

**TCP/11/16(610) – 19/00205/IPL – Erection of a dwellinghouse (in principle), land 20 metres east of Bellvue Cottage, Oakbank Road, Guildtown**

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**TCP/11/16(610) – 19/00205/IPL – Erection of a dwellinghouse (in principle), land 20 metres east of Bellvue Cottage, Oakbank Road, Guildtown**

**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 **STEVEN MCWULFIE JESSICA BORUET**

Address **BELLEVUE COTTAGE, OAKBANK  
ROAD, GUILDTOWN, PERTH**

Postcode **PH2 6BU**

Contact Telephone 1 **[REDACTED]**

Contact Telephone 2 **[REDACTED]**

Fax No **[REDACTED]**

E-mail\* **[REDACTED]**

## Agent (if any)

Name **[REDACTED]**

Address **[REDACTED]**

Postcode **[REDACTED]**

Contact Telephone 1 **[REDACTED]**

Contact Telephone 2 **[REDACTED]**

Fax No **[REDACTED]**

E-mail\* **[REDACTED]**

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

**PERTH AND KINROSS COUNCIL**

Planning authority's application reference number

**19/00205/IPL**

Site address

**BELLEVUE COTTAGE, OAKBANK ROAD, GUILDTOWN, PERTH PH2 6BU  
(LAND 20M EAST)**

Description of proposed  
development

**OUTLINE PLANNING PERMISSION FOR DEVELOPMENT OF A DWELLINGHOUSE  
IN PLOT 5**

Date of application

**25/02/2019**

Date of decision (if any)

**17/04/2019**

**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:

2- It would be valuable to be able to discuss our review in person with the review panel.

**Site inspection**

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

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

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

**Statement**

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

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

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

See attached Statement

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.

Evidence 13+14 show a new development at 41 has been behind Bellvue Cottage that uses backland access and will significantly raise noise level + pollution to Nuses Cottage - not available at time of application.

**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.

See attached list of Evidence at end of 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



Date

16/7/19.

## Statement – why we are seeking a review of our application 19/00205/IPL

### Planning Response

We do not agree that the reasons given for refusal of application 19/00205/IPL are reasonable or fit with the ethos of the PKC Development Plan 2016-2036.

We sought advice and guidance from the planning department throughout the months prior to submission and feel the final outcome is contradictory to advice given by the planning department staff and are not in keeping with the vision of the PKC development plan.

*The Development Plan's vision centres on improving people's quality of life. The Plan is fundamentally about providing for good quality homes and communities to best ensure that there are homes for everyone to live in. The Policy seeks to ensure that new housing is planned for in a sustainable way. Policies 2, 4 and 6 collectively seek good quality communities with an appropriate mix of housing type, size and tenure. This helps to meet the needs and aspirations of different people throughout their lives. PKC Development Plan 2016-2036*

### Reasons for review

Outline planning (16/01964/IPL) was approved by PKC for a single story dwelling on 17 January 2017<sup>(3)</sup>. The planning officer in his delegated report<sup>(4)</sup> stated that *'he was of the view that the proposal can contribute positively to the quality of the surrounding built and natural environment'*. The plot was to be accessed across council land that holds local tenant garages and access to them, thus has vehicular access across it already. The planning officer in his delegated report stated that *'whilst the proposed drive passes a number of local authority garages I do not consider that this will result in backland' type conflicts that would arise if the driveway was passing close to and in-between dwelling houses'*.

Obtaining vehicular access to our plot, which was to be developed for housing, had been discussed in email communication<sup>(1)</sup> as well as in person with both Elizabeth Shewan and Susie Rogers (Housing Officers) during visits in March 2016. Approval was received on 27 June 2016<sup>(3)</sup> for access to our plot.

We put the plot of land up for sale in September 2018 and received an offer straight away: a father who is wishing to build a house for his daughter to live in, thus complying with the ethos of the Development Plan. However at that same time the housing department who owns the land and who gave us permission to access in 2016, received a complaint from a neighbour that the access would infringe upon his access to his garage. It is to be noted that the garage he uses was constructed by himself on council land and is not owned by the council itself.

Two weeks after the land was put up for sale, we received notification from David Homer, a housing officer based at Blairgowrie that he had retracted the access permission and now denied access to our plot<sup>(5)</sup>. His reasons given were *'we had previously given you permission to cross our land for access to our back garden but your change of use of land will affect the future potential development of our [council] land'*. You will see from the communication and approval given in March 2016 that access was knowingly given for vehicular access for 1 to 2 cars to a development housing plot and not merely 'access to our back garden'. We are unsure why it had taken 2 years for this access to be withdrawn, other than in the decision being in direct relation to us now putting the land on the market and the housing department having received a complaint.

The outline planning for the property development ((16/01964/IPL) was due for re-approval in January 2019. As soon as access was retracted by the housing department, in October

2018, we were informed by PKC planning dept that rather than applying for reapproval of outline planning that we now had to submit a new planning application <sup>(6)</sup> as the access to the land needed to be changed.

Jessica Borley had a conversation with the planning officer, John Russell, who had approved the original outline planning request, to ask advice on how we could move forward with our planning approval if we didn't now have access across council garage land. He suggested we could either appeal the decision made by the housing dept, or seek a solicitors advice as to how we could be permanent access from the council. He was asked if a driveway access between Bellvue cottage and the Nurses Cottage could be an alternative as there was sufficient land at the side of Bellvue cottage for a driveway. To which he stated that if this was possible then that could be a reasonable alternative solution. It is to be noted that we do not have written evidence of this advice and John Russel has since denied providing advice on us using an alternative driveway between the cottages<sup>(12)</sup>. Mr Russell was asked to visit the plot to discuss the potential of an appeal but refused.

We contacted the planning department to ask if we would needed to apply for planning permission to put in a backland access driveway and were sent a checklist to complete<sup>(8)</sup>. There was further communication and advice on our planning request, specifically the site plan <sup>(7)</sup> which clearly showed the driveway access between Bellvue Cottage and the Nurses Cottage, and we were not advised at any time by planning staff that backland access may not be suitable and potentially cause our outline development planning to be rejected.

The recent planning application (19/00205/IPL) has been refused. The Delegated Report <sup>(11)</sup> states the reason for this deciiions is because *'the alternative access arrangement between Bellvue and the Nurses Cottage which results in a 'backland' development with an unacceptable loss of residential amenity to surrounding residential dwellings due to the penetration of vehicles behind the main frontage and building line of Oakbank Road. Vehicles passing the existing dwelling and the adjacent cottage will give rise to substantial levels of noise and disturbance due to traffic movement to and from the backland plot.* It is to be noted that the access arrangement is in the exact place where the current driveway for Bellvue Cottage is and has always been since first opened up for penetration of vehicles to and from the property. The garage, which was demolished to make way for the new driveway to the back plot, was towards the back of the driveway adjacent to the garage in the Nurses Cottge and so there was always traffic movement and a level of noise in this space. It is also to be noted that access across the council land would also have increase noise pollution to the Nurses Cottage in exactly the same way but to the back of the cottage rather than the right hand side of the cottage which already has its own driveway as well as the existing driveway for Bellvue Cottage.

The reasons for rejection also states that *'it has not been shown that an appropriate level of parking provision and turning facilities can be maintained at the existing house Bellvue'*. We were in direct contact with PKC planning dept throughout the time of writing up our planning request (19/00205/IPL) including advice on amending the site plan, and at no time were we advised that we needed to add to the drawing the new parking and turning point for Bellvue Cottage. If we had been guided to do so this would have been added to the site plan prior to a submission being made.

#### Matters to be taken into account

We contacted the housing dept at Blairgowrie to see about purchase of the land but have had no response. However we do not feel is the optimum option for access to the back plot as to buy the land would deny others who currently use, and pay the council for, garage space.

As we had previously had outline planning approved for the same plot and had not received any advice to the contrary, we did not pre-empt any issues with the new planning application. Thus we have over the past few months prepared access to the plot by knocking down existing buildings on Bellvue Cottage plot eg garage and two sheds and have put up a dividing fence to make a driveway – which meets planning rules without the need for further planning approval. We have also significantly widened the opening to the driveway and prepared the drive and turning point for Bellvue Cottage which is sufficiently comfortably park and turn 2 cars.

Please note that the place of access for the back plot remains at the same corner on the site plan so the turning space for any new development would be in the same area as the original plan which had outline planning approved in 2017 (16/01964/IPL).

The access is using the same access point ie strip of land that the garage for Bellvue Cottage had been on and which we parked our cars in front of - directly next to the Nurses cottage. We do not consider that using this same strip of land to now access the back plot would create any additional noise for the Nurses Cottage other than minor (not significant as was noted by the planning officer).

The vehicle penetration point for the proposed backland access is onto an unadopted road, Oakbank Road with only local access use. The vehicle penetration

We were in direct contact with PKC planning dept throughout the time of writing up our planning request (19/00205/IPL) and at no time were we advised that we needed to add to the drawing the new access and turning point for Bellvue Cottage. This was however cited as a reason for refusal of our outline planning request.

So, we were advised (or so we were to believe) that a drive between the cottages would be reasonable alternative to the access across existing PKC land; that backland access didn't need to be included as part of our outline planning request as this was dealt with through a different form and process; we were not advised at any time, despite the site plans being seen by planning staff and returned to make minor adjustments, that the new access driveway and parking and turning area for Bellvue Cottage needed to be shown on the plans; that the new access to the back plot is not new as it uses the existing road access and past parking area of Bellvue Cottage; that this access is onto an unadopted road; that there will be no more rise in noise pollution than the acceptable access over council land at that back of the Nurses Cottage; that the previous approved access is onto a public road;; that the access to the back plot is in the same corner as before and will not change the parking or turning space on the plot.

Please note that PKC planning committee have recently approved full planning consent for a development of 41 houses directly behind the back plot of land <sup>(13) (14)</sup>. (This was a change from 6 - 10 Executive houses). This information was not available to us at the time of submission of our planning proposal in January. The development shows that the access road to this estate will be located on the opposite side of the Nurses Cottage from Bellvue Cottage: this **will** create **significant** noise pollution to the Nurses Cottage. That the access to this new development is directly between 2 existing dwellings ie backland access. These seem in direct contradiction to the rationale given for turning our own outline planning down.

Counsellor Lewis Simpson has recently visited us and viewed the plot, backland access driveway, and the parking and turning point at Bellvue Cottage and advised us tha, in his opinion, this all seems reasonable and in line with planning rules.

**Jessica Borley/ Steven McLuckie**  
**Bellvue Cottage, Oakbank Road, Guildtown, PH2 6BU**

**16/7/2019**





**Photographic evidence to support review of planning application 19/00205/IPL at Bellvue Cottage**

**1. New parking space for 2 cars**



**2. Driveway to back plot, driveway of Nurses Cottage, parking for Bellvue Cottage (also showing garage in Nurses Cottage which was adjacent to the old garage at Bellvue Cottage which was knocked down to create driveway to back plot)**





3. previous access across council garage site



4. Access on plot from (next to fence) new driveway via Bellvue Cottage/Nurses Cottage and from (between hedge and garage) behind Nurses Cottage and via council garage site



5. main road access from council garage site. This will be the main road for access from the new housing development also (18/01034/FLL)



6. Oakbank Road – access from Bellvue Cottage, Nurses Cottage, and proposed access for back plot (unadopted road)





## **Supporting Documents**

1. email communication with housing department for access across council garage site: 11/3/2016
2. letter of approval to access back plot across council garage site: 27/6/2016
3. PKC Outline Planning consent 16/01964/IPL:17/1/2017
4. Planning Officer Delegated Report 16/01964/IPL: 19/12/2016
5. retraction of approve to access back plot across council garage site: 8 /10/2018
6. email communication with planning department over site plan (19/00205/IPL): 18/1/2019
7. email communication with planning department over backland access: 5/2/2019
8. email communication with planning department over site plan (19/00205/IPL): 13/2/2019
9. checklist for permission to form or replace a hard surfaced area sent to PKC: 7/2/2019
10. PKC outline planning rejection 19/00205/IPL: 17/4/2019
11. Planning Officer Delegated Report 19/00205/IPL: 6/3/2019
12. email communication with planning officer over advice given on driveway: 6/6/2019
13. letter from David Littlejohn advising of planning approval for development of 41 houses directly behind Bellvue Cottage: 3/7/2019
14. Planning application 18/0103/FLL: 19/6/2019
15. photographic evidence to support review of 19/00205/IPL



From: Jessica Borley [REDACTED]  
Subject: Fwd: Planning pre application discussion  
Date: 11 March 2016 at 09:38  
To: [REDACTED]



Dear Sir / Madam,

We would like to make an enquiry with you please.

We have submitted a pre application discussion with the Council via John Russell in the Development Management team and he has advised contacting you with some access questions.

I have attached the original maps to show the proposed access route which would currently cross over your land / property which is currently a garage area.

We are thinking about splitting our land and having a house built at the rear so we would like to put an access gate where marked on our map and we will put in a drive, turning area and garage on our plot.

If you can please advise if this would be possible. The traffic flow through the access area would likely be 1 or 2 cars as is normal for households and should not impact on the current use as there would be no need to alter the existing site except to put an access gate to our land

We look forward to hearing from you.

Regards

Steve McLuckie and Jessica Borley

Sent from my iPad

Begin forwarded message:

From: Jessica Borley [REDACTED]  
Date: 26 February 2016 at 11:00:55 GMT  
To: Development Management - Generic Email Account  
<[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)>  
Subject: Re: Planning pre application discussion  
Reply-To: Jessica Borley [REDACTED]

Hi Tracy,

As per my previous email - please find attached some initial enquiries with maps / plan with respect to our property in Guildtown.

Regards

Steve

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From: Development Management - Generic Email Account <[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)>  
To: 'Jess And Steve' [REDACTED]  
Sent: Friday, 26 February 2016, 9:53  
Subject: RE: Planning pre application discussion



Dear Mr McLuckie

I can advise that we do offer a pre-application service which is purely a desktop exercise (see guidance attached). We would need a location plan identifying the site and as much detail as possible to allow us to comment.

Regards

Tracy McManamon  
Senior Support Assistant  
Planning and Development  
35 Kinnoull Street  
Perth  
PH1 5GD

Telephone [REDACTED]

-----Original Message-----

From: Jess And Steve [mailto:[REDACTED]]  
Sent: 26 February 2016 09:50  
To: Development Management - Generic Email Account  
Subject: Planning pre application discussion

Dear Sir / Madam,

Can we please arrange to have a pre application consultation / discussion with one of your Planning Colleagues.

We would potentially like to split our garden to enable us to put in planning permission to build a residential property to the rear and need some advice around access points and what will or won't be suitable or even allowable as we are new to this kind of activity.

We would like to be prepared and have a good plan before submitting it into the Council so we need your expert advice and recommendations please.

The property is Bellevue Cottage, Oakbank Road, Guildtown , Perth, PH2 6BU My



name is Steven McLuckie and my wife is Jessica Borley My contact numbers are Home 01821 640675 Mobile 07917653020 - reception is poor so may not get a response We look forward to hearing from you, many thanks Kind Regards Steve McLuckie

Sent from my iPad

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General enquiries to Perth & Kinross Council should be made to [enquiries@pkc.gov.uk](mailto:enquiries@pkc.gov.uk) or 01738 475000.

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[enquiries@liveactive.co.uk](mailto:enquiries@liveactive.co.uk) or 01738 452600.

General enquiries to TACTRAN should be made to  
[info@tactran.gov.uk](mailto:info@tactran.gov.uk) or 01738 475775.

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life - Making best use of public resources.

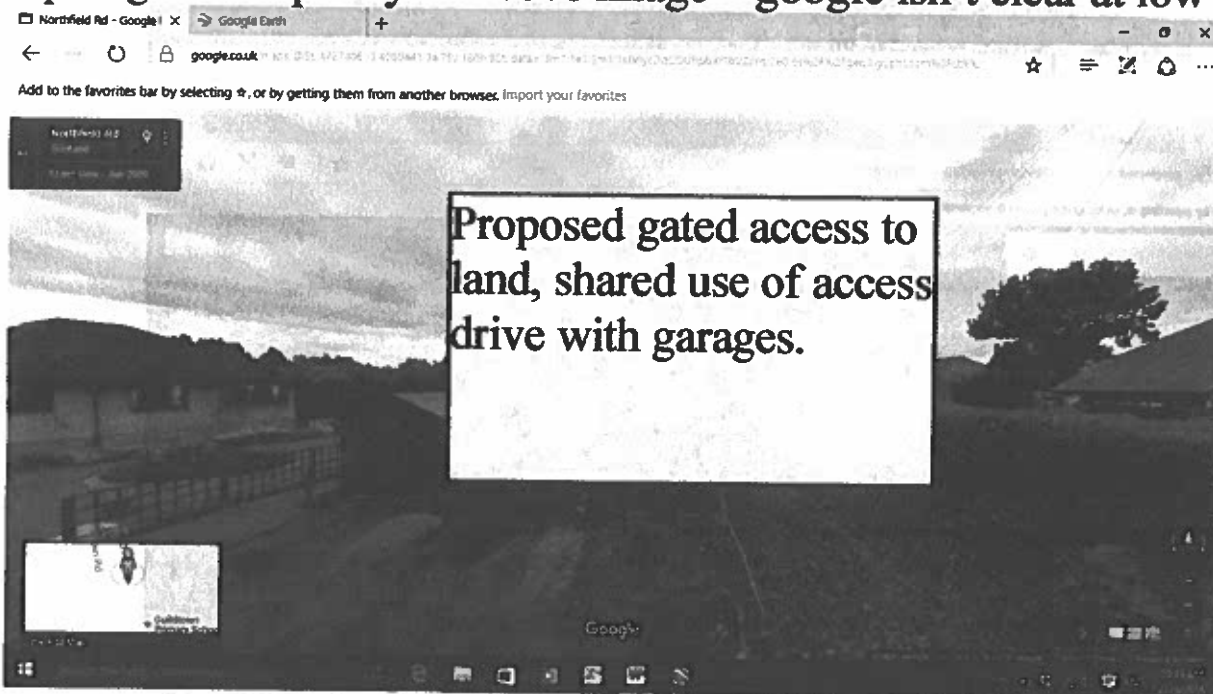


**Propose to put access gate here with access via garage area off Northfield Road**

**Size of land will be approx. 18m wide by 30m long.**



**Apologies for quality of above image – google isn't clear at low level**



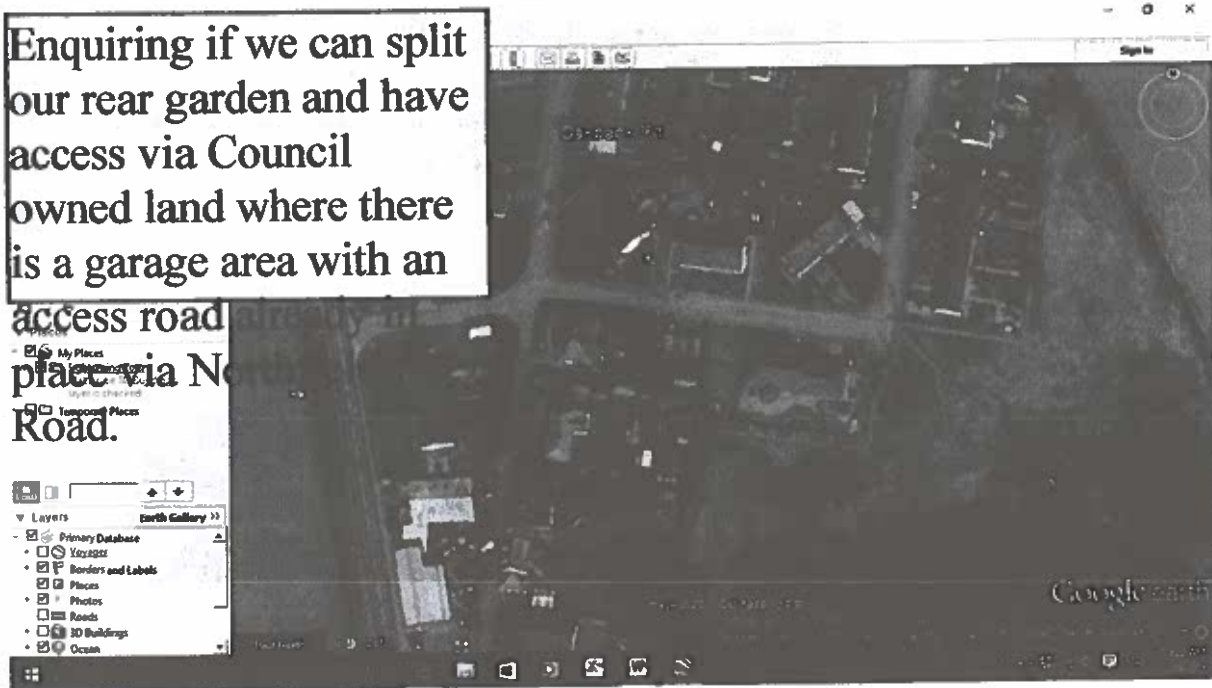
**Proposed gated access to land, shared use of access drive with garages.**

**Initial enquiries / advice required before we put in formal planning permission.**

**Would access be feasible via the garage area off Northfield Road – see above photo?**

**In principle can we split the garden and build a residential property on the land?**

Enquiring if we can split our rear garden and have access via Council owned land where there is a garage area with an access road already in place via New Road.



Approved Plans are already in place for building houses in the area marked above behind our garden.



**Delayed Office Opening for  
Employee Training**

*This Office will be closed from 8.45 am –  
11.00 am on the 1<sup>st</sup> Thursday of each  
month commencing 6 February 2003.*

Mr Steve McLuckie & Ms Jess Borley  
Bellevue Cottage,  
Oakbank Road,  
Guildtown  
Perthshire  
PH2 6BU

**North Area Team**  
*Head of Service- Lorna Cameron*

Blairgowrie Area Office  
46 Leslie Street  
Blairgowrie PH10 6AW  
Tel 01738 476000 Fax 01250-876029  
Email [Northareateam@pkc.gov.uk](mailto:Northareateam@pkc.gov.uk)

Our ref SR/SR

Your ref

Date 27 June 2016

Dear Mr McLuckie & Ms Borley,

**Permission for access through Northfield Road Garage Sites**

Thank you for your communication in relation to your request for access to your garden via a gate off Northfield Road, Garage Site.

I am happy to write to you to permit access through our garage site. I would like to however advise that Perth & Kinross Council reserve the right to withdraw access at any time should the use of our garage site change in the future.

If you have any further questions in relation to this, please do not hesitate to contact me on the number above.

Yours Sincerely,

Susie Rogers  
Housing Officer



# PERTH AND KINROSS COUNCIL



Mr Steven McLuckie And Mrs Jessica Borley  
Bellevue Cottage  
Oakbank Road  
Guildtown  
PH2 6BU

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 17 January 2017

Town and Country Planning (Scotland) Acts.

Application Number **16/01964/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 24th November 2016 for planning permission for **Erection of a dwellinghouse (in principle) at Bellevue Cottage Oakbank Road Guildtown Perth PH2 6BU** subject to the undernoted conditions.



 Interim Head of Planning

**Conditions referred to above**

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: (a) the siting, design and external appearance of the development, (b) the hard and soft landscaping of the site, (c) all means of enclosure, (d) means of access to the site, (e) vehicle parking and turning facilities, (f) levels, (g) drainage and (h) waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 In pursuance of condition 1a) the scheme shall have a maximum of one dwelling on the site with all buildings being limited to single storey in height and without dormer windows.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.

3 In pursuance of condition 1b) the scheme shall include:

- (i) The location of new trees, shrubs hedges, grassed areas, water features and boundary screening.
- (ii) A schedule of plants to compromise species, plant sizes and proposed numbers and density.
- (iii) The location design and materials of all hard landscaping works.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

4 In pursuance of condition 1e) the scheme shall include;

- (i) Turning facilities for the dwelling to enable all vehicles to enter and leave in a forward gear which shall be formed prior to the occupation of the dwellinghouse.
- (ii) A layout to accommodate a minimum of two car parking spaces for the dwelling which shall be formed prior to the occupation of the dwellinghouse.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

5 In pursuance of condition 1f) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point.

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

6 In pursuance of condition 1g) the foul drainage for the development shall be drained to the mains sewerage system and surface water from hard surfaces shall be disposed of by a closed soakaway or by the implementation of a Sustainable Urban Drainage Scheme, in accordance with the SuDS Manual (C753).

Reason -To ensure appropriate drainage arrangements are installed in the interests of the amenity of the area and for the protection of the water environment thereby ensuring compliance with policy EP3B and policy EP3C of the Local Development Plan 2014.



- 7 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 8 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

### **Justification**

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

### **Informatives**

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.

- 5 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 6 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 7 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 8 No work shall be commenced until an application for building warrant has been submitted and approved.

**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](http://www.pkc.gov.uk) "Online Planning Applications" page**

**Plan and Document Reference**

**16/01964/1**

**16/01964/2**

**16/01964/3**

**16/01964/4**

**16/01964/5**

**16/01964/6**

**16/01964/7**

## REPORT OF HANDLING

### DELEGATED REPORT

<b>Ref No</b>	<b>16/01964/IPL</b>	
<b>Ward No</b>	<b>N2- Strathmore</b>	
<b>Due Determination Date</b>	<b>23.01.2017</b>	
<b>Case Officer</b>	<b>John Russell</b>	
<b>Report Issued by</b>		<b>Date</b>
<b>Countersigned by</b>		<b>Date</b>

**PROPOSAL:**      Erection of a dwellinghouse (in principle)

**LOCATION:**      Bellvue Cottage Oakbank Road Guildtown Perth PH2 6BU

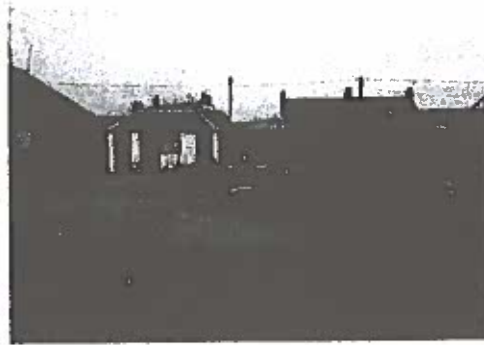
#### **SUMMARY:**

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

**DATE OF SITE VISIT:** 19 December 2016

#### **SITE PHOTOGRAPHS**





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application seeks in principle planning consent for the erection of a dwellinghouse on land to the rear of Bellevue in the village of Guildtown.

The submitted block plan illustrates a plot layout incorporating an access point from Northfield Road, a driveway (note proposed driveway also shared with local authority garage site) and the footprint of the proposed new dwelling. To accommodate the proposed development some of the outbuilding structures will require to be removed.

The site is well contained on the existing north, east and south boundaries by planting/hedging. There is no boundary definition between the proposed dwelling and Bellevue, the south boundary.

## **SITE HISTORY**

None.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 16/00145/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **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 PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

### **Policy RD1 - Residential Areas**

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

### **Policy TA1B - Transport Standards and Accessibility Requirements**

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

**Policy EP3B - Water, Environment and Drainage**

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

**Policy EP3C - Water, Environment and Drainage**

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

**OTHER POLICIES****Development Contributions**

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

**CONSULTATION RESPONSES**

Transport Planning – No objection subject to conditional control.

Scottish Water - No response within consultation period.

Perth Airport- Ms Liz Tilston - No response within consultation period.

Contributions Officer - No objection, conditional control sought.

Environmental Health – No objection with regards to contaminated land.

**REPRESENTATIONS**

No letters of representation have been 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 eg Flood Risk Assessment	Not Required

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

The site is located within the Guildtown settlement boundary where Policy RD1 of the adopted Local Development Plan 2014 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 within 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. In addition the policy seeks to retain areas of private and public open space where they are of recreational or amenity value.

Policies PM1A and PM1B 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.

For reasons set out elsewhere in this report it is considered that this proposal complies with the adopted Perth and Kinross Local Development Plan 2014.

### **Design and Layout**

The site is required to be assessed against the 'Placemaking' policies of the adopted local plan. Although this application is in principle I have sufficient information before me in the form of the block plan to confirm that a dwelling can be accommodated on the site.

While the proposed drive passes a number of local authority garages I do not consider that this will result in 'backland' type conflicts that would arise if the driveway was passing close to and in-between dwellinghouses.

I am of the view that the proposal can contribute positively to the quality of the surrounding built and natural environment subject to it being limited to one storey in height and without dormer windows. The scheme also generally respects the character and density of the area.

In light of this the proposal is not considered to be contrary to policy PM1A or PM1B.

### **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the siting of a proposed dwelling on this site within the settlement boundary is not considered to erode local distinctiveness, diversity and quality of the landscape. However an appropriate form of boundary planting and screening will be required to the southern boundary of the proposed site.

### **Residential Amenity**

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 dwelling, 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.

As this is a planning in principle application the exact impact on existing amenity and also the proposed residential amenity of future occupiers of housing within the development cannot be fully determined. However taking account of the indicative block plan it is considered that a scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the house.

The design of the dwelling will be controlled by condition but taking account of the single storey nature of Bellevue I also consider it appropriate for this proposal to be limited to a single storey dwelling without dormers.

### **Roads and Access**

The Council's Transport Planner has been consulted and it is considered that the proposed access arrangements are acceptable in terms of road safety.

There will be a requirement for conditional control to be applied to ensure appropriate access/egress, parking and turning facilities within the site.

### **Drainage and Flooding**

The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout. Foul Drainage for the development requires a connection to the public sewer. This can be controlled by condition.



## **Developer Contributions**

### **Education:-**

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.

This proposal is within the catchment of Guildtown Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

### **Transport:-**

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Approve the application**

### **Conditions and Reasons for Recommendation**

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: (a) the siting, design and external appearance of the development, (b) the hard and soft landscaping of the site, (c) all means of enclosure, (d) means of access to the site, (e) vehicle parking and turning facilities, (f) levels, (g) drainage and (h) waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 In pursuance of condition 1a) the scheme shall have a maximum of one dwelling on the site with all buildings being limited to single storey in height and without dormer windows.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.

- 3 In pursuance of condition 1b) the scheme shall include:
  - (i) The location of new trees, shrubs hedges, grassed areas, water features and boundary screening.
  - (ii) A schedule of plants to compromise species, plant sizes and proposed numbers and density.
  - (iii) The location design and materials of all hard landscaping works.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be

replaced by plants of similar size and species to those originally required to be planted.

**Reason -** In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 4 In pursuance of condition 1e) the scheme shall include;
- (i) Turning facilities for the dwelling to enable all vehicles to enter and leave in a forward gear which shall be formed prior to the occupation of the dwellinghouse.
  - (ii) A layout to accommodate a minimum of two car parking spaces for the dwelling which shall be formed prior to the occupation of the dwellinghouse.

**Reason -** In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 5 In pursuance of condition 1f) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point.

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

- 6 In pursuance of condition 1g) the foul drainage for the development shall be drained to the mains sewerage system and surface water from hard surfaces shall be disposed of by a closed soakaway or by the implementation of a Sustainable Urban Drainage Scheme, in accordance with the SuDS Manual (C753).

**Reason -** To ensure appropriate drainage arrangements are installed in the interests of the amenity of the area and for the protection of the water environment thereby ensuring compliance with policy EP3B and policy EP3C of the Local Development Plan 2014.

- 7 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

**Reason -** To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 8 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

### **Justification**

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

### **Informatives**

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
- 5 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

- 6 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 7 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 8 No work shall be commenced until an application for building warrant has been submitted and approved.

#### **Procedural Notes**

Not Applicable.

#### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

16/01964/1

16/01964/2

16/01964/3

16/01964/4

16/01964/5

16/01964/6

16/01964/7

**Date of Report 16.01.2017**



5



**Delayed Office Opening for  
Employee Training**

*This Office will be closed from 8.45 am –  
11.00 am on the 1<sup>st</sup> Thursday of each  
month commencing 6 February 2003.*

Mr Steve McLuckie and  
Ms Jess Borley  
Bellevue Cottage  
Oakbank Road  
Guildtown  
PH2 6BU

**Housing & Environment**  
*Head of Housing ClareMaller*

Blairgowrie Area Housing Office  
46 Leslie Street  
BLAIRGOWRIE PH10 6AW  
Tel 01738 476000  
Email: [NorthAreaTeam@pkc.gov.uk](mailto:NorthAreaTeam@pkc.gov.uk)

***If calling please ask for:***  
David Homer

Our ref      SR/DH

Your ref.

Date.    8<sup>th</sup> October 2018

Dear Mr McLuckie and Ms Borley

**Permission to access your back garden through Northfield Road Garage Site.**

The Planning Department have advised that you have requested permission to build a dwelling in your back garden. We have previously given you permission to cross our land for access to your back garden.

Unfortunately, this change of use of the land will affect the future potential development of our land.

We are therefore withdrawing your permission to cross our land to access your back garden area with immediate effect.

Should you wish to discuss this further please contact me at the above address.

Yours sincerely

David Homer  
Housing Officer





**Planning & Development**  
**Head of Service David Littlejohn**

<b>Mr Steven McLuckie And Mrs Jessica Borley</b> Bellevue Cottage Oakbank Road Guildtown Perth PH2 6BU	<b>Pullar House</b> 35 Kinnoull Street PERTH PH1 6GD Tel 01738 476300 Fax 01738 476310  Telephone 01738 476300 Email <a href="mailto:Planningvalidupdates@pkc.gov.uk">Planningvalidupdates@pkc.gov.uk</a>  Reference No 19/00069/IPL Date 18th January 2019
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Dear Sir/Madam

**Town and Country Planning (Scotland) Act, 1997 as amended by Planning etc (Scotland) Act 2006**  
**Planning (Listed Building and Conservation Areas) (Scotland) Act 1997**

**Erection of a dwellinghouse (in principle) at GIS Tech Land East Of Bellevue Cottage Oakbank Road Guildtown**

Thank you for your recent application for the above proposal. Unfortunately, your application is invalid for the following reasons:

1. As per the email sent to you on the 17th January 2019 from Tracy McManamon, this application can not be dealt with a renewal of planning permission as the red site boundaries have been amended. For this reason a planning application form should be submitted. Tracy has attached an application form in her email. Alternatively you can download a form from the e-planning website ([www.eplanning.scot/ePlanningClient](http://www.eplanning.scot/ePlanningClient)).
2. Please amend the location plan ensuring that the plan scales correctly. In this instance, the scale bar on the plan should measure 70m but measures 67m. This may be due to the plan being copied or scanned.
3. Please provide a proposed site plan at a scale of 1:200, 1:250 or 1:500 which includes red site boundaries mirroring the location plan, a north point and relevant and accurate scale bar. All drainage details must be contained within the red site boundaries.

The application cannot be registered and will not be considered until the outstanding matters are resolved. When submitting additional information to [planningvalidupdates@pkc.gov.uk](mailto:planningvalidupdates@pkc.gov.uk), or via post, please remember to quote the application reference number noted above. Information can also be submitted via the planning portal, if preferable.

Your prompt attention to this letter is therefore requested so that formal procedures can be followed as quickly as possible.

The application and copy of the documents you submitted will be retained for public record purposes. If we do not receive the required information within 21 days from the date of this letter, we shall assume that you do not wish to pursue the proposal, and the application will be automatically withdrawn. If you wish to discuss any point raised above, please

this letter.

Yours faithfully

Development Management Team

From: Jessica Borley [REDACTED]  
Subject: Fwd: Back land access  
Date: 5 February 2019 at 20:20  
To: Jessica Borley [REDACTED]

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**From:** Development Management - Generic Email Account  
<DevelopmentManagement@pkc.gov.uk>  
**Sent:** Tuesday, February 5, 2019 8:17:26 AM  
**To:** Jessica Borley  
**Subject:** RE: Back land access

Good Morning

I attach herewith a checklist that will determine if you need planning consent for the proposed driveway.

Regards

Tracy McManamon  
Senior Support Assistant  
Planning and Development  
35 Kinnoull Street  
Perth  
PH1 5GD

Telephone [REDACTED]

---

**From:** Jessica Borley [REDACTED]  
**Sent:** 04 February 2019 17:37  
**To:** Development Management - Generic Email Account  
**Subject:** Back land access

Hi. Please can you advise me if I need to apply for planning permission for put in a back land access driveway.

Thanks

Jess Borley

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----- "Perth College UHI. If your email contains a request for information that you feel may fall under the Freedom of Information (Scotland) Act please visit our FOI websites. For Perth College UHI at this URL <http://www.perth.uhi.ac.uk/foi> Perth College is a charity registered in Scotland No SC021209. This email, and any files transmitted with it, is confidential and intended solely for the use of the individual or entity to whom it is addressed. It is your responsibility to carry out virus and other such checks as you consider appropriate. " -----

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General enquiries to Perth & Kinross Council should be made to [enquiries@pkc.gov.uk](mailto:enquiries@pkc.gov.uk) or 01738 475000.

General enquiries and requests under the Freedom of Information (Scotland) Act to Culture Perth and Kinross should be made to [enquiries@culturepk.org.uk](mailto:enquiries@culturepk.org.uk) or 01738 444949

General enquiries to TACTRAN should be made to [info@tactran.gov.uk](mailto:info@tactran.gov.uk) or 01738 475775.

Securing the future... - Improving services - Enhancing quality of life - Making best use of public resources.

From: **TES Planning Valid Updates - Generic Email Account** [planningvalidupdates@pkc.gov.uk](mailto:planningvalidupdates@pkc.gov.uk)  
Subject: 19/00205/IPL - Erection of a dwellinghouse (in principle) at Land 20 Metres East Of Bellvue Cottage, Oakbank Road  
Date: 13 February 2019 at 14:08  
To: Jessica Borley [REDACTED]

Dear Mr McLuckie

Further to our telephone conversation earlier today please see below my comments regarding the revised application.

1. Please complete and sign certificate A of the land ownership certificate.
2. I have scanned the location plan (1:2500) and it appears that it should be scaled as 1:1250 and so I have amended this on the plan. In the scanning process the red site boundaries were removed and so I have added them to the scanned version. Please ensure that they are correct.
3. The site plan (1:200). The plan itself appears to be to scale however based on the mapping information we have the plots length is in fact 30m rather than 32m. It's important that the measurements on the location plan and site plan match and so I would suggest that the site plan is amended.
4. I can confirm that I have transferred the fee submitted under application reference 19/00059/IPL to this application.

I will arrange for the previous application, 19/00059/IPL, to be withdrawn and you will receive confirmation of this in the next few days.

As discussed, the fence which has been installed may have required planning permission. This is a separate issue and I would suggest that you submit a few photos, confirmation of the height and its location to enable me to check if permission would be required.

I am happy to discuss anything you may need further should you need to. I am in the office until 5pm today but I will be out of the office Thursday and Friday returning Monday.

The application cannot be registered and will not be considered until the outstanding matters are resolved. When submitting additional information to [planningvalidupdates@pkc.gov.uk](mailto:planningvalidupdates@pkc.gov.uk), or via post, please remember to quote the application reference number noted above. Information can also be submitted via the planning portal, if preferable.

Your prompt attention to this email is therefore requested so that formal procedures can be followed as quickly as possible. The application and copy of the documents you submitted will be retained for public record purposes. If we do not receive the

required information within 21 days from the date of this letter, we shall assume that you do not wish to pursue the proposal, and the application will be automatically withdrawn.

Kind Regards

**Mary Barr**  
Technician

**Development Management  
Planning and Development  
Housing & Environment  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD**

**Tel: 01738 475300**

**Email: [planningvalidupdates@pkc.gov.uk](mailto:planningvalidupdates@pkc.gov.uk)**

**Web: [www.pkc.gov.uk](http://www.pkc.gov.uk)**

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life - Making best use of public resources.**



Planning and Development  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH PH1 5GD

Email: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)  
Telephone: (01738) 475300

## CHECKLIST

### DO I NEED PLANNING PERMISSION TO FORM OR REPLACE A HARD SURFACED AREA WITHIN THE CURTILAGE OF A DWELLINGHOUSE?

If you answer YES to ANY of the following questions you DO NEED PLANNING PERMISSION

Tick answer

<ul style="list-style-type: none"> <li>Will the hard surfaced area be within a conservation area* or within the curtilage of a listed building*?</li> </ul> <p>* A list of Conservation areas can be found on our website at <a href="http://www.pkc.gov.uk/conservationareas">http://www.pkc.gov.uk/conservationareas</a> ** A search of Listed Buildings can be carried out on Historic Scotland's website at <a href="http://www.historic-scotland.gov.uk/historicandlistedbuildings">http://www.historic-scotland.gov.uk/historicandlistedbuildings</a></p>	Yes	<input checked="" type="radio"/> No
<ul style="list-style-type: none"> <li>Is your property a flat? (including a 'four-in-a-block')</li> </ul>	Yes	<input checked="" type="radio"/> No
<ul style="list-style-type: none"> <li>Will the hard surface be formed for any purpose other than one that is incidental to the enjoyment of the house (e.g. for business purposes)?</li> </ul>	Yes	<input checked="" type="radio"/> No
<ul style="list-style-type: none"> <li>Will the hard surface be used for the formation of a new vehicular access?; and if so will the new access be from a category A, B or C classified road?</li> </ul>	Yes	<input checked="" type="radio"/> No
<ul style="list-style-type: none"> <li>Will the hard surfaced area be located between the house and a road bounding the curtilage of the house?; <u>and</u>, if so: a) will the hard surface be made of non-porous materials?; <u>and</u>, if so: b) will there be no provision made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the house?</li> </ul>	Yes to all	<input checked="" type="radio"/> No <input checked="" type="radio"/> No <input checked="" type="radio"/> No
<ul style="list-style-type: none"> <li>Have Permitted Development Rights been removed by condition(s) on any earlier planning permission?</li> </ul> <p>*You can check the planning history of the property on PublicAccess via our website <a href="http://www.pkc.gov.uk/publicaccess">http://www.pkc.gov.uk/publicaccess</a></p>	Yes	<input checked="" type="radio"/> No

If you have answered NO to ALL the questions above you should not require planning permission.

## **Definitions:**

**“bound”** means to share a common boundary;

**“curtilage”** means the grounds associated with and immediately surrounding a dwelling, normally comprising the garden, courtyard and driveway etc.

**“dwellinghouse”** does not include a flat.

**“hard surfaced area”** is an area within the curtilage which is not covered in grass or other forms of soft landscaping, and will normally include paths, driveways, patios, and turning areas or a hard standing or for vehicles.

**“road”** is defined as including not only a publicly maintained road but also footpaths and private roads to which the public have access.

**“porous material”** is a material that allows water to drain freely in to the ground below and will not cause the run off of surface water into road drains.

## **Notes:**

1. This checklist is a summary interpretation of the relevant part of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended up to October 2011.
2. This checklist is not a “Certificate of Lawful Use or Development” under Section 150 or 151 of the Town and Country Planning (Scotland) Act 1997 as amended. The Certificate is a formal determination which provides a definitive position concerning the lawfulness of any existing (s.150) or proposed (s.151) use or operations under planning law. A fee is payable which is equivalent to half the relevant planning application fee where the development has not been carried out, and the full fee if it has. The forms and guidance notes can be assessed at <https://eplanning.scotland.gov.uk/WAM/paperforms.htm>
3. This checklist deals with Planning Permission only. You may require a Building Warrant for the works proposed.
4. If you want to obtain written confirmation whether planning consent is required for a development you intend to carry out, you will need to submit an application for a Certificate of Lawfulness as detailed above (2).
5. If you are forming a new vehicular access, please note you may require permission from Transport Planning. Forms and Guidance can be assessed at <http://www.pkc.gov.uk/article/3606/Vehicular-Access-Guide>



## PERTH AND KINROSS COUNCIL

Mr Steven McLuckie And Mrs Jessica Borley  
 Bellvue Cottage  
 Oakbank Road  
 Guildtown  
 Perth  
 PH2 6BU

Pullar House  
 35 Kinnoull Street  
 PERTH  
 PH1 5GD

Date 17th April 2019

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 19/00205/IPL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 25th February 2019 for permission for **Erection of a dwellinghouse (in principle) Land 20 Metres East Of Bellvue Cottage Oakbank Road Guildtown** for the reasons undernoted.



*JP*

Interim Development Quality Manager

#### Reasons for Refusal

1. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that development is compatible with the character and amenity of the area are retained. It has not been demonstrated that the access to the proposed dwellinghouse is acceptable, taking account of the impact on the access and parking arrangements for the existing house at Bellvue. Furthermore the new driveway location will result in backland development with penetration of vehicles behind the main frontage of Oakbank Road between Bellevue and the adjacent District Nurses House causing noise and disturbance to these properties.
2. The proposal is considered to be contrary to Policy TA1B(c) of the Perth and Kinross Local Development Plan 2014 and the National Road's Development Guide as it has not been shown that an appropriate level of parking provision and turning facilities can be maintained at the existing house Bellvue.

### **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 and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

### **Plan Reference**

**19/00205/1**

**19/00205/2**

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	19/00205/IPL
Ward No	P2- Strathmore
Due Determination Date	24.04.2019
Case Officer	John Russell
Report Issued by	Date
Countersigned by	Date

**PROPOSAL:** Erection of a dwellinghouse (in principle)

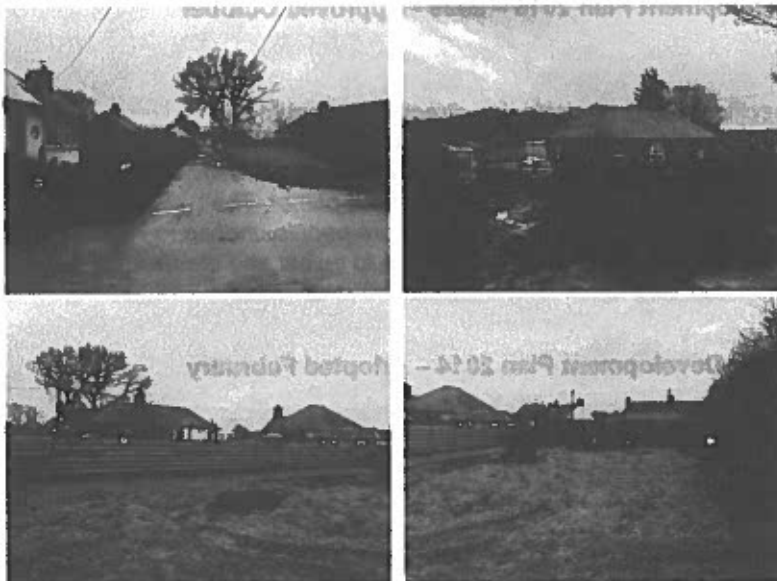
**LOCATION:** Land 20 Metres East Of Bellvue Cottage Oakbank Road  
Guildtown

#### SUMMARY:

This report recommends refusal of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 6 March 2019

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

This application seeks in principle planning consent for the erection of a dwellinghouse on land to the rear of Bellevue in the village of Guildtown. The site has consent in principle under application 16/01964/IPL.

This proposal seeks to an alternative access point from Oakbank Road. It will be a shared access arrangement utilising the existing access point to Bellvue. A 4.0m wide drive will be created between Bellvue and The District Nurses Cottage to access the plot to the rear.

The site is well contained on the existing north, east and south boundaries by planting/hedging. A boundary fence has been erected to define the south boundary between the proposed dwelling and Bellevue.

## **SITE HISTORY**

16/01964/IPL Erection of a dwellinghouse (in principle) 17 January 2017  
Application Approved

19/00059/IPL Erection of a dwellinghouse (in principle) 13 February 2019  
Application Returned.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Discussions undertaken with technician.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

**TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

**Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **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 PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

#### **Policy RD1 - Residential Areas**

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

#### **Policy TA1B - Transport Standards and Accessibility Requirements**

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

#### **Policy EP3B - Water, Environment and Drainage**

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

#### **Policy EP3C - Water, Environment and Drainage**

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

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

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

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the

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

## **OTHER POLICIES**

### **Development Contributions**

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

## **CONSULTATION RESPONSES**

Transport Planning – Recommend conditional control.

Scottish Water – No objection.

Development Negotiations Officer – No objection subject to conditional control

Perth Scone Airport – No objection received.

## **REPRESENTATIONS**

None

## **ADDITIONAL INFORMATION RECEIVED:**

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

## **APPRAISAL**

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

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

### **Policy Appraisal**

The site is located within the Guildtown settlement boundary where Policy RD1 of the adopted Local Development Plan 2014 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 within 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. In addition the policy seeks to retain areas of private and public open space where they are of recreational or amenity value.

Policies PM1A and PM1B 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.

Due to the changed access arrangements Policy TA1B is also of particular relevance in the determination of this application.

For reasons set out elsewhere in this report it is considered that this proposal does not with the adopted Perth and Kinross Local Development Plan 2014

### **Design and Layout**

The proposed site benefits from an in principle consent; application 16/01964/IPL refers. The assessment under the 'design and layout' heading for that application confirmed the following:-

*The site is required to be assessed against the 'Placemaking' policies of the adopted local plan. Although this application is in principle I have sufficient information before me in the form of the block plan to confirm that a dwelling can be accommodated on the site.*

*While the proposed drive passes a number of local authority garages I do not consider that this will result in 'backland' type conflicts that would arise if the driveway was passing close to and in-between dwellinghouses.*

*I am of the view that the proposal can contribute positively to the quality of the surrounding built and natural environment subject to it being limited to one storey in height and without dormer windows. The scheme also generally respects the character and density of the area.*

*In light of this the proposal is not considered to be contrary to policy PM1A or PM1B.*

The applicant now seeks an alternative access arrangement between the District Nurses Cottage and Bellvue which results in a 'backland' development with an unacceptable loss of residential amenity to surrounding residential dwellings due to the penetration of vehicles behind the main frontage and building line of Oakbank Road. Vehicles passing the existing dwelling (Bellvue) and the adjacent District Nurses Cottage will give rise to substantial levels of noise and disturbance due to traffic movement to and from the backland plot.

REVOKED ACCESS  
MEANT HAVING  
TO RE-APPLY.

### **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of

maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the siting of a proposed dwelling on this site within the settlement boundary is not considered to erode local distinctiveness, diversity and quality of the landscape.

The previous application confirmed that an appropriate form of boundary planting and screening will be required to the southern boundary of the proposed site. A new fence has been installed but this would need to be supplemented with landscape planting if the application is approved.

### **Residential Amenity**

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 dwelling, 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.

THIS HASNT  
BEEN RAISED  
BEFORE  
WITH NOW?

As noted under the Design and Layout heading the new access arrangement and backland configuration of this proposed development on the rear garden ground of Bellvue will result in an unacceptable loss of residential amenity to surrounding residential dwellings with the penetration of vehicles behind the main frontage of properties. Vehicles passing the existing dwelling (Bellvue) and the adjacent District Nurses Cottage will give rise to substantial levels of noise and disturbance due to traffic movement to and from the backland plot and as a consequence this will diminish residential amenity to a level where a conflict with Policy RD 1 occurs.

### **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.

This matter was previously assessed and an adequate level of private amenity space for the existing and proposed dwelling could be achieved to cater for the recreational and privacy needs of the occupants both present and future. While the shared access arrangement will reduce the extent of garden ground associated with the Bellvue plot I am still of the view that a suitable amount of amenity space will still be retained.

An indicative or illustrative block plan could have been provided to illustrate the footprints of the existing and proposed dwelling and how this relates to private garden ground as well as vehicular turning requirements which are discussed in greater detail in the heading below.

### **Roads and Access**

From a technical perspective the Transport Planning Section have no objection to the proposal subject to conditions controlling the following matters:- access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water).



From my site visit the formation of the shared access will compromise the existing parking layout for Bellvue cottage (previously unaltered under application 16/01964/IPL). Based on the submitted block plan it has not been demonstrated that a suitable level of car parking can be retained at Bellvue with associated turning facilities. The layout appears to be particularly tight and I do not consider that this matter can be left to deal with by conditions.

TURNING FACILITIES  
HUTS HAVE DRIVEN  
WHOLE ARE THEIR  
TURNING FACILITIES

### **Flooding and Drainage**

The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout. Foul Drainage for the development requires a connection to the public sewer. This can be controlled by condition.

### **Developer Contributions**

#### **Education:-**

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.

This proposal is within the catchment of Guildtown Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

#### **Transport:-**

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for 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**

### **Conditions and Reasons for Recommendation**

1. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that development is compatible with the character and amenity of the area are retained. It has not been demonstrated that the access to the proposed dwellinghouse is acceptable, taking account of the impact on the access and parking arrangements for the existing house at Bellvue. Furthermore the new driveway location will result in backland development with penetration of vehicles behind the main frontage of Oakbank Road between Bellevue and the adjacent District Nurses House causing noise and disturbance to these properties.
2. The proposal is considered to be contrary to Policy TA1B(c) of the Perth and Kinross Local Development Plan 2014 and the National Road's Development Guide as it has not been shown that an appropriate level of parking provision and turning facilities can be maintained at the existing house Bellvue.

### **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**

19/00205/1

19/00205/2

**Date of Report 16.04.2019**

From: John Russell [REDACTED]  
Subject: RE: Refusal of Planning permission 19/00205/IPL  
Date: 6 June 2019 at 09:06  
To: Jessica Borley [REDACTED]

Dear Jessica,

I have pulled out the Design and Layout extract from the Report of Handling associated with the 2016 application.

### ***Design and Layout***

*The site is required to be assessed against the 'Placemaking' policies of the adopted local plan. Although this application is in principle I have sufficient information before me in the form of the block plan to confirm that a dwelling can be accommodated on the site.*

*While the proposed drive passes a number of local authority garages I do not consider that this will result in 'backland' type conflicts that would arise if the driveway was passing close to and in-between dwellinghouses.*

*I am of the view that the proposal can contribute positively to the quality of the surrounding built and natural environment subject to it being limited to one storey in height and without dormer windows. The scheme also generally respects the character and density of the area.*

*In light of this the proposal is not considered to be contrary to policy PM1A or PM1B.*

Your proposal has altered this. The 2019 application now creates backland conflicts with vehicles passing close and in-between dwelling houses. Given I had flagged the backland issue in the 2016 report I did not confirm that a revised application with this access arrangement would result in an approval as you appear to suggest!

As noted in both reports of handling the application has to be assessed against the local development plan. The plan was adopted in 2014 and the backland nature of the proposal conflicts with policy RD1. While there may be historic backland sites in the village these historic sites will likely have been assessed under previous local plans, so you are correct planning policy has changed. If there were changes that would make your application acceptable they would have been relayed to you during the assessment of the application.

I am unable to provide any further advice other than that detailed in my e-mail dated 03.06.2019. A site meeting is therefore not necessary.

If you require any pre-application advice on revised proposals you wish to pursue then this will be subject to our normal pre-application service protocol.

<https://www.pkc.gov.uk/article/20213/Pre-application-services->

Regards,

John Russell

Development Management Planning Officer - Planning and Development

Perth & Kinross Council

Housing and Environment Service

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

Tel: [REDACTED] / Fax: 01738 475310

E-mail: [REDACTED]

[www.pkc.gov.uk](http://www.pkc.gov.uk)

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**From:** jkbsmac [REDACTED]

**Sent:** 03 June 2019 14:07

**To:** John Russell

**Subject:** RE: Refusal of Planning permission 19/00205/IPL

Hi John. I am a bit confused by this decision 're the backland access not being supported. I had phoned and spoken to you regarding this when we first heard that the council's housing dept had retracted their access permission that the original planning approval was based on. You

had advised me then that we would not need planning permission for the back land access itself, only for the building of the house on the land and you had thought it a good way

forward to provide a different access via back land access.

There are currently several other properties in the village with backland access and so I am bemused as to this planning decision.

Can you shed some further light on this change of planning policy? It would be useful if perhaps we could arrange a visit to the property with you.

Many thanks

Jess

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: John Russell [REDACTED]

Date: 03/06/2019 13:53 (GMT+00:00)

To: [REDACTED]

Subject: RE: Refusal of Planning permission 19/00205/IPL

Afternoon Jessica,

RE: Refusal of Planning permission 19/00205/IPL

Mary has forwarded your e-mail across. I was the case officer that dealt with both applications 19/00205/IPL and 16/01964/IPL.

Unfortunately the new access arrangement under 19/00205/IPL resulted in backland development and could not be supported. You are able to appeal the decision via the Local Review Body if this is the access arrangement you want to pursue.

<https://www.pkc.gov.uk/localreviewbody>

You will be aware the previous access arrangement was considered acceptable from a planning perspective. I'm aware of the background surrounding the change of access due to landownership issues but I am unaware of the full extent of discussions regarding the ownership and whether this matter has been discussed with your lawyer to see if a formal right of access can be obtained. This may be a solution but it is not a planning matter. It would be a matter to be resolved between yourself and the landowner.

I trust this correspondence of some assistance and provides you with avenues to explore.

**Taking the above into account I do not consider that a meeting is required on site.**

**Regards,**

**John Russell**

**Development Management Planning Officer - Planning and Development**

**Perth & Kinross Council**

**Housing and Environment Service**

**Pullar House, 35 Kinnoull St, Perth, PH1 5GD**

**Tel: [REDACTED] / Fax: 01738 475310**

**E-mail: [REDACTED]**

**[www.pkc.gov.uk](http://www.pkc.gov.uk)**

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**-----Original Message-----**

**From: Mary Barr**

**Sent: 03 June 2019 13:01**

**To: John Russell**

**Subject: FW: Refusal of Planning permission 19/00205/IPL**

**Mary Barr**

**Enforcement Officer**

**Development Management**

**Planning and Development**

**Housing & Environment**

**Perth & Kinross Council**

**Pullar House**

**35 Kinnoull Street**

**Perth**

**PH1 5GD**

**Tel: [REDACTED]**

Email: [REDACTED]

Web: [www.pkc.gov.uk](http://www.pkc.gov.uk)

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-----Original Message-----

From: Jessica Borley [REDACTED]

Sent: 31 May 2019 17:46

To: Mary Barr; TES Planning Valid Updates - Generic Email Account

Subject: Refusal of Planning permission 19/00205/IPL

Dear Mary

Can we please arrange to meet with either yourself or a planner at our property to address the issue of refusal of planning permission in principle of a dwelling house to the rear of our house.

We want to work together to try to resolve any issues and to understand the reasons why the application has been refused and how we work to overturn the decision.

Regards

Steven McLuckie and Jessica Borley.

Sent from my iPad

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**Planning & Development**  
**Head of Service David Littlejohn**

Pullar House  
 35 Kinnoull Street  
 PERTH PH1 5GD

Tel 01738 475300  
 Fax 01738 475310

Steven McLuckie And Jessica Borley  
 Bellvue Cottage  
 Oakbank Road  
 Guildtown  
 Perth  
 PH2 6BU

Contact  
 Direct Dial  
 Email

Andrew Baxter

[www.pkc.gov.uk](http://www.pkc.gov.uk)

Ref No 18/01034/FLL

Date 3 July 2019

Dear Sir/Madam

**The Town and Country Planning (Scotland) Act 1997 as amended by Planning etc (Scotland) Act 2006**

**RE: Erection of 41no. dwellinghouses and associated works Land 50 Metres South East Of Aishling Northfield Road Guildtown for A And J Stephen Ltd**

I refer to your letter regarding the above application.

I write to inform you that after considering the proposal, including your letter, the Council has decided to Approve the application.

If you would like to obtain further information, the decision notice and other information relating to the application can also be viewed at [www.pkc.gov.uk](http://www.pkc.gov.uk) at "planning applications on line".

Yours faithfully

*David Littlejohn*

Head of Planning and Development



**Perth & Kinross Council, Planning & Development, Pullar House, 35 Kinnoull Street, Perth PH1 5GD**  
 Tel: 01738 475300 Email: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)



P11527739/000645 \*R

To the Owner, Lessee or Occupier  
 Bellvue Cottage  
 Oakbank Road  
 Guildtown  
 Perth  
 PH2 6BU

31700C

Date notice issued: 19th June 2018

### **Planning Application on Neighbouring Land**

#### ***Notification under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013***

##### **Introduction**

Perth and Kinross Council is notifying you as owner, lessee or occupier of land within 20 metres of a site which is the subject of an application for Planning Permission, or an application for approval of matters specified in a condition attached to a Planning Permission in Principle. This is your chance to comment on the application. Please note that only one notice is being sent to the "owner, lessee or occupier". If you do not own the property to which this notice has been sent, it would be helpful if you could pass a copy of the notice to the owner.



This Notice outlines the general content of the application and explains where you can see full details of the application; how and by what date you can submit any comments to the Council; and how such comments are considered.

##### **General information on the Application**

**Planning Application Reference** (Please quote this in any correspondence)  
 18/01034/FLL

**Description of the Development**  
 Erection of 41 dwellinghouses and associated works

**Postal Address of the Site or Description of its Location**  
 Land 50 Metres South East Of Aishling Northfield Road Guildtown

A location plan is attached showing the position of the proposed development in relation to neighbouring land.

**Name of Applicant**  
 A And J Stephen Ltd

**Name and Address of Agent (if any)**

A And J Stephen (Builders) Ltd Athol Tracey  
Stephen House  
Edinburgh Road  
Perth  
Scotland  
PH2 8BS

**Full Details of the Application**

Full details of the planning application outlined above, together with any accompanying plans and other documents, may be examined by visiting the "Online Planning Applications" page on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk). Public on-line facilities are available at local libraries and at Pullar House between the hours of 08:45 (11:00 on the first Thursday of every month) and 17:00 Monday to Friday.

**Commenting on the Application**

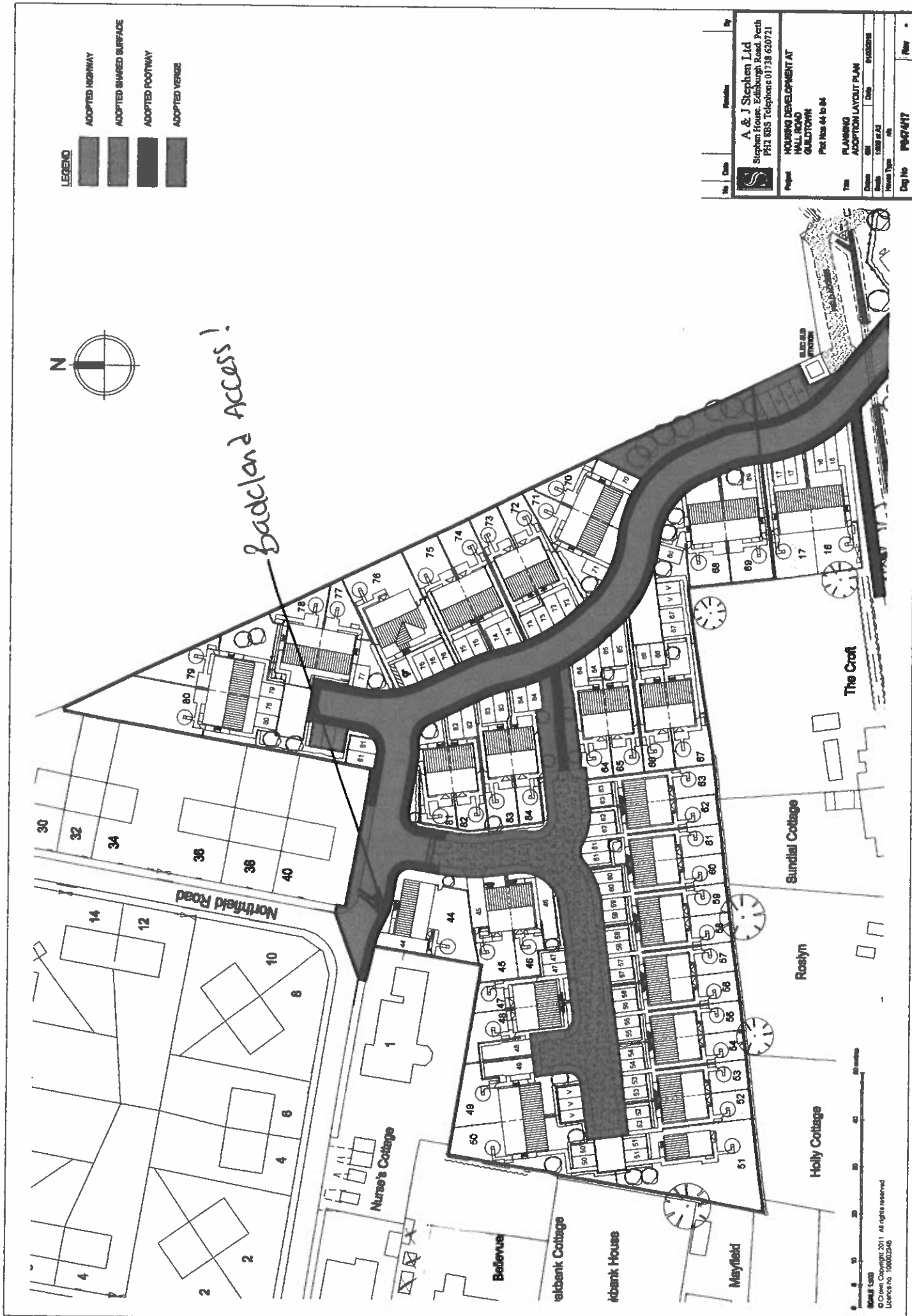
Written comments about the application may be made before **10th July 2018** to the Development Quality Manager at the above address or by email to [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk). The Council will not take into account letters received after this date unless there are exceptional circumstances, or unless a later date for the receipt of representations is required because the application needs to be statutorily advertised. These adverts are placed in the Perthshire Advertiser on Fridays.

**Major Applications.** A major application is indicated by an "M" at the end of the suffix on the reference number. Please note that despite the fact that comments may have been made to the applicant prior to the application being made, persons wishing to make representations in respect of the application should do so to the planning authority in the manner indicated in this notice. Comments made to applicants during the pre-application consultation stage are not representations to the planning authority.

All letters and e-mails of representation, including names and addresses, will be treated as public documents and will be displayed for public inspection on the Council's website. Signatures, personal telephone numbers and personal e-mail addresses will however be obscured before display on the internet and it would be helpful if, where possible, these are omitted from the letter or e-mail, although a (printed) name and postal address are required.

Letters of comment on applications should list clearly any issues of concern, but should not take the form of rhetorical questions. If any additional information or clarification is required, this should ideally be sought separately from [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk) or through the Customer Services Centre (01738 475300) before the letter (or e-mail) of representation is submitted. Failing this, the points of potential concern should preferably be phrased as follows: "if x is to take place I would object (unless controlled by a planning condition to ensure y)".

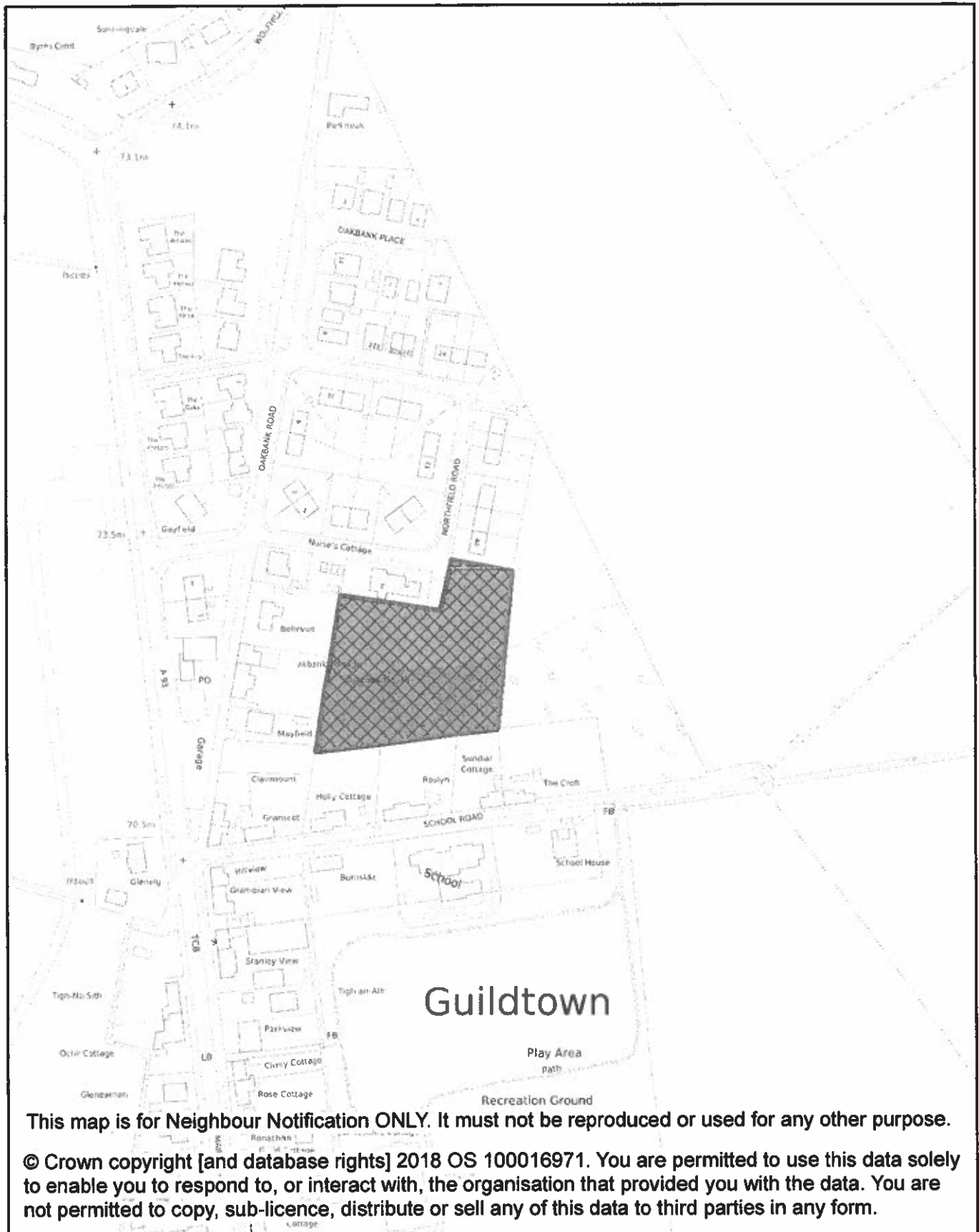
Further guidance on how to comment on a Planning Application and on the planning application process generally is available at [www.pkc.gov.uk](http://www.pkc.gov.uk) (planning – applications and certificates).



# Perth & Kinross Council

## NEIGHBOUR NOTIFICATION

Location Plan showing planning application site



<p><b>TCP/11/16(610) – 19/00205/IPL – Erection of a dwellinghouse (in principle), land 20 metres east of Bellvue Cottage, Oakbank Road, Guildtown</b></p>
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**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 61-62)*

**REPORT OF HANDLING** *(included in applicant's submission, pages 63-70)*

**REFERENCE DOCUMENTS**





  
LAND REGISTER  
OF SCOTLAND

Officer's ID / Date

6409  
16/7/2015

TITLE NUMBER

**PTH45460**



ORDNANCE SURVEY  
NATIONAL GRID REFERENCE

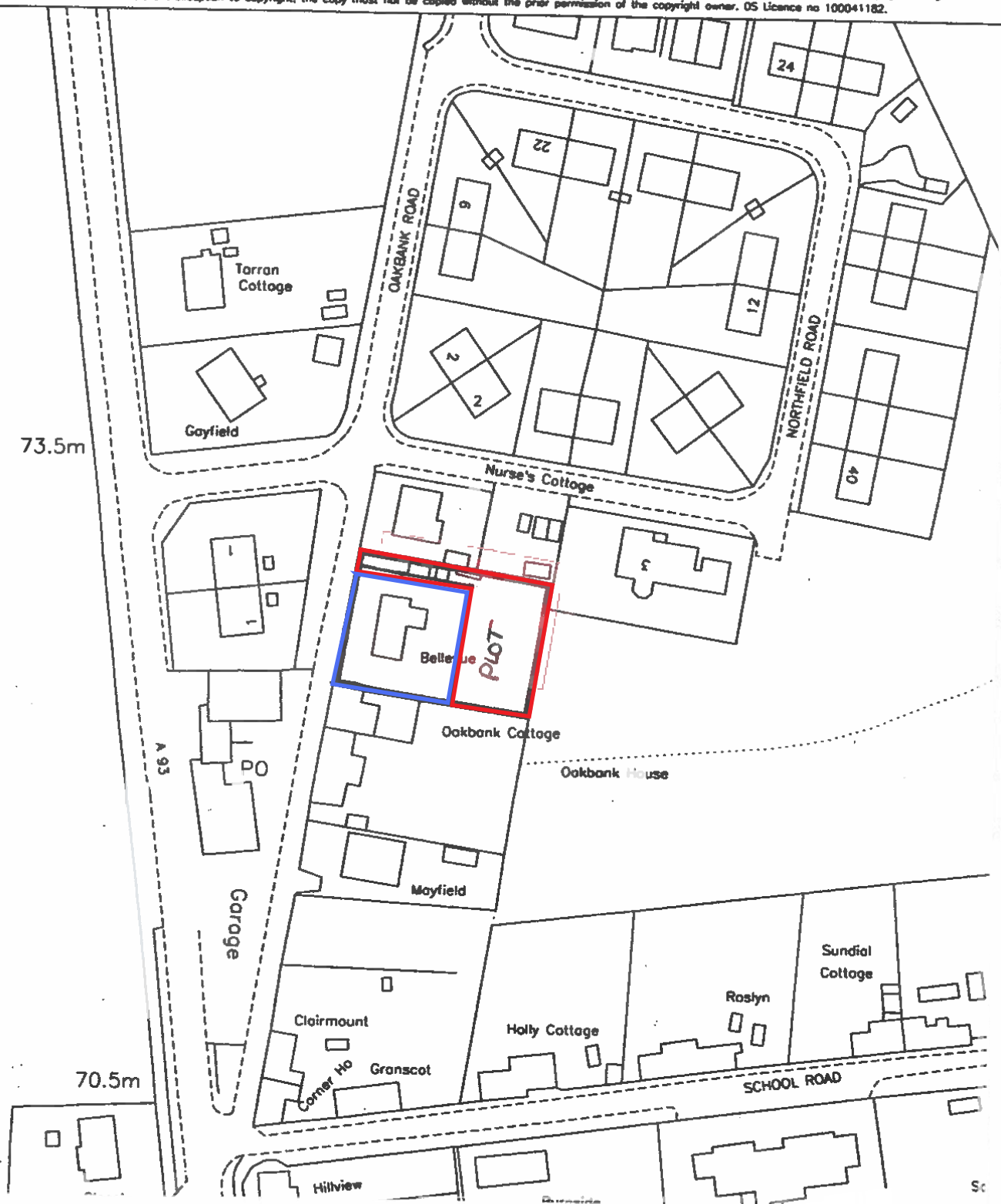
70m

NO1331 NO1332

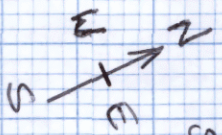
Survey Scale

**1:1250**

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SHARED  
ENTRANCE.

4m

7m

4m

20m

43m

BELLEWES  
COTTAGE  
SITE.

26m

WASTE  
RECYCLE  
AREA

VEHICLE  
STORAGE  
AREA

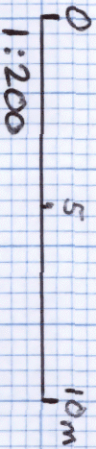
PLOT AREA

SITE AREA 560 m<sup>2</sup>  
+ 28 m<sup>2</sup> SHARED  
ENTRANCE.

86



16m



REVIEWED PROPOSED SITE PLAN  
DOCUMENT NO PLANSW0111

SCALE ONLY FOR PLANNING PURPOSES.



**TCP/11/16(610) – 19/00205/IPL – Erection of a dwellinghouse (in principle), land 20 metres east of Bellvue Cottage, Oakbank Road, Guildtown**

## **REPRESENTATIONS**



28<sup>th</sup> February 2019

Perth & Kinross Council  
Pullar House 35 Kinnoull Street  
Perth  
PH1 5GD



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

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

Dear Local Planner

**PH2 Guildtown Oakbank Road East Bellvue Cottage**  
**PLANNING APPLICATION NUMBER: 19/00205/IPL**  
**OUR REFERENCE: 773746**  
**PROPOSAL: Erection of a dwellinghouse (in principle)**

**Please quote our reference in all future correspondence**

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 and would advise the following:

**Water**

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

**Foul**

- This proposed development will be serviced by Guildtown Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time 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. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

**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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom 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 or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto: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 using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

A solid black rectangular box used to redact the signature of Angela Allison.



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/00205/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: [REDACTED] Email: [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 20 Metres East Of Bellvue Cottage, Oakbank Road, Guildtown		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></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 Guildtown Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		

	<p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to transport infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.</p>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	05 March 2019

### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/00205/IPL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	██████████ ████████████████████
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 20 Metres East Of Bellvue Cottage, Oakbank Road, Guildtown		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
<b>Recommended planning condition(s)</b>	Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	19 March 2019		

