

TCP/11/16(374)
Planning Application – 15/00835/FLL – Erection of a dwellinghouse, land 10 metres north west of Cairn Cottage, Coupar Angus Road, Blairgowrie

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TCP/11/16(374)

Planning Application – 15/00835/FLL – Erection of a dwellinghouse, land 10 metres north west of Cairn Cottage, Coupar Angus Road, Blairgowrie

**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)

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

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

15/00835/FL

Site address

LAND 10m NORTH WEST OF CARRON COTTAGE, COWPAR ANGUS RD
BLARGOWRIE

Description of proposed
development

ERECTION OF PURPOSE BUILT SINGLE STOREY DWELLING WITH FULL
DISABLED ACCESSIBILITY
DEMOLITION OF EXISTING TIMBER GARAGE + SUB DIVISION OF EX. PLOT

Date of application

15/5/2015

Date of decision (if any)

3/7/2015

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

THE APPLICANT WISHES TO EXPLAIN PERSONALLY, HIS SPECIFIC HEALTH REQUIREMENTS WHICH FORM THE BASIS OF THE PLANNING APPLICATION.

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:

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.

SEE ATTACHED DOCUMENT

2 PHOTOGRAPHS

SET OF PLANS

1 LETTER

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.

1. REASONS FOR REQUIRING A PLANNING REVIEW

Checklist

☒ 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.

Declaration

Signed

[REDACTED]

Date _____

20	7	15
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Plot adjacent to Cairn Cottage, Coupar Angus Road, Blairgowrie

Planning Application - 15/00835/FLL

Date – 20th July 2015

Reasons for requiring a Planning Review

DEVELOPMENT PLAN

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

Within the Local Development Plan, the site lies within the settlement boundary of Blairgowrie, where the following policies are directly applicable.

Policy PM1A - Placemaking

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

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved.

Policy PM1A – Placemaking & Policy RD1 – Residential Areas

Building density

Viewing building density, site size and building footprint to plot ratio from an aerial perspective would be illogical as few people would ever see the proposed development from above. Therefore evaluating whether a development plot has an adequate size or not cannot be done from a site plan alone.

The delegated report states that a site area of 400m² is generally deemed adequate for a new dwelling. The proposed site is 500m². Whilst we accept that there are larger plot sizes in the vicinity, some only marginally so, many of the houses positioned on these larger sites have significant building footprints. If anything this also has the result of making them appear 'squeezed in'. The building footprint as a percentage of the site area is considerably less on the proposed site than elsewhere in the immediate vicinity.

It is not plot size that determines density but rather the area and height of buildings and their proximity to one another.

The delegated report states that: -

1. As the proposed dwelling would be single storey with living accommodation over one level only, it's unlikely that the proposal would have an adverse impact on the residential amenity of the existing neighbouring dwelling.
2. The size of the plot and its regular shape means that a suitable level of private amenity space can be achieved to the rear of the proposed dwelling.

3. There are no particular issues with the proposed design of the dwelling.
4. In the event of any approval, restrictive conditions should be attached to any consent requiring the retention and protection of the boundary hedges.
5. The proposal raises no road or access issues, and I note that my colleagues in Transport Planning have commented on the application and raised no concerns.

All of these comments are supportive of a development on this site.

As with any new development, the greatest impact is felt by the immediate neighbours of the site. It is therefore significant that the proposed development has raised not one concern or objection from any neighbour. In terms of daylight provision, privacy protection, noise disturbance, building density or visual amenity not one person who lives adjacent to the site has any concerns.

As mentioned in the delegated report, the Coupar Angus Road is indeed a busy and popular road. However those that travel past the proposed site are almost exclusively in a vehicle. Pedestrians are exceedingly rare owing to the distance from this neighbourhood to any amenities.

Vehicles travelling at 30mph will pass the proposed site in 2.6 seconds.

Given that the delegated report requires the retention of the eight foot high beech hedge along the site boundary adjacent to the Coupar Angus Road, the proposed building will only be visible to passers by for a fleeting second as they pass the driveway entrance.

We therefore would argue that the site is most certainly **not** in a highly visible position within the local streetscene. The proposed development cannot possibly appear out of character with the area, as it will be almost obscured from the public road. The visual amenity of the area can therefore also not be compromised by the proposed development.

Design Considerations

The proposed single storey dwelling has been designed to meet the accommodation needs of the client whilst also being careful to minimise its visual impact on neighbours and on the amenity of the area through the following considerations.

- The dwelling is orientated on the site such that the building frontage is minimised.
- The total frontage is 8.37m as opposed to that of the previously refused design, which was 9.97m.
- To minimise the impact on the street scene the frontage has three receding facades rather than a single gable.
- The forward most gable is in line with the principal elevation on Cairn Cottage, preserving the building line.
- The ridge height is 4.75m as opposed to 6.35m on the previously refused design.
- The building footprint to plot ratio is comparable with the two neighbouring bungalows to the north.
- Both the neighbouring bungalows have gables facing the road.
- There is ample parking and turning space for two cars to the front.
- There is ample garden ground to the rear.
- As all windows to apartment rooms face either to the front or rear there is no loss of privacy to neighbours.
- The plot is screened from Brucefield Road and Coupar Angus Road by an 8' high Beech hedge.
- The house will have a solid ground floor for improved wheelchair access and to minimise the ridge height.
- Internally, corridor widths are generous and an open plan living/dining/kitchen improves accessibility.
- A large glazed rear elevation gives the feeling of space, whilst providing beneficial additional daylight.

In terms of the proposed plot and dwelling it is clear that the delegated report supports the application on every aspect other than the subjective view that the development would in some way be detrimental to the amenity of the area. As previously mentioned this is a highly debatable point and given the level of support for every other aspect of the application, should not, in our view, be the determining factor on the outcome of this review.

In addition to the points already raised we would also highlight again the specific health related needs of my client, which although they may not be viewed as material considerations in Planning terms, they certainly form an integral part of this application.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."*

The delegated report states that there are no specific policies or strategies directly relevant to this proposal and yet goes on to highlight a general statement concerning: -

‘quality of life’

‘a place of first choice, where more people choose to live, work ...’

My client’s quality of life will be directly affected if this application is refused, as the beneficial support he would be able to receive as a result of living next door to family would be denied him.

My client has taken the bold decision to accept employment within the TAYplan region in the hope that he would secure suitable accommodation thereafter, which would enable him to establish a life in this area. He has made this a ‘first choice’ destination in line with the overall vision of the TAYplan Strategic Development Plan 2012-2032. However if this application is refused he will be put in the position of needing to make other arrangements with the possible outcome that he will need to leave his ‘place of first choice.’

Letter to planning appeal committee

I enclose two photographs along with the notice of review document for application no. 15/00835/FLL, an application which was turned down at Cairn Cottage, Coupar Angus Road, Blairgowrie. I wish these two photographs to be examined by the appeal committee.

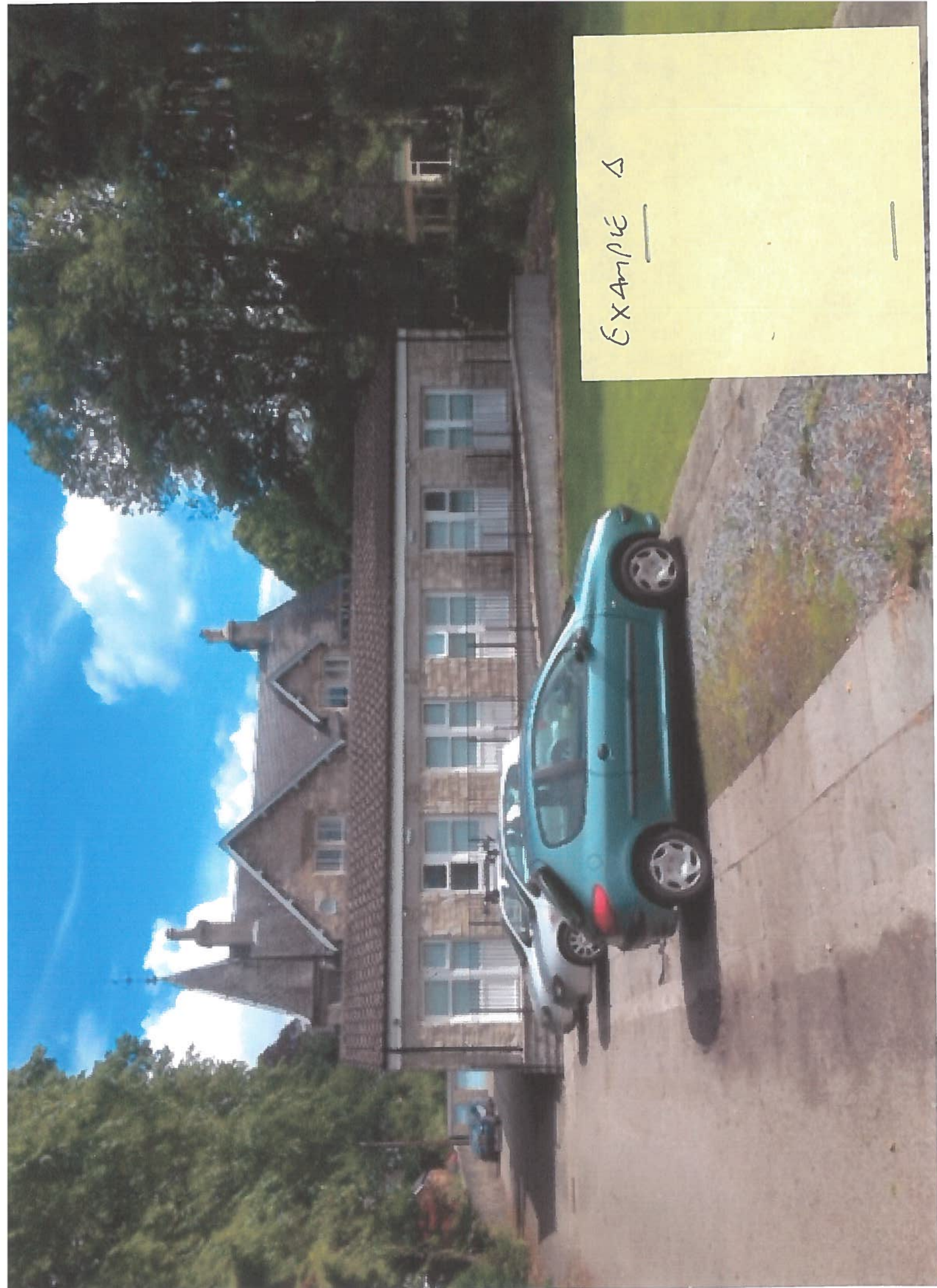
The reason I wanted to include the photographs is example A which shows Cairn Cottage and the new proposed house, 10m north-west of Cairn Cottage. This original image was taken from a Google Earth camera, and the proposed dwelling has been superimposed to show how it would look if built. In my opinion, it is not showing to be intrusive.

On the reason for refusal, it states that the proposal is contrary to policies PM1A & RD1 of Perth & Kinross Council's local development plan 2014. *'which both seek (amongst other things) to protect the visual amenity and character of existing areas from inappropriate developments'* – to this end I enclose example B photograph which is a church of Scotland care home in Atholl Street, Pitlochry. This care home is in the middle of a five block of large Victorian houses, all with the same front-line, however, planning has been granted for the care home to bring an extension out well beyond the existing house line and if this development is not contrary with respect to loss of visual amenity, then I would be very surprised.

All I am asking for, is a fair interpretation to be applied across the board.

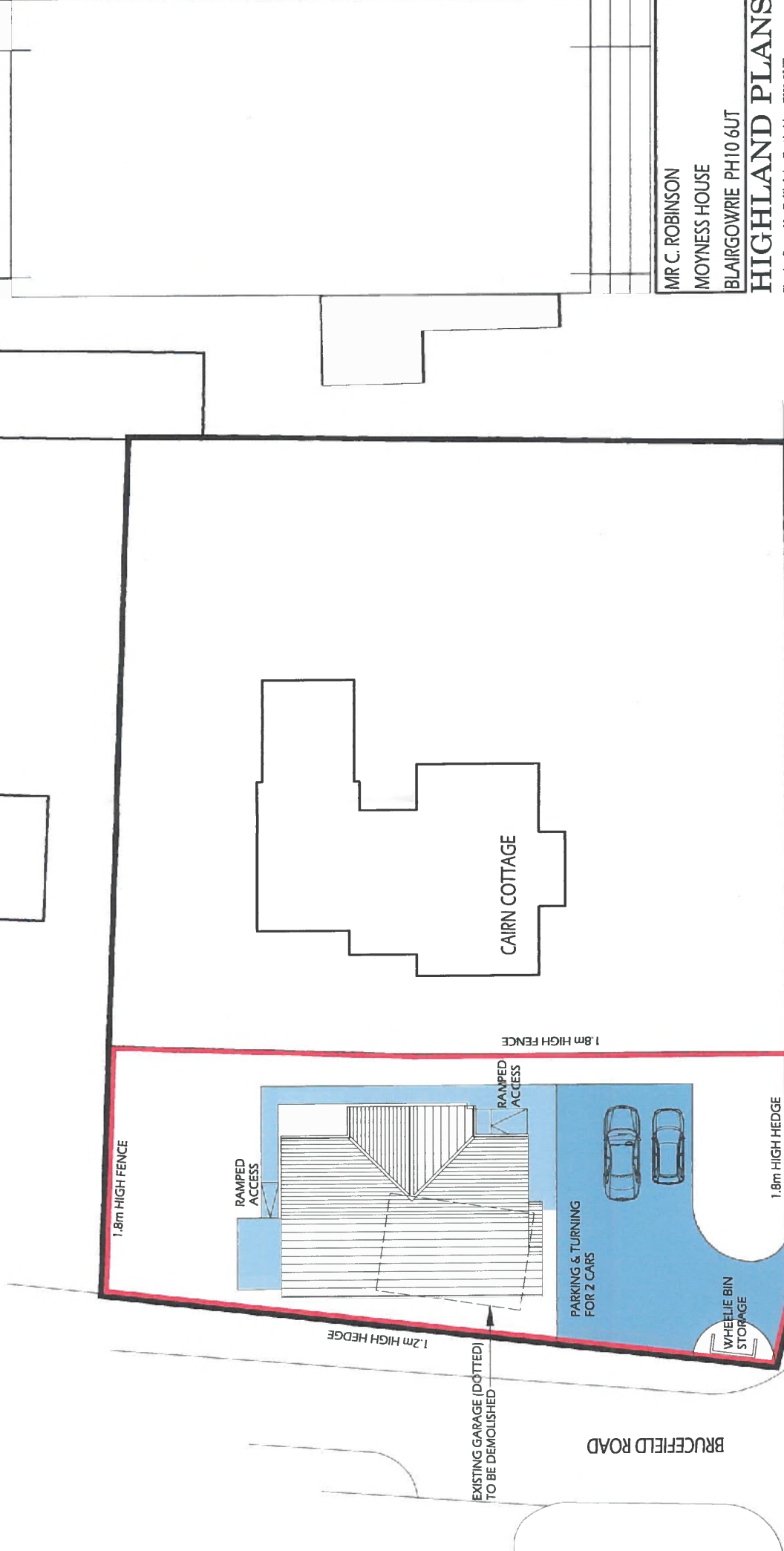
Exemple A.





Contractor to check all dimensions on site prior to starting work.
The copyright of this drawing or part thereof belongs to Highland Plans.

REVISION NOTES

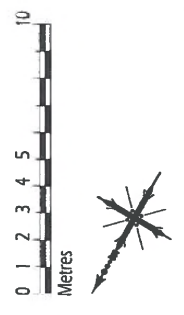


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PLOT AT CAIRN COTTAGE
COUPAR ANGUS ROAD, BLAIRGOWRIE
PROPOSED SITE PLAN

SCALE 1:200 DATE 15.15 DRAWN

DRAWING No. 1521-01
REVISION



REVISION NOTES



INTERNAL FLOOR AREA = 86.21m²

MR C. ROBINSON
MOYNESS HOUSE
BLAIRGOWRIE PH

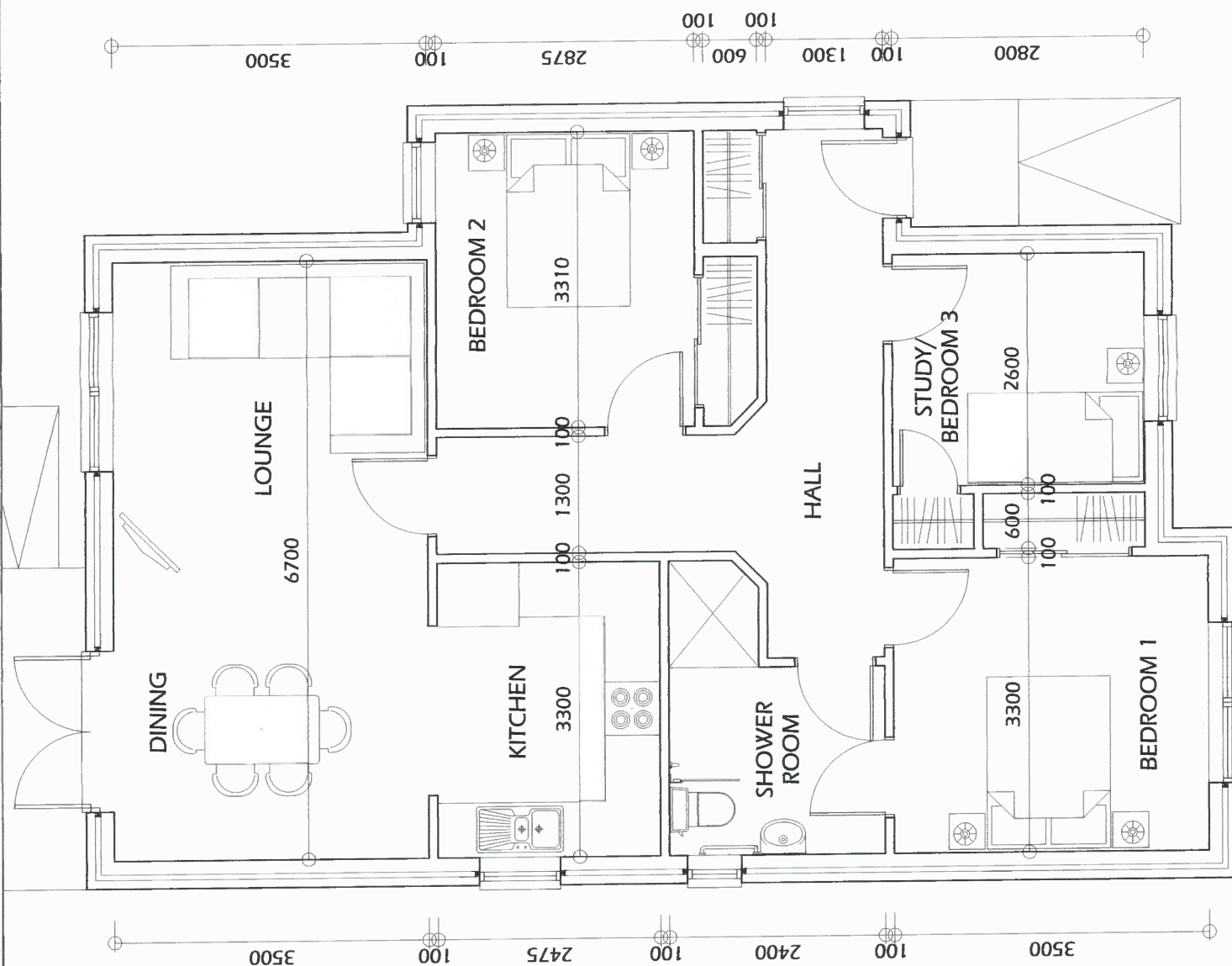
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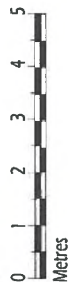
**PLOT AT CAIRN COTTAGE
COUPAR ANGUS ROAD, BLAIRGOWRIE
PROPOSED PLAN**

SCALE	DATE	DRAWN
1:50	1:5:15	

DRAWING No.	1521-02
REVISION	



REVISION NOTES



EXTERNAL FINISHES: -

ROOF - INTERLOCKING CONCRETE TILES - GREY

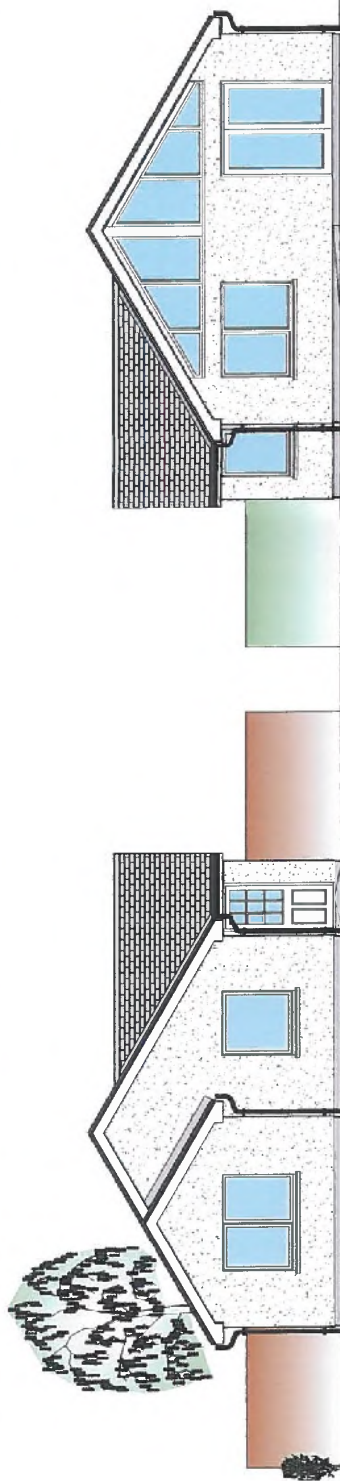
RAINWATER GOODS - BLACK UPVC

FASCIAS - WHITE

SOFFITS - WHITE

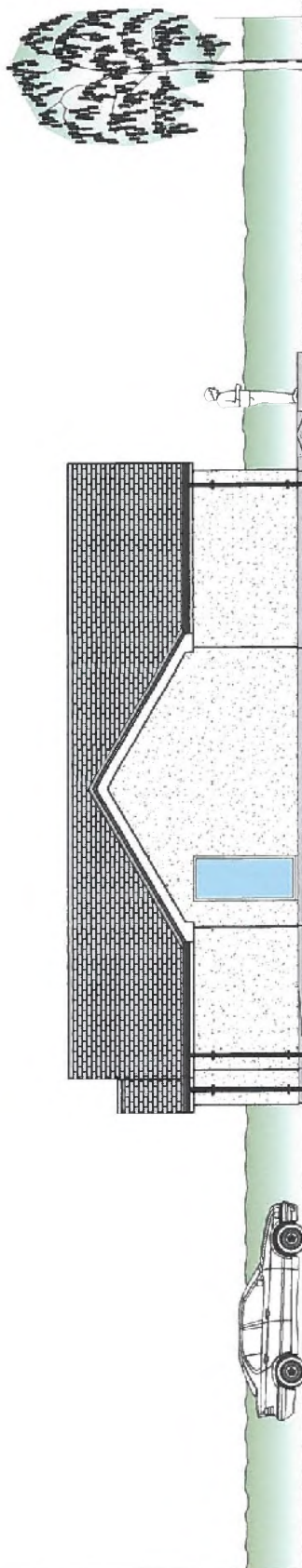
WALLS - WET DASH HARL - OFF-WHITE

WINDOWS/DOORS - WHITE TIMBER DOUBLE GLAZED

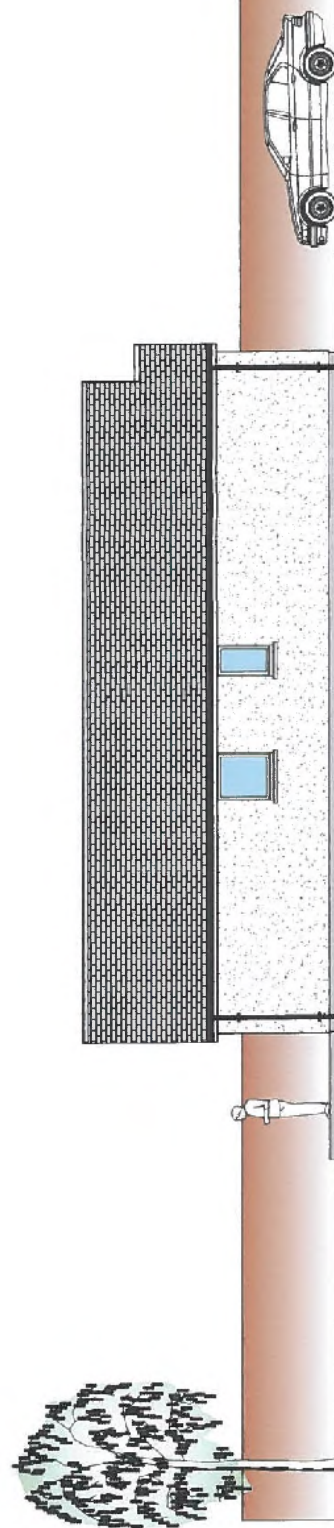


SOUTH WEST ELEVATION

NORTH EAST ELEVATION



SOUTH EAST ELEVATION



NORTH WEST ELEVATION

MR C. ROBINSON

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PLOT AT CAIRN COTTAGE

COUPAR ANGUS ROAD, BLAIRGOWRIE

PROPOSED ELEVATIONS

SCALE	DATE	DRAWN
1:100	6:5:15	

DRAWING No.	1521-03
REVISION	



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15/00835/FLL – Plot at Cairn Cottage, Coupar Angus Road, Blairgowrie

Local Review Body, Perth & Kinross Council, 2 High Street, Perth PH1 5PH

31st August 2015

Dear Sir/Madam

Regarding our refused planning application and subsequent request for a Review, the following information has just come to our attention. We would therefore like the points raised in this letter to be included in our recent request for a Review.

We wish to highlight another application, which was dealt with by the same case officer and approved on 26th March 2014. The application reference is 14/00290/FLL - Erection of a dwellinghouse at Land 20 Metres North Of Conlan View, Perth Road, Blairgowrie.

What follows is an accurate and fair comparison between these two applications for your consideration.

	Plot at Conlan View 14/00290/FLL	Plot at Cairn Cottage 15/00835/FLL
Location "busy and popular road" & "highly visible position in the local streetscene"	Perth Road, Blairgowrie	Coupar Angus Road, Blairgowrie
House Type	1 3/4 Storey	Single Storey
Adjacent Property	Single Storey	1 3/4 Storey
Other Neighbouring Properties	A Single Storey, a listed 1 3/4 storey, a 1 3/4 storey & a 2 storey	5 single storey
Ridge Height	7.5m approx	4.75m
Orientation	Parallel with road - 123.75m ² street facing facade (16.5m wide x 7.5m high) Highly visible!	Perpendicular to road - 35.87m ² street facing facade & behind an 8' high hedge. Barely visible!
Average Plot Dimensions Both sites taper - wider at the road & narrower at the rear	18m x 35m depth = 630m ²	14m x 34m = 500m ² <i>"400sq m is normally considered to be a suitable size for a new residential plot"</i>
House Footprint	150m ²	86m ²
House to Plot Ratio	0.24 House takes up 1/4 of the site	0.17 House takes up only 1/6 of the site
Distance of proposed house from existing house	5m	6.8m
Distance from proposed house to side boundaries (ie. visible gap viewed from main road)	1.6m to north boundary & 1.4m to south boundary. Total 'squeezed in' factor of 3.0m	1.2m to north-west boundary & 2.95m to south-east boundary. Total 'squeezed in' factor of 4.15m
Neighbour objections	2	0

The application was refused on the following basis: -

*“In terms of the impact on the visual amenity of the area, there is no doubt that **Coupar Angus Road is a busy and popular road, which in turn, means the site is in a highly visible position within the local streetscene.** Whilst I have no particular issues with the proposed design of the dwelling, as previously mentioned I do have an issue over the proposal appearing **‘squeezed’ in.** This scenario will in my view result in a development, which would appear out of character with the area and to this end, I consider the proposed visual amenity of the area to be compromised by the development proposed.”*

A. Baxter - case officer

To summarise the above table, the proposed development at Cairn Cottage : -

1. is situated on a less busy & less popular road into Blairgowrie
2. is more in keeping with the majority of its neighbours in terms of design
3. takes up less garden ground
4. is more than 9’ lower in height
5. has a front (street) façade that is 98m² less
6. is further away from its nearest neighbour (ie. less squeezed in)
7. is further away from its side boundaries (ie. less squeezed in)
8. is less conspicuous in its orientation and is situated behind a high hedge, which must be retained as a planning condition.

As can be seen from the location plans below, the plot at Conlan View is at best only 1/2 the size of the neighbouring plots and at worst 1/10th the size. The plot at Cairn Cottage however is at best 4/5th the size of the neighbouring plots and at worst 1/5th the size. This clearly negates the subjective view that *“whilst 400sq m is normally considered to be a suitable size for a new residential plot, this figure must be read in the context of the surrounding building pattern and density. The area of Rosemount and Coupar Angus Road is distinctly defined by the size of the house plots within the area - with the majority being significantly larger than 500sq m.”*



Plot at Conlan View



Plot at Cairn Cottage

Anyone comparing these plans would say “the area of Perth Road is distinctly defined by the size of the house plots within the area – with the majority being significantly larger than 630sq m.”

If the development at Conlan View was deemed to be acceptable, you will understand why both my client and myself as agent are utterly frustrated by the decision to refuse our application. We sincerely hope that the review board will consider the compelling factual evidence presented here, very seriously indeed and acknowledge that a directly comparable precedent has been set that must surely result in our application being approved.

Yours faithfully,

Dave Philip
Highland Plans

Acting for Mr C. Robinson (Applicant)

<p>TCP/11/16(374) Planning Application – 15/00835/FLL – Erection of a dwellinghouse, land 10 metres north west of Cairn Cottage, Coupar Angus Road, Blairgowrie</p>

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT (part included in applicants submission, see pages 259-261)

PERTH AND KINROSS COUNCIL

Mr Chris Robinson
c/o Highland Plans
Dave Philip
Charis
Guay
Ballinluig
PH9 0NT

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 03.07.2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/00835/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 16th May 2015 for permission for **Erection of a dwellinghouse Land 10 Metres North West Of Cairn Cottage Coupar Angus Road Blairgowrie** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. As the proposal, by virtue of the sites size and its 'squeezed in' nature would result in a development that would have an adverse impact on both the density and general character of the local area, the proposal is contrary to Policies PM1A and RD1 of Perth and Kinross Council's Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity and character of existing areas from inappropriate developments.

Justification

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

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

Plan Reference

15/00835/1

15/00835/2

15/00835/3

15/00835/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	15/00835/FLL	
Ward No	-	
Due Determination Date	15.07.2015	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 10 Metres North West Of Cairn Cottage, Coupar Angus Road, Blairgowrie

SUMMARY:

This report recommends **refusal** of a detailed planning application for the erection of a dwelling on an area of existing garden ground associated with a residential property in Blairgowrie as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 12 June 2015

SITE PHOTOGRAPH



View of the site from Coupar Angus Road

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application seeks to obtain detailed planning permission for the erection of a new dwelling on an area of garden ground associated with a residential property in Blairgowrie – which is located adjacent to Coupar Angus Road, which is predominately a residential area.

The site is a corner plot, located on the corner of the junction of Brucefield Road and Coupar Angus Road and is roughly rectangular in shape, with a road side frontage of approx. 15m (north and south) and a depth of approx. 35m (west and east). A small garage is currently located on the western corner of the site.

A new access (approved under a previous permission) has been formed directly into Coupar Road. With the exception of the access, the road side boundaries are defined by beech hedging, which has been tapered back slightly at the junction point - presumably to offer better sight lines for anyone leaving the site.

The proposed dwelling will offer living accommodation over a single level only. The dwelling will be located in a central position on the plot, in line with the existing dwelling with the existing access proposed to be utilised.

A proposal for a larger dwelling (in terms of its footprint and height) was refused (14/02106/FLL) on the grounds that the erection of a dwelling on the site would be 'squeezed in', which in turn would have adverse impact on both the density and general character of the local area. The decision to refuse was upheld by the Council's Local Review Body.

SITE HISTORY

A detailed planning application for the erection of dwellinghouse on the site (14/02106/FLL) was refused planning permission earlier this year on the grounds that,

As the proposal, by virtue of the sites size and its 'squeezed in' nature would result in a development that would have an adverse impact on both the density and general character of the local area, the proposal is contrary to Policies PM1A and Policy RD1 of the Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity and character of existing areas from inappropriate developments.

The refusal decision was later upheld by the Council's Local Review Body.

PRE-APPLICATION CONSULTATION

None undertaken.

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. Due to the relatively minor nature of the proposal, there are no national policies or guidance of specific relevance to this application.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

Within the Local Development Plan, the site lies within the settlement boundary of Blairgowrie, where the following policies are directly applicable.

Policy PM1A - Placemaking

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

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved.

OTHER COUNCIL POLICIES

Developer Contributions 2014

This Supplementary Guidance seeks to secure developer contributions for A9 upgrades and primary education improvements in certain circumstances. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

Developer Contributions, Transport Infrastructure 2014

This Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

EXTERNAL CONSULTATION RESPONSES

Scottish Water have commented on the planning application and raised no objection.

INTERNAL CONSULTATION RESPONSES

Environmental Health have made no specific comment on the planning application.

Transport Planning have commented on the planning application and raised no objections in terms of the proposed access arrangements.

Education And Children's Services have indicated that the local primary school is currently operating at over its 80% capacity.

Contributions Officer have indicated that a developer contribution in relation to Primary Education is required in the event of a consent being issued.

REPRESENTATIONS

None received.

ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Supporting information has been submitted which focuses on a family need justification.

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations, this principally involves consideration of the contents of the Developer Contributions 2012 and the Developer Contributions, Transport Infrastructure 2014 documents

Policy Appraisal

In terms of the Development Plan, the key land use policy is contained within the Local Development Plan 2014. Within that Plan, the site is located within the settlement boundary of Blairgowrie where *Policy RD1* is directly relevant.

Policy RD1 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.

In addition to this, *Policy PM1A* is also directly applicable to all new proposals, and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas

For reasons stated elsewhere in this report, I consider the proposal to be contrary to the aims of *Policies RD1 and PM1A* of the Local Development Plan 2014.

Land Use

In terms of land use issues, the site is located within an area which is clearly residential in character. Within the local area there have been a number of infill sites adjacent to Coupar Road and some (such as directly opposite) recently approved. However, whilst the land use (residential) may be in principle acceptable in terms of its compatibility with existing uses, the physical size and location of this site is of some concern. The site appears to be slightly squeezed in and its area of approx. 500sq m is somewhat smaller than other infill sites which have occurred in the area.

Whilst 400sq m is normally considered to be a suitable size for a new residential plot, this figure must be read in the context of the surrounding building pattern and density. The area of Rosemount and Coupar Angus Road is distinctly defined by the size of the house plots within the area - with the majority being significantly larger than 500sq m.

To this end, based on the physical size and perhaps to some degree the shape of the site, I consider a residential development on this site would have an adverse impact on the density and character of the area and be out of keeping with the general building pattern of the area. I therefore consider the proposed land use to be unacceptable.

Residential Amenity

Impact on existing Residential Amenity

The principal area of potential conflict would be with the existing dwelling. However, as the proposed dwelling would be single storey with living accommodation over one level only, it's unlikely that the proposal would have an adverse impact on the residential amenity of the existing dwelling.

Proposed Level of Residential Amenity

The size of the plot and its regular shape means that a suitable level of private amenity space can be achieved to the rear of the proposed dwelling.

Visual Amenity

In terms of the impact on the visual amenity of the area, there is no doubt that Coupar Angus Road is a busy and popular road, which in turn, means the site

is in a highly visible position within the local streetscene. Whilst I have no particular issues with the proposed design of the dwelling, as previously mentioned I do have an issue over the proposal appearing 'squeezed' in. This scenario will in my view result in a development which would appear out of character with the area and to this end, I consider the proposed visual amenity of the area to be compromised by the development proposed. I do note that the applicant has reduced the scale of the dwelling the previously refused 1.5 storey dwelling to a single storey; however this change does not alter my views on this matter.

Roads and Access

The proposal raises no road or access issues, and I note that my colleagues in Transport Planning have commented on the application and raised no concerns.

Drainage and Flooding

There are no drainage or flooding issues associated with this proposal.

Impact on existing hedges

As stated previously, there are a number of hedges along the sites boundaries along Coupar Angus Road and Brucefield Road. In the event of any approval, restrictive conditions should be attached to any consent requiring the retention and protection of these hedges.

Developer Contributions

Primary Education

As the local primary school is operating at over its 80% capacity, in the event that the planning application is approved, a developer contribution in relation to Primary Education will be required.

Transport Infrastructure

The application site is outwith the catchment area for contributions, therefore a contribution in respect of Transport Infrastructure is not required.

Family Need

I note that the applicant has submitted sensitive, personal information in support of the application. However, whilst I acknowledge this supporting information, I do not consider the applicant's case to be a material justification for supporting the applicant contrary to the Local Development Plan 2014.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the Development Plan, and on that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application on for the following reason,

As the proposal, by virtue of the sites size and its 'squeezed in' nature would result in a development that would have an adverse impact on both the density and general character of the local area, the proposal is contrary to Policies PM1A and RD1 of Perth and Kinross Council's Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity and character of existing areas from inappropriate developments.

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

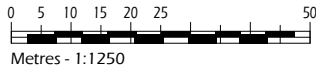
Procedural Notes

Not Applicable.

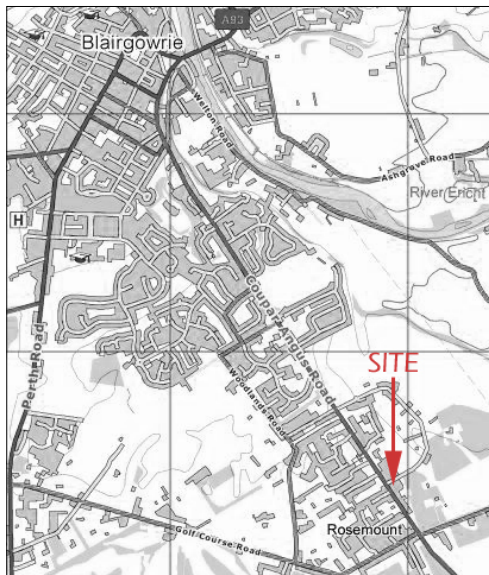
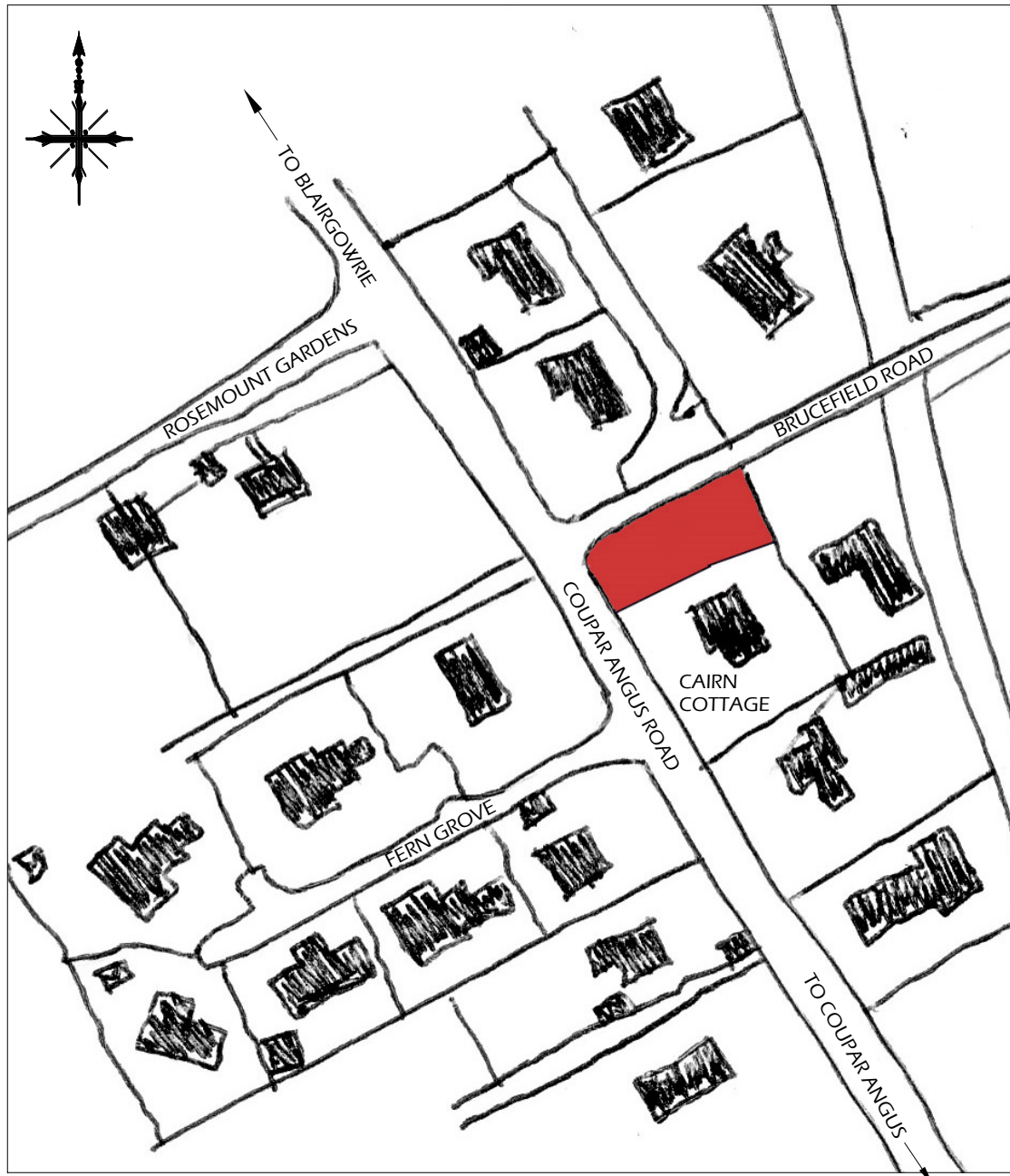
PLANS AND DOCUMENTS RELATING TO THIS DECISION

15/00835/1 - 15/00835/4 (*inclusive*)

Date of Report 30.06.2015



Contractor to check all dimensions on site prior to starting work.
The copyright of this drawing or part thereof belongs to Highland Plans.



MR C. ROBINSON
MOYNESS HOUSE, COUPAR ANGUS RD
ROSEMOUNT, BLAIRGOWRIE

HIGHLAND PLANS

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E : dave@highlandplans.com W : www.highlandplans.com

NEW HOUSE AT CAIRN COTTAGE
LOCATION PLAN

SCALE 1:1250	DATE 1:5:15					DRAWN .				
DRAWING No.	. 1521-04									
REVISION	.	.	.	.	.	.	.	.	.	.

TCP/11/16(374)
Planning Application – 15/00835/FLL – Erection of a
dwellinghouse, land 10 metres north west of Cairn Cottage,
Coupar Angus Road, Blairgowrie

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/00835/FLL	Comments provided by	ECS										
Service/Section		Contact Details	Maureen Watt ext 76308										
Description of Proposal													
Address of site													
Comments on the proposal	<p>This development falls within the Newhill Primary School catchment area.</p> <p>Based on current information this school will reach the 80% capacity threshold.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Approved capacity</td> <td style="text-align: right;">423</td> </tr> <tr> <td>Highest projected 7 year roll</td> <td style="text-align: right;">370</td> </tr> <tr> <td>Potential additional children from previously approved applications</td> <td style="text-align: right;">40.77</td> </tr> <tr> <td>Possible roll</td> <td style="text-align: right;">410.77</td> </tr> <tr> <td>Potential % capacity</td> <td style="text-align: right;">97%</td> </tr> </table>			Approved capacity	423	Highest projected 7 year roll	370	Potential additional children from previously approved applications	40.77	Possible roll	410.77	Potential % capacity	97%
Approved capacity	423												
Highest projected 7 year roll	370												
Potential additional children from previously approved applications	40.77												
Possible roll	410.77												
Potential % capacity	97%												
Recommended planning condition(s)	<p>I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.</p>												
Recommended informative(s) for applicant													
Date comments returned													

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/00835/FLL	Comments provided by	Niall Moran
Service/Section	Transport Planning	Contact Details	x76512
Description of Proposal	Erection of dwellinghouse		
Address of site	Land 10 Metres North West Of Cairn Cottage Coupar Angus Road Blairgowrie		
Comments on the proposal	As the proposals will use an existing vehicular access with no intensification of its use and adequate parking and turning facilities are shown on the proposed plans, I have no objections to this application.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	2 June 2015		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/00835/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 10 Metres North West Of Cairn Cottage Coupar Angus Road Blairgowrie for Mr Chris Robinson		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £6,395</p> <p><u>Total: £6,395</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</p>		

	<p>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 after occupation.</p>
Recommended informative(s) for applicant	<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 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>Remittance by Cheque</p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House 35 Kinnoull Street Perth PH15GD</p>

	<p>Bank Transfers All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Direct Debit 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. 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>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	05 June 2015

