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| LRB-2023-15 – 22/02168/FLL - Erection of a dwellinghouse, land 25 metres north of 94 South Street, Milnathort |
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**LRB-2023-15 – 22/02168/FLL - Erection of a dwellinghouse,
land 25 metres north of 94 South Street, Milnathort**

**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) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

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

Review procedure

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

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

- | | |
|-------------------------------------------------------------------|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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

Site inspection

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

- | | Yes | No |
|--------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" 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:

This is a private dwelling and the Applicant would appreciate sufficient notice of the visit before it is undertaken.

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.

Please see the attached Appeal to Local Review Body Against Refusal document.

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.

N/A

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.

| | |
|-------------------------------------------------------|------------------------------------------------------------------------|
| Location Plan | Cont... |
| X1604 EX 01B | |
| X1604 GA 01B | Response to Objections along with Appendix B (Traffic + Parking Study) |
| X1604 GA 02B | |
| X1604 GA 03B | |
| X1604 GA 04B | |
| X1604 GA 05B | |
| X1604 GA 06B | |
| X1604 IL 01B | |
| X1604 IL 02B | |
| Design Statement | |
| Design Statement - Appendix A | |
| Planning_Permission-2.pdf | |
| Application_Summary.pdf | |
| Planning Permission-003.xml | |
| Report of Handling 6 February 2023 | |
| Decision Notice 7 February 2023 | |
| Appeal to Local Review Body Against Refusal Statement | |

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

Philip Neaves 

Date

27 March 2023

Land 25m North of No 94 South Street, Milnathort

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2013

APPEAL TO LOCAL REVIEW BODY AGAINST REFUSAL—22/02168/FLL
FOR

Erection of a Dwellinghouse



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Development
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Edinburgh
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1.0 Introduction

Felsham Planning & Development Ltd (FPD) are planning advisor to Mrs Marion Stirling (the Appellant). We are instructed to submit a challenge by requesting a review by the council's local review body against the refusal of planning permission on 7 February 2023 in respect of planning application ref 22/02168/FLL for:

Erection of a dwellinghouse .

at Land 25 Metres North Of No 94 South Street Milnathort.

The application was submitted on 9 December 2023 and registered on the same day. The application was determined under delegated powers on 7 February 2023, refusing the application.

The Council refused the application on the following grounds:-

1. *The proposal is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs, established building line and surrounding density as a consequence the development is incompatible with the character and amenity of the area.*
2. *The proposal is contrary to Policies 1A and 1B Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The density and siting of development does not respect the character and amenity of the place. Furthermore, the proposal fails to respect the established building line along South Street.*
3. *The position of the dwelling and the close proximity of the north elevation to the existing site boundary will result in a very dominant built form which is considered to be oppressive when viewed from the private garden ground of the property. An elevation of this scale in such close proximity to the boundary is contrary to Policy 1A of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that new development respects the visual and residential amenity of the area.*

Important Points to Note about the Application

- No Statutory Consultees have objected to the proposals.

2.0 The Site

The application site is isolated within a residential area in Milnathort and within the curtilage of 90 South Street owned by the applicant. The application site is bound to all sides by residential properties and their associated amenities. The main road (South Street) is to the east and there is a community orchard adjoining the site to the south with houses beyond. Topographically the site is relatively flat- it slopes gently up from the front of the site to the back and also from the south of the site to the north

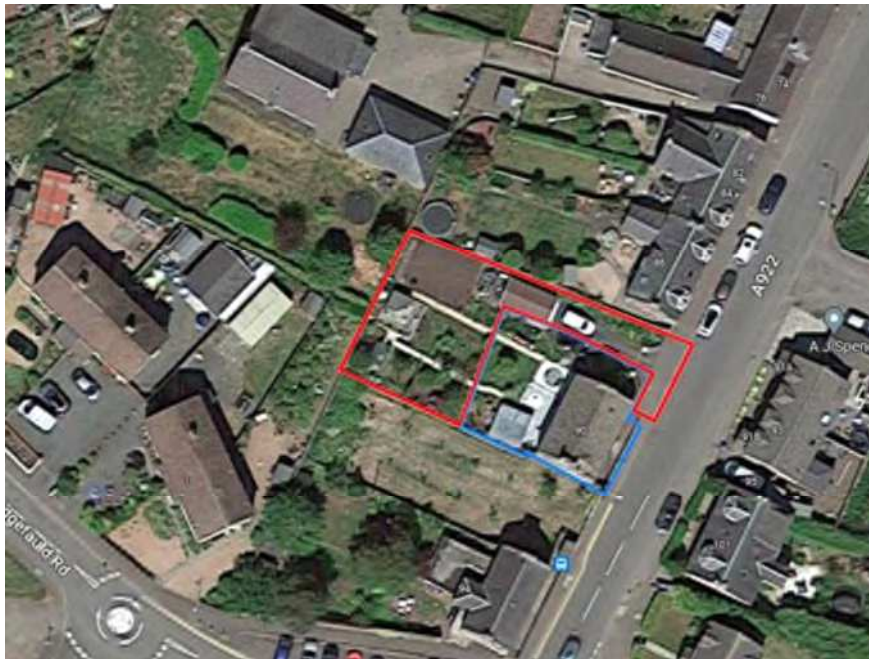


Figure 1 – Site Context

The site is enclosed on the eastern and south eastern boundary. Planting is mature and dense. All proposed development is located to the rear of the main building.

3.0 Need for New Dwelling

The need for the proposal is to enable the current resident to remain at the property location is a manageable and energy efficient new home with a manageable garden.

90 South Street has been in the applicant's family for decades - it is the home they grew up in and after inheriting the property in 2009 they moved back in 2010. The existing building is a two storey property with a large garden and while there is an overwhelming desire to continue living at the address the house is now oversized for the applicant's requirements and though the applicant is a keen gardener the vast scale of the garden makes its maintenance difficult. The applicant therefore hopes to create a new dwelling within their current ownership area and this would become their new home. The site area will be divided with an area of land left with 90 South Street.

The applicant requires level access and a manageable area of garden.

Internally the requirements for accommodation are modest. Our client wishes to create a home that sits comfortably and modestly on the site. Subtle divisions between public and private space are to be created - secluded external areas are to be provided without compromising the relationship with the street and neighbouring houses.

4.0 The Proposal



Figure 2 – The Site Location showing proposed dwelling & existing structures)

The Design Statement submitted in support of the application clearly demonstrates the evolution of Milnathort and in particular the history of the streetscape of South Street and the surrounding network of streets.

The proposal will only be partially visible from the main road and should only be considered as a structure that is secondary to the main street frontage. There is no desire to reflect the existing building line but to reflect the structures build to the rear of many properties in the area and along the neighbouring streets.



Figure 3 – View from South Street



Figure 4 – View from South Street

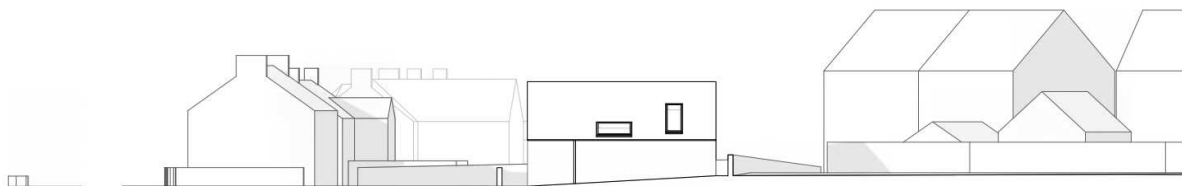


Figure 5 – View from North



Figure 6 – View from South

4.0 Planning History

22/00041/FLL Erection of a dwellinghouse 21 February 2022 - Application Refused.

This application is a re-submission following the refusal of a similar application (ref:22/00041/FLL). The previous application was refused and this application aims to address the issues raised.

The current proposal has reduced the overall site area with the footprint of the dwelling reduced from 126sqm to 85sqm and massing also reduced.

5.0 Basis for Determining a Planning Application

Section 25 of the Town & Country Planning (Scotland) Act 1997 states:

'Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise'.

Section 37 should be read alongside Section 25. Section 37 (2) states:

'In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations.'

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

'Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.'

The judgement set out the following approach to determining a planning application:

1. Identify any provisions of the Development Plan that are relevant to the decision;
2. Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies;
3. Consider whether or not the proposal accords with the Development Plan;
4. Identify and consider relevant material considerations for and against the proposal; and
5. Assess whether these considerations warrant a departure from the Development Plan.

This judgement sets out a clear and methodical approach to determining a planning application and clarifies how the Development Plan should be used.

The determining authority must first consider whether the proposal accords with the Development Plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the Development Plan, it follows that consent should be granted unless any site-specific matters preclude consent.

Scottish Planning Policy (SPP) further clarifies this point. Paragraph 8 sets out the '*core principles*' which should underpin the '*modernised system*'. The third core principle states:

'Confidence in the planning system needs to be reinforced through the efficient and predictable preparation of plans and handling of applications; transparency in decision making and reliable enforcement of the law and planning decisions.'

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

There may be circumstances where the achievement of one policy objective requires another policy to be waived or reduced in impact.

In assessing this proposal would be successful, we believe that it is also relevant to refer to two further court decisions *Tesco Stores v. Dundee* [2012] PTSR 983.

Paragraph 18 of the Dundee decision states:

The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority... the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.

Paragraph 19 continues:

The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract... development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another... many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

The key is that the Courts have confirmed that the development plan provides the planning authority with discretionary powers and these can be used flexibly. It is not sufficient to conclude that in the planning authority's view the proposal does not comply with elements of policy. Instead the Courts require the 5-step procedure set out in the 1998 *City of Edinburgh Council House of Lords* case to be followed. The planning authority must take a view on a case by case basis with the development plan the starting point for its assessment but not the concluding point. It may be the case that a policy intended to apply across the Local Plan area is clearly not applicable to specific circumstances of a particular site.

If the conclusion is that the proposal will contribute towards sustainable development, the decision-maker is then expected to test the proposal against the development plan and other relevant material considerations and, in doing so, to attach significant weight to the presumption that planning permission should be granted on the basis that the development is sustainable.

6.0 Planning Policy & Assessment

The Council refused the application on the grounds stated in Section 1 above. We will address each reason for refusal in turn below.

1. *The proposal is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs, established building line and surrounding density as a consequence the development is incompatible with the character and amenity of the area.*

Appellants Comment:

Policy 17 States:-

Policy 17: Residential Areas

The Plan identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected and, where possible, improved. Changes away from ancillary uses such as employment land, local shops and community facilities, for example pubs and restaurants will be resisted unless there is demonstrable market evidence that the existing use is no longer viable as a commercial venture or community-run enterprise.

Generally, encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:

- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.
- (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.
- (c) Proposals which will improve the character and environment of the area or village.
- (d) Business, homeworking, tourism or leisure activities.
- (e) Proposals for improvements to community and educational facilities.

The Policy is clear that *“encouragement is given to proposals which fall into one or more of the following categories of development which are compatible with the amenity and character of the area.”*. This encouragement has not been present in the consideration of this application. The appellant has taken the time and expense of learning from the previous application (Ref: 22/00041/FLL) submitted and considered by the Council and altered this application to reflect the comments received.

Only one of the Policy criteria requires to be fulfilled to meet the requirements for the Council to be encouraging the proposals.

The proposals fulfil criterion (a). The proposal is an infill development that represents an appropriate density of development and respects the established building line onto South Street. The density of the proposal is less than that of neighbouring properties and the wider surrounding plots. It is also set back from the South Street facades replicating the garage and ancillary structures that exist set back from the main residential property frontages. The new dwelling would be discrete and would not impact the local environs.

The Design Statement considers in detail the size / area of the proposed dwelling in relation to its associated curtilage (as well as the curtilage that would be apportioned to the existing property on 90 South Street).

Properties in the immediate surrounding area generally occupy around **25-35%** of their site area – the proposed dwelling has an area **24% of its site area** and the existing dwelling **26% its site area**.

Report of Handling (Officers Comments) states:-

“Other nearby plots include 90 South Street which has a build to plot ratio of 15% and 1 Bridgeauld Road which has a build to plot ratio of 18%. There is considered to be a general consistency across build to plot ratios in this part of Milnathort which the proposed development does not follow.”

The examples chosen by the case officer (one of which, 90 South Street (Application site), being the ‘existing dwelling’) does not follow the general arrangement within the context and is considerably lower in plot to build ratio. The new proposal brings the plot ratio more in line with the local context.

The Design Statement considered in great detail the general consistency of build to plot ratios and the figures noted are more reflective of this.

The Design Statement includes a number of examples to support this. The Design Statement states (footnote of Page 20) that:

*“72 - 76 South Street - 36%;
82 South Street - 32%;
84 South Street - 25%;
86 South Street - 22%; and
94 South Street - 22%”*

The Design Statement also confirms that both properties have garden space in excess of the requirements set out in The Perth & Kinross Council ‘Placemaking Guide’ (Adopted March 2020).

The proposed dwelling has a plot ratio of 24% of its site area.

- 2 *The proposal is contrary to Policies 1A and 1B Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The density and siting of development does not respect the character and amenity of the place. Furthermore, the proposal fails to respect the established building line along South Street.*

Appellants Comment:

Policies 1A and 1B Placemaking states:-

| Policy 1: Placemaking |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Policy 1A</p> <p>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 adaptation.</p> <p>The design, density 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 appropriate to the local context and the scale and nature of the development.</p> |
| <p>Policy 1B</p> <p>All proposals should meet all the following placemaking criteria:</p> <ul style="list-style-type: none"> (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings. (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area. (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space. (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport. (f) Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible. (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals. (h) Incorporate green infrastructure into new developments to promote active travel and make connections where possible to blue and green networks. (i) Provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials (with consideration of communal facilities for major developments). (j) Sustainable design and construction. |

The development would contribute positively to the surrounding built and natural environment by providing structure and cohesion to the rear and side of 90 South Street. The existing garden is a variety of garden structures, hard landscaping, greenhouse, a garage, patios, split over 2 long and narrow plots (88 and 90 South Street). The new dwelling would not differ greatly to the passing visual impression of the existing garage structure. The existing garage is set back from the street building line and establishes the building line at this point of the site further back from the main road.



Figure 7 – Existing view of Application Site Entrance

While there is a defined building line along South Street there are a number of properties which are set back from the road - these are highlighted on the layout opposite and are a mixture of old and new structures including 32 South Street (approved 2008 - Planning Reference 07/02467/FUL); 80 South Street; 89A South Street and 127 South Street. In addition to this a number of properties have ancillary buildings such as garages which are similar size and position to the proposed new dwelling.

As mentioned in relation to Policy 17 and the density of the development of the plot (Reason for Refusal 1) Properties in the immediate surrounding area generally occupy around **25-35%** of their site area – the proposed dwelling has an area **24% of its site area** and the existing dwelling **26% its site area**.

The density of development is consistent with the surrounding area.

- 3 *The position of the dwelling and the close proximity of the north elevation to the existing site boundary will result in a very dominant built form which is considered to be oppressive when viewed from the private garden ground of the property. An elevation of this scale in such close proximity to the boundary is contrary to Policy 1A of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that new development respects the visual and residential amenity of the area.*

Appellants Comment:

The proposed building is 1.6m from the north boundary at its closest point and increases to 1.9m from the same boundary at the north west corner of the property. As can be viewed in Figure 2 above, the garage structure at 80 South Street is of very similar footprint and relationship to the plot boundary as the proposals.

Figure 1 above also shows that the Garage at 80 South Street is built on the boundary of the plot. It does not have a standoff to the property boundary to the south east. The garage is a building with velux roof windows.

The proposed dwelling will have a natural slate roof and be in keeping with the style, character, materials and built form of the neighbouring properties that are built up to the boundary edges of the plots. Dwellings are tall and imposing and development behind the front line buildings is not unusual as demonstrated by the Design Statement.

The Daylight Survey submitted in support of the application has proven that there is no significant impact on the daylight of the neighbouring properties. This demonstrates that the building cannot be an oppressive and overbearing structure. If it was the impact on the daylight of the neighbours would be compromised.

7.0 Objections and Appellant's Response

The appellant's agent prepared a response to the objections received to the application in February 2023. It is important to consider the response to these objections and therefore we have included the response within this section to ensure the issues are addressed in the challenge to the council's local review body.

At 1st February 2023 there had been 4 Public Comments submitted to Perth & Kinross Council – one neutral and three objecting to the proposals. We have grouped our response into issues key to each objection and responded in whole under each heading. Some objections that have been submitted make statements but do not justify or explain the comments made and therefore cannot be examined in detail. The objections are dealt with below in no particular order and no implied significance should be taken from the order. Where points are covered in application supporting information we have not repeated our previous points and have directed to the relevant document

Size + Massing

Objectors object to the proposed dwelling being double storey and comment has also been made about the size of development relative to the site area.

The proposed second floor accommodation is located within the roofspace and the overall mass is more comparable to a single storey dwelling – we note that the previous application (22/00041/FLL) was for a proposed single storey dwelling and the current application proposes a dwelling with a reduced plan size and reduced mass when compared to the previous proposal. The Design Statement considers in detail the size / area of the proposed dwelling in relation to its associated curtilage (as well as the curtilage that would be apportioned to the existing property on 90 South Street). As noted in the Design Statement properties in the immediate surrounding area generally occupy around 25-35% of their site area – the proposed dwelling has an area 24% of its site area and the existing dwelling 26% its site area. The Design Statement also confirms that both properties have garden space in excess of the requirements set out in The Perth & Kinross Council 'Placemaking Guide' (Adopted March 2020).

Position

The objection regarding position is on the basis that the proposed location of the dwelling would not be in keeping. The Design Statement considers in detail the proposed location of the dwelling and demonstrates there is contextual precedent (recent and historic) for buildings set back from the road. The Design Statement also considers the position in terms of the massing proposed – this being similar to existing adjacent garages (i.e. 80 South Street) with an overall form that contextually would be set back from the building line.

Privacy + Daylight

Objectors consider the new dwelling will negatively affect daylight and privacy to neighbouring properties. The Design Statement deals with Privacy (page 19) and Daylight (page 21 and Appendix A) in detail. In terms of privacy there are no windows to the north or west elevations that overlook neighbouring properties and all openings to the south elevation are at least 9m from the associated boundary. The entrance door and screen proposed to the east elevation serve a non-habitable entrance hall – these openings are around 23m from the east boundary / road edge. The Daylight Studies show that there is no impact from the proposed dwelling on the daylight to existing neighbouring buildings. The Daylight Studies also refer to written guidance (BRE document 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice') and show that any overshadowing of adjacent garden spaces would be acceptable.

Impact on Local Road Network & Parking

Objectors object to the proposed dwelling adding to existing traffic and parking issues on South Street. The objections regarding traffic appear to be related to parking and the objector's assumption that the proposal will add to on-street parking. The proposal retains off street parking to the existing 90 South Street property and proposes similar off street parking to the new dwelling – this is noted in the Design Statement and shown on application drawings. Further to this we consider the proposed dwelling would improve existing on street parking issues – a supplementary diagram has been prepared (Appendix B) which demonstrates that visitors to 90 South Street would no longer be able to park on the street in front of the access to this property as they would obstruct access to the new dwelling. As it is demonstrated that the development requires no on street parking – restrictions to on street parking could be implemented by the Local Authority and this would be welcomed by the Applicant. The public comments also refer to potential issues during the construction period including noise pollution and site access. It is acknowledged that there will be limited impact during construction which is an expected result from any housing development in any situation – the construction period will be short and managed through a Construction Management Plan.

8.0 Material Considerations

Need for the Development

A material consideration is the needs of the Appellant. As mentioned above, the need for the proposal is to enable the current resident to remain at the property location is a sustainable, manageable and energy efficient new home with a manageable garden.

90 South Street has been in the applicant's family for decades - it is the home they grew up in and after inheriting the property in 2009 they moved back in 2010. The existing building is a two storey property with a large garden and while there is an overwhelming desire to continue living at the address the house is now oversized for the applicant's requirements and the vast scale of the garden makes its maintenance difficult. The applicant therefore hopes to create a new dwelling within their current ownership area and this would become their new home. The site area will be divided with an area of land left with 90 South Street to reflect the historic 2 plots located at the site.

The applicant requires level access and a manageable area of garden.

The Appellant wishes to create a home that sits comfortably and modestly on the site.

Building Line

Although the building line on the South Street frontage is directly onto the road the existing garage development to the rear of the dwellings establishes a secondary building line. This is respected by the proposed dwelling. The existing garage will be demolished and replaced with the new dwelling. Development is existing on the application site.

9.0 Conclusions

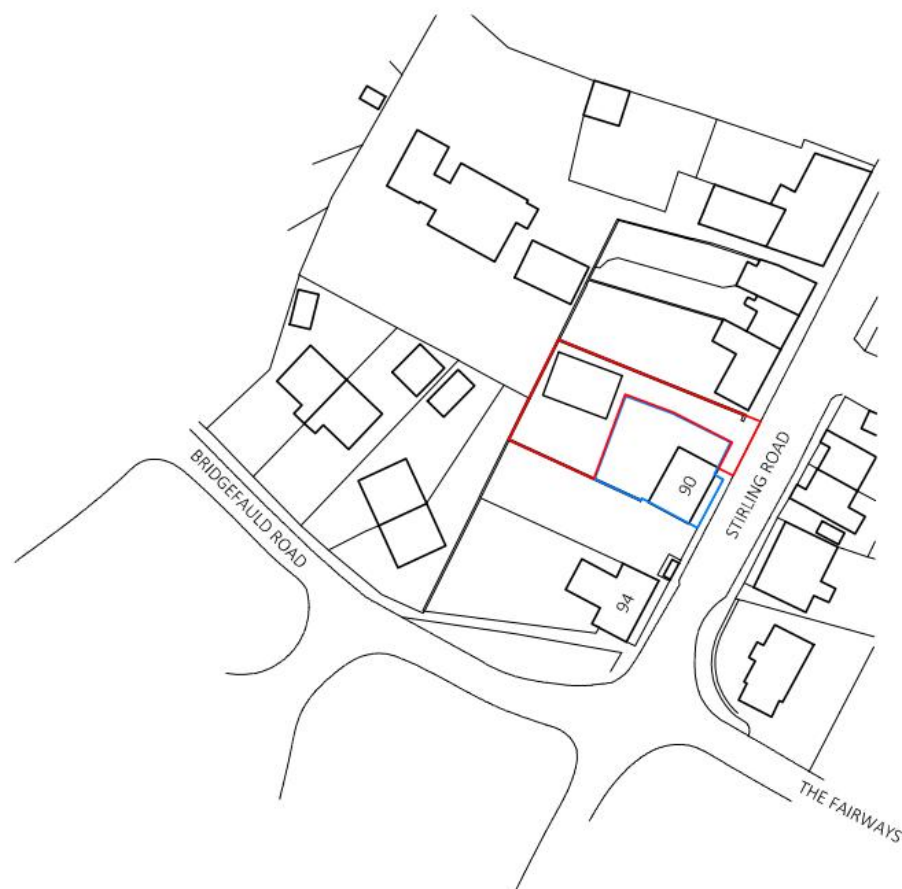
The Planning Act requires development to be in accordance with the Development Plan unless material considerations indicate otherwise. We have undertaken our assessment on this basis. There is a policy balance to be made.

Having assessed the aims and objectives of the relevant policies and assessed material considerations our conclusions are as follows:

- No statutory Consultees objected to the proposals.
- The proposal complies with the aims, objectives and principles of policy;
- No conflict with established land use – the principle of residential development is compatible with the surrounding land uses;
- Respects scale, form, design and materials – the design of the proposal has had regard to the character and appearance of the surrounding area. The scale, design and materials are appropriate to the area;
- No significant loss of daylight, sunlight or privacy to the surrounding existing residential properties.
- The development can be accommodated within the plot with no impact on its neighbours;
- The proposal would not have an adverse impact on any protected species or habitats;
- Visual impact- the scale, design and materials are appropriate to the area. The design of the scheme has taken account of the characteristics of the area.

The Appellant's case is that this proposal should be judged as suitable in all respects.

For these reasons we respectfully request that this challenge to the Council's refusal of the application should be allowed and planning permission be granted.



Location Plan

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To be read with Preliminaries/ General Conditions.

Setting out dimensions for openings to accommodate proposed doors, windows to be sized in accordance with door, window schedules

Sizes appended "*" to be site sized. All sizes to be confirmed on site prior to order / manufacturer

All measurements in millimeters (mm) unless noted otherwise

| | | | |
|--------|---------------------------------------------------|----|-------|
| B | Site area revised | RW | 10/22 |
| A | Scale and disclaimer revised; boundary revised | RW | 01/22 |
| letter | revision | by | date |

client

Stirling

project

**Land West of 90 South Street
Milnathort
'The Garden House'**

drawing

Location Plan

| | | | |
|---------------|-----------------------------------------------|----------|-------|
| scale | paper size | drawn | date |
| 1/1250 | @A4 | R WILLIS | 12/21 |
| status | <div> <div>PLANNNNG</div> <div>N</div> </div> | | |



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www.clwg-architects.com

drawing number

X 1604 / (OS) 01B

Notes

Boundary

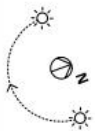
Existing ownership boundary shown as solid red line / adjoining land that is not owned by the applicant shown as solid blue line

Levels

◆ EX 666 Denotes existing site level

Down takings (shown dashed red)

DTL 01 Remove existing rendered masonry wall / vehicle access
DTL 02 Remove existing single storey precast concrete garage



Site General Arrangement (Existing)



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To be read with Preliminary/ General Conditions.

Setting out dimensions for openings to accommodate proposed doors, windows to be used in accordance with door / window schedules.

Sizes appended 'M' to be site sized. All sizes to be confirmed on site prior to order / manufacture.

| | | | |
|--------|-----------------------------------------------|----|-------|
| B | Site area revised | RW | 10/22 |
| A | Scale disclaimer revised; boundary revised | RW | 01/22 |
| letter | revision | by | date |

client: **Stirling**

project: **Land West of 90 South Street
Milnathort
'The Garden House'**

drawing: **Existing
Site General Arrangement**

| | | | |
|--------|------------|----------|-------|
| scale | paper site | drawn | date |
| 1/100 | @A1 | R WILLIS | 11/21 |
| status | PLANNING | | |



drawing number: **X 1604 / TGH / (EX) 01B**

Notes

— Red/Blue / Yellow/Green shown dashed grey on layout

Materials / finishes etc. (as appropriate)

- i Existing pavement and drainage levels / access
- ii Existing ground profile / existing level (third surface) - 1000
- iii Planning (1000)
- iv Garden boundaries with 1000 South Street
- v New stone rubble wall (approx. 1100mm high / 1000mm high to 90 South Street) to reflect general style and arrangement of existing boundary wall - rubble wall built in masonry with selected masonry stone with hydraulic lime mortar (c. part 1000, 1.5 / 3 parts 'Sandstone' (stone used) (1000) except as noted above - rubble wall projecting 100mm over face of masonry (1000mm) with pinnings where required. Coping below in hydraulic lime mortar to be above. Pinnings to be agreed on site.
- vi Proposed access / parking to proposed dwelling (third surface) - 1000
- vii Garden Paths (third surface) - 1000
- viii Existing flagstone (third surface) - 1000
- ix Tarmac - 1000
- x Planning - 1000
- xi House storage point (1000mm) (1000)
- xii Existing stone rubble wall (approx. level to top of page 1000, 1000)
- xiii Existing stone rubble wall (approx. level to top of page 1000, 1000)
- xiv Existing stone rubble wall (approx. level to top of page 1000, 1000)



Ground Floor General Arrangement
(Proposed)

Scale for Planning Use Only



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To be read with Professional General Conditions.

Setting out dimensions for openings to accommodation proposed doors, windows, etc. shall be in accordance with doors, window schedules.

Scale specified "N" to be site used. All sites to be confirmed on site prior to construction / installation.

| | | | |
|--------|-----------------------------|----|-------|
| B | Missing layout etc. revised | RW | 10/22 |
| A | Scale disclaimer revised | RW | 01/22 |
| letter | revision | by | date |

client
Stirling

project
**Land West of 90 South Street
Minlathort
'The Garden House'**

drawing
**Proposed
Ground Floor
General Arrangement**

| | | | |
|----------|------------|-----------|-------|
| scale | paper size | drawn | date |
| 1/50 | A1 | R. WILLIS | 11/21 |
| status | | | |
| PLANNING | | | |



drawing number
X 1604 / TGH / (GA) 01B

— — — — — 800/847-7273 / 800/847-7273 (toll-free) shown in bold grey on input

Mammals of Krasnodar Krai (Russia)

- [illegible]

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To be read with Preliminaries/ General Conditions.

Setting out dimensions for openings to accommodate proposed doors, windows, etc. shall also be done in accordance with door, window schedules.

*Values are approximate and to be used as a guide only. All values to be confirmed on site prior to order / manufacture.

| | | | |
|--------|-----------------------------|----|-------|
| B | Missing layout etc. revised | RW | 10/22 |
| A | Scale disclaimer revised | RW | 01/22 |
| letter | revision | by | date |

client

Stirling

project

Land West of 90 South Street
Milnathort
'The Garden House'

CREATE

Proposed
First Floor
General Arrangement

| scale | paper size | drawn | date |
|----------|------------|----------|-------|
| 1/50 | A1 | R WILLIS | 11/21 |
| STATUS | | | N |
| PLANNING | | | |



CLWG
Clifton Lang Wille + Galovay
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drawing number

X 1604 / TGH / (GA) 02B



**Ground Floor General Arrangement
(Proposed)**



Proposed Site Area 351m² / Proposed Dwelling 10m² (24% of site area)

90 South Street Site Area 299m² / Existing Dwelling 10m² (3% of site area)
 * Proposed 500m² area not subject to Proposed Application Area - Proposed Application includes area of land south site / south ownership area to assist in future proposed access to road network

Notes

Boundary

Proposed ownership boundary shown as solid red line

Levels

± **PM 100** Elevations proposed site level (existing level also noted, as 'ex')

Materials / Finishes etc. (Building)

- 01 External Stone (Ashlar - smooth Fluted finish)
- 02 Architectural smooth Render
- 03 Aluminium (PVC - bronze) cladding
- 04 Timber (PVC - Species MC2) external door
- 05 Timber (PVC - Species MC2) front window with triple glazed units
- 06 Timber (PVC - Species MC2) side front door
- 07 Timber (PVC - Species MC2) side front door with triple glazed units
- 08 Timber (PVC - Species MC2) side front door with triple glazed units
- 09 Aluminium (PVC - dark grey) external door
- 10 Timber (PVC - Species MC2) side front door with triple glazed units
- 11 Aluminium (PVC - dark grey) external door
- 12 Aluminium (PVC - dark grey) front door with triple glazed units
- 13 Roof/insulated solar PV

Materials / Finishes etc. (Landscaping)

- 1 Existing pavement in ch. changed kerb / access
- 2 Existing paved access parking to 90 South Street (paved surface - 10m)
- 3 Existing (10m)
- 4 Garden associated with 90 South Street
- 5 New stone rubble wall (approx. 1.00m high / 1.00m high in 90 South Street) to reflect general style and arrangement of existing boundary wall - rubble wall built in random mix of selected natural stone with hydraulic lime mortar (2 part 8/1, 5.5 / 3 parts 'Cambridge' mortar sand). Wall capes as rough flint half round rubble projecting 20mm each face in section (finished with pinnings where required). Capes below in hydraulic lime mortar (as above). Flanking kerb to be agreed on site
- 6 Proposed access / parking to proposed dwelling (paved surface - 10m)
- 7 2m Square Hot Pump
- 8 Garden Path (paved surface - 10m)
- 9 Garden (paved surface - 10m)
- 10 Lawn - 10m
- 11 Existing stone rubble wall (approx. 1.00m high)
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- 100 Existing stone rubble wall (approx. 1.00m high)

Site General Arrangement + Roof (Proposed)

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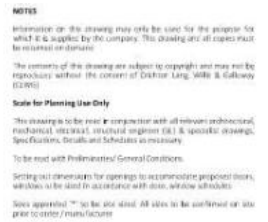
To be read with Preliminaries/General Conditions.
 Setting out dimensions for openings to accommodate proposed doors, windows will be done in accordance with above window schedule.
 Notes appended: "N" to be site area. All sites to be confirmed on site prior to construction / manufacture.

| | | | |
|--------|-------------------------------|----|-------|
| R | Massing, layout, etc. revised | RW | 10/22 |
| A | Scale disclaimer revised | RW | 01/22 |
| letter | revision | by | date |

| | | | |
|---------|------------------------------------------------------------------|----------|-------|
| client | Stirling | | |
| project | Land West of 90 South Street Milnathort 'The Garden House' | | |
| drawing | Proposed Site General Arrangement + Roof | | |
| scale | paper size | drawn | date |
| 1/100 | A1 | R WILLIS | 11/21 |
| status | PLANNING | | |



drawing number
X 1604 / TGH / (GA) 03B

[illegible]

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|--------|-----------------------------|----|-------|
| B. | Missing layout etc. revised | RW | 10/22 |
| A. | Scale disclaimer revised | RW | 01/22 |
| letter | revision | by | date |

| | | | | |
|----|------|----|------|----|
| 12 | 1.2m | 2m | 2.2m | 3m |
| | | | | |

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27



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drawing number
X 1604 / TGH / (GA) 04B

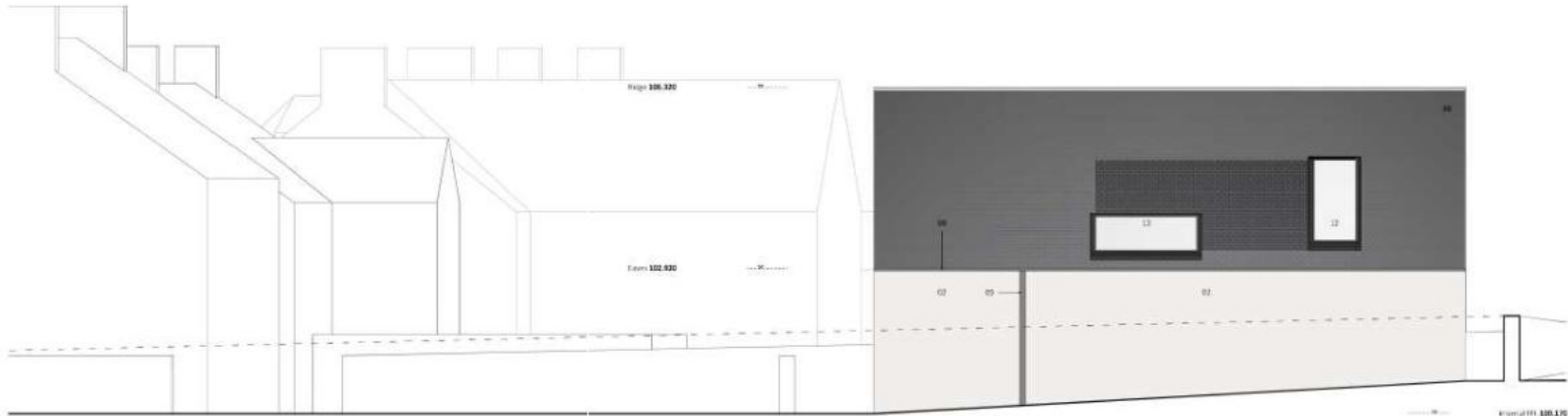
Notes

Materials / Finishes: Shuttling

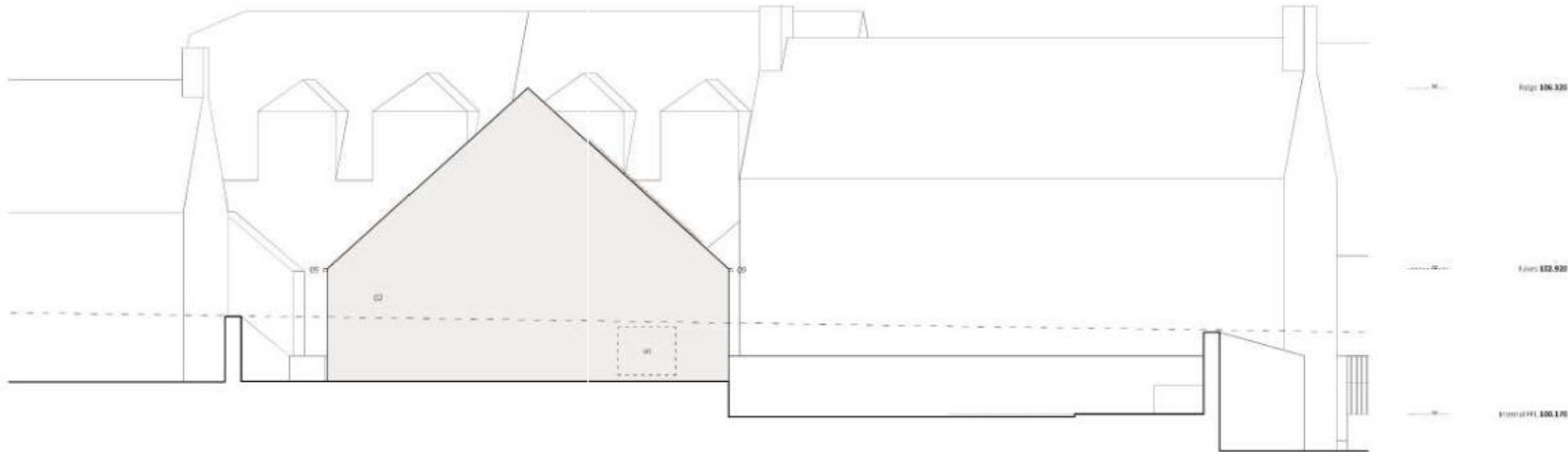
- C1 Portland Cement (Shuttling - Smooth Finish Field)
- C2 Architectural Smooth Finish
- C3 Aluminium PVC - Smooth cladding
- C4 Window frame - Smooth (H2) window unit with double glazed units
- C5 Window frame - Smooth (H2) door unit with double glazed units
- C6 Window frame - Smooth (H2) door unit with double glazed units
- C7 Window frame - Smooth (H2) door unit with double glazed units
- C8 Window frame - Smooth (H2) door unit with double glazed units
- C9 Aluminium PVC - Smooth cladding
- C10 Aluminium PVC - Smooth cladding
- C11 Aluminium PVC - Smooth cladding
- C12 Aluminium PVC - Smooth cladding
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- C100 Aluminium PVC - Smooth cladding

Materials / Finishes: Landscaping

- L1 Existing pavement (as shown) / asphalt
- L2 Existing pavement (as shown) / asphalt
- L3 Existing pavement (as shown) / asphalt
- L4 Existing pavement (as shown) / asphalt
- L5 Existing pavement (as shown) / asphalt
- L6 Existing pavement (as shown) / asphalt
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- L100 Existing pavement (as shown) / asphalt



North Elevation General Arrangement
(Proposed)



West Elevation General Arrangement
(Proposed)

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To be read with Preliminary/General Conditions.

Setting out dimensions for openings to accommodate proposed doors, windows, etc. shall be in accordance with above window schedule.

Notes appended to this drawing shall be read in conjunction with this drawing prior to construction.

| | | | |
|--------|------------------------------|----|-------|
| B | Missing, layout etc. revised | RW | 10/22 |
| A | Scale disclaimer revised | RW | 01/22 |
| letter | revision | By | date |

client
Stirling

project
**Land West of 90 South Street
Milnathort
'The Garden House'**

drawing
**Proposed
Elevations (as noted)
General Arrangement**

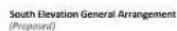
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| scale | paper size | drawn | date |
| 1/50 | A1 | R. WILLIS | 11/21 |

status
PLANNING

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drawing number
X 1604 / TGH / (GA) 05B

| | Alenxaru / Krashev et al. (Shilling) |
|-----|--------------------------------------------------------------------|
| 65 | National Data Institute - Smooth Rural Fresh |
| 66 | Architectural Smooth Fresh |
| 67 | Aluminium IPC - Smooth Fresh |
| 68 | Window HWP - Species: HCU external door |
| 69 | Window HWP - Species: HCU front window with/without glazed units |
| 70 | Window HWP - Species: HCU side hung door |
| 71 | Window HWP - Species: HCU side hung door with/without glazed units |
| 72 | Window HWP - Species: HCU side hung door with/without glazed units |
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| 100 | Window HWP - Species: HCU side hung door with/without glazed units |

[illegible]

29

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This drawing is to be used in conjunction with all relevant architectural, structural, electrical, mechanical, plumbing, and fire protection drawings, specifications, details and submittals as necessary.

Setting our dimensions for openings to accommodate

Given approval by the Board, the Board may also approve the sale of the property to the public to be used for the purpose of the project.

Internal rate 100.170

| | | | |
|--------|-----------------------------|----|-------|
| B | Missing layout etc. revised | RW | 10/22 |
| A | Scale disclaimer revised | RW | 01/22 |
| letter | revision | by | date |

Stirling

Land West of 90 South Street
Milnathort
'The Garden House'

drawing

Proposed
Elevation + Section (as noted)
General Arrangement

| scale | paper size | drawn | date |
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| 1/50 | @A1 | R WILLIS | 11/ |

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Setting out dimensions for openings to accommodate proposed doors, windows to be cited in accordance with door / window schedules.

Site appendices "" to be site sized. All sizes to be confirmed on site prior to order / manufacture.

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| B | Missing, layout etc. revised | RW | 10/22 |
| A | Scale disclaimer revised | RW | 01/22 |
| letter | revision | by | date |

client:

Stirling

project:

**Land West of 90 South Street
Milnathort
'The Garden House'**

drawing:

**Proposed
External Sketch Illustration
Viewed from South Street**

| | | | |
|-----------|------------|-----------------|--------------|
| scale | paper size | drawn | date |
| NA | A1 | R WILLIS | 11/21 |

status
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Setting out dimensions for openings to accommodate proposed doors, windows to be checked in accordance with door / window schedules.

Site legends: "x" to be site sized. All sizes to be confirmed on site prior to order / manufacture.

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| B | Missing, layout etc. revised | RW | 10/22 |
| A | Scale disclaimer revised | RW | 01/22 |
| letter | revision | by | date |

client:

Stirling

project:

Land West of 90 South Street
Milnathort
'The Garden House'

drawing:

Proposed
External Sketch Illustration
Viewed from Garden

| | | | |
|-------|------------|----------|-------|
| scale | paper size | drawn | date |
| NA | A1 | R WILLIS | 11/21 |

status

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drawing number

X 1604 / TGH / (IL) 02B

e Garden House
DESIGN STATEMENT

Prepared by
Crichton Lang, Willis + Galloway Architects

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PROJECT DETAILS

Client / Applicant
Stirling

Architect
Crichton Lang Willis + Galloway

Site
Land West of 90 South Street, Milnathort KY13 9XB

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PREFACE

This Design Statement has been prepared by CLWG Architects in support of the application for full planning permission for a new dwelling on land to the rear (west) of 90 South Street, Milnathort.

This Design Statement explains the research, analysis, concepts and design principles that have informed the proposal.

CLWG Architects
December 2022

INTRODUCTION

- 1.1 Project History
- 1.2 Site Description
- 1.3 Project Ambition

1

1.1 Project History

A Planning Application for the erection of a dwelling house was submitted to Perth & Kinross council in January 2022 (reference number 22/00041/FLL)- the decision notice issued by the council on 17th February 2022 confirmed refusal of the application.

In determining the application the local authority noted the following:

The proposal is contrary to Policy 17, Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an over development of the site when taking account of the area's environs and surrounding density as a consequence, the development is incompatible with the character and amenity of the area.

The proposal is contrary to Policies 1A and 1B Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The density and siting of development does not respect the character and amenity of the place. Furthermore, the proposal fails to respect the established building line along South Street.

The position of the dwelling and the close proximity of the north elevation to the existing site boundary will result in a very dominant built form which is considered to be oppressive when viewed from the private garden ground of the property to the north and will also result in substantial overshadowing of the private garden ground to the north. An elevation of this scale in such close proximity to the boundary is contrary to Policy 1A of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that new development respects the visual and residential amenity of the area.

The proposals have been reconsidered. The design development outlined in the previous Design Statement remains in large parts relevant and forms the main body of this document. Previous considerations where no longer relevant have been omitted. Where the design has been revised, generally to respond to the concerns regarding Policy outlined in the previous application Decision Notice, the additional and associated text within this document has been highlighted in yellow.

1.2 Site Description

The application site is located within a residential area in Milnathort and within the curtilage of 90 South Street- owned by the applicant.

The application site is bound to all sides by residential properties and their associated amenities. The main road (South Street) is to the east and there is a community orchard adjoining the site to the south with houses beyond.

Topographically the site is relatively flat- it slopes gently up from the front of the site to the back and also from the south of the site to the north.

1.3 Project Ambition

90 South Street has been in the applicant's family for decades- it is the home they grew up in and after inheriting the property in 2009 they moved back in 2010.

The existing building is a two storey property with a large garden and while there is an overwhelming desire to continue living at the address the house is now oversized for the applicant's requirements and though the applicant is a keen gardener the vast scale of the garden makes its maintenance difficult.

The applicant therefore hopes to create a new dwelling within their current ownership area and this would become their new home. The site area will be divided with an area of land left with 90 South Street.

The brief centred around a requirement for level access and maintaining an area of garden- though this to be more suitably sized. There is a desire for the house to feel open but secure with connections to the garden (both physical and visual)- internally the requirements for accommodation are modest.

Our client wishes to create a home that sits comfortably and modestly on the site. Subtle divisions between public and private space are to be created - secluded external areas are to be provided without compromising the relationship with the street and neighbouring houses.

Our ambition as designers is to exceed the client's expectations and to ensure interventions are appropriate within a wider context- this requires site specific design and consideration of the affect to existing property and amenity.

Scottish Government requirements (in terms of the Technical Standards) will be met and where possible exceeded- particularly with regard to accessibility and sustainability. The house will be constructed to the highest standards.

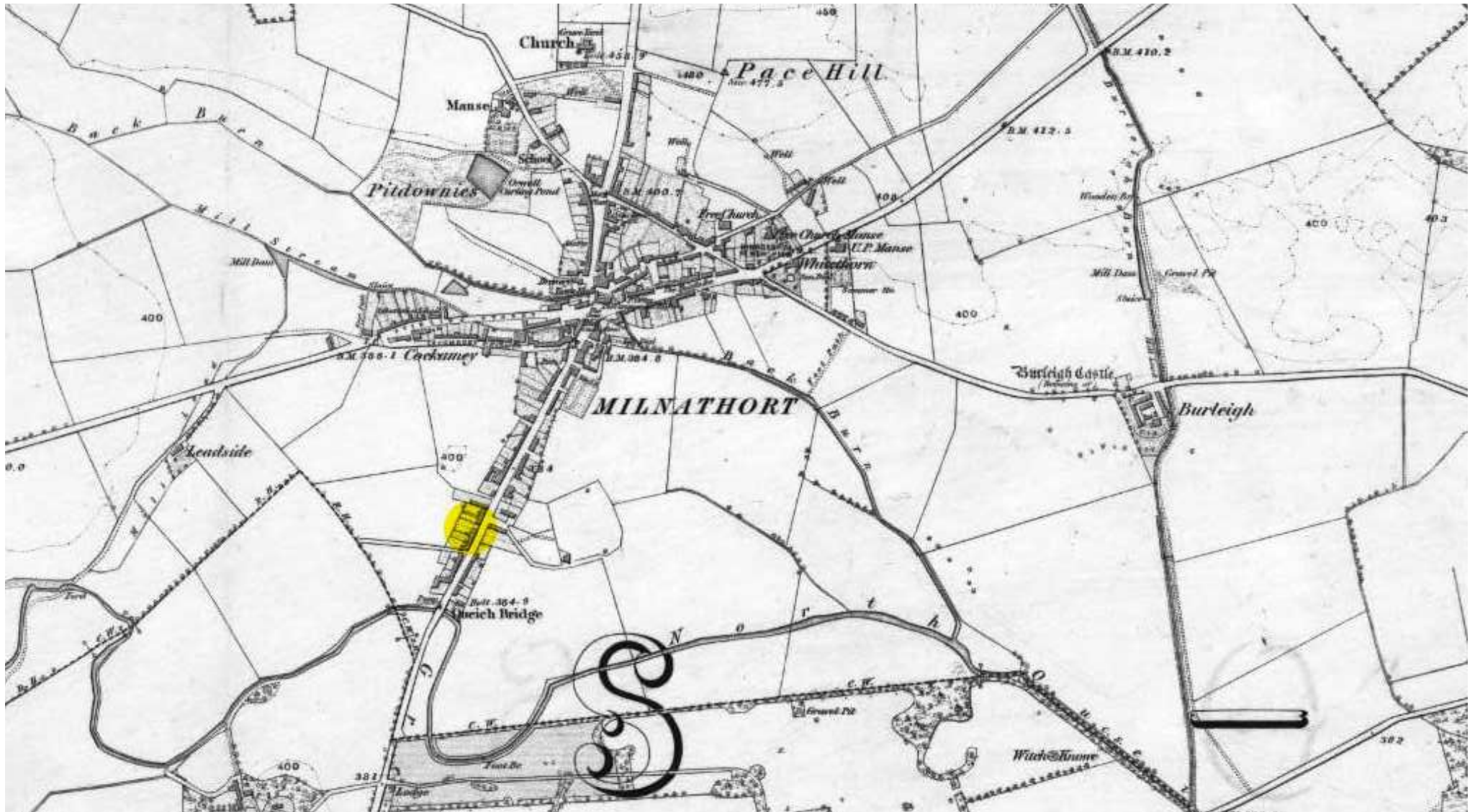


Image9
Six-inch 1st edition, 0732-0771 Courtesy of NLS (Application property shown highlighted yellow)

SITE

- 2.1 Context
- 2.2 Site Images

2

2.1
Context

Traditional late 18th / early 19th Century houses are arranged on a distinct building line along South Street. 90 South Street, built around 1814, is a two storey building on the west side of the road and has symmetrical elevations presented to both front and rear- the internal floor level is below that of the adjacent pavement and the main door sits at the bottom of a short ramp. Stepped access at the side of the drive provides access to the back door which is generally level with the garden which then slopes gently upwards towards the far end of the site. The differing levels between road and dwelling are also evident to 94 South Street- the neighbouring dwelling to the south and the assumption is that the current level of the main road was established after the construction of these properties. 90 and 94 South Street are both of stone construction with coursed ashlar to the front and rear and generally uncoursed rubble masonry to the gables.

86 and 84 South Street to the north of the site are single storey semi detached with occupied roof spaces- these have traditional dormers to the principal (street facing) elevations and more recent larger extensions to the rear. Though similar in construction to 90 and 94 South Street the sandstone used is a more prominent red and the roof pitches steeper. It is understood these properties are of a slightly earlier construction.

The uncoursed gable elevations suggest that there may have been buildings infilling gaps either side of 90 South Street and this assumption appears to be supported by the house numbers with both 88 and 92 missing. There is evidence of at least one former building on historical maps which relates to number 92 to the south- this 'gap site' is now a community orchard. However, there is no physical reference to an 88 South Street.

On the east side of South Street are three detached single storey houses with alternating dormer arrangements facilitating further accommodation within the roof spaces. Varying in age these are more recent additions to the site.

Historical maps show the growth of the village along main roads from the centre of Milnathort ('The Cross')- these lead in all four cardinal directions and the development of property along these arteries as the village expanded is logical and generally follows the traditional 'fish bone' street pattern of many Scottish villages. Buildings line the main roads with long / linear gardens to the rear.

Interruptions to this pattern are evident on historical maps (right) and current OS data. This is considered further in Section 3 of this Design Statement.

To the south west of the site a more recent (Post War) residential development along Bridgefauld Road sits on the site of the former 'New Auction Mart'- the rear garden of number 1 Bridgefauld Road adjoins the application site to the west. This boundary is also shared with 80 South Street- a single storey house sitting within the centre of its site and appearing to be mid/late 19th Century. It is connected to South Street through a gap between 74 and 82 South Street on which 76 and 78 are also positioned- these properties establish a precedent for developments located beyond the defined building line. The site associated with 80 South Street has been developed over a number of years to include several extensions and a detached garage - the latter is positioned adjacent to the application site.

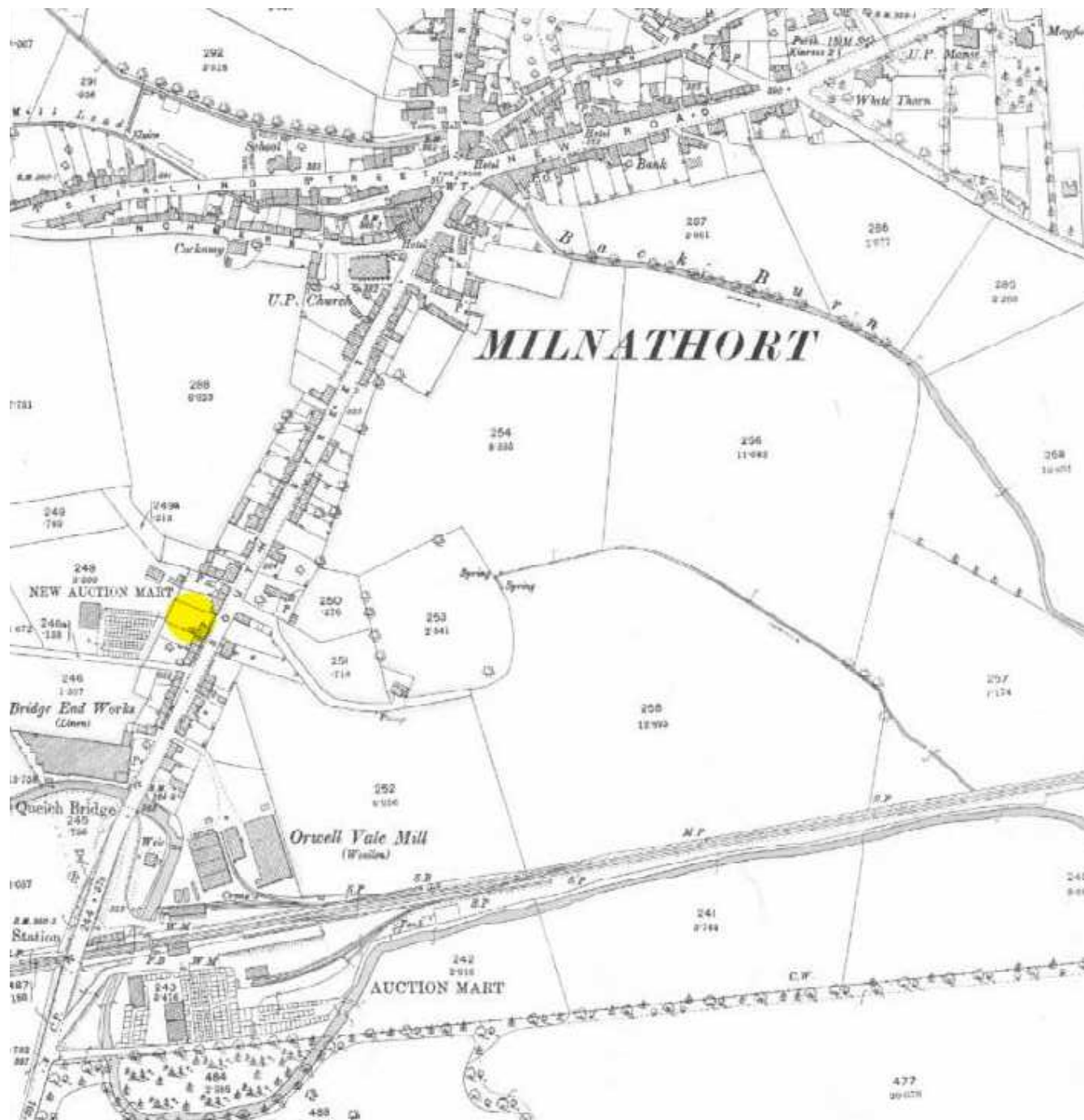


Image9
14-inch 1st edition, 0781 - 0831 Courtesy of NLS (Application property shown highlighted yellow)

2.2
Site Images



Image9
Existing Context Photographs - East Elevation . South Street Elevation
(8/ South Street in centre)



Image9
Existing Context Photographs - East Elevation - South Street Elevation
(8/ South Street - left - 75 South Street - right)



Image9
 Existing Context Photographs - South Elevation - Bridgefauld Road Elevation
 (8/ South Street - centre to right of image - beyond tree line)



Image9
Existing Context Photographs - Viewed within Application Site
(Image taken from north west corner looking east)



Image 9
 Existing Context Photographs - Viewed within Application Site
 (Image taken from centre of site looking west / South Street - Right, Bridgefauld Road - Left)

DESIGN PROPOSAL

- 3.1 Development
- 3.2 Design Proposal
- 3.3 Context Elevations

3

3.1
Development

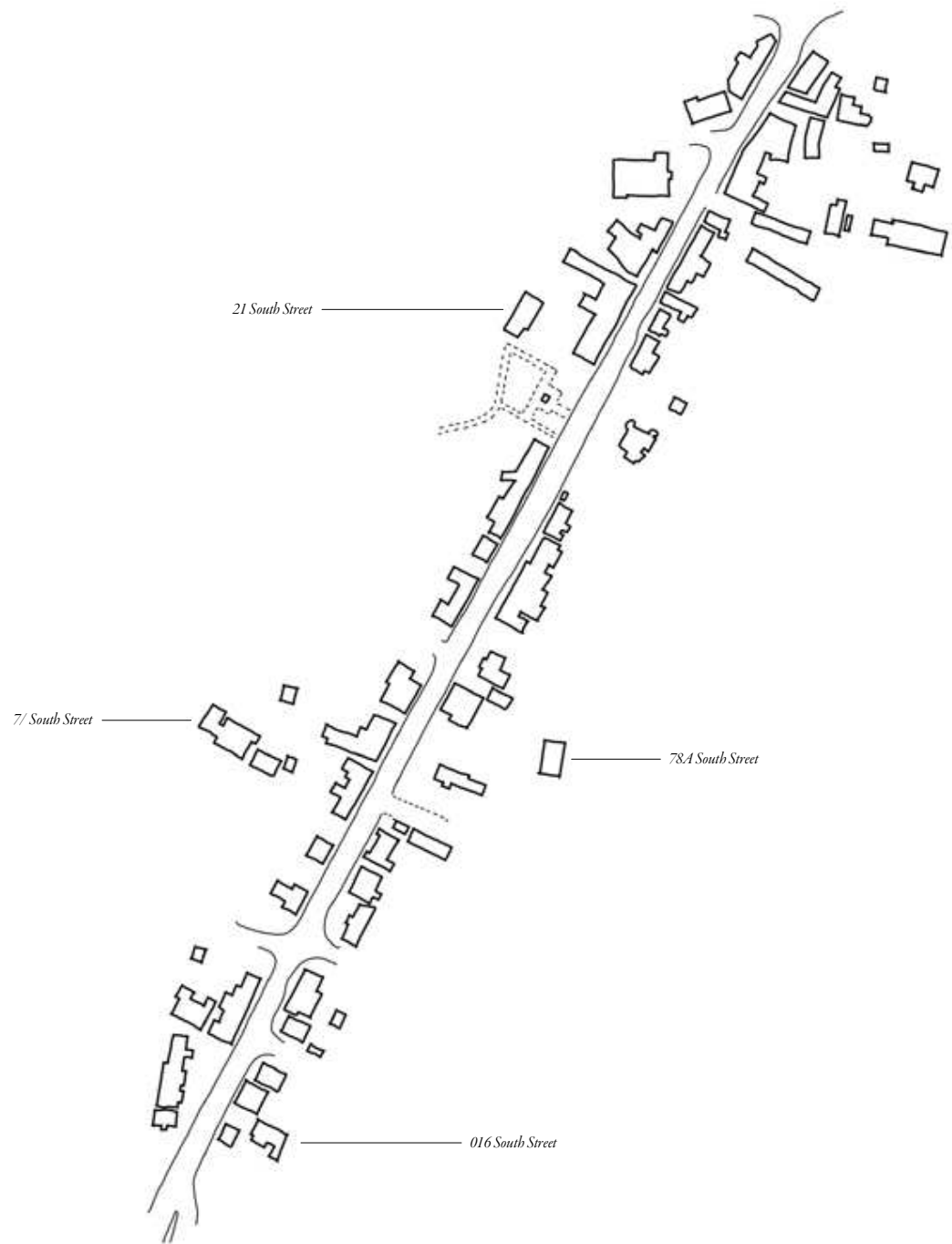


Image9
South Street 'Fishbone' - Existing

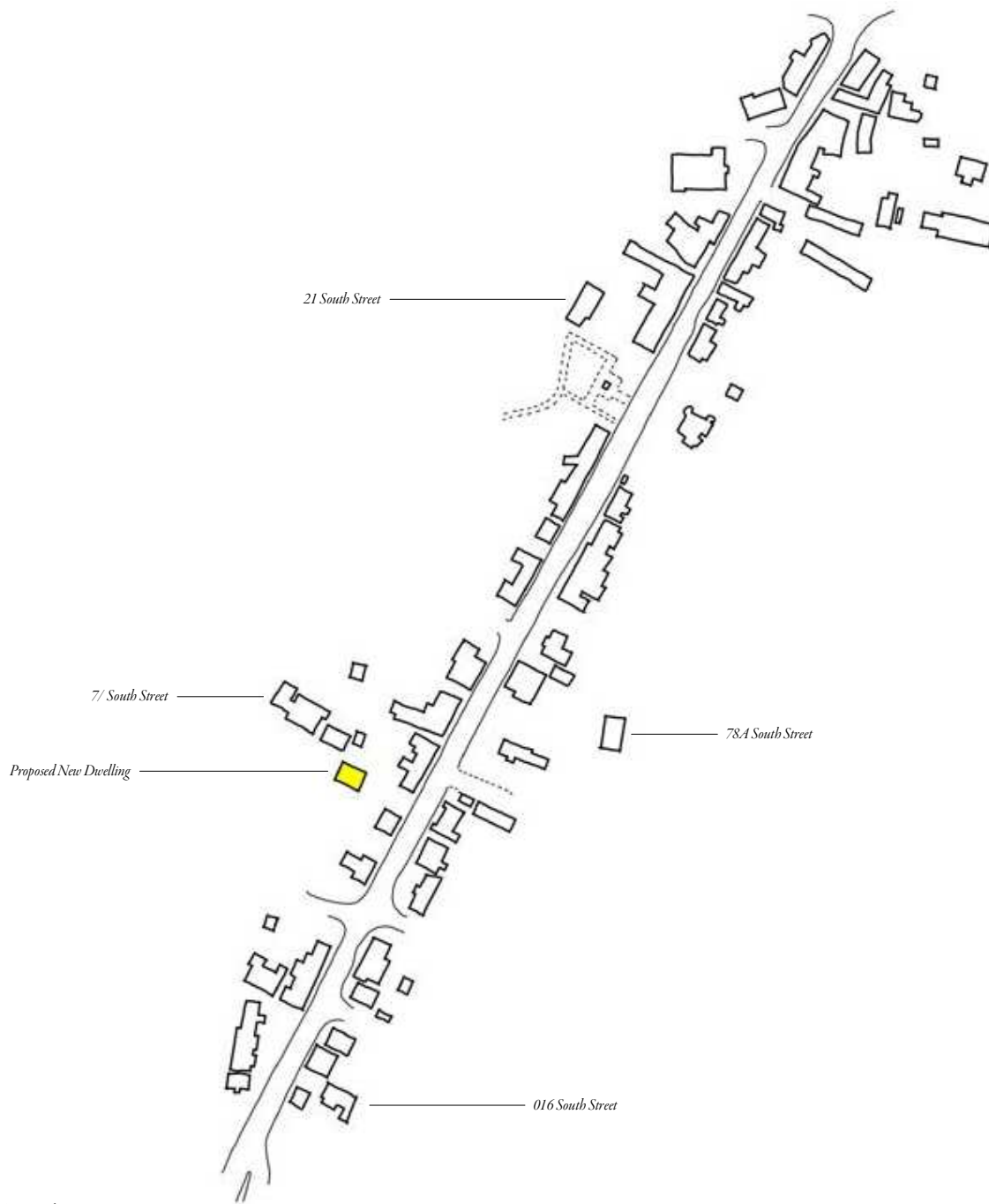


Image9
South Street 'Fishbone' - Proposed

The form, mass and siting of the dwelling have been informed by / developed from the previous proposal - comments made by the local authority in the determination of the previous application have been considered.

The position of the dwelling on the application site has been reviewed. The Decision Notice stated that the siting of the development did not 'respect the character ... of the place' and commented on the proposals failure to respect the established building line along South Street.

A position between the gables of 86 and 90 South Street had originally been considered in the development of the previous application - as noted in the associated Design Statement the siting of a dwelling here was dismissed as there were concerns the form and design would be incongruous within the context if sited on the building line. Added to this are concerns regarding amenity and access. Existing off street parking and external access to the rear garden of 90 South Street would be compromised by an 'infill' development and off street parking issues exacerbated.

Pushing the proposal back from this gap into the site along the east west axis introduces a public (street) / private (dwelling) connection and protects the off street parking provision and approach to the existing (90 South Street) property- the position also allows similar arrangements to be provided to the proposed dwelling.

The form and mass of the previous proposal was subservient to the existing dwelling houses and the proposed position on the application site appropriate to this- reflecting the siting of detached garages along South Street (including that which exists / to be removed in the garden of 90 South Street). This position allows the existing access and off street parking to be protected and shared between existing and proposed dwellings.

The current proposal has been revised to reduce the overall area and mass- its position remains generally the same.

While there is a defined building line along South Street there are a number of properties which are set back from the road- these are highlighted on the layout opposite and are a mixture of old and new structures including 32 South Street (approved 2008 - Planning Reference 07/02467/FUL); 80 South Street; 89A South Street and 127 South Street. In addition to this a number of properties have ancillary buildings such as garages which are similar size and position to the proposed new dwelling.

The position has been tested in terms of privacy and subsequently, as part of massing studies, for daylighting / overshadowing. The application site is enclosed by natural stone rubble walls relatively low in height (around 1100mm above ground level) and there was a general presumption against the introduction of timber fences to mitigate any privacy issues as this would generally not be in keeping with the immediate context.

Any privacy concerns related to 80 South Street (to the west) and 86 South Street (to the north) as the proposed dwelling is positioned towards the boundaries shared with these properties- elevations facing these properties are without openings therefore removing any privacy concerns. There are no openings to habitable rooms on the east elevation and the south elevation is positioned at least 9m from the associated boundary.

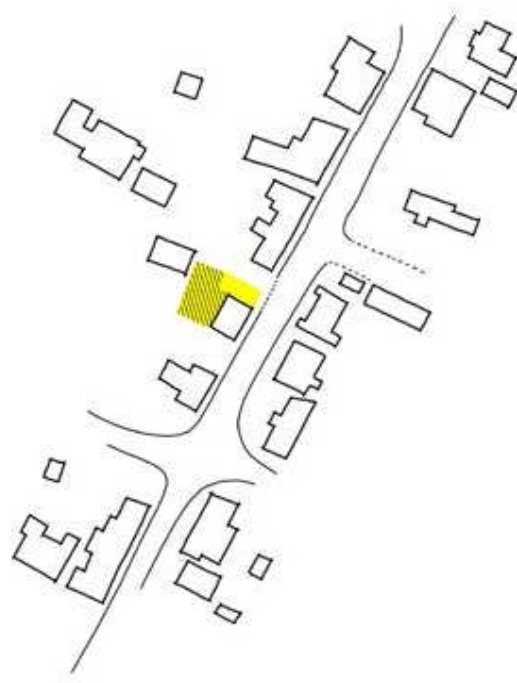


Image (Left) 9
8/ South Street - Garden Space (Site Area Coloured Yellow . 'Private Garden Space' hatched)

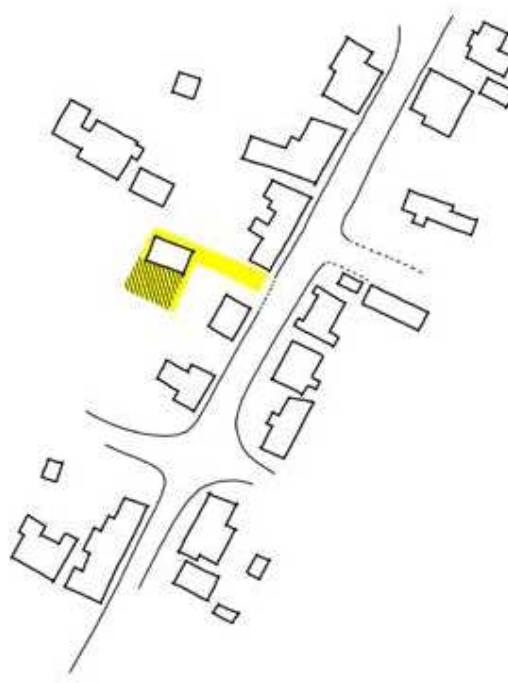


Image (Right) 9
Proposed New Dwelling South Street - Garden Space (Site Area Coloured Yellow . 'Private Garden Space' hatched)

The layout responds to this by arranging private spaces, generally not requiring natural daylight / ventilation or escape, along these edges.

Gables of existing properties to South Street are generally blank elevations with minimal openings and the previous design intentionally reflected this along with an aesthetic that may be typical of ancillary buildings sited in the garden space of existing houses.

To improve the visual appearance the current design proposes a more open elevation. A mixture of complementary materials add visual interest. A large glazed screen and glazed entrance door ease the transition from external to internal and the connection of public to private.

The living spaces are arranged along the south elevation with views directed towards the garden area.

The Decision Notice for the previous application stated that the proposal was considered an over development of the site and therefore contrary to Policy 17, Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019). The revised design has considered this and the overall area of development has been reduced. The previously proposal internal garage has been removed along with the dining room. The second bedroom has been removed from the ground floor and located within the roof space.

The previous application proposed a building area of 126m² - this has been reduced to 85m².

In terms of overall development within the site areas the proposed new dwelling is 24% of its site area and the existing dwelling 26% of its site areaⁱ

Generally within the immediate surrounding area dwelling footprints consume around 25-35% of their site areaⁱⁱ.

The Perth & Kinross Council 'Placemaking Guide' (Adopted March 2020) advises:

'Private spaces must be designed so that residents have a reasonable amount of sun/daylight. They should not be closely bounded by high walls or buildings.'

*As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for 3+ bedrooms. Each dwelling should have a minimum garden depth of 9 metres.'*ⁱⁱⁱ

A private garden space of 122m² is provided to the proposed new dwelling (two bedroom) and a private garden space of 140m² to the existing dwelling (90 South Street- four bedroom). Both exceeding the recommendations of the local authority's adopted 'Placemaking Guide' as outlined above. The garden spaces to each property also measure 9m (or more) in depth.

i - 8/ South Street Proposed Site Area 188m² (68m² building) . Proposed New Dwelling Site Area 240m² (74m² building)
ii - 61 - 65 South Street - 25 : 71 South Street - 21 : 73 South Street - 14 : 75 South Street - 11 : 83 South Street - 11
iii - Perth & Kinross Council 'Placemaking Guide' (page 10)

The proposed footprint of the new dwelling was informed by the existing 90 South Street dwelling - both properties have a gable width of 7600mm.

The length of the proposed dwelling has been influenced by the accommodation requirements of the brief and developed with consideration of scale within the site context.

The proposed length is around 11.2m. Similar in length (and width) of the closest adjacent structure- the existing garage within the curtilage of 80 South Street which measures approximately 10.3m x 6.8m (scaled from OS data).

86 and 94 South Street to the east are both around 11.3m in length- 80 South Street to the west is around 23.8m in length.

The approach to the house is via a private drive with private parking. The access runs adjacent to that retained by 90 South Street and a mix of hard and soft (landscaped/planted) boundaries is proposed to permeate any introduced separation- referencing the low level rubble boundary walls typically found within the surrounding area and promoting a social relationship between dwellings.

The pitched form is derived from the surrounding buildings- internally this provides volume to the living spaces and opportunities for storage above service spaces such as the garage.

The second bedroom (omitted from the Ground Floor) remains a requirement in the client's brief- this providing a space for visitors or carers to stay. The design now proposes this also be located within the roof space as the need for level access throughout the principal level is for the long term benefit of the home occupier.

Following concerns raised by planning regarding overshadowing and the proximity of the north elevation to the existing site boundary the proposals have been developed, area / massing reduced and the proposal has been retested for daylight and overshadowing- both impact on existing buildings and neighbouring gardens spaces.

Due to the proposed siting there is no impact on existing buildings as demonstrated on the Daylight Studies.

In terms of overshadowing to gardens and open spaces the guidance within BRE document 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' has been referred to.

The guidance advises that at least half of adjacent garden spaces should receive at least two hours of sunlight on 21st March. As shown on the daylight studies (captured 21st March at hourly intervals where the sunlight altitude is above 10°) the two properties affected (80 South Street and 86 South Street) receive in excess of the sunlight to open spaces recommended and are not significantly overshadowed by the proposed development.

As shown on the proposed Daylight Studies there is no additional overshadowing to 86 South Street until 11am and from 1pm there is no additional overshadowing to 80 South Street.

At times when overshadowing is introduced this is less than half of the associated garden space.

Regarding the proximity of the north elevation to the existing site boundary the distance has been increased from the previously proposed 650mm (at its closest point) to 1600mm (at its closest point). The overall height has also reduced- the current proposed ridge around 600mm lower than the previous proposal and the current proposed eaves around 200mm lower (proposed eaves no more than 2750mm above external ground level).

In determining the eaves height reference has been made to Permitted Development rights which allow for ancillary buildings within gardens to have an eaves height up to 3m where the building is more than 1m from the boundary.

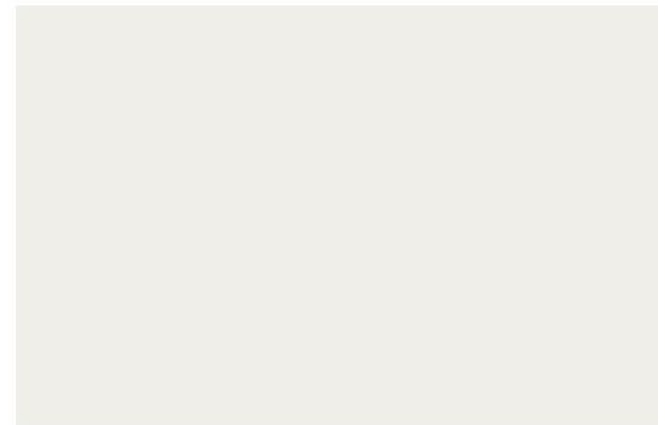
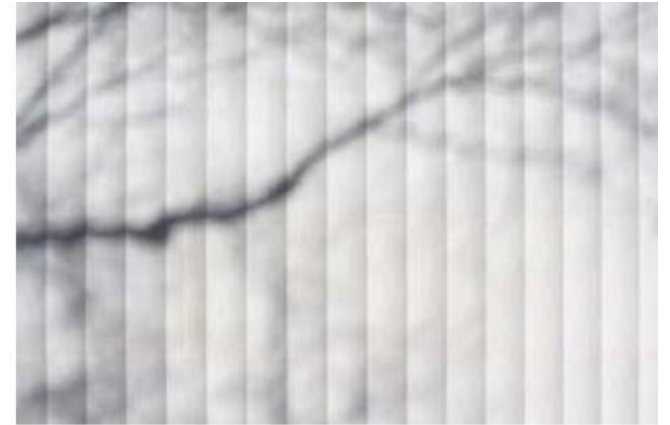
As with the previous proposal, and due to the sloping site, the proposed design is partial sunk which also reduces the overall impact of elevations to existing site boundaries.

The proposed materials are derived from the existing house and an intention to ensure that new interventions can be easily read as modern additions - the material palette proposed is simple with a contemporary bias. Fluted sandstone and smooth architectural render to the house reflect the ombred rubble gable of the existing house which is predominantly buff sandstone - bronze has been introduced to further compliment this and also references red and brown tones common within the site context- in particular the red sandstones typically used to construct adjacent properties.

Traditional slate is proposed to the pitched roof.



Image9
Material Study (Existing) - 8/ South Street North Gable



Images:

Material Study (Proposed)

(Top) Fluted sandstone with light mortar beds. Precedent taken from American School in London by Walters & Cohen. Image copyright Walters & Cohen

(Middle) Tezu Bronze cladding. Image copyright Tezu

(Bottom) Indicative colour finish to architectural smooth render

3.2
Design Proposal

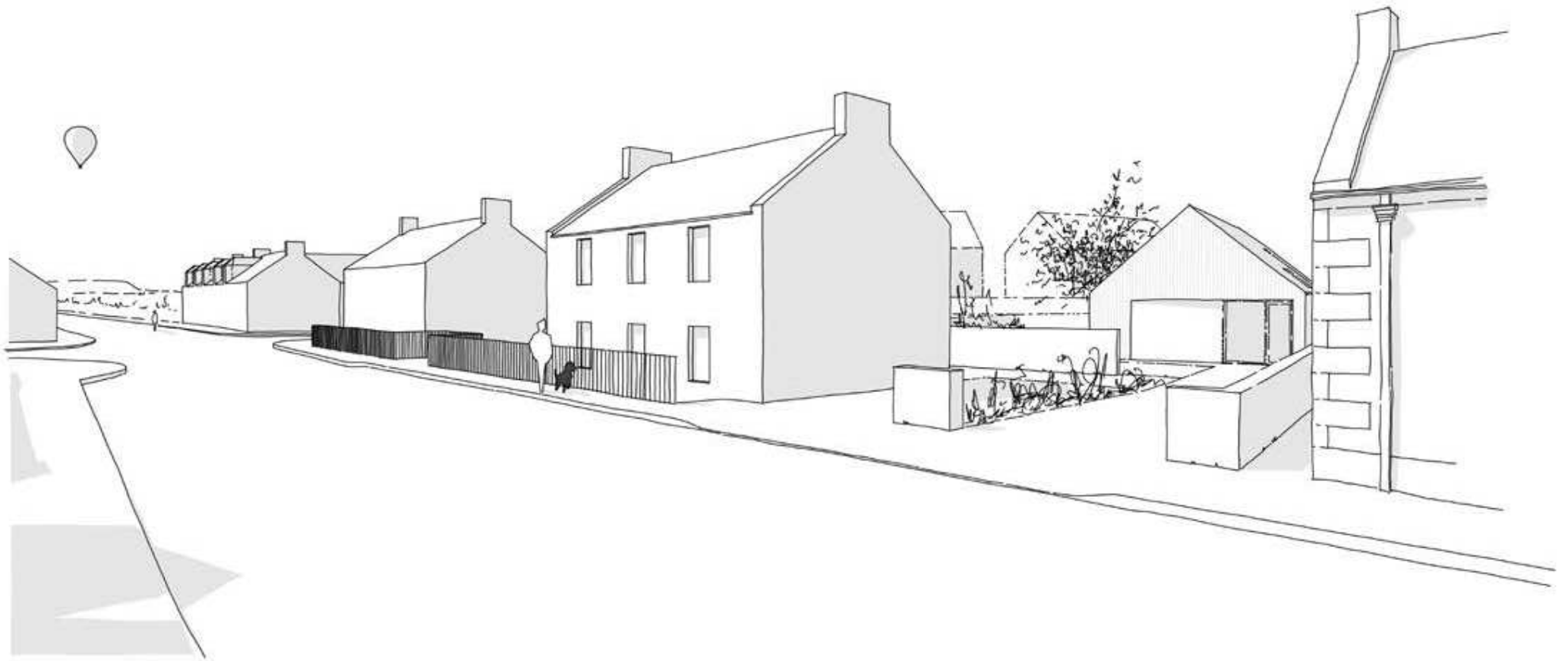


Image9External Sketch Illustration of Proposal - Viewed from South Street

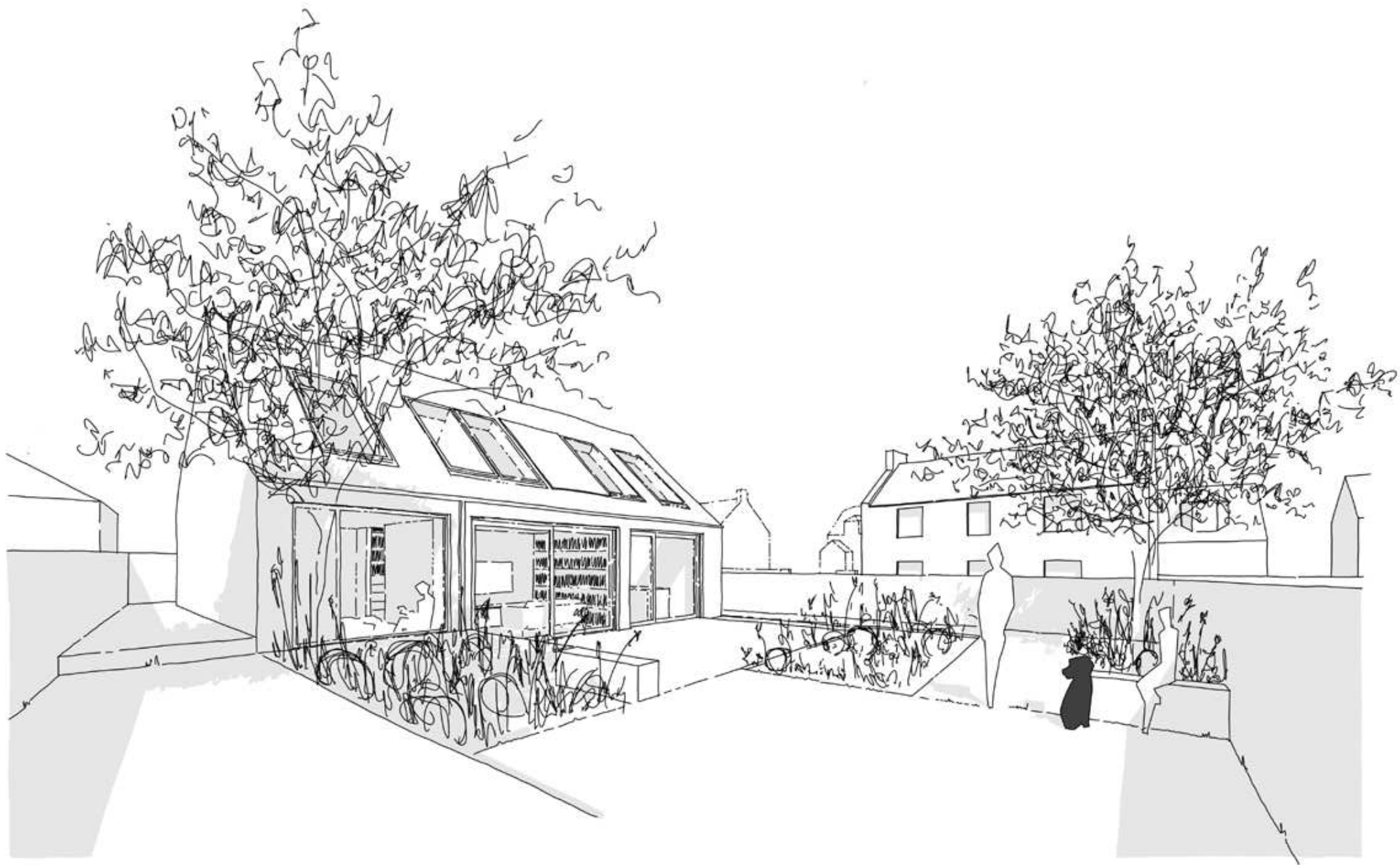
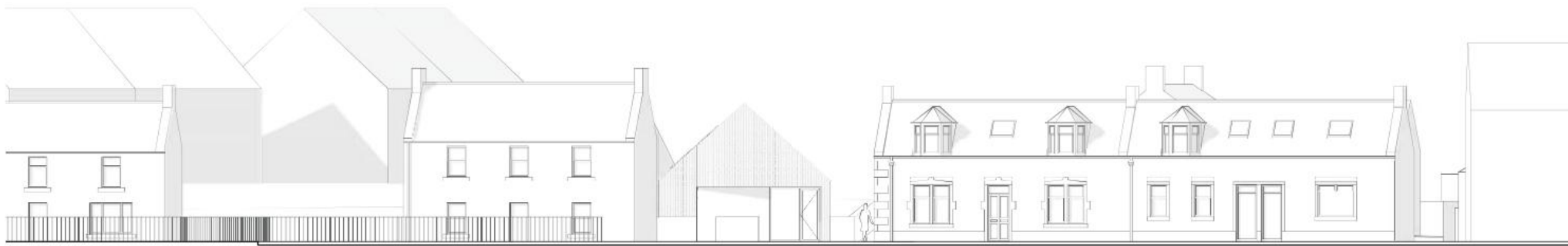


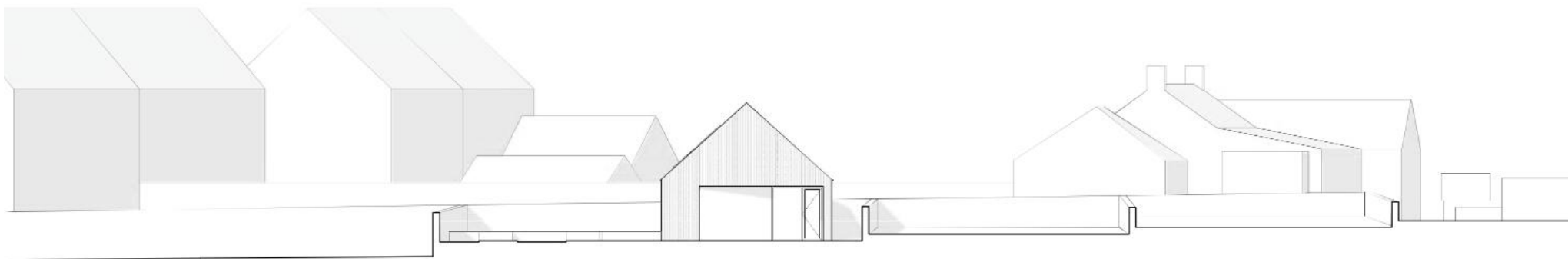
Image9 External Sketch Illustration of Proposal - Viewed from Garden

3.3
Context Elevations



East Elevation (Street Elevation)

0 5m 10m
| | |

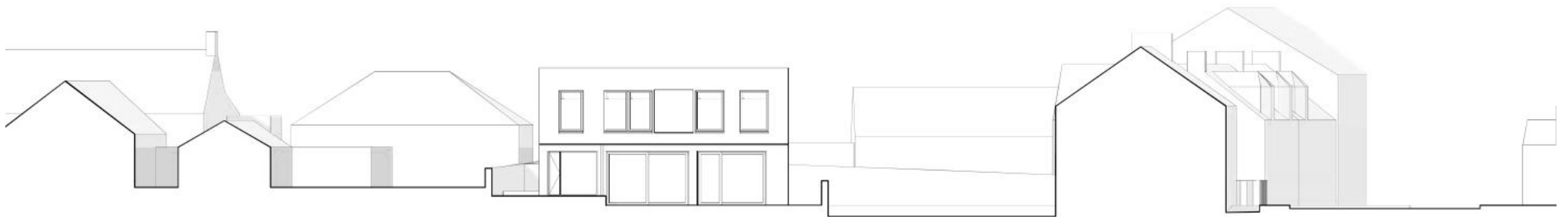


East Elevation

0
1

5m
1

10m
1

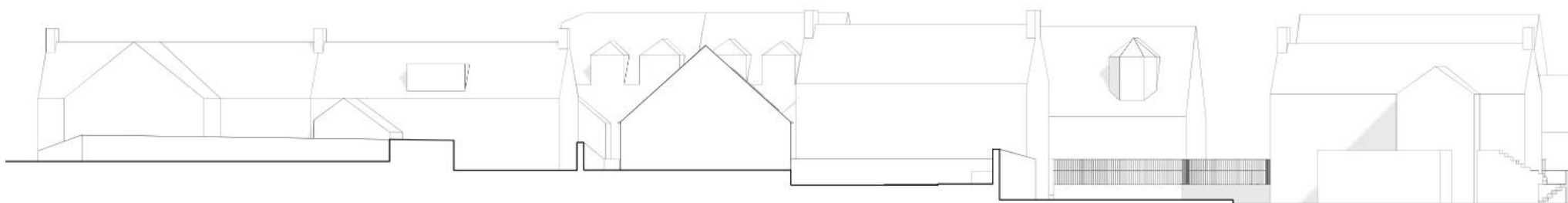


South Elevation

0
1

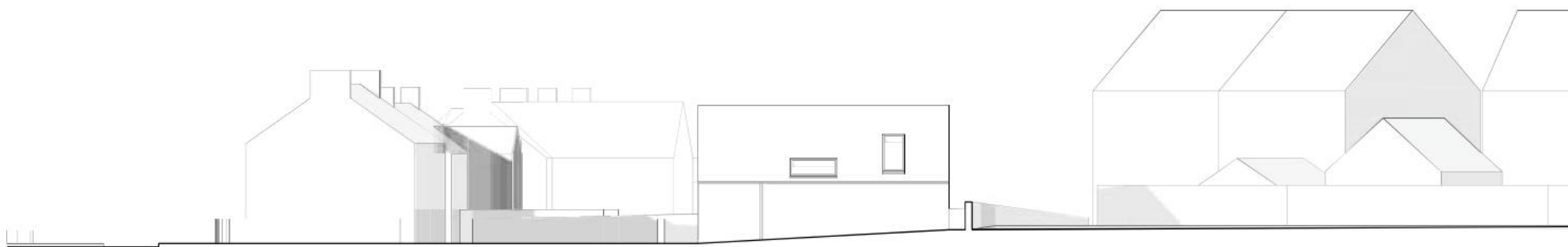
5m
1

10m
1



West Elevation

0 5m 10m
1 1 1



North Elevation

0
|

5m
|

10m
|



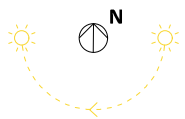
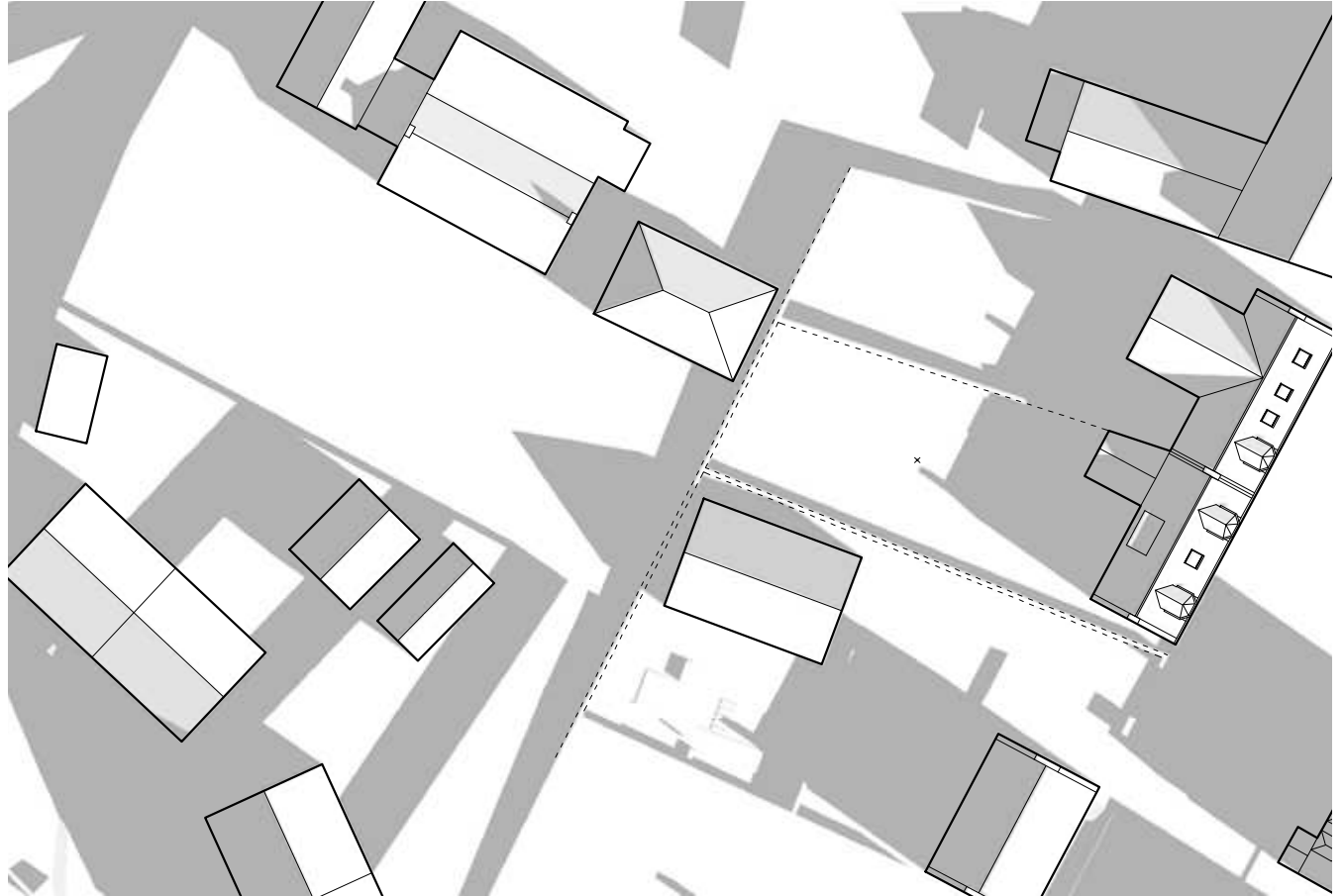
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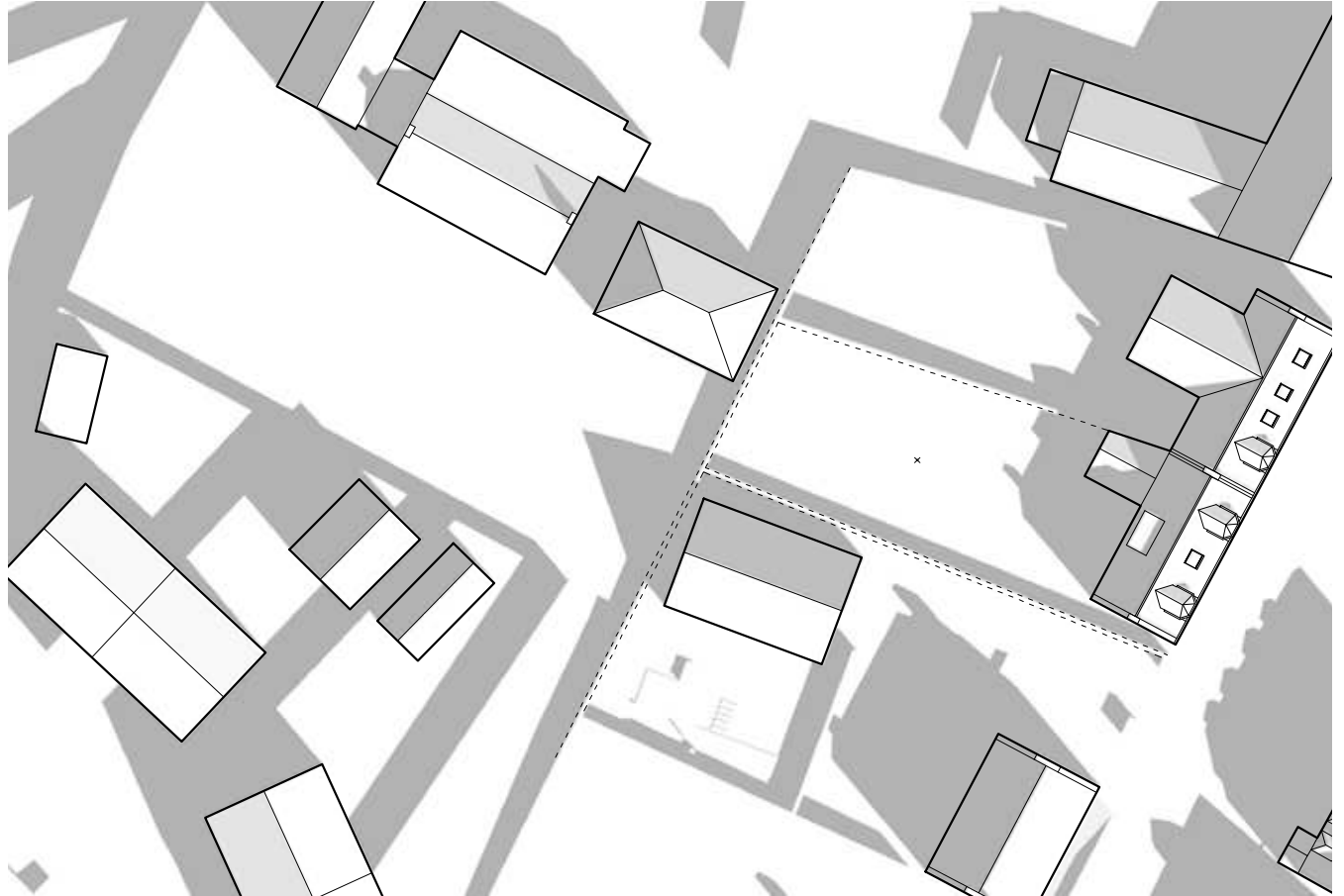
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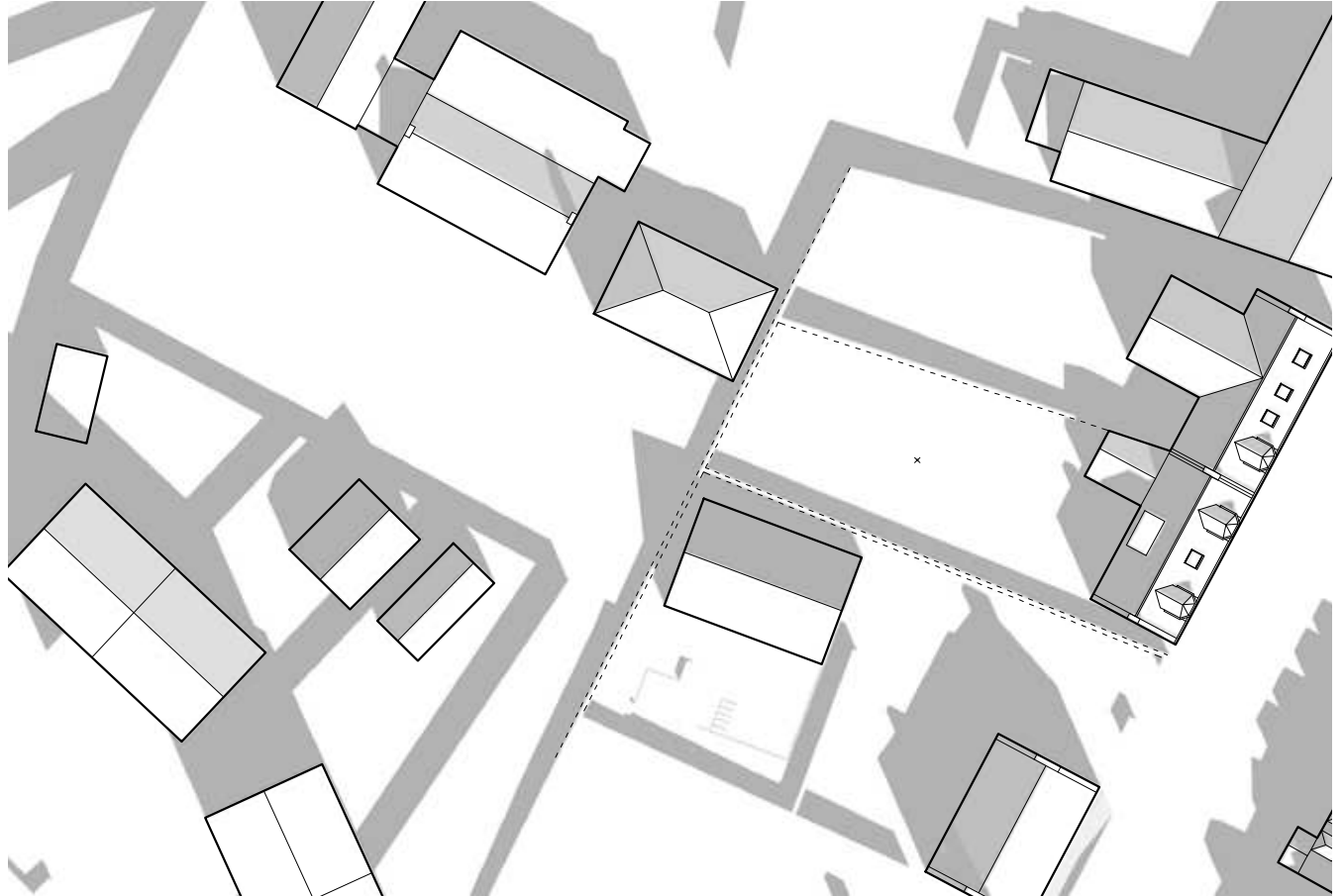
APPENDIX A

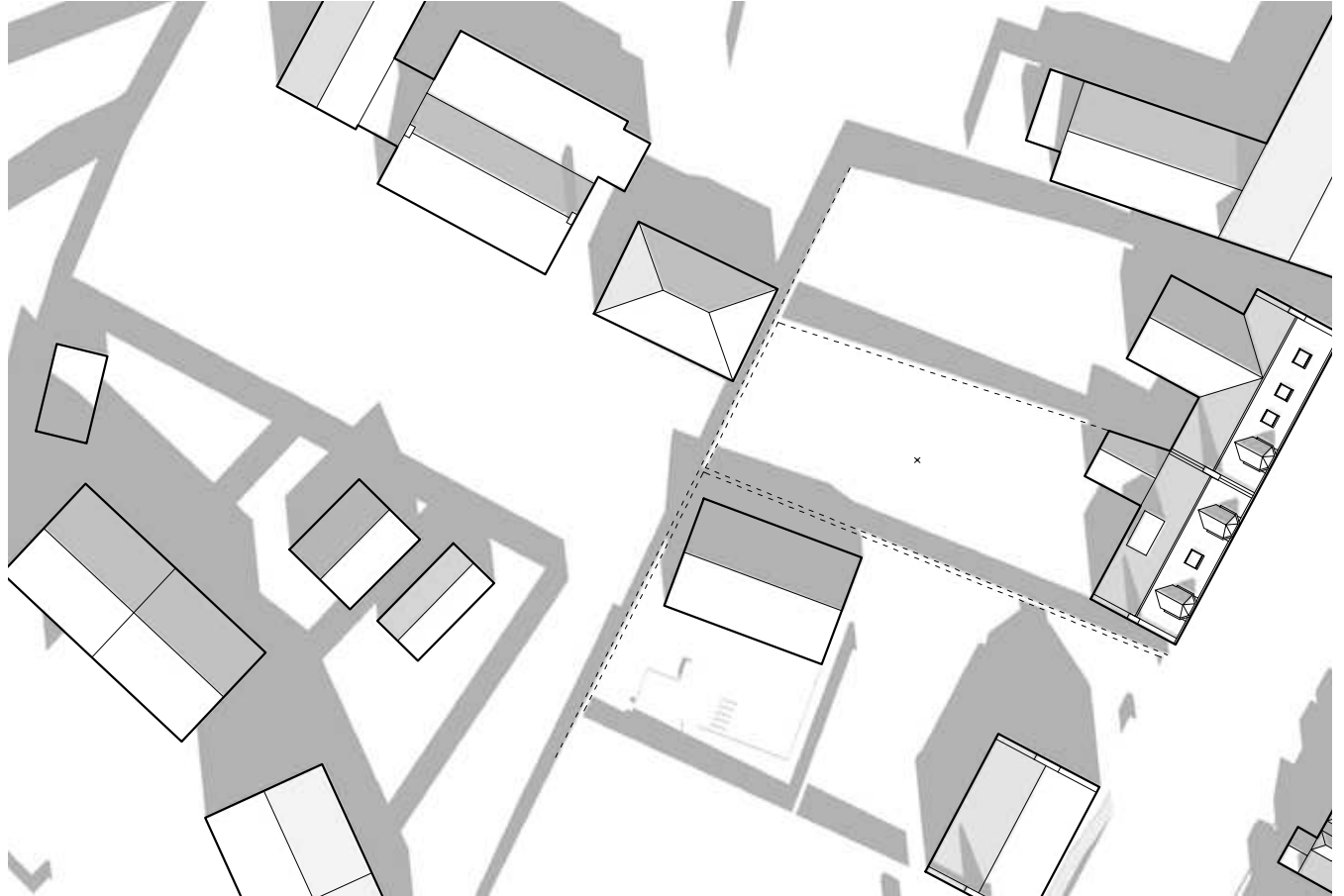
Daylight Study

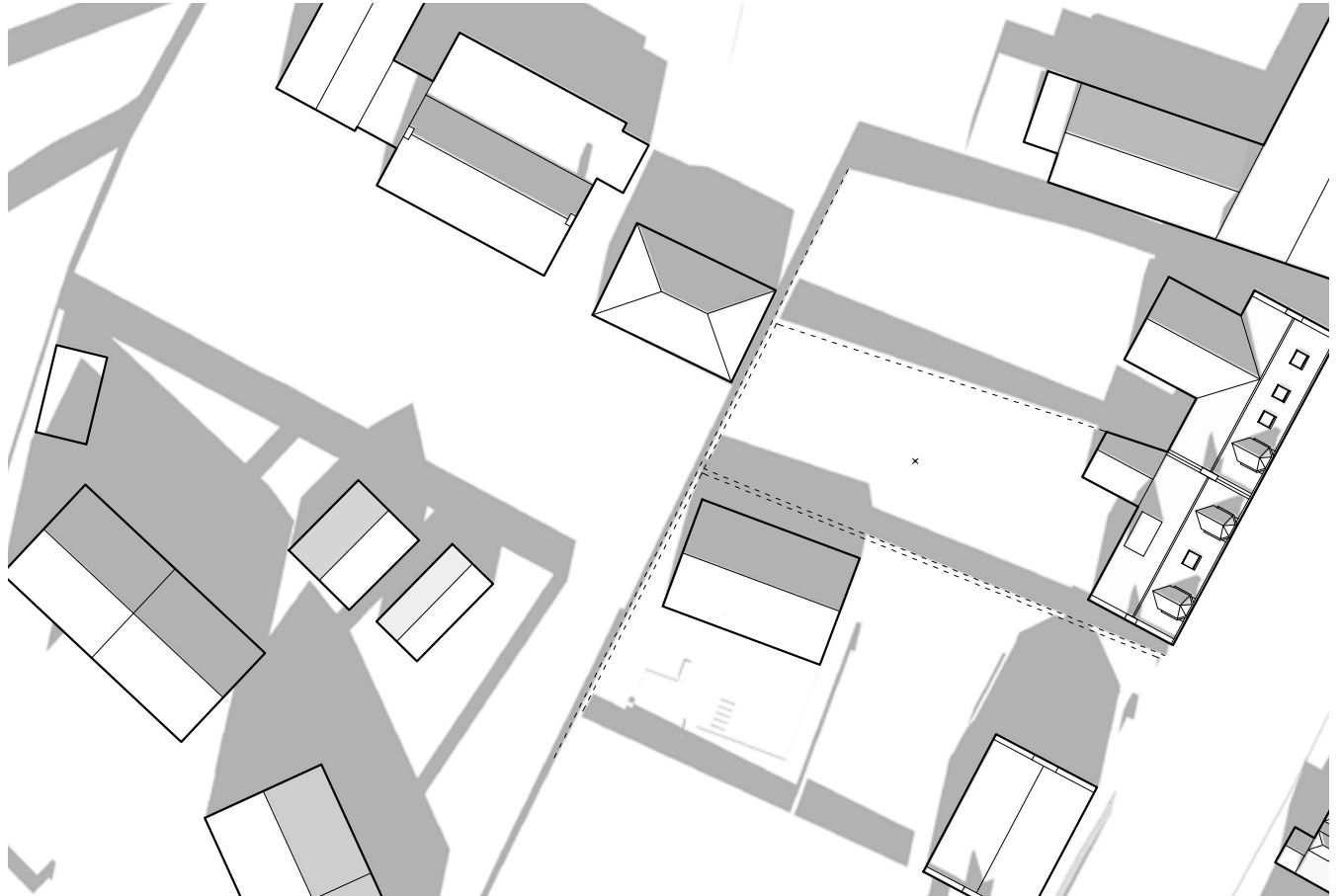
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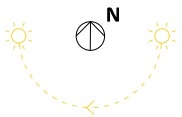
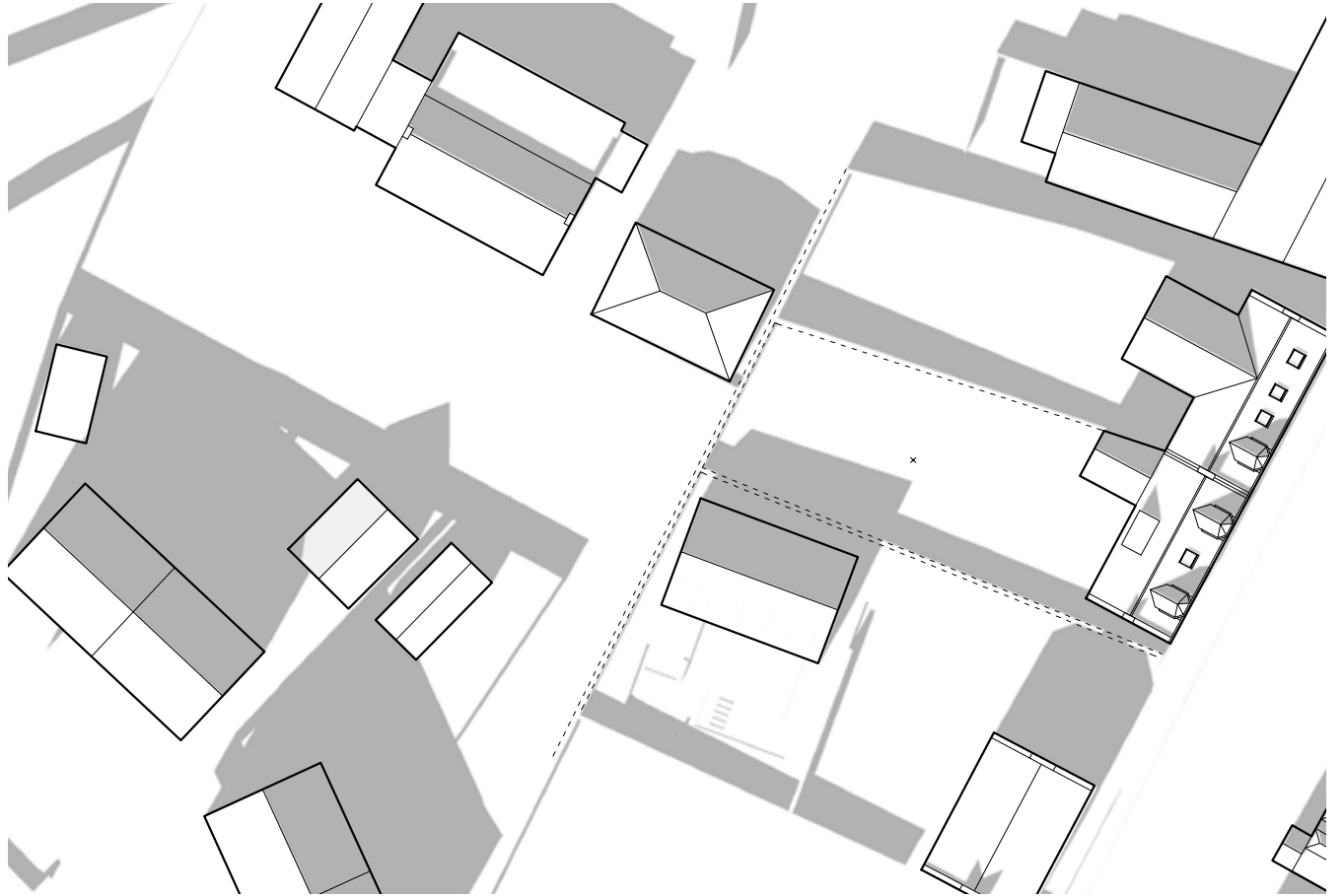


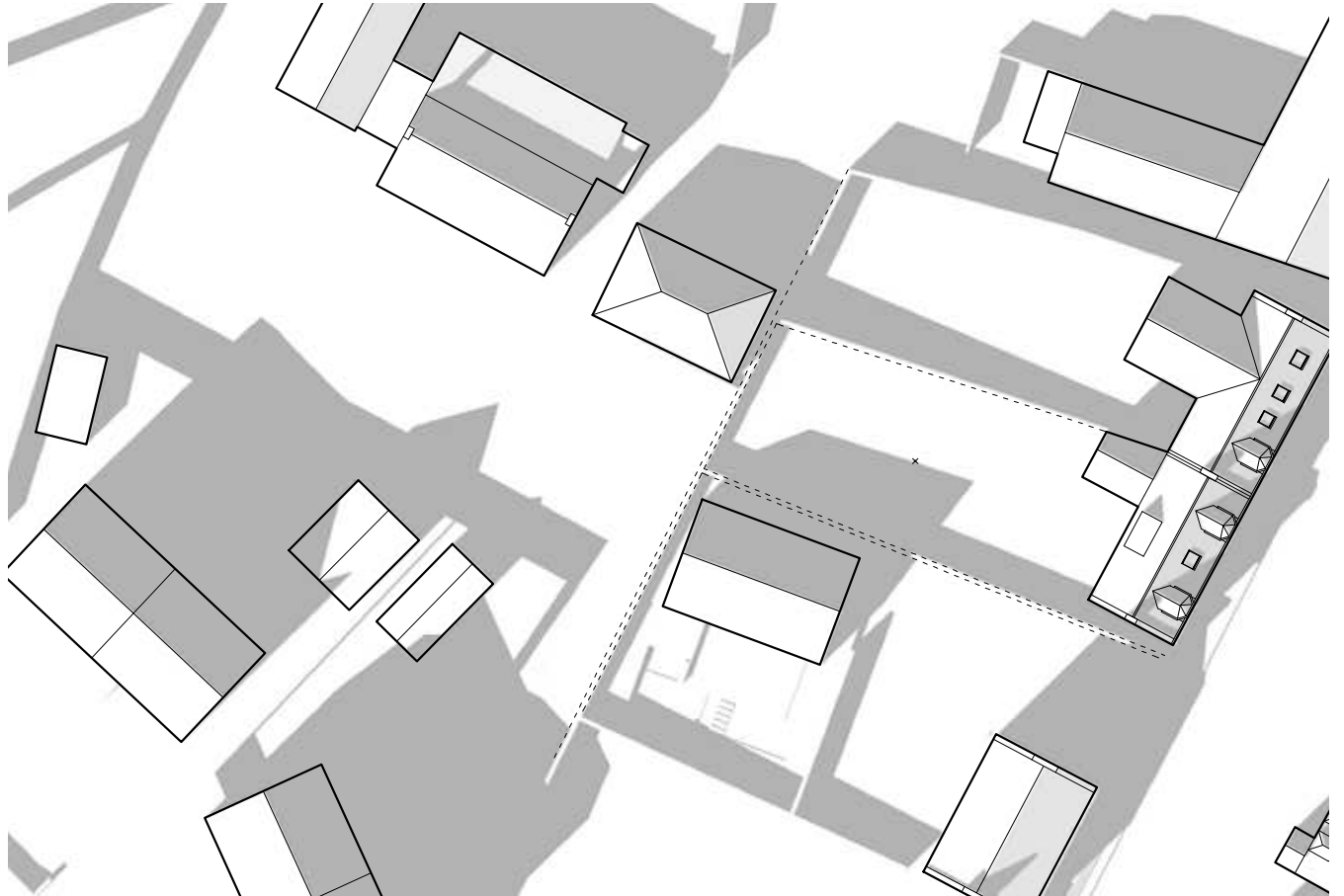
















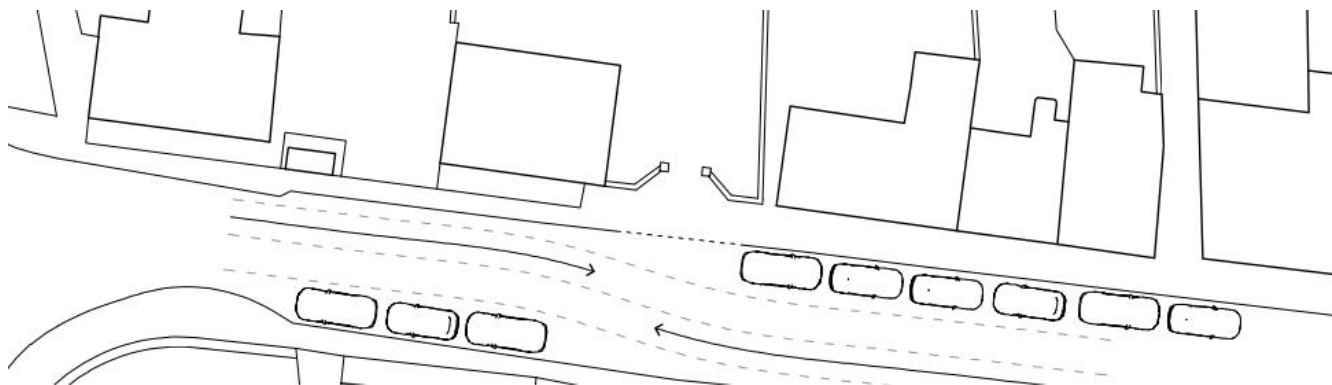
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APPENDIX A

Traffic + Parking Study

B



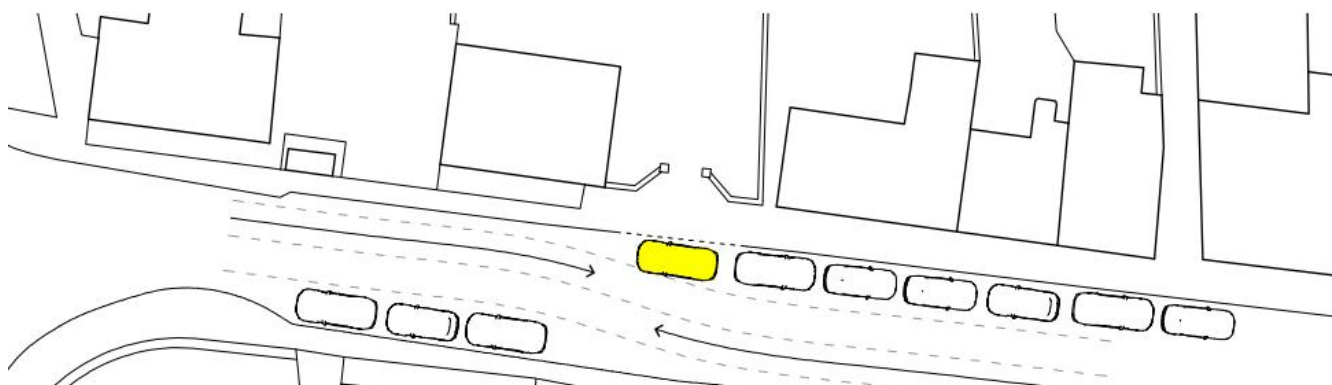
*Traffic + Parking Diagram
Existing (Normal Use)*

The diagram on the left shows the existing on street parking arrangement - properties immediately to the north of 90 South Street have no private drives and parking to these houses is generally on street.

The on street parking to the north of 90 South Street generally extends from the existing dropped kerb (shown dashed) - generally to avoid any on street parking restricting access to the drive of 90 South Street.

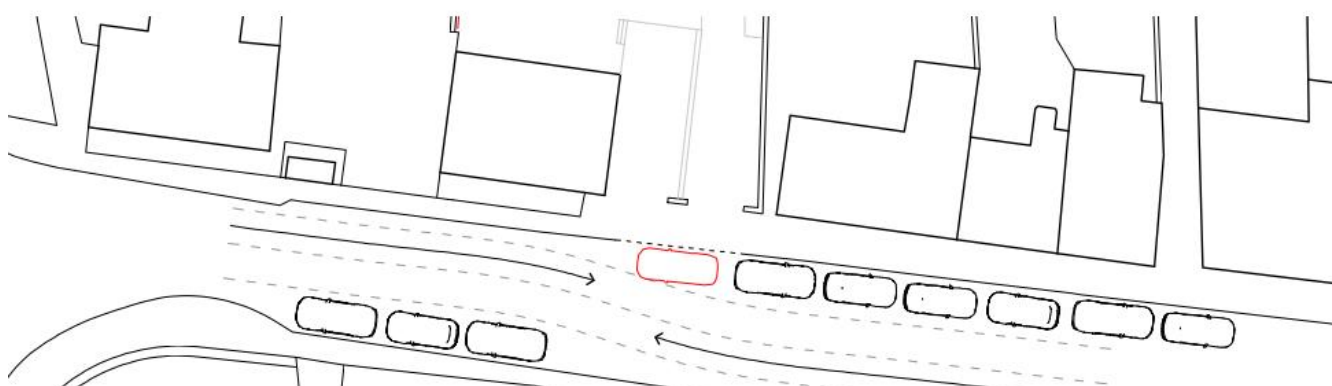
Opposite 90 South Street there is a similar arrangement of on street parking in front of houses without drives - in front of garages and access roads to the north there is generally no on street parking. The traffic flows to suit.

Traffic flow is shown within the grey dashed lanes.



*Traffic + Parking Diagram
Existing (Visitor Use)*

The diagram on the left shows frequent position of on street parking (in yellow) of visitors to 90 South Street - under these circumstances the flow of traffic along South Street is obstructed.



*Traffic + Parking Diagram
Proposed (Normal / Visitor Use)*

The diagram on the left shows anticipated on street parking following proposed development.

Similar to the top diagram it is assumed that there would be no on street parking in front of the of the private drives to the existing (90 South Street) and proposed dwelling as this would restrict access (i.e. the scenario in the middle diagram would not occur as a visitor to one property parking on the street would block access to the other property and vice versa).





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RESPONSE TO OBJECTIONS

Planning Application Reference
22/02168/FLL

Erection of a Dwelling House
Land 25 Metres North of No 94 South Street, Milnathort

Prepared by
Crichton Lang, Willis + Galloway Architects

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Response to Objections

February 2023

At 1st February 2023 there had been 4 Public Comments submitted to Perth & Kinross Council – one neutral and three objecting to the proposals.

We have grouped our response into issues key to each objection and responded in whole under each heading.

Some objections that have been submitted make statements but do not justify or explain the comments made and therefore cannot be examined in detail. The objections are dealt with below in no particular order and no implied significance should be taken from the order. Where points are covered in application supporting information we have not repeated our previous points and have directed to the relevant document

Objections

Size + Massing

Objectors object to the proposed dwelling being double storey and comment has also been made about the size of development relative to the site area.

The proposed second floor accommodation is located within the roofspace and the overall mass is more comparable to a single storey dwelling – we note that the previous application (22/00041/FLL) was for a proposed single storey dwelling and the current application proposes a dwelling with a reduced plan size and reduced mass when compared to the previous proposal.

The Design Statement considers in detail the size / area of the proposed dwelling in relation to its associated curtilage (as we all as the curtilage that would be apportioned to the existing property on 90 South Street). As noted in the Design Statement properties in the immediate surrounding area generally occupy around 25-35% of their site area – the proposed dwelling has an area 24% of its site area and the existing dwelling 26% its site area. The Design Statement also confirms that both properties have garden space in excess of the requirements set out in The Perth & Kinross Council 'Placemaking Guide' (Adopted March 2020).

Position

The objection regarding position is on the basis that the proposed location of the dwelling would not be in keeping.

The Design Statement considers in detail the proposed location of the dwelling and demonstrates there is contextual precedent (recent and historic) for buildings set back from the road. The Design Statement also considers the position in terms of the massing proposed – this being similar to existing adjacent garages (i.e. 80 South Street) with an overall form that contextually would be set back from the building line.

Privacy + Daylight

Objectors consider the new dwelling will negatively affect daylight and privacy to neighbouring properties.

The Design Statement deals with Privacy (page 19) and Daylight (page 21 and Appendix A) in detail.

In terms of privacy there are no windows to the north or west elevations that overlook neighbouring properties and all openings to the south elevation are at least 9m from the associated boundary. The entrance door and screen proposed to the east elevation serve a non-habitable entrance hall – these openings are around 23m from the east boundary / road edge.

The Daylight Studies show that there is no impact from the proposed dwelling on the daylight to existing neighbouring buildings. The Daylight Studies also refer to written guidance (BRE document 'Site Layout Planning for Daylight and Sunlight- A Guide to Good Practice') and show that any overshadowing of adjacent garden spaces would be acceptable.

Impact on Local Road Network & Parking

Objectors object to the proposed dwelling adding to existing traffic and parking issues on South Street. The objections regarding traffic appear to be related to parking and the objector's assumption that the proposal will add to on-street parking.

The proposal retains off street parking to the existing 90 South Street property and proposes similar off street parking to the new dwelling – this is noted in the Design Statement and shown on application drawings.

Further to this we consider the proposed dwelling would improve existing on street parking issues – a supplementary diagram has been prepared (Appendix B) which demonstrates that visitors to 90 South Street would no longer be able to park on the street in front of the access to this property as they would obstruct access to the new dwelling.

As it is demonstrated that the development requires no on street parking – restrictions to on street parking could be implemented by the Local Authority and this would be welcomed by the Applicant.

The public comments also refer to potential issues during the construction period including noise pollution and site access. It is acknowledged that there will be limited impact during construction which is an expected result from any housing development in any situation – the construction period will be short and managed through a Construction Management Plan.

Conclusion

We do not believe that the objectors have raised any issues that would be grounds for refusal of the application.

Please do not hesitate to contact us if you require any further clarification



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Pullar House
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PERTH
PH1 5GD

Date of Notice: **7th February 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/02168/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 9th December 2022 for Planning Permission for **Erection of a dwellinghouse Land 25 Metres North Of No 94 South Street Milnathort**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs, established building line and surrounding density as a consequence the development is incompatible with the character and amenity of the area.
2. The proposal is contrary to Policies 1A and 1B Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The density and siting of development does not respect the character and amenity of the place. Furthermore, the proposal fails to respect the established building line along South Street.
3. The position of the dwelling and the close proximity of the north elevation to the existing site boundary will result in a very dominant built form which is considered to be oppressive when viewed from the private garden ground of the property. An elevation of this scale in such close proximity to the boundary is contrary to Policy 1A of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that new development respects the visual and residential amenity of the area.

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

Plan Reference

13

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REPORT OF HANDLING

DELEGATED REPORT

| | | |
|------------------------|-------------------|-----------------|
| Ref No | 22/02168/FLL | |
| Ward No | P8- Kinross-shire | |
| Due Determination Date | 8th February 2023 | |
| Draft Report Date | 6th February 2023 | |
| Report Issued by | JW | Date 6 Feb 2023 |

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 25 Metres North Of No 94 South Street Milnathort

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning permission is sought for the erection of a dwellinghouse within the rear garden ground of 90 South Street, Milnathort. The existing plot at no.90 extends to 642sqm. The proposal seeks to subdivide the garden ground of no.90 to create a plot which is 387sqm in footprint. Therefore, resulting in no.90 having a remaining plot size of 279sqm. The dwelling is proposed to be accessed from South Street through an existing gap between 86 South Street and 90 South Street which currently acts as the driveway for no.90 and is occupied by a small single detached garage which is proposed for demolition. The dwellinghouse is proposed to be located at the end of the driveway with gable ends facing west and east and the majority of the proposed windows facing south. The house is proposed to be single storey with a bedroom located within the roof space, with a pitched roof and gable ends. The majority of the windows are proposed on the south facing elevation with five large rooflights proposed on the south facing roof plane.

The finishing materials include a natural slate roof and a mixture of smooth white render and aluminium cladding (bronze colour) on the walls. The east facing gable onto South Street is proposed to have an ashlar natural stone finish.

The proposed house is to accommodate a living, dining and kitchen area, master bedroom with ensuite, bathroom and utility area at ground floor level with a study and bedroom at first floor level.

The application site is bound to the south by a Community Orchard with private residential garden ground beyond, to the west by the garden ground of two further residential properties and to the north by the garden ground of 86 South Street.

This application is a re-submission following the refusal of a similar application (ref:22/00041/FLL). The previous application was refused due to the failure of the

proposal to contribute to the quality of the surrounding built environment and failure to respect the character and amenity of the area. This was principally due to the concerns with the location of the dwelling to the rear/west of the existing building line along South Street.

This further submission seeks to justify the failure to respect the established building line along South Street. The submission seeks to identify other residential properties which exist on South Street remote from the established building line at 32, 80 and 89A South Street. It also identifies ancillary buildings such as garages which are identified as being similar in size to the proposed dwelling. The submission also explains that an alternative location for the proposed house was considered fronting onto South Street but dismissed. The proposal has been reduced in overall site area with the footprint of the dwelling reduced from 126sqm to 85sqm and massing also reduced but the position and proposal overall remains generally similar to the previous refusal.

SITE HISTORY

22/00041/FLL Erection of a dwellinghouse 21 February 2022 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: n/a

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.

National Planning Framework 4

The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and is a material consideration in the assessment of this application.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

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 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 17: Residential Areas

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance 2020

Developer Contributions and Affordable Housing Supplementary Guidance 2020

CONSULTATION RESPONSES

EXTERNAL

Scottish Water

INTERNAL

Structures And Flooding – no comments

Transportation And Development – no objection

Development Contributions Officer – contribution towards education infrastructure required

REPRESENTATIONS

A total of 4 representations were received. The issues raised may be summarised as follows:

- Inappropriate housing density
- Lack or loss of car parking
- Loss of Open space
- Loss of sunlight/daylight
- Noise Pollution
- Affect on visual amenity
- Contrary to Development Plan
- Over provision of car parking
- Road Safety concerns
- Traffic congestion
- Overlooking
- Impact on residential amenity
- Inappropriate land use
- Light pollution

The above matters are addressed within the appraisal section below. The loss of view and loss of value to properties are not material considerations and therefore not relevant in this assessment.

ADDITIONAL STATEMENTS

| | |
|------------------------------------------------------------------|-----------------------------------------|
| Screening Opinion | EIA Not Required |
| Environmental Impact Assessment (EIA): Environmental Report | Not Required |
| Appropriate Assessment under Habitats Regulations | Habitats Regulations AA Not Required |
| Design Statement or Design and Access Statement | Submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Daylight Assessment |

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 NFP4, the approved TAYplan and the adopted LDP2.

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.

Planning Principle

The site is located within the Milnathort settlement boundary where Policy 17 of the adopted Perth and Kinross Local Development Plan 2019 applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have with the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area.

Policies 1A and B are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place and also respect an existing building line. They also state that development should have a design, density and siting which respects established character.

The Council's associated Placemaking Supplementary Guidance 2020 also provides further guidance on proposals for backland development and indicates that this will generally not be supported due to residential amenity issues, noise and light disturbance, loss of amenity and adverse impact on the character of the area.

It is evident that there is a steady rhythm of development along the western side of South Street in this location, principally of detached and semi detached dwellinghouses of either two storeys or 1.5 storeys, all of which front directly on the pavement. The only built development to the rear being smaller scale ancillary buildings such as garages and sheds, although it is noted that there are some properties located in locations remote from the building but this is not considered to be the established character of the street. The application site has a very narrow frontage with South Street, with the majority of the site in a backland location behind the main building line of dwellings on South Street. There is very limited evidence of similar backland development in the surrounding area. The dwelling is proposed to be located within part of the rear garden of no.90 with the proposed house having no physical or visual relationship with South Street unlike the existing properties in the area. This results in the dwelling being shoe-horned into a very small part of the site, with a gable end fronting towards South Street but set back from the established building line. The house is located in a backland location with no relationship to the established street scene or building line on South Street. The introduction of a dwellinghouse on this site fails to respect the relatively uniform streetscape and character of South Street. The limited changes to the scale and form of the dwelling do not alter these conclusions. Furthermore, the changes to the layout which are proposed as part of this revised submission do not address the concerns regarding the principal of developing a dwellinghouse in this backland location.

The applicant and their agent clearly have a differing view to the Planning Authority on the development of this site and therefore they would be better to seek a review of the decision by the Council's Local Review Body.

Furthermore, any approval would set an unwelcome precedent for backland development in the locality which is completely at odds with the established character

and density levels in the area. The principle of developing this site therefore remains contrary to policies 1A and B and 17 of the Perth and Kinross Local Development Plan 2019. The changes to the design and reduction in scale do not alter the Planning Authority's view that the principle of developing this site is contrary to the Local Development Plan.

There are other concerns with the proposal which are outlined in more detail below.

Design and Layout

Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.

Furthermore, through Creating Places 2013, Scottish Ministers set out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

As outlined above, the plot, including the proposed access extends to 387sqm and the house is now proposed to have a footprint of a 85sqm, reducing the building to plot ratio to 24%. The proposal also reduces the build to plot ratio of the existing house to 26%. Whilst the build to plot ratio has been reduced, it is substantially greater than any of the other plots in the area and therefore fails to relate to the established density levels in the area as required by policy. Other nearby plots include 90 South Street which has a build to plot ratio of 15% and 1 Bridgeauld Road which has a build to plot ratio of 18%. There is considered to be a general consistency across build to plot ratios in this part of Milnathort which the proposed development does not follow.

The overall design of the dwelling and the finishing materials proposed are considered to be appropriate and there are no policy concerns in this regard. The dwelling is also smaller in scale than the adjacent dwellings to the east. Nevertheless, the principle of developing the site and the failure to respect the established building line and character of the area is the main policy issue with this proposal which has not been addressed by this revised submission.

Residential Amenity

Impacts on adjoining properties

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the new dwellings, those that live in the existing house and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

The Council's Placemaking Guidance seeks to ensure that windows are positioned at least 9 metres from boundaries. The layout of the site results in almost all of the windows located on the south facing elevation of the building, although there are now two north facing high level rooflights which will not result in any overlooking. There are

no windows proposed on the west or north facing walls of the dwelling which are located close to the boundaries. The majority of south facing windows are also located 9 metres from the boundary which is considered to meet Council guidance and this distance is sufficient to negate overlooking from these windows to neighbouring properties. Nevertheless, the principle of developing the site is contrary to the Development Plan.

Overshadowing

Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration.

The Council's adopted Supplementary Guidance relating to Placemaking includes specific information on how the issue of overshadowing can be assessed. This is known as the 25 degrees rule. Any proposed development should maintain and allow for a reasonable amount of natural daylight to the internal living space of neighbouring residential properties. Established practise determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect.

As mentioned above the house is located very close to the north and west boundaries of the site. Beyond these boundaries are the private garden ground of 86 South Street, 80 South Street and 1 Bridgeauld Road. Whilst the proposed dwelling will not result in a loss of daylight to the living space of the neighbouring properties, due to its orientation it will result in overshadowing of the private garden ground of 86 South Street to a significant degree. This was identified as a reason for refusal on the previous application. This revised submission seeks to address that issue by reducing the scale of the dwelling and moving it 1600mm away from the boundary compared with 600mm in the previous application. The dwelling ridge height is now proposed to be 6.1m in height which is a reduction in ridge height of approximately 600mm from the previously proposed dwelling. A daylight calculation has also been submitted.

The Council's Placemaking Guidance and BRE Guidance refers mainly to impact on daylight of habitable rooms of adjacent properties and less in relation to garden ground. Nevertheless the proposal, even with the reduction in scale will overshadow the adjacent garden ground to some degree. The BRE Guidance recommends that amenity areas should receive at least two hours of sunlight on 21 March. It suggests that the centre of the amenity area should receive at least two hours of sunlight. The daylight calculation indicates that this would be achieved based upon the revised scale and position of the dwelling.

Whilst the daylight/sunlight issue for neighbouring garden ground has been addressed with this revised the proposal, as per the previous application the proposal will still result in there being a large scale and oppressive elevation occupying a significant extent of the boundary at a distance of approximately 1.6m. Whilst this is an increase in distance from the boundary to the previous refusal, this distance is not considered to be significant and the house will still occupy a large portion of the south facing garden boundary of 90 South Street. Whilst the changes which have been submitted do lessen this to some degree the changes are not considered to be sufficient and it is difficult to see how this issue could be resolved satisfactorily given the layout of the site. This

revised proposals will therefore still completely alter the outlook from the garden of the neighbour to its detriment, and therefore remains contrary to Policy 1A of the LDP2.

Private Amenity Space

The extent in which private amenity space is used relates specifically to the dwellings occupant. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Nevertheless it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out.

The proposed application site extends to 387sqm and the private useable garden ground, including the covered external seating area extends to 130sqm.

The Council's Supplementary Guidance on Placemaking provides minimum private amenity space levels. This states that a minimum of 60sqm should be provided for a 2 bedroom dwellinghouse which is met in this instance.

It also results in the existing dwelling's private garden ground being reduced to 140sqm.

Taking the above levels into account an adequate level of private (rear) amenity space is provided to perform the minimum expected of a garden ground taking account of the proposed dwelling type. There are, however, concerns regarding the impact which the extent of development has on the density levels and overall character of the area as outlined above which are not resolved in this submission.

Roads and Access

Policy 60B of LDP2 is relevant and requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant. This provides detail on parking and access requirements. The proposal seeks to utilise an existing driveway access to serve the site with two car parking spaces. Transportation and Development consider the parking solution to be acceptable and have no objections. It is noted that an objection raises concerns regarding the loss of on street parking but this is not considered to be significant.

The proposal includes off street parking which is considered to be acceptable and meets the requirements of national guidance and Development Plan policy.

Developer Contributions

Education Infrastructure

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Milnathort Primary School.

There is considered to be a capacity constraint here and therefore a contribution is required of £5164. The agent has advised that this would be paid upfront should a recommendation of approval be forthcoming.

Drainage and Flooding

The applicant has confirmed that the foul drainage will be connected to the existing drainage connection.

The site is not in an area subject to river flooding and whilst SEPA flood maps indicate some surface water flood risk to the south this does not include the application site. The Council's Structures and Flooding Team have sought more information to detail how surface water run off will be managed on site but given the recommendation of refusal, this detail has not been requested.

Construction

It is likely that there would be disruption during construction operations given the close proximity of the site to neighbouring dwellings, however this issue alone is not considered to be a reason to refuse the application.

Economic Impact

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

Loss of View and Impact on Property Value

Neither of the above issues are material planning considerations and therefore have no bearing on this assessment.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly the proposal is refused on the grounds identified below.

Reasons for Refusal

The proposal is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs, established building line and surrounding density as a consequence the development is incompatible with the character and amenity of the area.

The proposal is contrary to Policies 1A and 1B Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The density and siting of development does not respect the character and amenity of the place. Furthermore, the proposal fails to respect the established building line along South Street.

The position of the dwelling and the close proximity of the north elevation to the existing site boundary will result in a very dominant built form which is considered to be oppressive when viewed from the private garden ground of the property. An elevation of this scale in such close proximity to the boundary is contrary to Policy 1A of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that new development respects the visual and residential amenity of the area.

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

01-14



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100519768-003

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

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)

New dwelling on land to the rear (west) of 90 South Street, Milnathort (resubmission relating to 22/00041/FLL within 12 months)

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: | CLWG Architects | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Robert | Building Name: | |
| Last Name: * | Willis | Building Number: | 38 |
| Telephone Number: * | 01313152940 | Address 1 (Street): * | Dean Park Mews |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | Edinburgh |
| Fax Number: | | Country: * | United Kingdom |
| | | Postcode: * | EH4 1ED |
| Email Address: * | robert.willis@clwg-architects.com | | |
| Is the applicant an individual or an organisation/corporate entity? * | | | |
| <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity | | | |

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|-----------------------------------|------------------------------------------------------|--|
| Title: | Mrs | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | |
| First Name: * | Marion | Building Number: | |
| Last Name: * | Stirling | Address 1 (Street): * | |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | | Town/City: * | |
| Extension Number: | | Country: * | |
| Mobile Number: | | Postcode: * | |
| Fax Number: | | | |
| Email Address: * | robert.willis@clwg-architects.com | | |

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

90 SOUTH STREET

Address 2:

MILNATHORT

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KINROSS

Post Code:

KY13 9XB

Please identify/describe the location of the site or sites

Northing

704376

Easting

311862

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

388.00

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)

Land associated with dwelling house

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.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p> | |
| <p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p> | <div style="border: 1px solid black; padding: 2px 10px;">2</div> |
| <p>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)? *</p> | <div style="border: 1px solid black; padding: 2px 10px;">2</div> |
| <p>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).</p> | |
| <h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> | |
| <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| <p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p> | |
| <p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p> | |
| <p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p> | |
| <h2 style="margin: 0;">Assessment of Flood Risk</h2> | |
| <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> | |
| <h2 style="margin: 0;">Trees</h2> | |
| <p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p> | |
| <h2 style="margin: 0;">Waste Storage and Collection</h2> | |
| <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | |

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

Waste storage point (3 domestic bins) shown on layouts

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Robert Willis

On behalf of: Mrs Marion Stirling

Date: 08/12/2022

☒ 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 checked="" type="checkbox"/> Yes <input 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)

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 Robert Willis

Declaration Date: 11/01/2022

| |
|--------------------------------------------------------------------------------------------------------------------------|
| LRB-2023-15 – 22/02168/FLL - Erection of a dwellinghouse, land 25 metres north of 94 South Street, Milnathort |
|--------------------------------------------------------------------------------------------------------------------------|

PLANNING DECISION NOTICE *(included in
applicant's submission, pages 82-83)*

REPORT OF HANDLING *(included in applicant's
submission, pages 84-93)*

REFERENCE DOCUMENTS *(included in applicant's
submission, pages 22-81)*

**LRB-2023-15 – 22/02168/FLL - Erection of a dwellinghouse,
land 25 metres north of 94 South Street, Milnathort**

REPRESENTATIONS

Thursday, 12 January 2023



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Land 25 Metres North Of 94 South Street, Milnathort, KY13 9XB
Planning Ref: 22/02168/FLL
Our Ref: DSCAS-0078976-XDG
Proposal: Erection of a dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glenfarg Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ This proposed development will be serviced by Milnathort Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Development Management

From: Denice Currie [REDACTED]
Sent: 13 January 2023 16:25
To: Development Management
Subject: Application Ref: 22/02168/FLL

[REDACTED]

I'd like to comment on the planning proposal (ref above) at 94 South Street, Milnathort.

I've no objections in principle but my concern would be parking/access during the work. [REDACTED]

[REDACTED] Also,
there can already be a bit of a bottleneck if vans park on both sides of the street so if contractors could avoid parking in this area it would be much appreciated.

Denice Currie
[REDACTED]

Mr Alastair Maclean (Objects)

Comment submitted date: Fri 13 Jan 2023

Proposed development will impact massively on an already congested road. During construction there will be noise pollution, major congestion for site access on an already very busy road. When property is built where are they parking as this is already an issue given busy road. Concern over our own street parking due to site access and general road use. May impact on our own property value as we will be overlooked across the street and we will lose our view

Mrs Gillian Pedn (Objects)

Comment submitted date: Mon 16 Jan 2023

This is not going to add any value to the neighbourhood, will overlook gardens, is too high at double story, will impact on already problematic on-street parking, visually will look out of place, the plot is far too small to accommodate this build and the plans are totally inappropriate.

Comments to the Development Quality Manager on a Planning Application

| | | | |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------------------|
| Planning Application ref. | 22/02168/FLL | Comments provided by | Lucy Sumner |
| Service/Section | Strategy & Policy | Contact Details | Development Contributions Officer: Lucy Sumner Email: [REDACTED] |
| Description of Proposal | Erection of a dwellinghouse | | |
| Address of site | Land 25 Metres North Of No 94 South Street Milnathort | | |
| Comments on the proposal | <p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Milnathort Primary School.</p> | | |
| Recommended planning condition(s) | <p>Summary of Requirements</p> <p>Education: 1 x £5,164 <u>Total: £5,164</u></p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> | | |

| | |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p> |
| <p>Recommended informative(s) for applicant</p> | <p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash or cheques be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Bank Transfers</p> <p>All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference.</p> <p>The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. |

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| | <p>e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly.</p> <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p> |
| Date comments returned | 20 January 2023 |

Mr Christopher Mann (Objects)

Comment submitted date: Mon 23 Jan 2023

I do not believe that the planned works are in an appropriate location.

By being set back from the road and adjacent to multiple neighbouring homes' gardens, the dwelling house would overlook numerous gardens, impinging on neighbours' privacy as well as blocking both daylight and the natural view, particularly given that the proposed dwelling is over two stories. This would undoubtedly affect the value of neighbouring properties.

In addition, the dwelling house would also be out of keeping with the rest of the street, again due to its location adjacent to neighbouring gardens.

Traffic on the road is already problematic and there is a high volume of traffic as well as numerous heavy goods vehicles. Any additional on street parking would exacerbate issues already faced concerning traffic flow, congestion and parking for existing residents.

I feel that there is not the space to sustain further dwellings in this area as there is already congestion on a busy road, which is only going to get busier due to housing developments in the area as well as the proposed supermarket opening in the village.

Comments to the Development Quality Manager on a Planning Application

| | | | |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------|
| Planning Application ref. | 22/02168/FLL | Comments provided by | Dean Salman Lead Officer |
| Service/Section | Transportation & Development | Contact Details | |
| Description of Proposal | Erection of a dwellinghouse | | |
| Address of site | Land 25 Metres North Of No 94 South Street Milnathort | | |
| Comments on the proposal | Insofar as the Roads matters are concerned, I do not object to this proposal on the following condition. | | |
| Recommended planning condition(s) | Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail across both vehicle accesses. | | |
| Recommended informative(s) for applicant | The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess . Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency. | | |
| Date comments returned | 31 January 2023 | | |

Comments to the Development Quality Manager on a Planning Application

| | | | |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------|
| Planning Application ref. | 22/02168/FLL | Comments provided by | Charlie Haggart |
| Service/Section | HE/Flooding | Contact Details | FloodingDevelopmentControl@pkc.gov.uk |
| Description of Proposal | Erection of a dwellinghouse | | |
| Address of site | Land 25 Metres North Of No 94 South Street Milnathort | | |
| Comments on the proposal | <p>Objection – further drainage information required.</p> <p>Request detail on how surface water run off will be managed on the site.</p> | | |
| Recommended planning condition(s) | N/A | | |
| Recommended informative(s) for applicant | <p>The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.</p> | | |
| Date comments returned | 07/02/2023 | | |

CDS Planning Local Review Body

From: Gill Peden [REDACTED]
Sent: 12 April 2023 14:15
To: CDS Planning Local Review Body
Subject: Re: LRB-2023-15

Follow Up Flag: Follow up
Flag Status: Flagged

Many thanks Audrey.

In terms of further representation, I don't have a great deal to add.

However, I will simply, but strongly, reiterate that the plans submitted, as they stand, would significantly overshadow/overlook our garden and home resulting in both a loss of light and a real and substantive loss of privacy.

South Street is a traditional, attractive street, with a great deal of character, and the proposed development would most certainly not be in line with the character of the existing properties and would lead to the proposed small plot, being grossly overdeveloped.

I am aware there is no support from neighbouring properties for this development, and there is real strength of feeling around this, for very valid and genuine reasons.

Given the reasons, clearly outlined, that support the decision made by Perth and Kinross Council Planning and Development to refuse the application for planning permission to erect a dwelling house at 94 North Street, Milnathort, are not going to change in any way I cannot see any justification to reverse or amend this decision.

Kind regards, Gill Peden

F.A.O Lisa Simpson
Perth & Kinross Local Review Body
Perth & Kinross Council
Council Building,
2 High Street,
PERTH,
PH1 5PH

15 May 2023

Dear Lisa

Town & Country Planning (Scotland) Act 1997

The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013

**Application Ref: 22/02168/FLL - Erection of a dwellinghouse, land 25 metres north of 94 South Street, Milnathort – Mrs M Stirling
LRB-2023-15**

We refer to the above and the representation received by the Local Authority 2nd May 2023 from Gill Peden.

We note our understanding that no further representations have been received and the period for interested parties to submit representations has ended.

Our comments on the representation received are noted below.

The representation received outlines four points – these are considered in the order presented in the representation.

Daylight / Overshadowing

The Design Statement submitted in support of the application considers daylight and overshadowing in detail (page 21 and Appendix A ‘Daylight Study’). The Daylight Study submitted proves that there is no significant impact on the daylight to any neighbouring property.

Based on the evidence presented in the Daylight Study, the Design Statement (page 21) confirms that ‘due to the proposed siting there is no impact on existing buildings’ in terms of a loss of daylight. This is accepted in the ‘Report of Handling’ prepared by the Planning Officer.

The Design Statement also outlines the Appellant’s consideration of overshadowing to gardens and open spaces and refers to the guidance within BRE document ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice’. As noted in the Design Statement:

The guidance advises that at least half of adjacent garden spaces should receive at least two hours of sunlight on 21st March. As shown on the daylight studies (captured 21st March at hourly intervals where the sunlight altitude is above 10°) the two properties affected (80 South Street and 86 South Street) receive in excess of the sunlight to open spaces recommended and are not significantly overshadowed by the proposed development.

As shown on the proposed Daylight Studies there is no additional overshadowing to 86 South Street until 11am and from 1pm there is no additional overshadowing to 80 South Street.

At times when overshadowing is introduced this is less than half of the associated garden space.

We note that the 'Report of Handling' also confirms agreement with the above and states that daylight / sunlight issues for neighbouring garden ground have been addressed within the proposal and demonstrated in the Daylight Study submitted in support of the application.

Privacy

The Design Statement submitted in support of the application considers privacy in detail (pages 19-20).

There is no loss of privacy to any property. There are no windows proposed to the west elevation (facing 80 South Street) and there are no windows, other than two high level rooflights (which do not result in overlooking), to the north elevation which faces 86 South Street.

There are no windows to habitable rooms on the east elevation.

All windows proposed to habitable rooms are located on the south elevation of the proposed dwelling and are located at least 9m from the associated boundary – this meets the requirements of the Local Authority's 'Placemaking Guidance'. It is accepted in the 'Report of Handling' that there are no privacy concerns.

Character

The representation received states that South Street is a 'traditional, attractive street, with a great deal of character' and raises concerns that the proposed development would not be in line with the character of existing properties.

The Design Statement submitted in support of the application considers in detail the site context (page 9) and this has informed the proposed development. As highlighted in the Design Statement, and as visually evident along South Street, there are various styles and age of building which form the character of the site. The Design Statement also highlights (page 19) that typically there is a line of taller structures positioned close to the road with a further line of lower buildings set back from the road.

The external finishes to the proposed dwelling reflect those typically evident along South Street (masonry walls, slate roofs) and the overall form and height of the building appropriate is to its proposed position within the site. We therefore consider the proposal to be appropriate within its context.

Overdevelopment

The proposal took into consideration overdevelopment concerns raised in the determination of a previous application and this was outlined in detail in the Design Statement submitted in support of this application (page 20).

The design development considered The Perth & Kinross Council 'Placemaking Guide' (Adopted March 2020) which advises a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for house with 3 or more bedrooms.

A private garden space of 122m² is provided to the proposed new dwelling (two bedroom) and a private garden space of 140m² to the existing dwelling (90 South Street - four bedroom). Both exceeding the

recommendations of the local authority's adopted 'Placemaking Guide' as outlined above. The garden spaces to each property also measure 9m (or more) in depth which is also in accordance with these guidelines.

Please See Garden Space Diagrams (Page 20 of Design Statement)

In terms of overall build / plot ratio the proposed new dwelling is 24% of its site area and the existing dwelling becomes 26% of its site area. As detailed within the Design Statement within the immediate surrounding area dwelling footprints generally consume around 25 - 35% of plot:

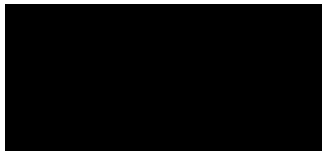
72 - 76 South Street - 36%;
82 South Street - 32%;
84 South Street - 25%;
86 South Street - 22%;
94 South Street - 22%

The density of development is therefore consistent with the surrounding area.

We believe that the above addresses all of the issues raised in the representation from the Interested party. Please do not hesitate to contact us if you have any questions.

Your Sincerely

Philip Neaves



Philip Neaves

Director

