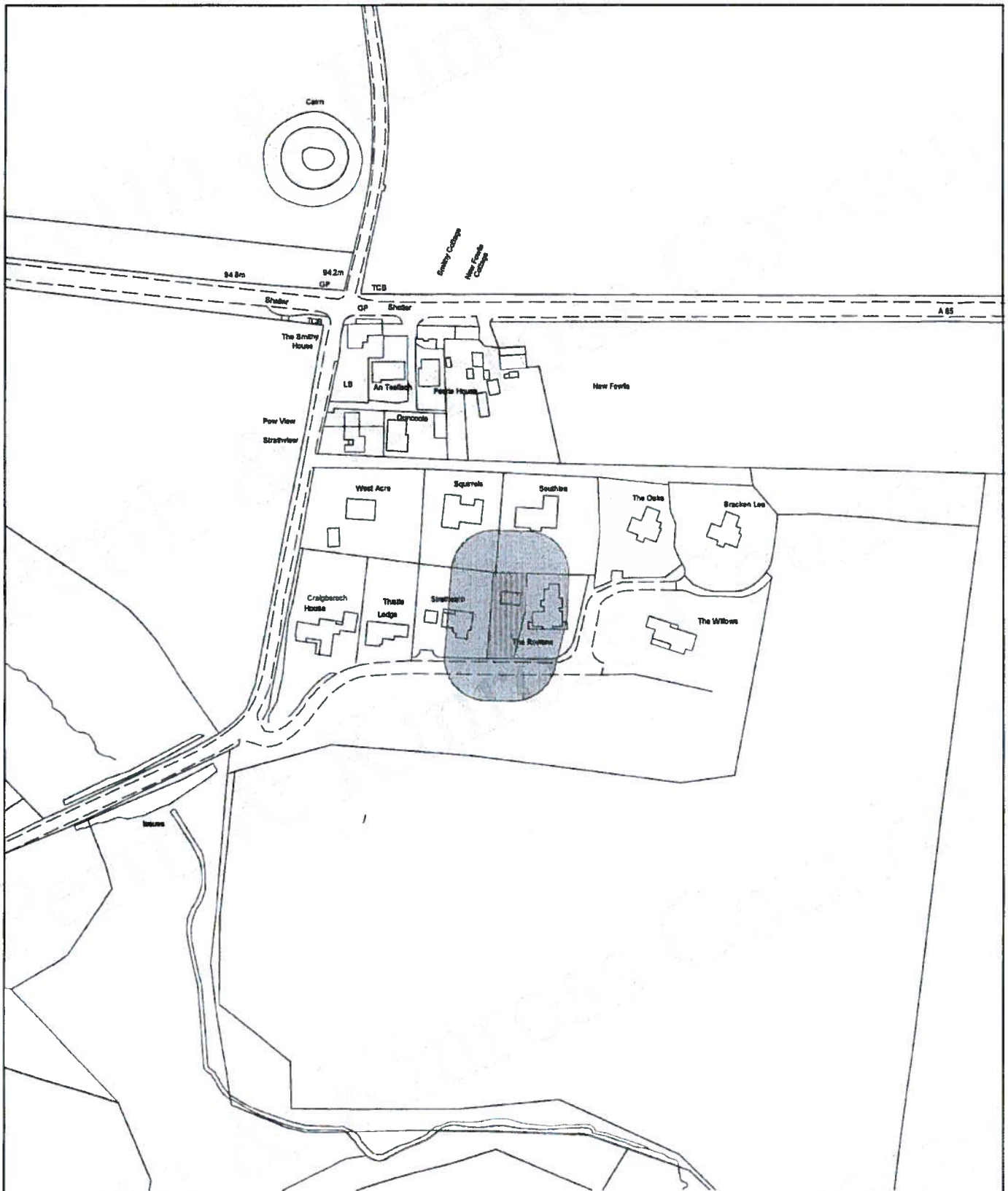
REPORT OF HANDLING (included in applicant's submission, see pages 73-74)

REFERENCE DOCUMENTS (part included in applicant's submission)

Perth & Kinross Council

NEIGHBOUR NOTIFICATION

Location Plan showing planning application site



This map is for neighbour notification only and must not be reproduced or used for any other purpose

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Perth and Kinross Council

List of Neighbours notified for 12/01507/FLL

Strathearn
New Fowlis
Crieff
PH7 3NH

South Lea
New Fowlis
Crieff
PH7 3NH

Squirrels
New Fowlis
Crieff
PH7 3NH

Thistle Lodge
New Fowlis
Crieff
PH7 3NH

Westacre
New Fowlis
Crieff
PH7 3NH

Craigberoch House
New Fowlis
Crieff
PH7 3NH

Bracken Lea
New Fowlis
Crieff
PH7 3NH

The Oaks
New Fowlis
Crieff
PH7 3NH

The Willows
New Fowlis
Crieff
PH7 3NH

TCP/11/16(223)

Planning Application 12/01507/FLL - Alterations and conversion of garage into a house (removal of Condition 3 of 12/00045/FLL to form independent dwellinghouse and formation of new access) at The Rowans, New Fowlis, Crieff, PH7 3NH

REPRESENTATIONS

- Representation from Education and Children's Services, dated 27 August 2012
- Representation from Transport Planning, dated 7 September 2012

Memorandum

To	Nick Brian Development Quality Manager	From	Gillian Reeves Assistant Asset Management Officer
Your ref	12/01507/FLL	Our ref	GR/CW
Date	27 August 2012	Tel No	(4) 76395

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 12/01507/FLL

This development falls within the Madderty Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	73
Highest projected 7 year roll	70
Potential additional children from previously approved applications	16.47
Possible roll	86.47
Potential % capacity	118.5%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please do not hesitate to contact me should you require any further information.

Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact ecssupportservices@pkc.gov.uk



The Environment
Service

MEMORANDUM

To	Christine Brien Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/01507/FLL	Date	7 September 2012

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

With reference to the application 12/01507/FLL for planning consent for:- **Removal of condition 3 (12/00045/FLL) to form independent dwellinghouse and formation of new access The Rowans New Fowlis Crieff PH7 3NH for Mr George McOmish**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.

