

**TCP/11/16(297)**

**Planning Application 13/02024/FLL – Demolition of dwellinghouse and erection of 6 flatted units, formation of access, parking and upgrading of adjacent public road, Applegarth, Sunnypark, Kinross**

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**Planning Application 13/02024/FLL – Demolition of dwellinghouse and erection of 6 flatted units, formation of access, parking and upgrading of adjacent public road, Applegarth, Sunnypark, Kinross**

**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 Wilson Homes (Kinross) Ltd

Address c/o Agent

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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Name TMS PLANNING SERVICES

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

Yes No  
☒ ☐

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

Planning authority Perth & Kinross Council

Planning authority's application reference number 13/02024/FLL

Site address Site at Applegarth, Sunnypark, Kinross

Description of proposed development Demolition of house and erection of 6  
apartments with related access, parking + road works

Date of application 25/10/13 Date of decision (if any) 29/1/14

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



**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

*In order to fully explore the "reasons for refusal" given by the planning officer*

**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:

*Residential property affected presently occupied - need to inform residents prior to visit*



**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 of Review +  
related application drawings.

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

Yes  
☐

No  
☒

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

## List of documents and evidence

Notice of Review

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.

Statement of Review

Planning Application drawings (see list on separate sheet)

Planning Officers "Report of Handling".

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

[Redacted Signature]

Date

24/3/2014



**ERECTION OF 6 RETIREMENT APARTMENTS,  
ACCESS, PARKING AND RELATED WORKS AT  
APPLEGARTH, 33 SUNNYPARK, KINROSS**

**STATEMENT OF REVIEW ON BEHALF OF WILSON  
HOMES (KINROSS) LTD**

**MARCH 2014**

TMS PLANNING AND DEVELOPMENT SERVICES  
"Balclune", 32 Clune Road, Gowkhall, Fife, KY12 9NZ  
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## **1.0 BACKGROUND TO REVIEW**

1.1 This application for Review follows the decision taken by officers, using their delegated powers, to refuse planning permission for this bespoke development of retirement apartments. The reasons for refusal given relate to policies in the now superseded Kinross Area Local Plan (and therefore no longer relevant to any decision) and policies PM1 and RD1 of the now adopted Perth and Kinross Local Development Plan (which are assessed below). The refusal stated that: -

*“The proposed building, by virtue of its scale, form, design and prominence would adversely affect neighbouring residential amenity and have a significant impact on the character and amenity of the surrounding area. As such development would conflict with the objectives of Policies 2 and 67 of the Kinross Area Local Plan 2004 and Policies PM1 and RD1 of the Proposed Perth and Kinross Local Development Plan 2012”*

1.2 During the determination of the planning application various attempts were made to address concerns outlined by the case officer but from very early on it was clear that no matter the alterations made he would not be supportive. No consideration whatsoever of the nature of the proposal and the benefits it would bring to the local housing market (meeting people’s needs) factored in the officer’s assessment. Rather, what occurred was an exercise in seeking to prevent innovative, bespoke development tailored to the site/surroundings and adding positively to the quality of the built environment. This is not a safe, mundane, and uninspiring development proposal so typical of that promoted/supported by Perth and Kinross Council, this is a distinctive development related to and helping to create a quality of development and sense of place which is exactly what the planning process, if we are to believe the terms of Scottish Planning Policy and of the Perth and Kinross Local Development Plan, sets out to achieve.

1.3 Each of the issues raised in the stated reason for refusal, as supported by the officer’s Report of Handling, is addressed in Sections 6 and 7 of this statement. This shows that the concerns outlined are overstated and can be satisfactorily addressed in line with prevailing policy.

## **2.0 SUMMARY OF APPLICANTS CASE**

2.1 Underlying policy within Scottish Planning Policy, TAYplan, and the Perth and Kinross Local Development Plan is the recognition of changing housing needs related to present and projected population demographics. The ageing population requires different types of housing to the array of family housing prevalent within the existing housing stock and presently being provided by mainstream residential developers. There is a recognised shortfall in the supply of housing to meet the needs of our ageing population and little prospect of this being delivered unless forms of innovative/bespoke development, in this case, are brought forward.

2.2 The provision of housing to meet the needs of all sectors of the community remains a goal of the planning process and is enshrined at the heart of Scottish Planning



Policy and development plan policy. What is not clear is the delivery mechanism, an outcome which this planning application should make a positive contribution to. For all of the reasons set out in this report, a range of smaller scale bespoke developments is required to add additional housing supply/choice in order to meet this market requirement and there is already precedent of such development being successfully delivered within Kinross (Ivy Garden).

2.3 The planning application site presently contains a non-descript house of little visual merit. It is a Brownfield site within an established accessible residential area which is fully supported for replacement residential development through the planning process. The design solution proposed seeks to make full use of the site and to relate it well to the surrounding area, including the amenity areas (the woodland and public open space area). The proposal comprises a fully sustainable and accessible development at the heart of a local community. The design solution proposed builds on the form/detailing of the successful Ivy Garden development, relates in height to directly adjacent property, and is designed to mitigate any potentially negative impacts on surrounding properties, including overlooking. It relies on adjacent land for its setting and amenity (woodland and public open space) and fully complements these existing assets in terms of its physical and functional relationship. **In effect, the proposal would deliver the most efficient and beneficial use of the site while satisfactorily protecting prevailing amenity (residential and visual) as required by established planning policy. For all of the reasons set out in this statement, it is concluded that the development, as proposed, would comply with Scottish Planning Policy and with the development plan and should, as a direct result of this, be fully supported through the planning process.**

2.4 The critical assessment of the proposals set out in the Officer's Report of Handling leading to the decision to refuse the planning application is flawed in light of its assumptions related to the impacts of the proposals. Not only does this report assume housing to the north and east of the site (where there is in fact woodland and open space) it fails to have regard to the impacts of the existing property at Applegarth or the mitigation measures outlined by the applicant with respect to addressing potential overlooking issues. The basis for the refusal is unsound and cannot be relied upon.

2.5 The development would be fully deliverable in the form outlined and would also bring some additional benefits to the area in terms of the proposed road upgrade and related public parking facilities (but only where this provision is required by Perth and Kinross Council). This is a unique development offering a range of potential community and economic benefits, most notably, the form of spacious single level living required and local employment throughout the construction stage of the project.

2.6 The applicant fully accepts that this is not a standard solution for a site of this nature but this should not be seen as a negative. Other than development of this nature/scale/type it remains difficult to see how new bespoke provision in order to meet localised and clearly established housing needs in this sector will be delivered. Seeking to prevent beneficial and deliverable development, as per the officer's decision, is negative in all respects and not justified by the facts and circumstances of the proposal.

### 3.0 THE APPLICATION SITE AND SURROUNDINGS

3.1 The application site comprises an unremarkable detached dwellinghouse (Applegarth, 33 Sunnypark) and its related garden area. The site, some 510m<sup>2</sup>, lies towards the eastern end of Sunnypark. It is bounded to the: -

**North:** by Sunnypark beyond which is a woodland belt linking to woodland policies with informal recreational facilities. It is understood that Sunnypark is an adopted road albeit the section along the application site frontage is of poor construction. The east end of Sunnypark provides access to the Loch Leven Heritage Trail and to Kinross Cemetery (non-vehicular) and is often subject to indiscriminate parking by visitors;

**South:** by neighbouring garden of the residential property at 23 Sunnypark;

**East:** by parkland, beyond which are woodland policies and Kinross Cemetery; and,

**West:** by an access road serving houses to the south and west of the site with the 2 storey gable and shared Garden of the adjacent flats (25-31 Sunnypark) directly opposite the site.

3.2 The planning application site has its long frontage (northern boundary) directly facing Sunnypark. The house (Applegarth) sits at an angle to this frontage (long elevation) with its gable to the west boundary. In light of the ground levels, the eastern elevation of the house contains a significant level of underbuilding, with the main living accommodation facing south elevated above and directly overlooking the neighbouring garden area, albeit there are existing boundary trees which reduce any related amenity impacts. The neighbouring house to the south (23 Sunnypark) sits distant from the mutual boundary, circa 11.5 metres. Reflecting the slope of Sunnypark, the eastern boundary of the application plot sits at a lower level than the western boundary with a level reduction of approximately 2.2 metres along the Sunnypark frontage.

3.3 The surrounding area, including Sunnypark and Broom Road, is characterised by a range of property types and ages. These range in style/form from single storey cottages, through traditional 2 storey houses and flatted blocks to the recently completed development of retirement apartments at Ivy Garden, a substantial 3 storey traditionally styled/proportioned building at the entrance to Sunnypark at the junction with Muirs. Closest to the application site are single, 1.5 storey and 2 storey properties of varying design/finishes but with a rather eclectic mix of visual styles/finishes. The flatted block on Sunnypark closest to the planning application site (numbers 25-31 Sunnypark) sits at the road edge and is directly related to the planning application site, providing a scale/context for development from Sunnypark. This is a traditional 2 storey property with an overall height above Sunnypark of 9.2 metres (ridge) with the highest point of the building, the large chimneys, measuring approximately 10.6 metres above the adjacent street level.

### 4.0 THE PROPOSED DEVELOPMENT

4.1 In order to understand the rationale for the proposed development it is first necessary to appreciate the design process gone through. There is recognition at

national and local Government level of changing housing needs related to the present and projected population demographics. In effect, the ageing population requires different types of housing to the array of family housing prevalent within the existing housing stock and provided by mainstream residential developers. There is a recognised shortfall in the supply of housing to meet the needs of a maturing population and little thought/direction within established/emerging policy as to how to address increasing shortfalls for this group in society. In the absence of forward thinking proposals, such as that subject to this Review, there will be extremely limited provision being made to serve this identified housing need. The planning system is required to facilitate the delivery of development to meet the needs of all sectors of the community and to take a positive approach to such beneficial development. It is presently failing to do so.

4.2 Research carried out by the site owner has indicated that there is an unmet demand in the Kinross area for high quality retirement-style apartments. The concept he has developed relates to quality properties, with generous space standards, in accessible locations where people are able to “trade-down” from larger houses. In effect the properties offer generously proportioned easily accessible single level living with communal amenities including lift access to the upper levels (and in this case to a roof terrace). A number of property agents active within the local area and nationally have confirmed the need/demand for such properties. Recent experience with the Ivy Garden development in Sunnypark, a short distance from the application site, has confirmed demand in the local area with indications that smaller, more affordable, units are required in order to help meet existing needs – this is what the development at Applegarth seeks to deliver.

4.4 The concept for/form of development proposed is simple; well-proportioned one bedroomed units designed for people to downsize to properties more suitable for their present and future needs. The proposal is both innovative and high quality, and is aimed to set a standard of development, building upon the clear success of the recent Ivy Garden development.

4.5 While incorporating traditional detailing/proportions/materials, an innovative approach has been necessary in order to relate the development in an appropriate manner to both the site and the surrounding area, and in order to ensure that the development meets the needs of the client group. The building, some 260m<sup>2</sup> footprint, would contain 3 levels of accommodation (6 individual apartments, 2 per level) with underground basement parking (fully utilising the sloping site) and a roof terrace. It is a scale of building not dissimilar in many ways to Ivy Garden but smaller in its overall footprint/height. The natural materials used at Ivy Garden will be replicated within this proposal with natural stone walls and a slate roof. In order to retain traditional detailing while keeping the height to an appropriate level, it is proposed to incorporate a pitched section of roof around the perimeter with a flat section centrally (this would form the roof garden). A small structure containing the lift shaft/workings is also proposed centrally on the flat roof section. This approach has little impact on the general visual appreciation of the building from its surroundings; in effect, from most viewpoints the roof is not prominent and will be read as a standard pitched roof with the lift structure not readily visible other than from distant views. The only public area that the roof section would be readily visible from is the public open space area (and



beyond) to the east of the site. From here the building would be set against the substantial woodland to the north and viewed across an attractive public open space area. The site therefore has both the setting and landscape capacity for a building of this design/form/scale.

4.6 The physical siting of the property onto the Sunnypark frontage reinforces the street frontage and significantly improves the appearance of the street as compared with the existing unremarkable structure comprising Applegarth, the removal of which will be generally beneficial to the appearance of the street/area. The proposed building at this point has a height of 9.8 metres above the adjacent road level as set against neighbouring property (25-31 Sunnypark) which has a height to ridge of 9.2 metres measured from the same point (higher to the chimneys). Therefore there is a direct height relationship/context notwithstanding the built form of the respective structures, such height differential being entirely characteristic of other neighbouring properties in the area and appearing entirely appropriate (there is already a mix of heights/styles within the area). The proposed building slopes on the Sunnypark frontage in order to take account of the reducing level on the adjacent street, this level change also being skillfully incorporated into the building design in order to provide vehicular access to the site leading to the underground basement parking area below the apartments. A total of 6 parking spaces are proposed, one per apartment with visitor spaces also available as required. Access to the building is achieved on the west and east frontages, and directly from the parking area. Lift access is provided to all floors (from the parking area upwards) and to the roof terrace providing barrier free access to all levels within the development and ensuring full Disability Discrimination Act (DDA) compliance.

4.7 In order to improve the setting of the development and the immediately adjacent area, it is proposed, as part of the development, to upgrade the adjacent section of roadway on Sunnypark and to incorporate dedicated parking areas in order to regulate visitor parking in the area and to improve pedestrian safety. In addition to tidying up and improving the overall visual amenity and function of the area, these works would represent significant improvements to the public road as part of the development at no cost to Perth and Kinross Council. Such works would be for the benefit of the local area/community in general, including providing better parking facilities for those accessing the Loch Leven Heritage Trail at this point. These works do not represent an essential part of the proposal and can be omitted where required.

## **5.0 POLICY CONTEXT**

### ***Scottish Planning Policy***

5.1 Increasing sustainable economic growth is the Scottish Government's underlying aim for the planning system in Scotland and relates to the efficient and effective use of resources in the development of the national economy, including the significant contribution that the development/construction sector makes to Scotland's wealth and prosperity. Sustainable development is an embedded requirement of the planning system with key considerations including the efficient use of land, buildings and infrastructure, accessibility to facilities, accessibility by a range of transport options, deliverability, and protection/enhancement of the landscape and the built environment.

Underlying all of this is the Scottish Government's objectives of creating successful places and achieving quality residential environments and buildings of quality.

5.2 Scottish Planning Policy also seeks to meet identified housing requirements across all sectors and community needs (providing choice) while promoting the efficient use of land and buildings, directing development towards sites within existing settlements where possible in order to make effective use of existing infrastructure and service capacity and to reduce energy consumption. Redevelopment of urban and rural brownfield sites is preferred to the development of Greenfield land. Scottish Planning Policy requires that the siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials. The aim should be to create places with a distinct character and identity, promoting a well-integrated mix of land uses including well designed homes of different types and tenures allowing the creation of successful places which contribute to the identity of the area. It is critical that development can be delivered (it is effective) otherwise any contribution to meeting the needs of local communities will not materialise. It is also critical that provision is made for all sectors of the community, including for an ageing population.

5.3 Infill sites within existing settlements can often make a useful contribution to the supply of housing land. Proposals for infill sites should respect (not necessarily reflect) the scale, form and density of the surroundings and enhance the character and amenity of the community. The density of new development should be determined in relation to the character of the place and its relative accessibility, with higher densities appropriate at central and accessible locations. Through good design it is possible to achieve higher density living environments without overcrowding or loss of amenity. In all ways Scottish Planning Policy supports a high quality of outcome where the needs of sustainable mixed communities and the provision of appropriate accommodation/residential environments can be delivered. Scottish Planning Policy requires that Planning Authorities take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth.

### ***The development plan***

5.4 Bearing in mind the nature and scale of the development, no reference is made in this assessment to the approved strategic development plan, TAYplan. The adopted Perth and Kinross Local Development Plan (LDP) is considered to be the most relevant document. Within the Local Development Plan, Perth and Kinross Council identifies priorities to include supporting and managing population growth in addition to meeting the housing needs for all sectors of the community. Promoting sustainable residential development within existing settlements, particularly in accessible locations, and encouraging improved and innovative design in all new development, form notable parts of the LDP strategy and related policies.

5.5 LDP Policy PM1 "*Placemaking*" requires development to contribute positively to the quality of the surrounding built and natural environment. The design and siting of development should respect the character and amenity of the place, and should create

and improve links within and, where practical, beyond the site. The Policy states that proposals should meet specified criteria including: -

- the design should respect site topography and any surrounding important landmarks, views or skylines;
- The design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours;
- Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space;
- All buildings, streets, and spaces should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport;
- Buildings and spaces should be designed with future adaptability in mind wherever possible; and
- Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

5.6 LDP Policy RD1 “*Residential Areas*” identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Generally encouragement will be given to proposals which fall into specified categories of development and which are compatible with the amenity and character of the area. These include:

- Infill residential development at a density which represents the **most efficient use of the site** while respecting its environs; and
- Proposals which will improve the character and environment of the area or village.

## 6.0 ASSESSMENT OF PROPOSAL

6.1 It is undeniable that this proposal is not a standard development solution albeit it is addressing a clear housing need and should not, unnecessarily, be required to conform to model standards for mainstream residential development. The site is clearly brownfield, in an accessible location within a long established urban area, in an established residential area displaying a mix of property types, and impacting on a property/site adding nothing presently to the quality of the urban environment. The site enjoys both significant landscaped (adjacent woodland) and open aspects (public open space to the east) which are significant factors assisting the setting/integration of the proposed development into the established built and natural environment.

6.2 As indicated within Section 4 above, there is a clearly established and accepted need for the form of development being proposed. Few sites within/adjacent to the town are suitable/available for such development and therefore it is essential that a pragmatic and positive approach is taken to such beneficial proposals as they arise. That is the role of the planning system. The applicant fully accepts that the site, its constraints and the nature of the development proposed raise a number of design challenges but, for the reasons set out, it is considered that the innovative/bespoke



development being proposed would be entirely appropriate in this case. The provision of basement parking, lift access to all levels, and a large roof terrace are examples of the innovative approach being taken. The quality of the design solution is also notable.

6.3 The principle of new residential development on this site is clearly supported at all levels of the planning system in terms of the efficient use of land and infrastructure, and accessibility to facilities, including transport options (Muir's for bus services). The site is also readily accessible to significant informal recreational facilities and has the potential to create a highly attractive/desirable residential environment. Moreover, as presently proposed, the development is deliverable and therefore has the potential to contribute positively towards meeting a largely unmet residential need for an increasingly ageing population (a fundamental and widely acknowledged/unresolved issue in existing housing policy at all levels). All of these factors are significant material considerations supporting this development.

6.4 As noted in paragraph 5.5 above, Local Development Plan Policy PM1 "*Placemaking*" requires that development contribute positively to the quality of the surrounding built and natural environment with the design and siting of development respecting the character and amenity of the place. In terms of the specific bullet points within the Policy, the following assessment is considered relevant: -

- the design would respect site topography and no surrounding important landmarks, views or skylines would be adversely affected. Rather, the development would introduce a focal building which would further enhance the existing quality of the built environment;
- the design solution **is not required to replicate** that of the immediately surrounding area it is to "**complement**" its surroundings. It is acknowledged that the proposed building design differs from the mix of properties in the surrounding area, as indeed these properties differ from each other, but there is a clear height context provided by the immediately adjacent properties on the Sunnypark frontage (the flatted block comprising numbers 25-31 Sunnypark) and by the landscape containment offered by the adjacent substantial woodland. The building has been designed, as per the policy imperative, to make best and most efficient use of the site, and incorporates a range of measures to achieve this including underground parking and a terrace roof garden (ideally suited for the intended end users). The building is designed to a high standard (with bespoke roof detailing) and would be externally finished in high quality natural materials (stone/slate) in order to provide a building of visual quality, in effect, a focal building within the local area not dissimilar in impact to the recently completed and highly commended development at Ivy Garden. The building is larger than any neighbouring structure but with the relationship to the adjacent Sunnypark property, the woodland and the open space to the east, there is a clearly defined physical context within which the development "fits" within both the built and natural environment. The building would be different, unique and highly distinctive in its environment – however all of these reasons and the overall design/appearance of the structure (in addition to its proposed function) fully support this form of development in this location. **In effect, the proposed development would fully respect and complement its surroundings in**

**terms of its appearance, height, scale, massing, materials, finishes and colours.** The building does not replicate, it adds to the quality of built development in the locale;

- The proposed development would relate well to the established building line, reinforce the street and sit appropriately with respect to the woodland and adjacent public open space in terms of appearance and accessibility;
- The proposed development would create a safe, accessible, and barrier-free/inclusive development fully linked to and accessible to/from the surrounding area;
- The building/apartments are designed with “barrier free” accommodation with full DDA compliance ensuring their present functionality and future adaptability; and
- There would be no adverse impact on any buildings or spaces that contribute to the local townscape. Indeed the reverse is the case.

6.5 As indicated in paragraph 5.6 above, Local Development Plan Policy RD1 “*Residential Areas*” identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Generally encouragement will be given to proposals which fall into specified categories of development and which are compatible with the amenity and character of the area. These include:

- Infill residential development at a density which represents the **most efficient use of the site** while respecting its environs; and
- Proposals which will improve the character and environment of the area or village.

6.6 In terms of the first bullet point, as indicated, this is a bespoke development of 6 early retirement apartments with related parking and garden provision. Using site levels parking is being contained below the building. By design solution, amenity space is being provided on the roof of the building. This frees up sufficient land to allow the incorporation of the 6 flats, 2 at each of the 3 accommodation levels (with all levels from the parking area to the roof terrace linked by lift access) and practically represents the most efficient use of the site. As established, there is a variety of built forms and densities within the surrounding area, no homogeneous development density/form exists, albeit there is a clear physical context for the re-development of the application site (existing properties, woodland, open space, etc). The environs, as set out in paragraph 6.4 above, would also be “respected” and therefore this policy would be fully complied with. It is accepted that the current proposal is not a standard solution for a site of this nature, rather it represents a forward thinking and innovative development of a quality/standard far in excess of that often achieved by modern development and which accords with the underlying sustainability requirements of the planning process and provides an important and supported form of bespoke residential development.

6.7 In terms of the second policy bullet point, there can be little doubt that the replacement of the existing unremarkable property at Applegarth with development of quality proposed would be a significant contributor to improving the character and environment of the area. The rationale for and quality of development, its justification and its beneficial impacts are already set out and need not be repeated.

6.8 In light of the assessment set out above it is considered that the proposed development would represent a supported form of sustainable development in compliance with the underlying requirements of Scottish Planning Policy and in accordance with the specific policies of the adopted Perth and Kinross Local Development Plan and should be supported accordingly.

## 7.0 RESPONSE TO OFFICERS REASONS FOR REFUSAL

7.1 With reference to the stated reason for refusal and the contents of the officer's Report of Handling the following comments supplement those already set out above. In the officers report reference is made to 3 aspects of the proposal where concerns arise, these are: -

- Scale/Design;
- Residential Amenity; and
- Access and Parking

7.2 Addressing these points individually the following response is considered appropriate.

### ***Scale/Design***

7.3 The Planning Officer considers the proposal to be "*completely out of context in terms of both its scale and design*" in light of the form of adjacent development and goes on to conclude that "*...when viewed against the existing residential development to the north and west, the building will be a dominant and incongruous element that will bear absolutely no relation to the surrounding built environment*". This assessment does not bear scrutiny. Aside from the fact that **there is no residential development to the north of the site**, it is clearly woodland, the residential development to the west comprises the 2 storey traditional flatted block (25-31 Sunnypark) which is both the building closest to site boundary and of similar height to the proposed building (the proposed building would be 0.6 metres higher ridge to ridge). The report goes on to state that "*The general design of the building is also not in keeping with the prevailing character of development in the area*", albeit this "*prevailing character*" is not defined and, as outlined above, is determined by a range of buildings/styles. In addition, the Planning Officer appears to have failed to reflect the policy requirement for development to "complement" its surroundings he appears to suggest that it has to reflect it in terms of the existing built form – this is patently not the case.

7.4 Concern is also raised with respect to the proposed roof design/detailing. While commenting on the "*large communal roof terrace*" concern is raised over the appearance of the structure to contain the lift and its workings. This structure sits centrally within

the roof, would be externally finished in matching materials, and is not readily visible from any point other than from distant views from the east. From here it is neither prominent nor obtrusive and could be visually softened by planters within the terrace garden area as required. The roof detail should not be seen as a reason for concern.

### ***Residential Amenity***

7.5 Reference is made to issues of “*overlooking, loss of daylight and its overbearing and dominant appearance*”. The officer refers to proximity to and overlooking impacting on existing properties as a result of the proposed apartment block but fails to factor into his assessment the impacts of overlooking already evident from existing properties (including present house at Applegarth). He also appears to suggest some direct correlation between the proximity of the proposed residential block to the west and southern site boundaries and related impacts on overlooking without highlighting the actual form of/relationship to neighbouring properties and the mitigation arrangements built into the proposals in order to address any potential issues in this regard. The officer also fails to acknowledge that all windows to the main apartments, sitting room and kitchen/dining room, face east overlooking the open space area, not neighbouring properties.

7.6 It is correctly stated that there are 12 window openings proposed on the south elevation of the proposed building. However, it is suggested that 9 of these windows would give rise to overlooking of the neighbouring garden (which is already extensively overlooked from Applegarth and the surrounding area) with 3 windows being for bathrooms (opaque glazing). A further 3 windows are to hallways (not defined living space within the properties) and early dialogue with Perth and Kinross Council indicated that the remaining windows on this elevation could either be removed from the proposals (they are each secondary windows to rooms) or retained in part and/or altered to contain sections of opaque glazing. In effect, the arrangements which the applicant proposed would have both addressed any perceived overlooking issues while removing the existing overlooking to the garden area of this neighbouring property (from Applegarth) while sufficiently retaining the integrity of the new apartment building’s design/appearance.

7.7 Concern is also raised with respect to overlooking of property to the west of the site. The proposed apartments would face the blank gable of the neighbouring flatted block and, in part, a section of the communal garden area. This garden area is extensively overlooked presently from all sides and therefore any additional overlooking from a small number of bedroom windows would have no material impact in this regard.

7.8 It is further claimed that “*the roof of the building will feature a large communal roof garden that will also introduce a significant level of overlooking of the dwellings to the south and east of the building. As can be seen from the elevation plans it would be possible for someone standing on the edge of the roof garden to look directly onto the neighbouring garden grounds*” There are numerous issues wrong with this assessment. Firstly, there are no dwellings to the east of the proposed building; this is the location of the open space. Secondly, the ridge of the roof lies 1.5m above the standing area. The roof is also approximately 1.5 metres wide thereby the roof garden sits this distance in

from the external wall of the proposed building. Views from the majority of the roof garden will be over the roof structure to the vistas beyond, not downwards to gardens. It is accepted that a person standing at the edge against the roof structure could overlook gardens already significantly overlooked by surrounding property. This has to be placed into context in terms of likelihood and impact, both being limited and resulting in no material adverse impacts. This concern is clearly overstated.

7.9 The officer goes on to state that *"I also share the neighbouring residents concerns in relation to the scale of the building. In my view a large building of this size will appear overbearing, particularly when viewed from the neighbouring house at 27 Sunnypark. This neighbouring property will effectively be looking directly on the oppressive 3 to 4 storey elevation that will be positioned just 3 metres from the boundary"*. Again this statement is incorrect. The property comprising number 27 Sunnypark is part of the flatted block to the west of the application site. It is the gable of this property that would face the proposed apartment block and therefore, as windows do not overlook the site, how would it be viewed from the neighbouring house? The relationship of the proposed building to neighbouring properties is outlined in section 6 of this report, and it is pretty clear from this assessment that all relevant matters can be addressed to an acceptable level.

### ***Access and Parking***

7.10 As indicated, the road upgrade and parking proposals outwith the development arose as a means of tidying up the area and regularising present parking practices. This does not have to be part of the proposal and could readily be deleted (other than upgrading the section of road along the planning application site frontage). It is noted that roads and parking issues are generally considered acceptable and I can confirm that discussions have taken place with the Council's Estates Service related to the upgrading of the road and the provision of parking and it is anticipated that this will be progressed further prior to the determination of the Review by the Local Review Body.

### ***Other Matters***

7.11 The position re Education contributions is noted (none required) albeit it is disappointing that the specialist form of development being proposed does not exempt it from an affordable housing contribution. Where required this will be facilitated by a legal agreement concurrent with the approval of planning permission.

7.12 Matters raised by neighbours are fully addressed above and, while the concerns expressed are noted, it is considered that these concerns can be adequately addressed by the proposed development.

7.13 It is considered that the appropriate use of planning conditions would address any outstanding issues related to overlooking (use of opaque glazing) and the upgrading of the road outwith the site and related parking space provision. These, other relevant conditions and the conclusion of a legal agreement related to affordable housing contributions can all legitimately be addressed by the Local Review Body as part of the review process, thereby allowing a positive outcome for the proposed development while ensuring that local amenity is suitably protected.



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	13/02024/FLL
Ward No	N8- Kinross-shire

**PROPOSAL:** Demolition of dwellinghouse and erection of 6 no flatted units, formation of access, parking and upgrading of adjacent public road

**LOCATION:** Site At Applegarth Sunnypark Kinross

**APPLICANT:** Wilson Homes (Kinross) Ltd

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 15 November 2013



#### OFFICERS REPORT:

##### Site Description

This application relates to the single storey dwelling known as 'Applegarth' at 33 Sunnypark, located within a residential area in the north of Kinross. The existing house is a relatively unattractive detached 1970's single storey house with a detached prefabricated single garage. The site extends to approximately 510sqm and it is bound to the north by a dense mature woodland belt, to the east by open parkland, and to the south and west by existing residential dwellings.

##### Proposals

Full planning permission is being sought for the demolition of the existing house and the erection of a three storey flatted block (four storey when viewed from the east) containing 6 one bed retirement-style apartments. The basement of the building will provide 6 allocated underground parking spaces, a refuse storage area and access to the lift. The roof of the building will provide a large communal roof terrace

accessed via the elevator. Externally there will be a large paved area to the east of the building which will provide an access and turning area, as well as additional space for visitor parking. The plans also identify 7 additional parking bays extending down along the existing access towards the graveyard. The external finish of the building is detailed as natural stone walls and a natural slate roof.

## **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by the 2006 act) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Kinross Area Local Plan 2004. In addition, whilst not formally adopted, the Proposed Perth and Kinross Area Local Development Plan 2012 is also a relevant material consideration in the assessment of this application.

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

The application site is presently contains a single detached dwellinghouse that is located within a residential area of Kinross. It is therefore considered that the principle of residential development is acceptable. As such the main issues to consider the assessment of this application are: scale/design, neighbouring amenity, and access/parking.

- **Scale/Design**

The proposed development will appear completely out of context in terms of both its scale and design. The site presently contains a single storey detached house and whilst the flats to the north are two storey, the vast majority of housing development within the vicinity of the site are single storey in height. The applicants supporting statement attempts to justify the overall height of the building by using the mature woodland to north and the two storey flats to the west but when viewed against the existing residential development to the north and west, the building will be a dominant and incongruous element that will bear absolutely no relation to the surrounding built environment. In my view this is clearly demonstrated in the photomontage taken from the east from the graveyard ([see image below](#)).



The general design of the building is also not in keeping with the prevailing character of development in the area. Whilst I have no doubt that the standard of finish will be of a high quality, the building would appear to have a mock 19th Century industrial design which in my view will be completely out of context given that there are no such buildings within the vicinity of the site. It is acknowledged that the applicant has recently completed a large block of retirement flats at the entrance to Sunnypark but the design and proportions of this building are far better than this current proposal.

Following discussions with the applicant it is evident that there is unlikely to be any concessions in regards to the overall scale of the development but in an attempt to simply the overall design and reduce the bulk of the building the applicant has submitted revised plans which have removed the projecting element from the main frontage of the building facing east. I am not entirely convinced that the omission of this element of the proposals has made any improvement to the design of the proposals and it certainly does not address the concerns raised regarding the overall scale of the building.

In addition to the above, I also have concerns regarding the design and detailing of the roof. The roof of the building will have a large communal roof terrace with a relatively substantial single storey slate clad structure constructed centrally atop the roof which will contain the elevator and stairwell access. In my view the overall design of the roof is very poor and whilst the applicant has advised that this structure will not be visible from the street, I am concerned that it will be visible when viewed from the graveyard to the east.

- Residential Amenity

A number of concerns have been raised by neighbouring residents in relation to the potential impact of the proposals on amenities of nearby residential properties due to overlooking, loss of daylight and its overbearing and dominant appearance.

At its widest point the proposed building will be just 4 metres from the western boundary and 2 to 3 metres from the southern boundary. Such close proximity to the boundaries raises concerns regarding overlooking particularly in relation to the neighbouring property to the south (23 Sunnypark) and the flats to the west (25 & 27 Sunnypark).

The southern elevation of the building will have 12 windows, all facing directly onto the garden of 23 Sunnypark. Of these windows three will be bathroom windows and therefore obscured. However this still leaves 9 windows that would introduce direct overlooking of the neighbouring garden. In regards to the west elevation facing 25 & 27 Sunnypark, the main concern relates to the overlooking of the communal rear garden. This elevation also features 12 windows but only three are likely to result in any overlooking of the rear garden area.

In addition to the concerns regarding the windows, the roof of the building will feature a large communal roof garden that will also introduce a significant level of overlooking of the dwellings to the south and east of the building. As can be seen from the elevation plans it would be possible for someone standing on the edge of the roof garden to look directly onto the neighbouring garden grounds.

The applicant has to some degree noted these concerns and has suggested that the offending windows could either be omitted or fitted with obscure glazing to remove any overlooking. Whilst this would probably be acceptable in relation to the west elevation given that only 3 of the windows are an issue, I do not consider that such

an extensive use of obscure glazing on the southern elevation would be an appropriate method of resolving the problem. When it gets to the stage that the developer needs to remove or install such a large number of obscured windows to limit overlooking, the overall scale and design of the development must be questioned.

I also share the neighbouring residents concerns in relation to the scale of the building. In my view a large building of this size will appear overbearing, particularly when viewed from the neighbouring house at 27 Sunnypark. This neighbouring property will effectively be looking directly on the oppressive 3 to 4 storey elevation that will be positioned just 3 metres from the boundary.

In regards to loss of daylight, despite its proximity I do not consider that the proposals will result in any significant loss of daylight to the neighbouring dwelling at 23 Sunnypark as the proposed building will be located to the north. There will however be a degree of overshadowing of the communal rear garden ground of 25 & 27 Sunnypark during the morning but this would not be so significant as to warrant specifically raising it as a reason for refusal.

- Access and Parking

A number of concerns have been raised in relation to the provision of adequate parking and the suitability of the existing access for the additional traffic generated by this development.

The proposed development will have 6 parking bays beneath the building and an additional 7 parking bays formed along the existing unadopted road towards the graveyard. The applicant also proposes to upgrade the adjacent section of roadway. However there are presently discussions ongoing between the Councils Estates Department and the applicant relating to land ownership issues regarding the unadopted road and proposed parking bays.

Some questions have been raised regarding the proposed additional parking bays in relation to both the ownership of the land and the width of the unadopted road. However the applicant has advised that these additional parking bays are not specifically required for visitor parking and that the formation of these bays are intended to be of wider benefit by providing formal parking bays visitors accessing the Loch Leven Heritage Trail.

Whilst in site planning terms I do not have any significant concerns regarding the formation of the two bays immediately to the north of the site, I do have some concerns regarding the proposed five parking bays formed along the roadway to the east of the development. The formation of parking bays along this section of the roadway will not only be visually detrimental to the character of this open area of ground but it could arguably encourage visitors to use this as more formal parking area for access onto the Loch Leven Heritage Trail rather than using the designated car parks around the trail.

The Council's Transport Officer has been consulted but he has advised that he is not a position to provide a full response until such times as the discussions regarding the ownership issues has been concluded. However he has verbally advised that he does not have any significant concerns in relation to the level of traffic that would be generated by the proposed development or the provision of parking within the site (6 spaces) provided the developer can demonstrate that he able to undertake the proposed road widening.

## **Contamination**

The proposed development is adjacent to an area of infilled ground and a former quarry. Although disused for a long time, the original size and depth of the quarry is unknown, as is the material used to infill the quarry after work there ceased. There is therefore the potential for localised ground gas production that could possibly impact on any residential properties being built close by. There is also the possibility of contaminants being present in the fill.

Although the site is currently in residential use, the Environmental Health Officer has advised that the risk of historic land contamination still needs to be assessed prior to development commencing. It is therefore recommended that if the proposals are approved that a standard contaminated land condition is applied to any consent.

## **Education Contribution**

The supporting information identifies that the market research undertaken by the applicant identifies an unmet need locally for high quality retirement apartments where people are able to 'trade down' from larger properties.

The Council's Developer Contributions Guide (November 2012) identifies that sheltered housing (defined as housing provided for elderly people who require occasional support and assistance from a resident warden but who do not require full residential care), will not be required to pay a contribution towards educational infrastructure improvements. The proposals do not meet this definition of 'sheltered housing'.

However in this instance there is no requirement for the payment of an education contribution as the development comprises of 6 one bedroom flats which are exempt from any requirement to pay a contribution towards educational infrastructure improvements.

## **Affordable Housing**

Notwithstanding the applicant's intention to target the accommodation towards the retirement market, the proposals would not meet the definition of 'affordable housing' as set out in the Council's approved Affordable Housing Guide.

Open market sheltered housing schemes generally meet the requirements of the more active elderly population and as such can be seen as addressing general housing needs, not affordable housing needs. Accordingly, the Guide identifies that open market sheltered housing developments will be the subject of the affordable housing policy unless an RSL is involved in the management of the development or units are sold at an affordable price. There is no indication in the applicants supporting statement that this is the case.

In this instance the proposal for 6 units would generate the requirement for a commuted sum payment of £22,500 which could be collected by way of a Legal Agreement forming part of any planning approval.

## **Economic Development**

The approval of this application would be of limited economic benefit but it would support a locally based construction firm and provide work for local contractors.



## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, it is considered that the proposal does not comply with the adopted Kinross Area Local Plan, in particular Policy 2 and 67. It is also considered to be contrary to Policy RD1 'Residential Areas' of the Proposed Perth and Kinross Local Development Plan 2012. 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.

## **NATIONAL PLANNING GUIDANCE / POLICIES**

### The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

## **DEVELOPMENT PLAN**

### Tay Plan 2012

The application raises no strategic issues of relevance to the Tay Plan 2012.

### Kinross Area Local Plan 2004

Policy 2 'Development Criteria'

Policy 67 'General Residential'

### PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN (JANUARY 2012)

On the 30 January 2012 the Proposed Perth and Kinross Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

The principal relevant policies are in summary:

Policy RD1: Residential Areas

Policy PM1: Placemaking

## **OTHER POLICIES**

Developer Contributions Guide (November 2012)

Affordable Housing Supplementary Guide (November 2012)

## **SITE HISTORY**

No recent planning history

## **CONSULTATIONS/COMMENTS**

Transport Planning	Unable to comment at this time due to ongoing discussions regarding the ownership of the unadopted road – see report
Education And Children's Services	No comments received
Affordable Housing Officer	No comments received
Frances Berry/Jane Pritchard - Access Officers	No comments received
Community Waste Advisor - Environment Service	<p>All flatted properties require a communal area to store one of the following bin options:</p> <ul style="list-style-type: none"><li>• 2 x 240 litre bins (one for general waste and one for dry mixed recycling)</li><li>• 1 x 240 litre bin for garden and food waste (where appropriate)</li><li>• a combination of larger bins to equate the same capacity as above</li></ul>
Scottish Water	No objection
Environmental Health	Site may be contaminated – contamination condition recommended.

**TARGET DATE:** 1 January 2014

## **REPRESENTATIONS RECEIVED:**

Number Received: 13 valid letters of objection

## **Summary of issues raised by objectors:**

- Density/Overdevelopment

- Over bearing scale/Visual impact
- Overlooking
- Overshadowing
- Lack of parking
- Impact of traffic/pedestrian safety
- Increase in traffic

**Response to issues raised by objectors:**

See report

**Additional Statements Received:**

Environment Statement n/a

Screening Opinion n/a

Environmental Impact Assessment n/a

Appropriate Assessment n/a

Design Statement or Design and Access Statement Yes

Report on Impact or Potential Impact eg Flood Risk Assessment No

**Legal Agreement Required:**

No

**Direction by Scottish Ministers**

Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 - 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

**Reasons:-**

- 1 The proposed building, by virtue of its scale, form, design and prominence would adversely affect neighbouring residential amenity and have a significant impact on the character and amenity of the surrounding area. As such development would conflict with the objectives of Policies 2 and 67 of the Kinross Area Local Plan 2004 and Policies PM1 and RD1 of the Proposed Perth and Kinross Local Development Plan 2012.

**Justification**

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

## **PLANNING APPLICATION DRAWINGS**

Plan 1 – Location plan

Plan 2 – Existing Site Plan

Plan 3 – Proposed Site Plan

Plan 4 - Sunnypark Section

Plan 5 – East Elevation

Plan 6 – North Elevation

Plan 7 – South Elevation

Plan 8 – West Elevation

Plan 9 – Basement plan

Plan 10 – Ground Floor plan

Plan 11 – First Floor Plan

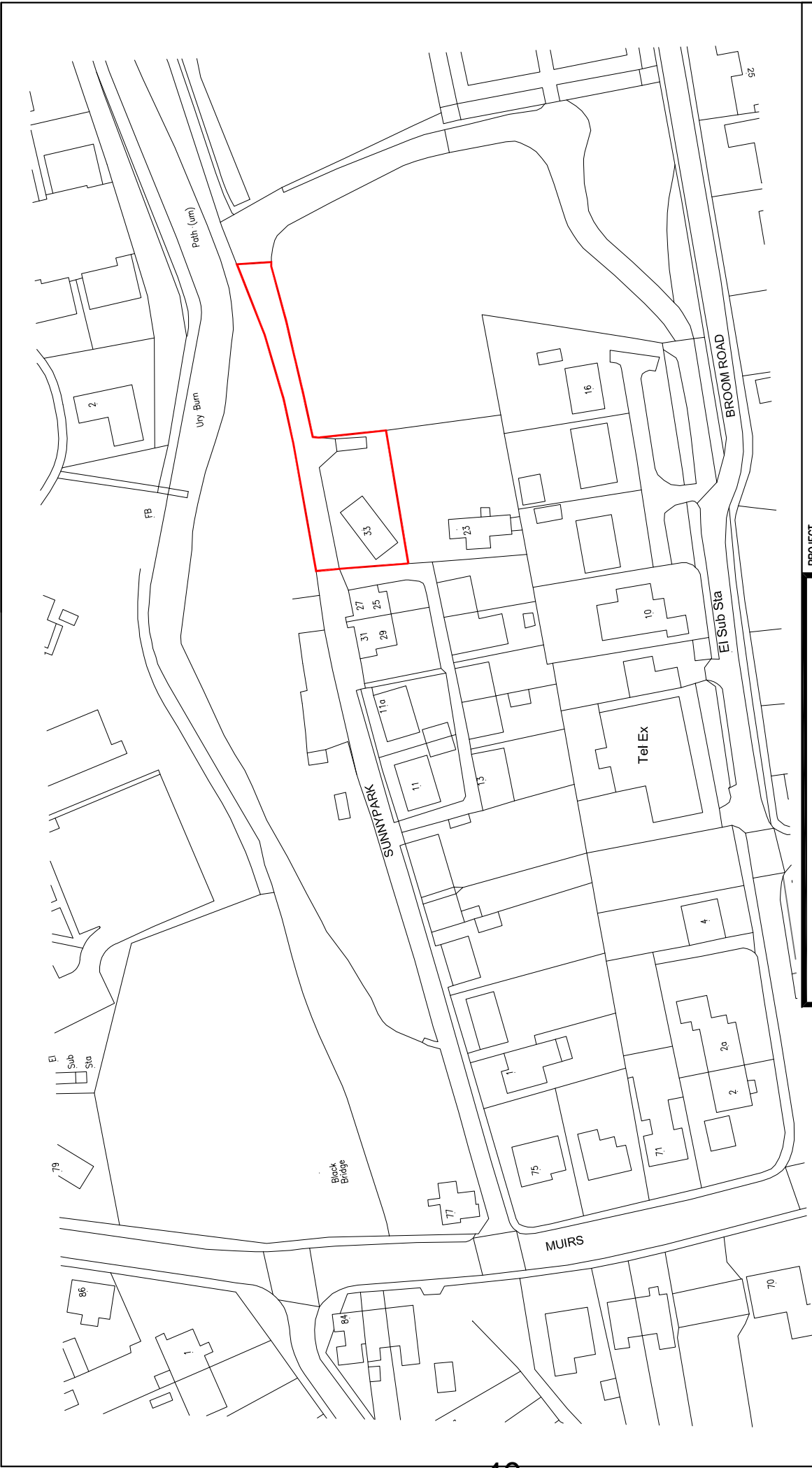
Plan 12 – Second Floor Plan

Plan 13 – Roof Floor Plan

Plan 14 – Roof Plan

Plan 15 – Sunnypark Perspective

Plan 16 – Aerial Perspective



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PROJECT

**APPLEGARTH, KINROSS**

TITLE

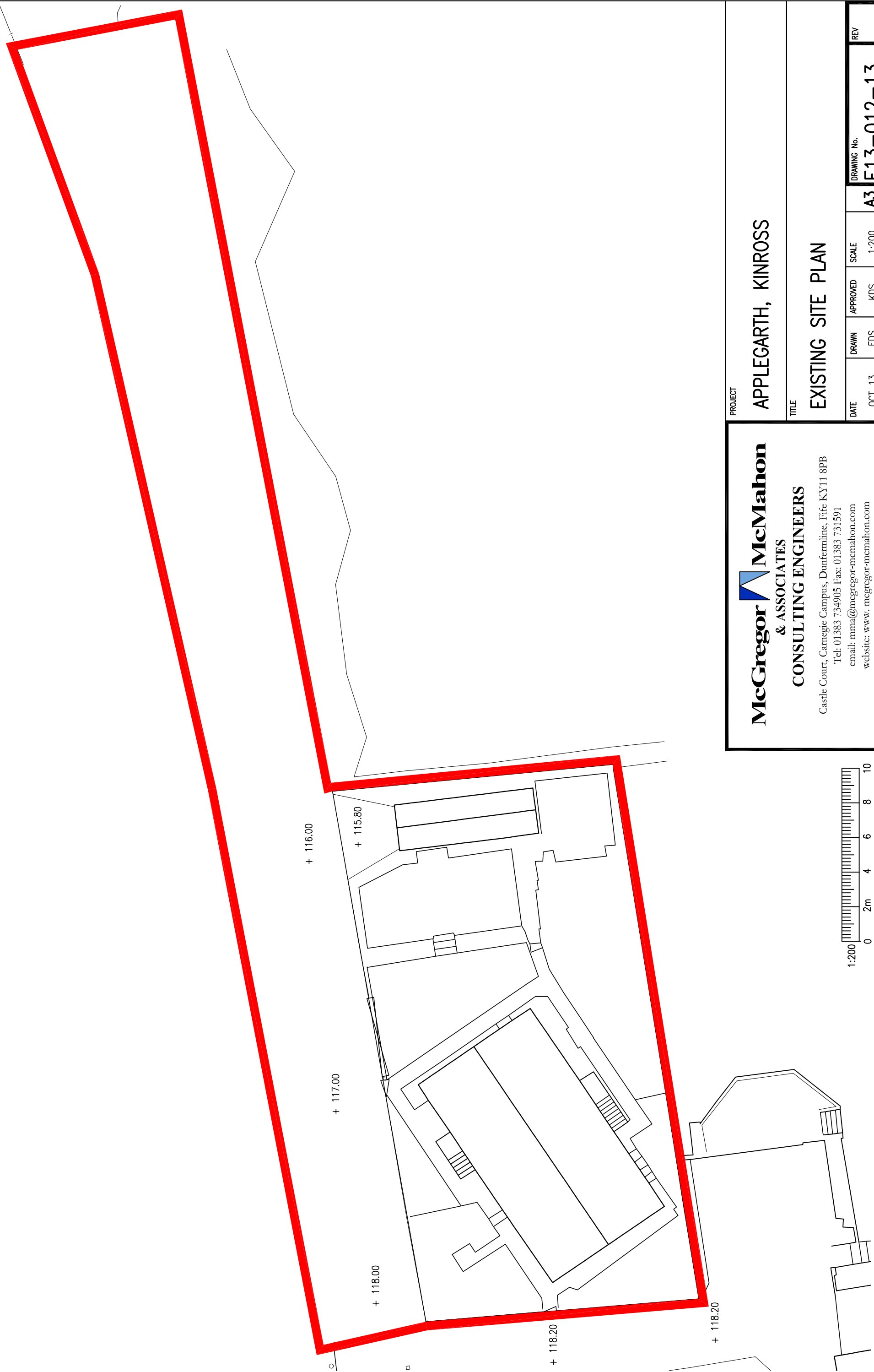
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DATE	DRAWN	APPROVED	SCALE	DRAWING No.	REV
OCT 13	EDS	KDS	1:1250	<b>A4</b>	<b>E13-012-12</b>

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REV.	DATE	BY	DESCRIPTION	APD.
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PROJECT

APPLEGARTH, KINROSS

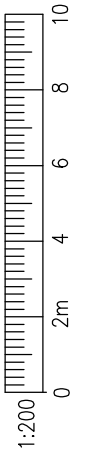
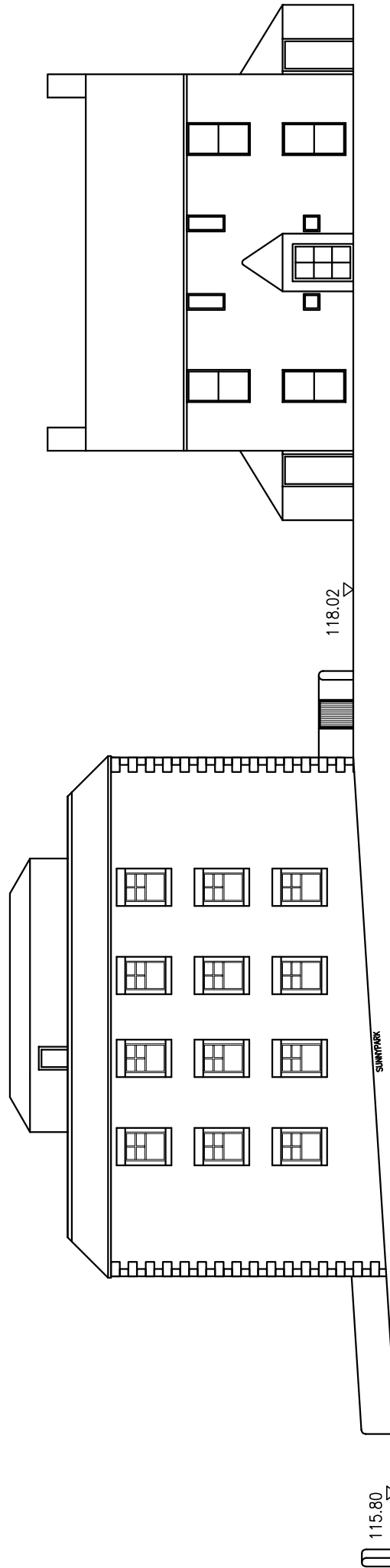
TITLE

EXISTING SITE PLAN

DATE	DRAWN	APPROVED	SCALE	DRAWING No.	REV
OCT 13	EDS	KDS	1:200	A3 E13-012-13	







A	EDS	06/01/14	SECTION AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE				
SECTION				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:200	<b>A4</b>
				REV
				<b>A</b>

APPLEGARTH, KINROSS

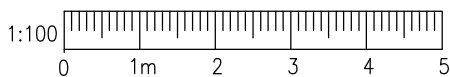
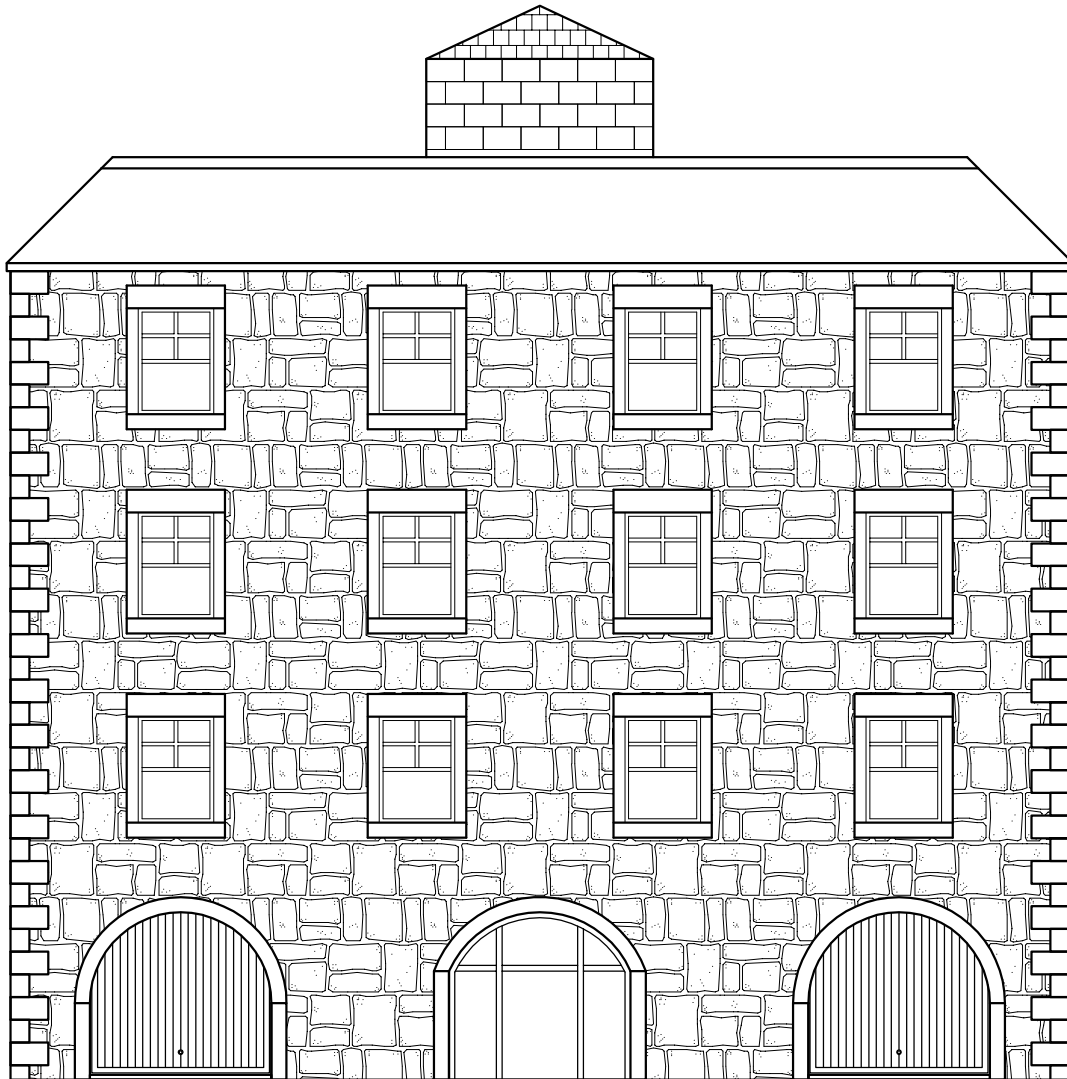
## SECTION

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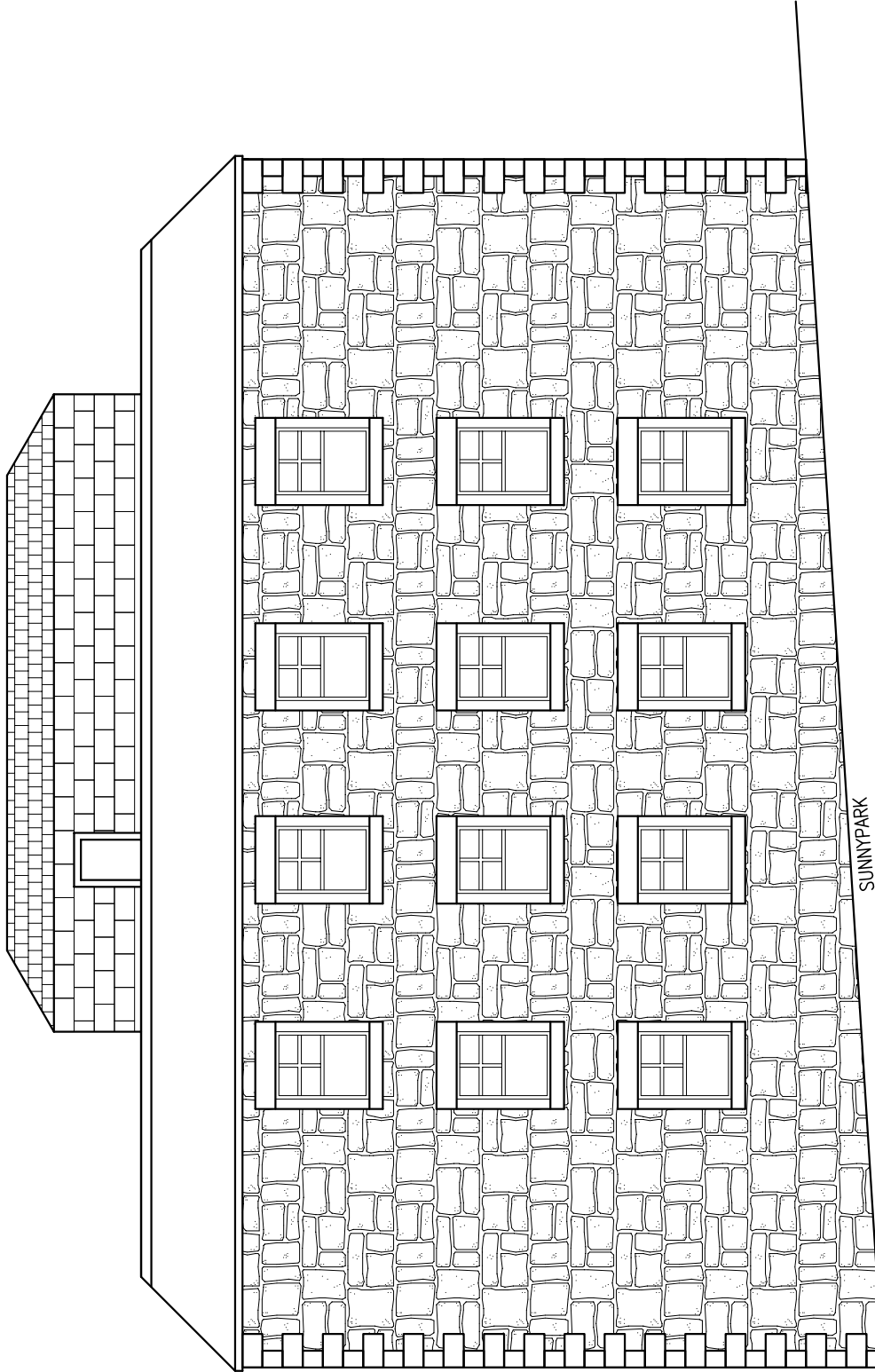
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A	EDS	06/01/14	ELEVATION AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE				
EAST ELEVATION (REAR, BASEMENT)				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:100	A4 E13-012-7
				REV
				A



A	EDS	06/01/14	ELEVATION AMENDED	KDS
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PROJECT

APPLEGARTH, KINROSS

TITLE

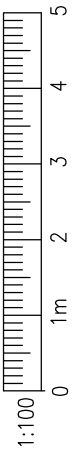
NORTH ELEVATION (SUNNYPARK)

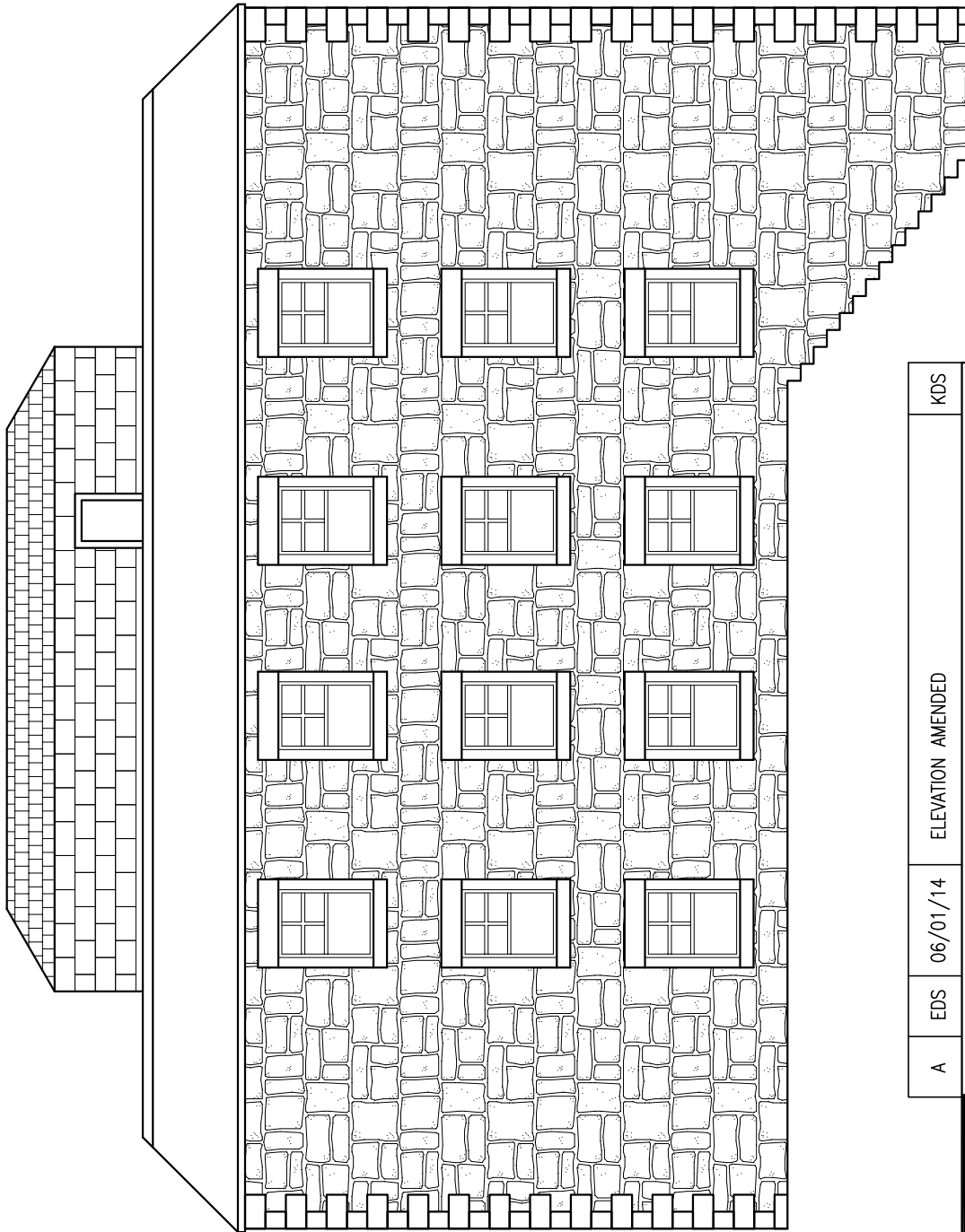
DATE	DRAWN	APPROVED	SCALE	DRAWING No.	REV
OCT 13	EDS	KDS	1:100	A4 E13-012-9	A

**McGregor**  **McMahon**  
& ASSOCIATES

**CONSULTING ENGINEERS**


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Tel: 01383 734905 Fax: 01383 731591  
website: [www.mcgregor-mcmahon.com](http://www.mcgregor-mcmahon.com)





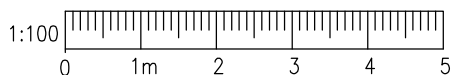
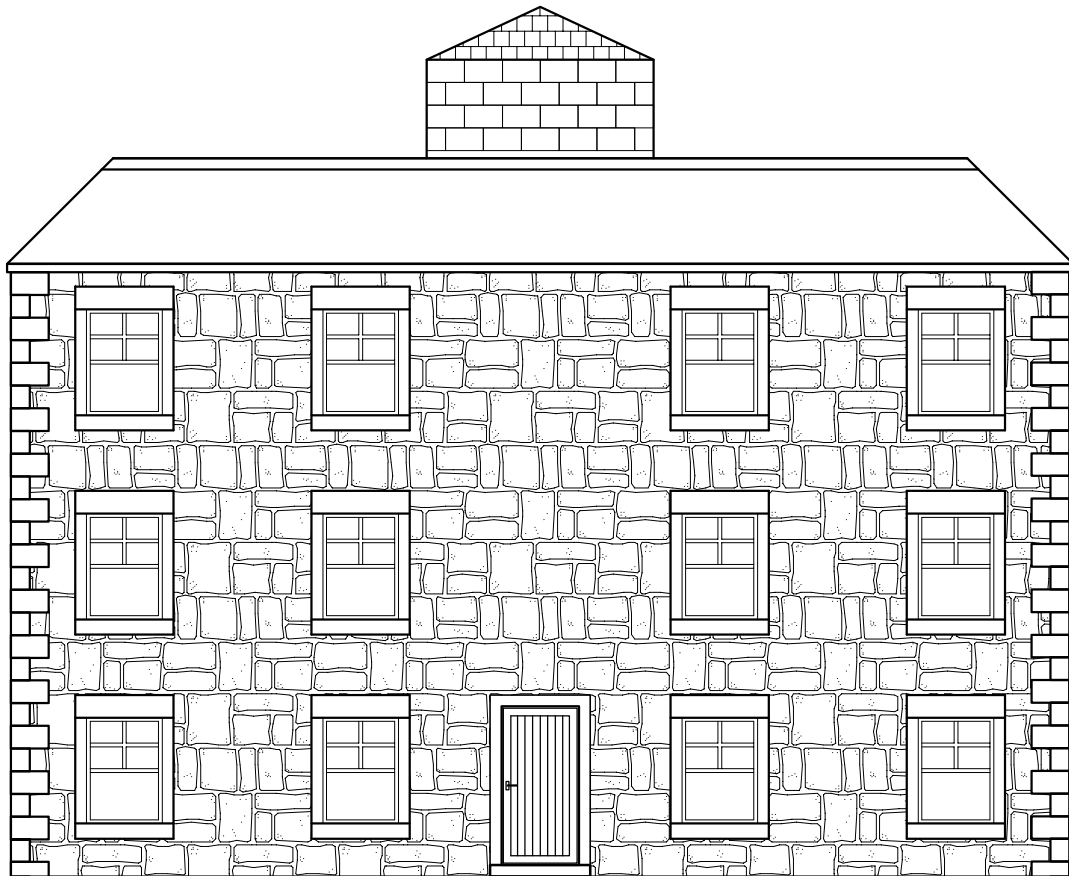
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A	EDS	06/01/14	ELEVATION AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE SOUTH ELEVATION				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:100	A4
				REV
				A

**McGregor**  **McMahon**  
& ASSOCIATES

**CONSULTING ENGINEERS**

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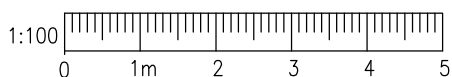
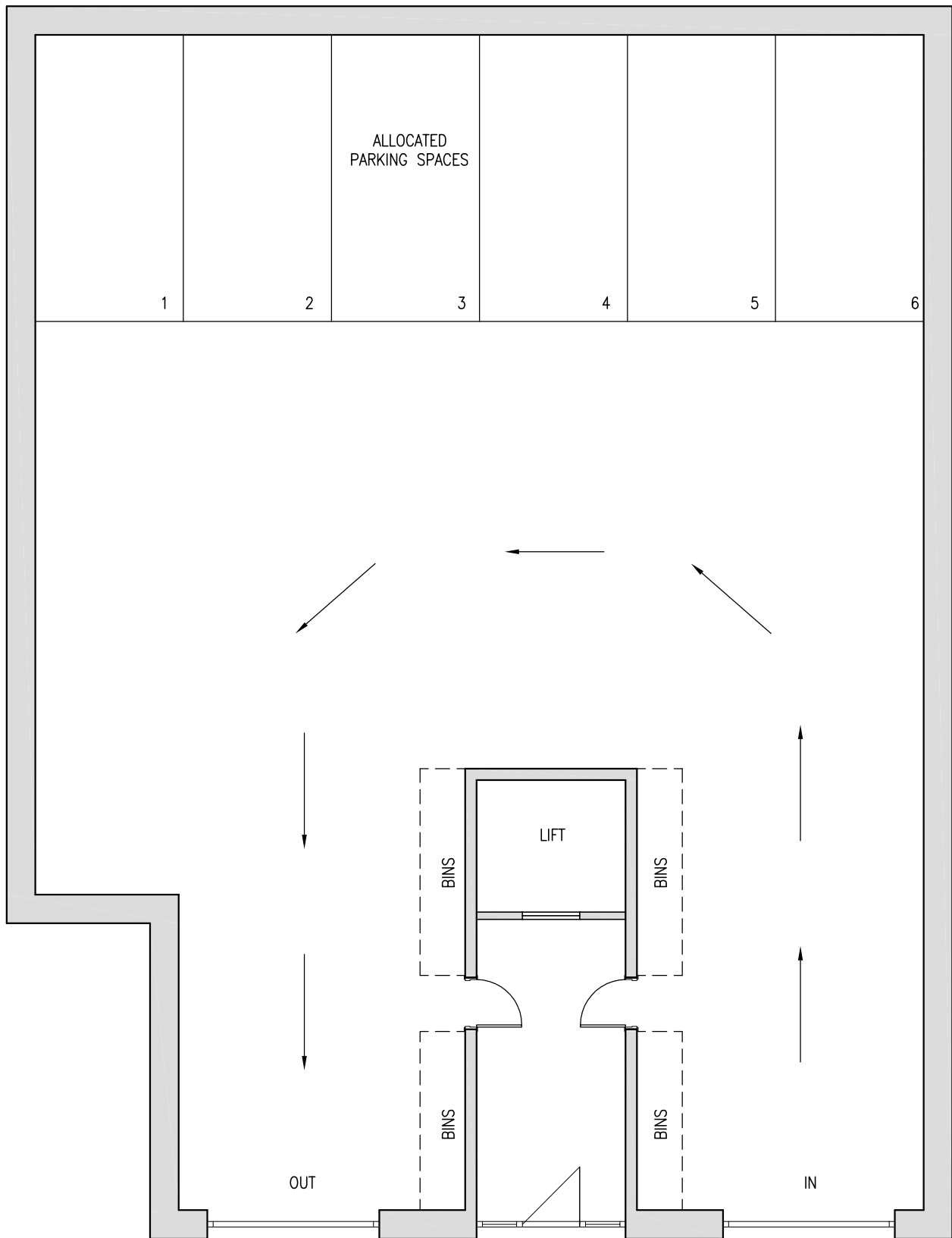


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A	EDS	06/01/14	ELEVATION AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE				
WEST ELEVATION (FRONT, GROUND)				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:100	A4
E13-012-6				REV
				A

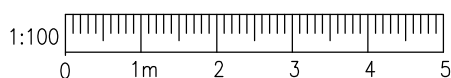
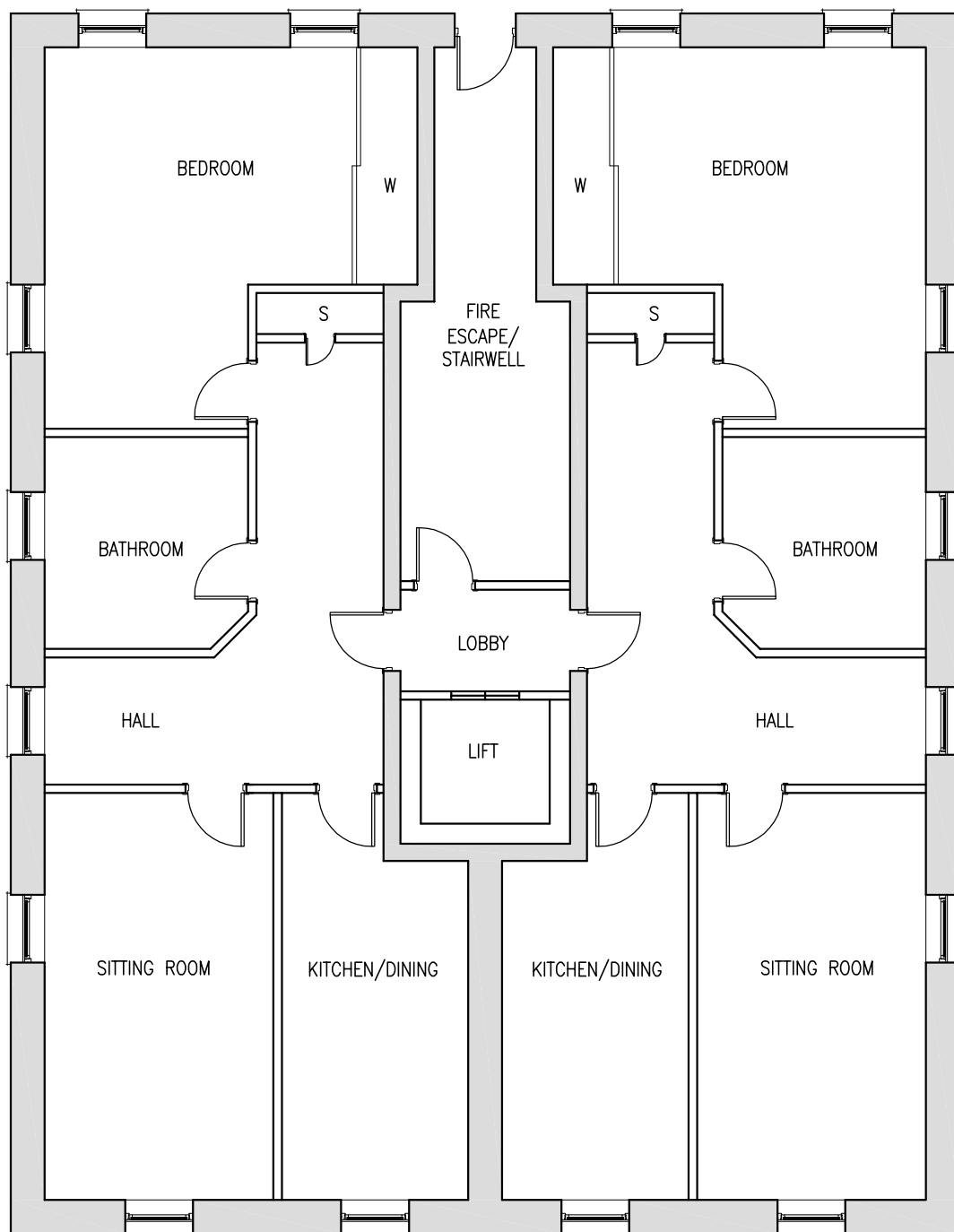




A	EDS	06/01/14	PLAN AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE				
BASEMENT PLAN				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:100	A4 E13-012-1
				REV
				A

**McGregor & Associates**  
**McMahon**  
**CONSULTING ENGINEERS**

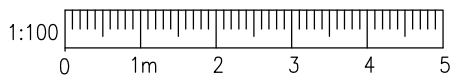
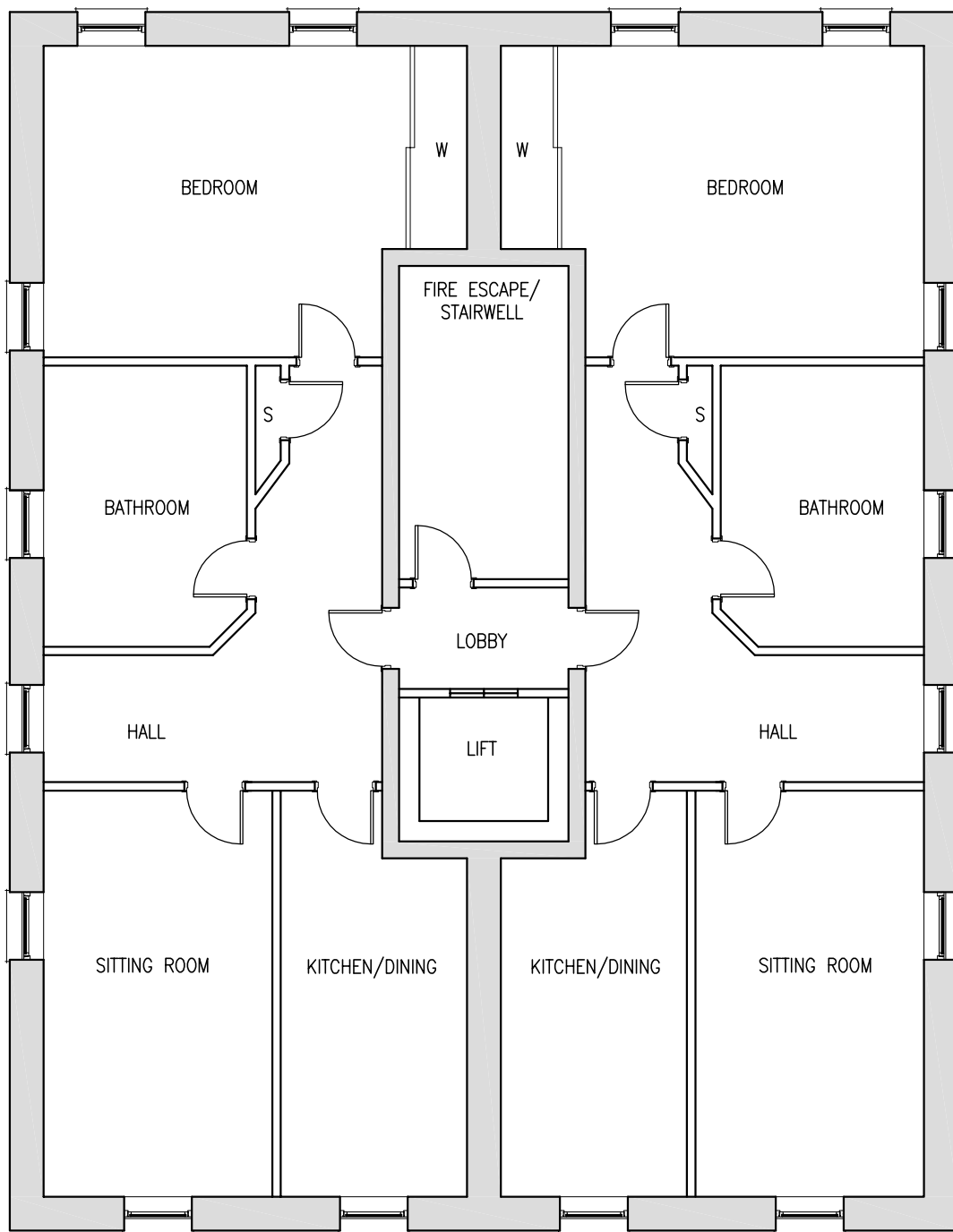
Castle Court, Carnegie Campus, Dunfermline, Fife KY11 8PB  
 Tel: 01383 734905 Fax: 01383 731591  
 website: www.mcgregor-mcmahon.com



A	EDS	06/01/14	PLAN AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE				
GROUND FLOOR PLAN				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:100	A4 E13-012-2
				REV
				A

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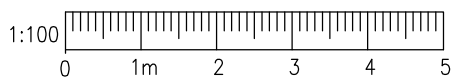
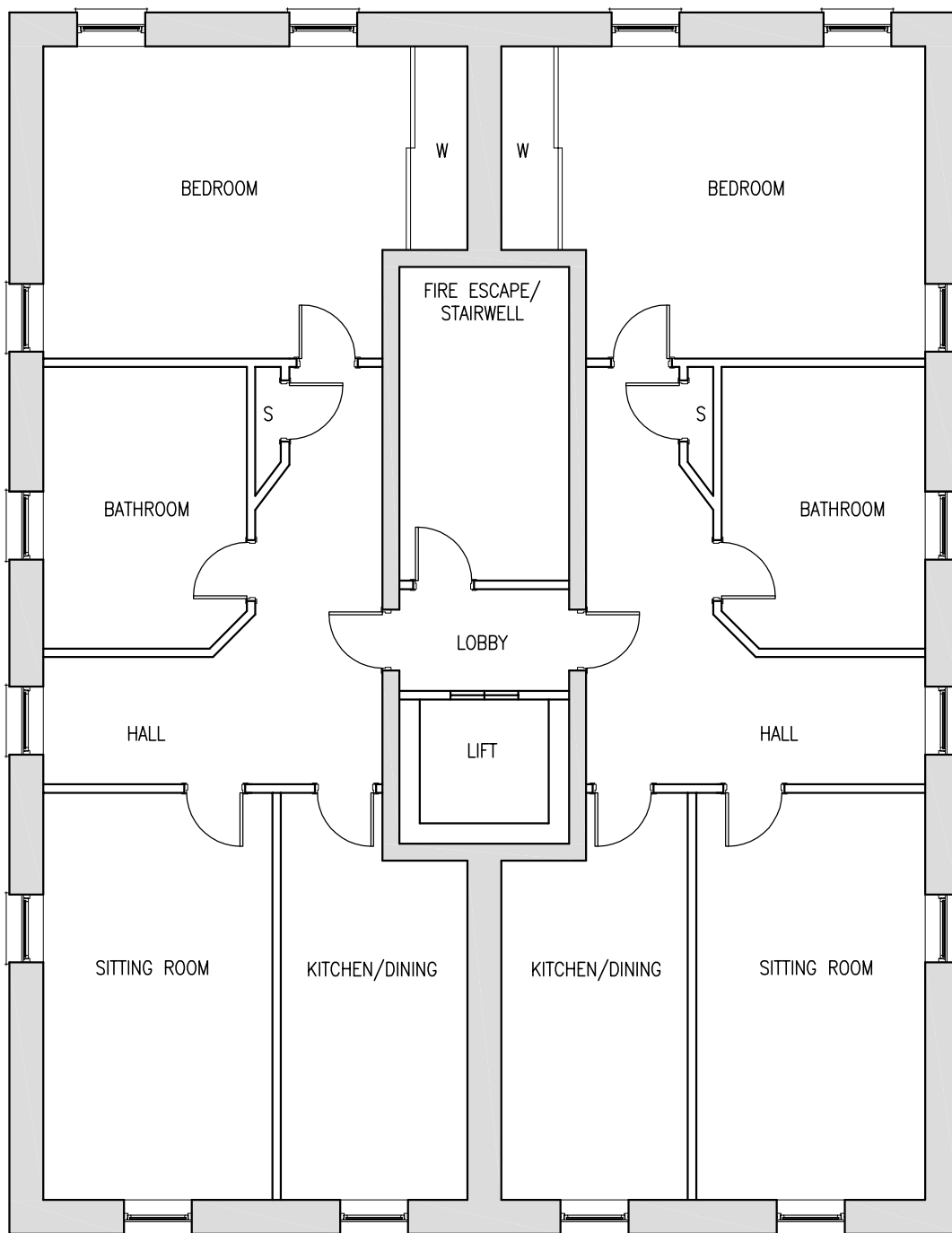
Castle Court, Carnegie Campus, Dunfermline, Fife KY11 8PB  
 Tel: 01383 734905 Fax: 01383 731591  
 website: www.mcgregor-mcmahon.com



A	EDS	06/01/14	PLAN AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE				
FIRST FLOOR PLAN				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:100	A4 E13-012-3
				REV
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**McMahon**  
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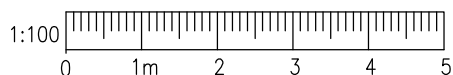
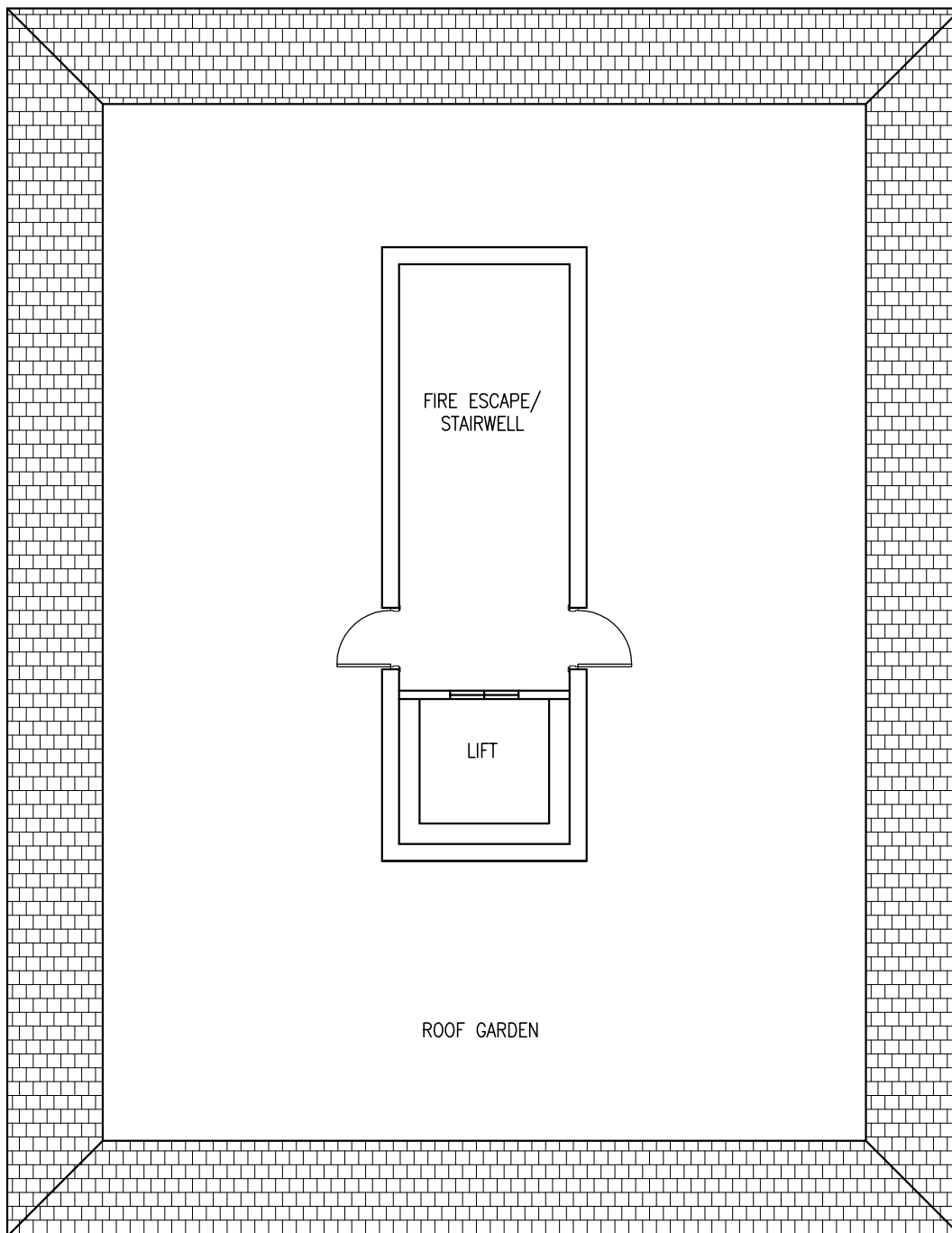
Castle Court, Carnegie Campus, Dunfermline, Fife KY11 8PB  
 Tel: 01383 734905 Fax: 01383 731591  
 website: www.mcgregor-mcmahon.com



A	EDS	06/01/14	PLAN AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE				
SECOND FLOOR PLAN				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:100	A4 E13-012-4
				REV
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**McMahon**  
**CONSULTING ENGINEERS**

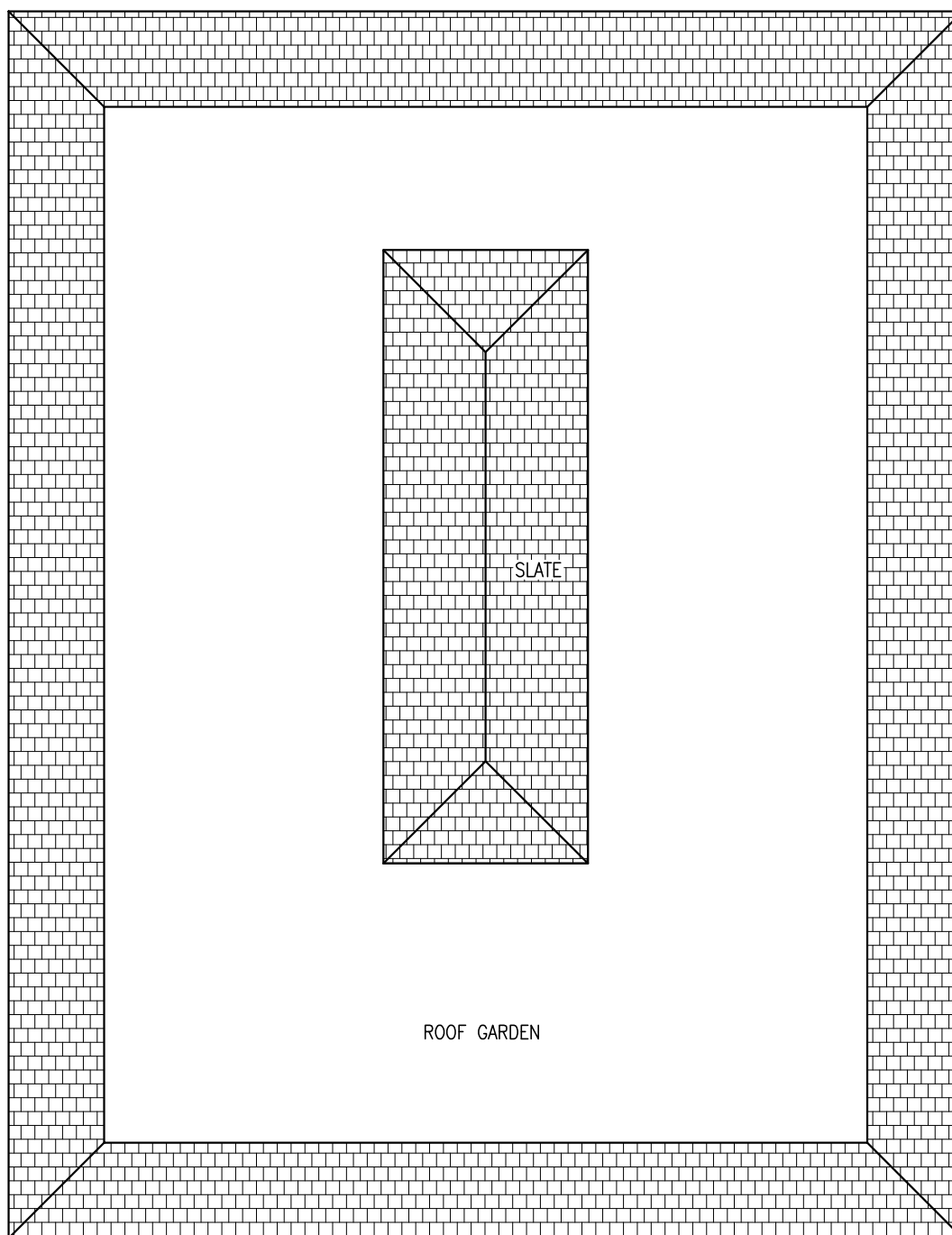
Castle Court, Carnegie Campus, Dunfermline, Fife KY11 8PB  
 Tel: 01383 734905 Fax: 01383 731591  
 website: www.mcgregor-mcmahon.com



**McGregor & Associates**  
**McMahon**  
**CONSULTING ENGINEERS**

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 website: www.mcgregor-mcmahon.com

A	EDS	06/01/14	PLAN AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE				
ROOF FLOOR PLAN				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:100	A4
E13-012-11				REV
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A	EDS	06/01/14	PLAN AMENDED	KDS
PROJECT				
APPLEGARTH, KINROSS				
TITLE				
ROOF PLAN				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
OCT 13	EDS	KDS	1:100	E13-012-5
A4				REV
				A

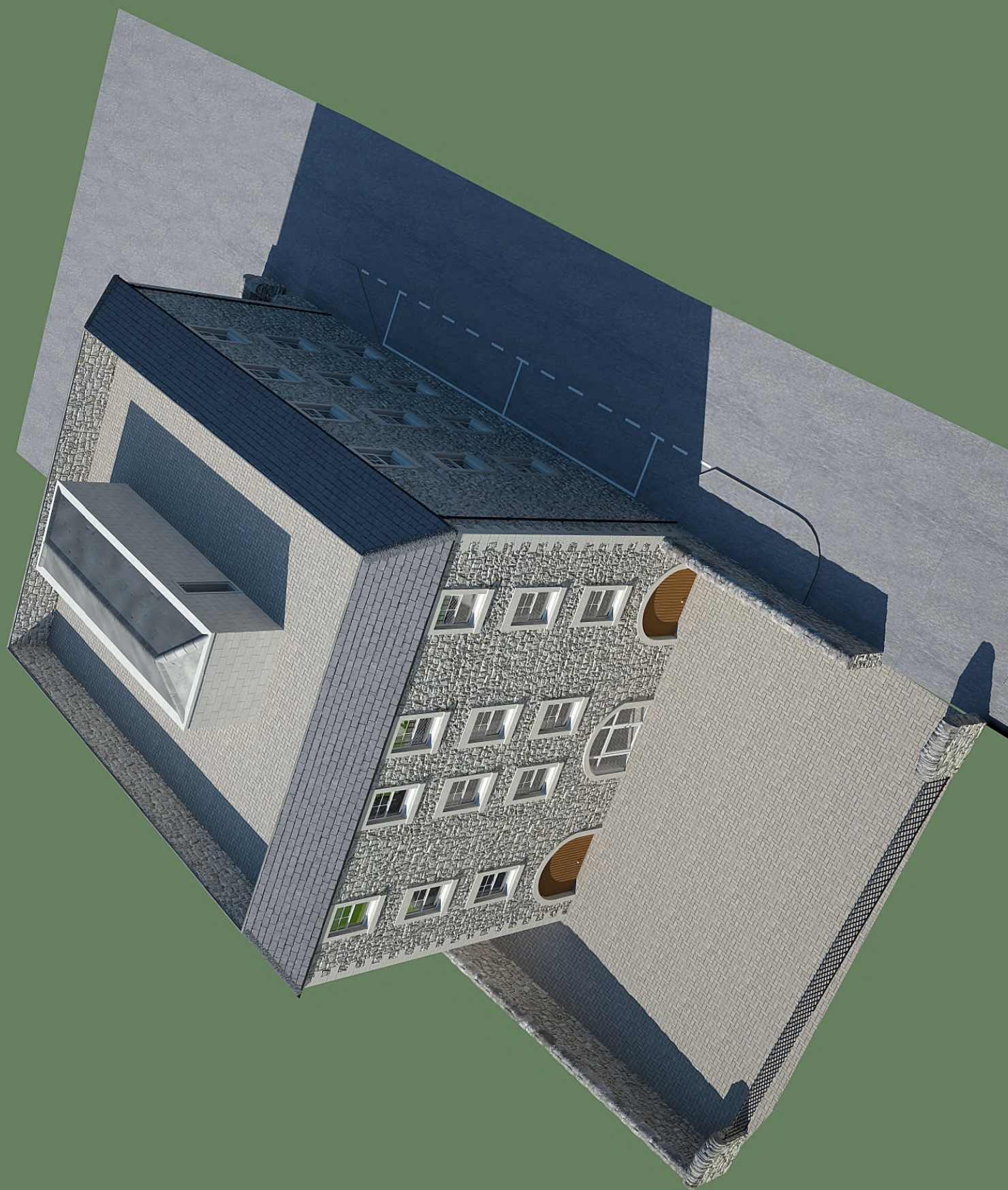
**McGregor & Associates**  
**McMahon**  
**CONSULTING ENGINEERS**

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 website: www.mcgregor-mcmahon.com











**TCP/11/16(297)**

**Planning Application 13/02024/FLL – Demolition of dwellinghouse and erection of 6 flatted units, formation of access, parking and upgrading of adjacent public road, Applegarth, Sunnypark, Kinross**

## **PLANNING DECISION NOTICE**

**REPORT OF HANDLING** *(included in applicant's submission, see pages 31-38)*

**REFERENCE DOCUMENT** *(part included in applicant's submission, see pages 40-55)*



# PERTH AND KINROSS COUNCIL

Wilson Homes (Kinross) Ltd  
c/o TMS Planning Services Limited  
Malcolm Smith  
Balclune  
32 Clune Road  
Gowkhall  
Dunfermline  
KY12 9NZ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 29th January 2014

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/02024/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 1st November 2013 for permission for **Demolition of dwellinghouse and erection of 6 no flatted units, formation of access, parking and upgrading of adjacent public road Site At Applegarth Sunnypark Kinross** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposed building, by virtue of its scale, form, design and prominence would adversely affect neighbouring residential amenity and have a significant impact on the character and amenity of the surrounding area. As such development would conflict with the objectives of Policies 2 and 67 of the Kinross Area Local Plan 2004 and Policies PM1 and RD1 of the Proposed Perth and Kinross Local Development Plan 2012.

### Justification

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

## Notes

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

### Plan Reference

13/02024/1

13/02024/4

13/02024/5

13/02024/17

13/02024/18

13/02024/19

13/02024/20

13/02024/21

13/02024/22

13/02024/23

13/02024/24

13/02024/25

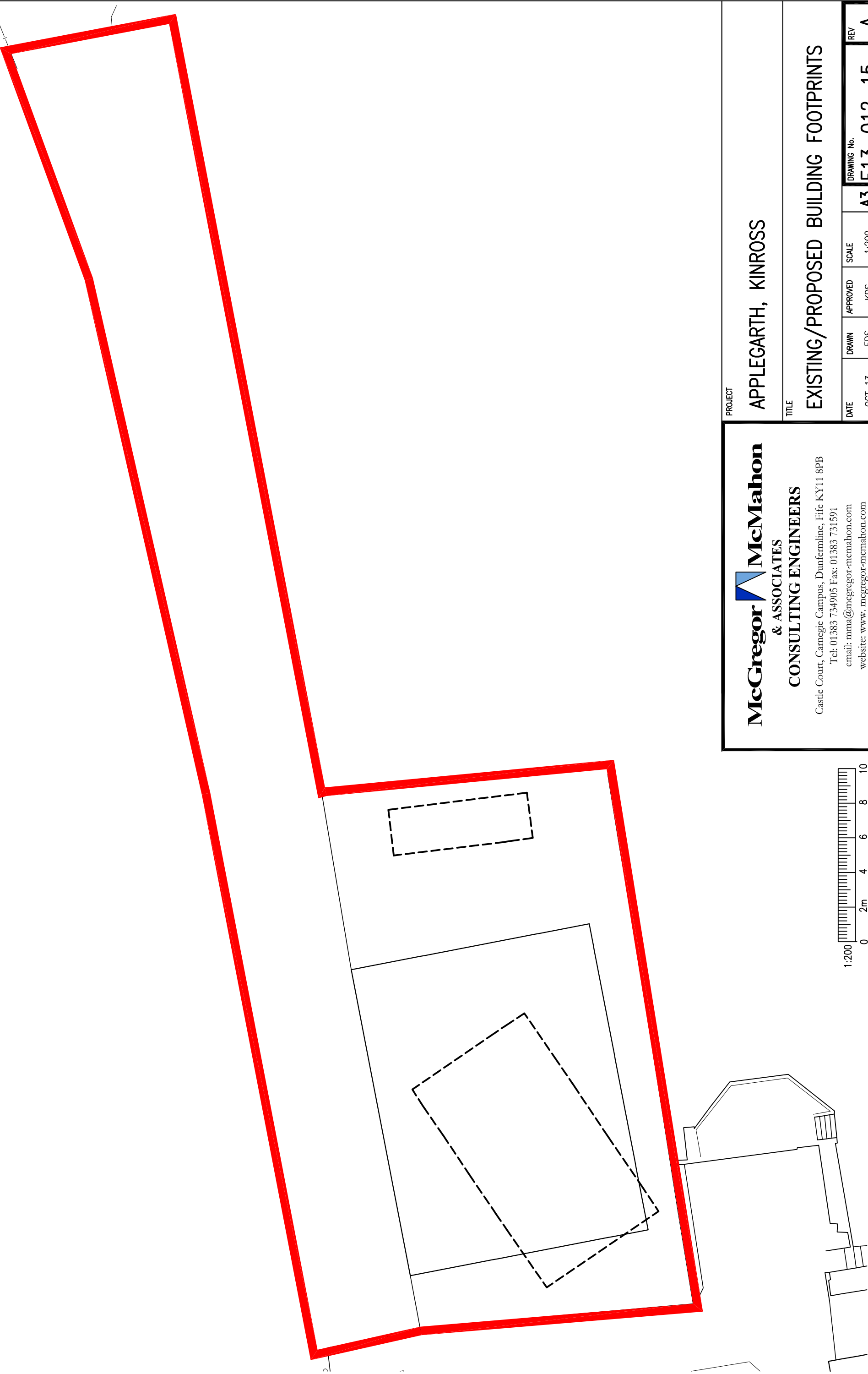
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13/02024/27

13/02024/28

13/02024/29

REV.	DATE	BY	DESCRIPTION	APD.
A	06/01/14	EDS	PLAN AMENDED	KDS



PROJECT

APPLEGARTH, KINROSS

TITLE

EXISTING/PROPOSED BUILDING FOOTPRINTS

DATE

OCT 13

DRAWN

EDS

APPROVED

KDS

SCALE

1:200

DRAWING No.

A3 E13-012-15

REV

A

McGregor & Associates

CONSULTING ENGINEERS

Castle Court, Carnegie Campus, Dunfermline, Fife KY11 8PB

Tel: 01383 734905 Fax: 01383 731591

email: [mmma@mcgregor-mcmahon.com](mailto:mmma@mcgregor-mcmahon.com)

website: [www.mcgregor-mcmahon.com](http://www.mcgregor-mcmahon.com)





**TCP/11/16(297)**

**Planning Application 13/02024/FLL – Demolition of dwellinghouse and erection of 6 flatted units, formation of access, parking and upgrading of adjacent public road, Applegarth, Sunnypark, Kinross**

## **REPRESENTATIONS**

- Representation from Scottish Water, dated 11 November 2013
- Representation from Community Waste Adviser, dated 13 November 2013
- Objection from Mr and Mrs Baillie, dated 19 November 2013
- Representation from Regulatory Service Manager, dated 20 November 2013
- Objection from Alex Donoghue and Ian Black, dated 24 November 2013
- Objection from W G Haggart, dated 24 November 2013
- Objection from Kinross-shire Civic Trust, dated 24 November 2013
- Objection from Mr and Mrs Stuart, dated 24 November 2013
- Objection from John Gilkison, dated 25 November 2013
- Objection from William Nicol, dated 25 November 2013
- Objection from Owner/Occupier of 13 Sunnypark, dated 25 November 2013
- Objection from Thelma Scally, dated 25 November 2013
- Objection from Mr and Mrs Dempster, dated 26 November 2013
- Objection from Margaret Wallace, dated 27 November 2013
- Objection from Mrs J Webster, dated 27 November 2013

- Objection from Eileen Thomas, dated 29 November 2013
- Objection from Dr G M Lindsay, dated 3 December 2013
- Representation from Mr and Mrs Baillie, dated 31 March 2014
- Representation from Thelma Scally, dated 11 April 2014
- Representation from Mr and Mrs Stuart, dated 12 April 2014
- Representation from W G Haggart, dated 13 April 2014
- Agent's response to representations, dated 25 April 2014

11/11/2013



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

**SCOTTISH WATER**

Customer Connections  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Customer Support Team  
T: 0141 414 7660  
W: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)  
E: [individualconnections@scottishwater.co.uk](mailto:individualconnections@scottishwater.co.uk)

Dear Sir Madam

**PLANNING APPLICATION NUMBER: 13/02024/FLL**  
**DEVELOPMENT: Kinross Sunnypark**  
**OUR REFERENCE: 636185**  
**PROPOSAL: Demolition of existing dwellinghouse and erection of an apartment block (6 units), formation of access, parking and upgrading of adjacent public road**

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

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Glwnfarg Water Treatment Works – has limited capacity available for new demand.  
The Developer should discuss their development directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to 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). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk).

Yours faithfully

**Neil West**  
Customer Connections Administrator  
Neil.West@scottishwater.co.uk

<b>Memorandum</b>	
<b>To</b> Development Management	<b>From</b> Waste Services
<b>Cc</b>	<b>Our Ref</b> DPA
<b>Date</b> 13 November 2013	<b>Tel No</b> 01738 476476
<b>Environment Services</b>	<b>Pullar House, Kinnoull Street, Perth, PH1 5GD</b>

**Consultation on an Application for Planning Permission: 13/02024/FLL**

If the developer does not adhere to the below specifications, the Council may be unable to provide waste and recycling services to this development based on inadequate storage, access and/or infrastructure.

Please contact Donna Paterson, Community Waste Adviser to discuss the above.

## Conditions for Planning Consent

### 1. Requirements for Bin Provision

#### 1.1 Domestic Properties Serviced by the 3 Bin System

All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

##### *Bin Dimensions*

<b>Capacity (litres)</b>	<b>Width(mm)</b>	<b>Height (mm)</b>	<b>Depth (mm)</b>
240	580	1100	740

#### 1.2 Flatted Properties

All flatted properties require a communal area to store one of the following bin options:

- 2 x 240 litre bins (one for general waste and one for dry mixed recycling)
- 1 x 240 litre bin for garden and food waste (where appropriate)
- a combination of larger bins to equate the same capacity as above

##### *Bin Dimensions*

<b>Capacity (litres)</b>	<b>Width (mm)</b>	<b>Height (mm)</b>	<b>Depth (mm)</b>
240	580	1100	740
1100	1270	1380	1000
1280	1280	1445	1000

It is preferable for residents (where space allows) to have their own individual 240 litre bins rather than using communal facilities.

#### 1.3 Domestic Properties in Rural Area's

Council policy states that refuse collection vehicles will only provide kerbside refuse and recycling collections to properties situated on a private road if all of the following conditions are met :

1. the private road serves a settlement, or settlements, rather than sporadic individual properties (as a guide, a settlement is a grouping of six or more properties);
2. there is sufficient turning space for a refuse collection vehicle at the road end (i.e. a turning circle, t-junction or hammerhead), or if the vehicle can enter/exit the road by other safe means (as specified in point 3 below);
3. the condition of the road surface is acceptable for a refuse collection vehicle to access (as specified in point 4 below);
4. sufficient and safe access for the refuse collection vehicle is maintained - i.e. absence of overhanging branches / over grown bushes acceptable surface condition etc. (as specified in point 2 below)



5. the owner of the private road agrees to indemnify the Council (through a signed waiver) against any damage caused from reasonable use of the road by a refuse collection vehicle;
6. any bridges or other structures along the private road are certified by a competent person to be safe and meet Perth and Kinross Council health and safety requirements. It is the responsibility of the owner(s) of the road to demonstrate the safety of these structures;

If the properties can be accessed safely by service vehicles then condition 1.1 must be followed. If the properties cannot be accessed safely by service vehicles then provision must be made at the road end for the safe storage and servicing of the bin(s) in which case condition 1.2 must be followed.

## 2. Vehicle and Operative Access

### Access and egress

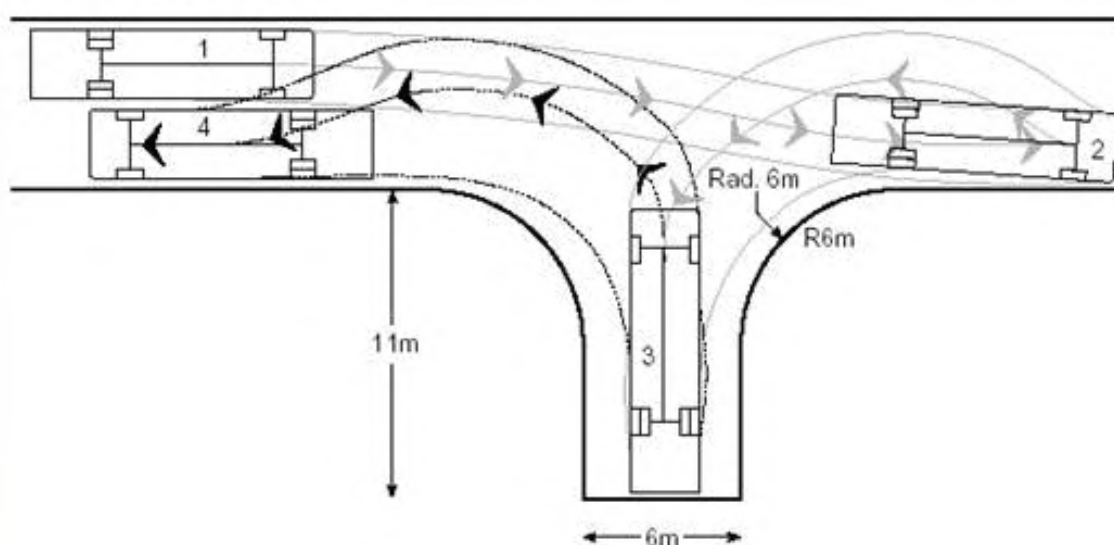
The following space requirements must be fulfilled for a refuse collection vehicle to service the site:

Height	4.5m
Width	2.75m (including mirrors)
Length – for reversing and turning	12 m
Length - for vehicle with container in emptying position	13 m
Area required for operatives to stand clear of bin whilst being lifted	3 m length x 3.5m width

## 3 Vehicle Turning Requirements

The turning circle (diameter) required for refuse collection vehicles is 24 meters.

**FTA Large rigid design vehicle  
Side road stub**



#### **4. Road Specifications**

All vehicle access roads that the refuse collection vehicles will be required to use must be adopted by the Council and constructed to withstand a gross vehicle weight of 32 tonnes and axle loading of 11.5 tonnes. Manhole covers, gratings, cattle grids etc situated in the road must also be capable of withstanding these loads.

The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.

#### **5. Recycling Facilities**

##### **5.1 New Housing Schemes**

For new housing developments of 50 houses or above, the developer (in conjunction with the area Community Waste Adviser) should incorporate a suitable location(s) for the provision of recycling facilities to compliment the existing kerbside recycling services offered in the area.

## **Appendix 1**

Planning Advice Note 63 indicates that developers should be encouraged to provide space in their proposed developments to accommodate provision within the premises for facilities to separate and store different types of waste at source. The Scottish Government considers that there may be greater scope to promote waste prevention and recycling during both the construction phase and the lifetime of the new development.

This Planning Review Process must be followed to ensure that all aspects of waste management are included before planning consent is granted – this should include storage, access/egress and road specifications for both waste and recyclates.

Should planning consent be granted which does not meet the aforementioned conditions, Perth & Kinross Council Waste Services may be unable to provide a complete service.



## Tracy McManamon

---

DN

**From:** George Baillie <gbib1009@talktalk.net>  
**Sent:** 18 November 2013 11:10  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application Reference 13/02024FLL

Having seen a copy of Notification of the above Planning Application and as owner occupiers in Sunnypark, albeit just outwith your stated 20 metre demarcation we will still be very much affected by this proposed development.

We have expressed serious concerns regarding the safety of Sunnypark residents especially children being adversely affected by the width of road, speed of traffic, condition of North boundary wall, No.1 access/exit of the heritage trail with the PKC and the Kinross Community Council both in writing and at Community Council Meetings over the past 3-4 years.

The proposed addition of possible greatly increased traffic usage on an already overcrowded road does not bear thinking about and it is only a matter of time before someone is seriously injured or worse on this road.

Our concerns are a matter of record as minutes of Community Council meeting and correspondence with Councillor Willie Robertson of PKC.

We look forward to your assurance that these concerns are noted and hereby express our strong objection to this proposed development.

George and Isabel Baillie  
11 Sunnypark  
Kinross KY13 8BX





# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK13/02024/FLL	Our ref	LJ
Date	20 November 2013	Tel No	(4)75248

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**PK13/02024/FLL RE: Demolition of dwellinghouse and erection of 6 no flatted units, formation of access, parking and upgrading of adjacent public road Site At Applegarth Sunnypark Kinross for Wilson Homes (Kinross) Ltd**

**I refer to your letter dated 13 November 2013 in connection with the above application and have the following comments to make.**

**Contaminated Land** (assessment date – 20/11/2013)

### Recommendation

The proposed development is adjacent to an area of infilled ground and a former quarry. Although disused for a long time, the original size and depth of the quarry is unknown, as is the material used to infill the quarry after work there ceased. There is therefore the potential for localised ground gas production that could possibly impact on any residential properties being built close by. There is also the possibility of contaminants being present in the fill.

Although the site is currently in residential use, the risk of historic land contamination still needs to be assessed for this application prior to development commencing.

I therefore recommend the following condition be applied to the application.

### Condition

Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with the contamination to include:

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the planning authority.

A handwritten mark, possibly a signature or initials, consisting of a vertical line on the left and a large, stylized 'G' or '9' shape on the right.



DN

## Tracy McManamon

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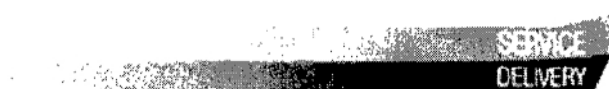
**From:** Alex Donoghue (Service Delivery) <Alex.Donoghue@co-operative.coop>  
**Sent:** 24 November 2013 17:19  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application Reference 13/02024/FLL  
**Attachments:** Objection Letter - 13 11 24.docx; ATT647831.txt; ATT647833.htm

Dear Sir / Madam

Please find attached our letter of objection in regards to the proposed development 13/02024/FLL

Regards  
Alex Donoghue & Ian Black

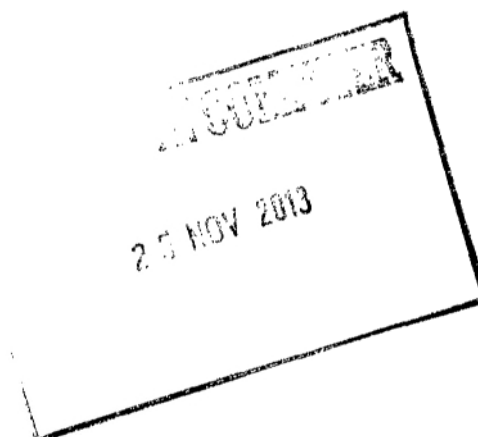
The **co-operative** food



Service Delivery

Alex Donoghue  
Operations Trainer

Mobile: 07713 314968  
Email: [Alex.Donoghue@co-operative.coop](mailto:Alex.Donoghue@co-operative.coop)  
Website: [www.co-operative.coop](http://www.co-operative.coop)



Rowan Cottage  
21 Sunnypark  
Kinross  
KY13 8BX

24<sup>th</sup> November 2013

Development Quality Manager  
Perth & Kinross Council  
Planning & Regeneration  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Dear Sir / Madam

**Reference: Planning Application Reference 13/02024/FLL**

Proposed demolition of existing dwelling house and erection of an apartment block (6 units) at Applegarth, 33 Sunnypark, Kinross by Wilson Homes (Kinross) Ltd.

As owner occupiers of 21 Sunnypark, Kinross, we write in reply to the neighbour notification letter of the above mentioned planning application. We have examined the plans and wish to strongly object to the development of a block of six apartments on the site.

With reference to the supporting document submitted by TMS Planning and Development Services on behalf of Wilson Homes (Kinross) Ltd that accompany the application our objections are in regard to the following points:

**In point 3.5** of the supporting document it is stated that *'the development is compatible with its surroundings and there would be no significant loss of amenity.'* We object on the basis that a development of this size and structure is not compatible with its surroundings; it is over-bearing and out-of-scale with the surrounding properties.

**Point 3.7** states that; *'LDP Policy PM1 "Placemaking" requires development to contribute positively to the quality of the surrounding built and natural environment. The design and siting of a development should respect the character and amenity of the place'.* Our objection is that a development of this size does not enhance the character and amenity of the area.

**Point 3.8** states that *'....encouragement will be given to proposals which fall into specified categories of development and which are compatible with the amenity and character of the area. These include: Infill residential development of a similar density to its environs'.* Our objection is that this is not met because the existing density is one dwelling house, with the proposed density being six.

**Point 4.4** states that *'in relation to the adopted Kinross Area Local Plan and the emerging Perth and Kinross Council Local Development Plan that; .The proposed building is a similar height to the immediately neighbouring property'*. We object as there are at least six neighbouring properties which are not of a similar height to the proposed property development.

With regards to the development having been designed to *'address any related impacts arising from overlooking on residential amenity'*, this development will have a total of twelve windows over-looking the properties on the south-side, resulting in a complete loss of privacy.

Regarding the statement *'the local road and public transport network would satisfactorily serve the development'*. We have serious concerns regarding the safety of Sunnypark residents; this development would bring with it an increase of traffic on an already overcrowded lane. The additional parking at this development albeit for visitors to the development or for access to the Heritage Trail would also add to this traffic.

**In point 4.8**, the applicant *'accepts that this development is not a standard solution for a site of this nature'*. A development of this size and structure is not only *'not a standard solution'*, but should be considered to be totally unacceptable in this locality.

We look forward to your assurance that our concerns are noted and hereby express our strong objections to this proposed development.

Yours sincerely  
Alex Donoghue and Ian Black



DN

**Tracy McManamon**

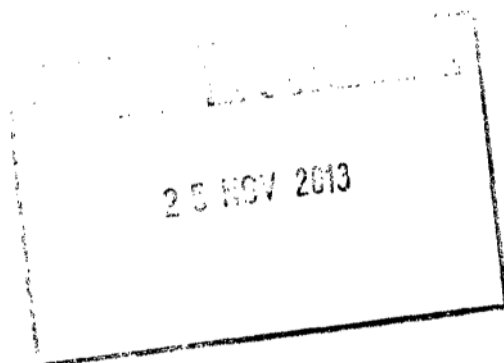
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**From:** susan worrall <suzkelly.worrall96@gmail.com>  
**Sent:** 24 November 2013 20:11  
**To:** Development Management - Generic Email Account  
**Subject:** Planning application on neighbouring land

With reference to planning application 13/02024/FLL, I would object to the development due to the extra traffic which would result from one dwelling effectively becoming six dwellings. Sunnypark is a very narrow street with limited capability to allow two cars to pass each other due to a lack of private parking. This is particularly in evidence between number 1A and number 7 where parking on the pavement is the norm in order to allow traffic to pass. I would feel particularly vulnerable on entering and exiting my own residence as the door opens on to the street.

I look forward to being kept informed regarding this application.

Regards  
W.G.Haggart  
29 Sunnypark  
Kinross  
KY13 8BX





# KINROSS-SHIRE CIVIC TRUST

*Helping protect, conserve and develop a better built and natural environment*

Ashtrees  
Wester Balgedie  
KINROSS  
KY13 9HE  
01592 840215

e-mail: [info@kinross-shirecivictrust.org](mailto:info@kinross-shirecivictrust.org)

19<sup>th</sup> November 2013.

Mr Nick Brian  
Perth and Kinross Council  
Development Control  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Dear Mr Brian

**13/02024/FLL: Demolition of dwellinghouse and erection of 6 no flatted units, formation of access, parking and upgrading of adjacent public road at Land 30 Metres East Of 27 Sunnypark, Sunnypark, Kinross**

The Kinross-shire Civic Trust would wish to lodge an objection to this application as it is completely out of place with its surroundings. Nearly all the surrounding houses are single storey bungalows, with maybe a couple of 2 storey houses.

This application is for a 4 storey urban block which might be appropriate in the middle of Kinross, where there are other buildings of a similar height, but this block is totally inappropriate in the outskirts of Kinross. Even removing one storey would not lessen the impact or inappropriateness of the block.

The existing dwelling is a single storey bungalow and should be replaced with a similar style house. The new building with its stone cladding and its 'faux' pitched roof has no replica in this area, apart from the recent 3 storey block at the far end of Sunnypark, which demonstrates a similar lack of sympathy.

The block fills the entire site, and apart from the garage spaces there is no additional space for any visitors, delivery vehicles etc..

Sunnypark is a very narrow barely single lane road, with some off-street parking on one side, but very little opportunity of parking along the road itself. In addition the visibility splays at the junction of Sunnypark with the main road are extremely poor. Additional traffic will only increase the opportunity for an accident. This development will generate more traffic along a very narrow road which carries quite sufficient traffic already

There is a suggestion by the developer that he provides additional parking to allow additional parking for access to the Heritage Trail. Sunnypark is not a major access to the LLHT. There is plenty of parking at the access points at Burleigh Sands, Kirkgate Park, Findatie and

Chairman – Mr Alistair Smith, Treasurer – Mr Ken Miles, Secretary - Mrs Eileen Thomas  
C:\Users\TJMcmanamon\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\2MW64765\131119 13-02024 Sunnypark objection.doc

RSPB Loch Leven. The Sunnypark Woods spur to the Heritage Trail is in a residential area and is mainly used by local residents on foot, perhaps walking dogs.

For all the above reasons, the Trust would object to this Planning Application

Yours sincerely

For and on behalf of Kinross-shire Civic Trust

Cc     PKC Local Members  
        Kinross CC



DN

## Tracy McManamon

---

**From:** wilma stuart <wilmastrt@yahoo.co.uk>  
**Sent:** 24 November 2013 19:30  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application reference,13/02024/FLL

Peter & Mrs Wilma Stuart,

Sunnypark,

8bx

November 2013.

Mr

17

Kinross ,  
ky13

24th

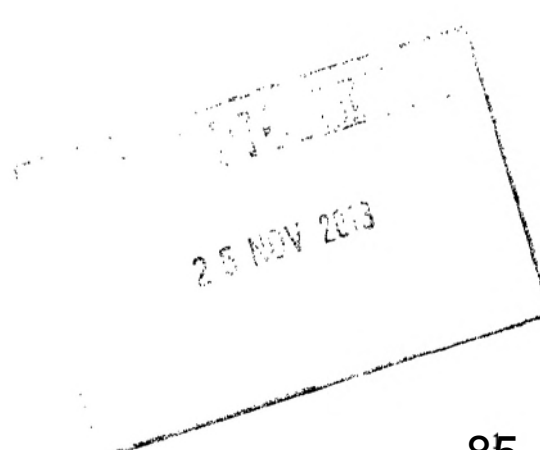
To Development Quality Manager,

We would like to lodge our concerns and object to Planning Application for block of flats at the site of "Applegarth" 31,Sunnypark. Kinross.

- 1] Sunnypark cannot possibly cope with much more vehicular traffic than what it has at the moment,as it is what pavements there are residents have to park on them, or other vehicles would not be able to pass on the narrow road which is Sunnypark. From a pedestrians point of view this can get quite awkward at times, and we certainly do not need an increase of traffic due to flats being built at the top end of sunnypark.
- 2]There is not adequate parking facilities at the moment without adding to the problem,ok there is to be some residents parking at the flats, but what about visitors like relatives and friends, where are they going to park without causing obstructions?
- 3]We have also got to consider emergency vehicles being able to get access without being hampered in any way,Fire Brigade,Ambulance,must be able to gain entry without any delays due to inconsiderate parking etc.
- 4]As for the proposed flats,they certainly do not look in keeping with this top end of Sunnypark.They will most definetly be towering above other properties in close proximity to them,thus depriving them of an outlook, and privacy.

P &Mrs W Stuart

Mr





**Tracy McManamon**

DN

**From:**

**Sent:**

**To:**

**Subject:**

JOHN GILKISON <john.gilkison@btinternet.com>  
25 November 2013 09:17  
Development Management - Generic Email Account  
Planning Application Reference 13/02024/FLL

I would like to raise an objection to the proposed development on the grounds that the access road could not cope with the extra traffic involved in both construction and habitation  
John Gilkison 11A Sunnypark Kinross KY138BX.

RECEIVED IN COMPUTER

25 NOV 2013



13/02024/PC

DN

Mr William Nicol

19, Sunnypark

Kinross

ky13 8bx

25th November 2013

RECEIVED

28 NOV 2013

Having received a letter regarding Planning Application for an apartment block at the top end of Sunnypark, I would like to lodge my objections to this Application. The volume of traffic using Sunnypark at present is getting bad enough, it cannot cope with anymore. Certainly not what a block of flats would create. Then there is the problems of parking, yes they will be putting parking at flats for residents, what about visitors relatives and friends, where are they going to park? Then there is the problems builders, tradespeople, delivery lorries, cranes, etc. where are they all going to park? Sunnypark is just not suitable for all this extra traffic and parking problems that would occur here. Also the block that is to be built is not in keeping with the top end of Sunnypark, it is going to overlook some properties depriving residents off any outlook or privacy which they do have at the moment

*William Nicol*





REC-00  
26 NOV 2013

13, Sunnypark,  
Kinross  
25th November, 2013

DW

Development Management.  
Perth & Kinross Council,  
Planning & Regeneration,  
Pullar House,  
35, Kinnoull Street,  
PERTH  
PH1 5GD

Planning Application 13/02024/FL  
33 Sunnypark, Kinross

Dear Sir,

I wish to register my objection to the above planning application on the following grounds:-

1. My main concern is the additional volume of traffic. At the moment there are approx. 25 vehicles used by the residents. The road is not designed for two way traffic and any large vehicle i.e. Bin lorry, delivery van, ambulance or fire engine, has great difficulty using the street.

Since the Loch Leven Trail opened there has been a marked increase of cars, cyclists and pedestrians using Sunnypark with several near misses. When there is a funeral some vehicles use Sunnypark for parking and the bollards are removed to allow cars to exit the burial ground via Sunnypark.

The Developer appears to have allowed one parking bay per flat. With the majority of homes owning two cars it begs the question where the additional parking would be.

2. The majority of houses in Sunnypark are either cottage style or 1½ storey, The proposed development will look out of place and will not enhance or improve the area.
3. Taking into account the height of the building and the proposed roof terrace surely the loss of privacy for the immediate residents and those adjacent in Broom Road should also be considered.

Yours faithfully,







2nd comment from same household

DN

13, Sunnypark,  
KINROSS.  
26 NOV 2013 25 - 11 - 2013

The Development Quality Manager.  
Perth & Kinross Council  
Planning & Regeneration  
Pullar House,  
35, Kinnoull Street,  
PERTH.

Planning Application Ref: 13/02024/FLL  
33, Sunnypark, Kinross.

Dear Sirs,

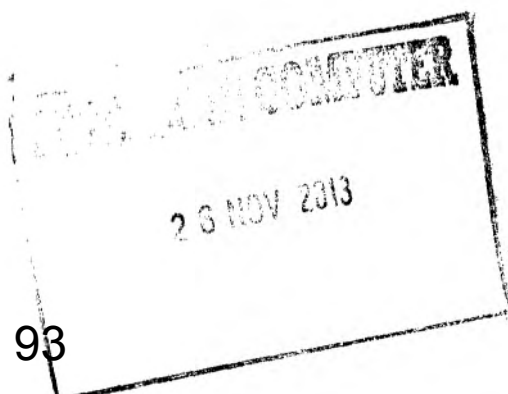
I wish to register my objection to the above planning application on the following grounds:-

- 1) My main concern is the additional volume of traffic. At the moment there are approximately 25 vehicles owned by the residents. The road is not designed for two way traffic and any large vehicle i.e. bin lorry, delivery van, ambulance or fire engine - has great difficulty in using the street - in some instances not being able to gain access at all! Since the Loch Leven Trail has opened there has been a marked increase of cars, cyclists and pedestrians using Sunnypark with several near misses! When there is a funeral some vehicles use Sunnypark for parking and the bollards are removed to allow cars to exit the burial ground via Sunnypark.  
The developer appears to have allowed one parking bay per flat. With the majority of homes owning two cars it begs the question of where the additional parking would be!
- 2) The majority of houses in Sunnypark are either cottage style or 1½ storey. The proposed development will look out of place and will not enhance or improve the area.
- 3) Taking into account the height of the building and the proposed roof terrace surely the loss of privacy for the immediate residents and those living in Broom Road should also be considered.

Yours Faithfully

*Thelma C. Scally.*

Mrs. Thelma C. Scally.





ENTERED IN COMPUTER

28 NOV 2013

DEAR SIR

RECEIVED

28 NOV 2013

DN:  
1 SUNNY PARK  
KINROSS  
26/11/13.

REFERENCE 13/02024

PLANNING APPLICATION "APPLEGARTH"

33 SUNNY PARK - KINROSS

WE WISH TO RAISE AN OBJECTION TO THE ABOVE MENTIONED PROPOSED DEVELOPMENT

- ① WE HAVE CONCERNS REGARDING THE SAFETY OF THE RESIDENTS OF SUNNY PARK AND ALSO THE SAFETY OF THE PEDESTRIANS USING THIS ROAD. SUNNY PARK IS A NARROW ACCESS ROAD WITH ON-STREET PARKING ON ONE SIDE. THE DEVELOPMENT WILL BRING WITH IT AN INCREASE OF TRAFFIC TO AN ALREADY BUSY ROAD.
- ② ADDITIONAL TRAFFIC IS NOW ON THIS ROAD AS SUNNY PARK IS A LINK TO "WALK 1" AND "WALK 2" OF THE HERITAGE TRAIL. THE HERITAGE WEBSITE SHOWS LIMITED ON-STREET PARKING IS AVAILABLE IN SUNNY PARK.
- ③ THERE IS NOW ANOTHER CONCERN FOR DRIVERS. WHEN ENTERING SUNNY PARK DRIVERS WERE ABLE TO SEE CYCLISTS, PEDESTRIANS ETC. EXITING FROM THE HERITAGE TRAIL, HOWEVER, IT IS NOW A BLIND SPOT.

YOURS FAITHFULLY

J. DEMPSTER

A. DEMPSTER





13/02024/FLL

DN

Ref: 13/02024/FLL

27 NOV 2013

Planning & Development Management  
Perth & Kinross Council  
Pullar House  
35 Kinnoul Street  
Perth PH1 5GD

Dear Sir/Madam

**Proposed development at Applegarth, Sunnypark, Kinross. 13/0204/FLL (A)**

I wish to register my strong objection to the above development.

**Access:**

As a resident of Sunnypark, I know how congested the road is at present.

It is already very difficult for the Fire Brigade, ambulance and refuse collection vehicles to gain access. Cars have to mount the pavement to allow these large vehicles through. Giving an additional six or more vehicles, regular access, would greatly aggravate an already difficult situation.

The road is also well used by walkers accessing the new footpath, and people going to the cemetery, as well as residents. They all have to walk on the road as the pavement (where there is one) is blocked, with parked vehicles. One of the entrances to the footpath is concealed and there is nothing to stop children and dogs stepping straight out into the road. Increasing the daily traffic throughput is simply aggravating an already unsatisfactory situation.

**Parking:**

Cars park in Sunnypark, when the cemetery car park in Broom Road is full. In addition, dog walkers often park in Sunnypark as there are two entrances to the footpath. Many residents do not have garages and already park in the street.

From the plans that have been seen there seems to be very little provision for parking the new residents cars. Are they to park on the grass of the park? Parking anywhere else would cause serious issues.

**Unsuitability:**

**Most importantly the scale of the new development is totally inappropriate for the area.** It would dominate the skyline and is not in keeping with the surrounding buildings, which are mainly cottages or one and a half storey buildings. There is one block of two storeys, but that is on a much smaller scale.

**The proposed building fills the complete plot and would dominate the area.**

I assume that the Planning Department will already have taken into consideration these observations and this planning application is unlikely to succeed on common sense grounds, but I still wanted to put in writing my heartfelt objections.

Yours faithfully

*Margaret Wallace*

**Margaret Wallace, 15 Sunnypark,**

ENTERED IN COMPUTER

27 NOV 2013



Mrs J Webster  
'April Cottage'  
23 Sunnypark  
Kinross  
Perth & Kinross-shire  
KY13 8BX

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

27th November 2013

For the attention of Mr D Niven, case officer

Dear Sir / Madam

**Planning Application Reference: 13/02024/FLL**  
**Demolition of dwelling house and erection of 6 no flatted units, formation of access, parking and upgrading of adjacent public road**

I write in connection with the above planning application. I have examined the planning application documents and as owner and occupier of a neighbouring property I know the site well. I wish to object strongly to the proposed development outlined above.

The application site is located at the end of Sunnypark and the site's relationship to the surrounding wooded area and parkland should be considered very carefully. Both road and buildings at this end of Sunnypark begin to slope gradually down into the surrounding landscape, easing the transition between residential and woodland areas. The existing dwelling on the application site is of a similar scale, size and form to the adjacent properties also adjoining this 'boundary' (both on Sunnypark and Broom Road). The properties sited along this transitional area are modestly sized and are attributed with a wealth of amenity, enjoying large garden areas which aid the transition from residential to woodland areas.

The proposed development has a footprint of 260m<sup>2</sup> - a significant increase on the existing dwelling's footprint of approximately 100m<sup>2</sup>. As well as reducing the private amenity associated with the site the proposal introduces a significant increase of residential units. Though the reduction of amenity is slightly offset by the planned 5<sup>th</sup> level roof terrace, the proposed amenity is inadequate for the 6 dwellings proposed. Policy 2 ('Development Criteria') of the Kinross Area Local plan states that the site must be *'large enough to accommodate the impact of the development'*, for the reasons noted the proposals should be considered as an overdevelopment of the site.

Policy 2 ('Development Criteria') of the Kinross Area Local Plan also requires that *'regard is had to the scale, form, colour and density of development within the locality'*. The proposed application is for a '6 flatted', 5 storey multiple occupancy building, which is incongruous to it's locality in terms of scale, form, colour and density. The adjacent



buildings are single storey, single occupancy dwellings with the only notable exception being the building to the west of the application site which is two storeys. The development proposed is therefore completely out of context with its locality.

Additionally, Policy 6 ('Design and Landscaping') of the Kinross Area Local Plan states that the *'proportions of any building are in keeping with its surroundings'*. The intended roof construction; a solution to the self-inflicted issue resultant of the proposed (and unprecedented) number of levels is completely out of character with the site's context and results in a building of conflicting proportion, form and scale to its immediate and wider surroundings. The adjacent buildings have fully pitched roofs, mostly single pitched, all meeting at a defined ridge without interruption. Though the application documents state that the *'roof appears in an appropriate proportion to the buildings with the pitched sections being readily viewed as such'* this is in conflict with the south east perspective also submitted as part of the application, which clearly illustrates a roof form out of character with its surroundings.

Furthermore, the applicant's 'Planning, Design and Access Statement' suggests that the proposal is of a *'similar height to the immediately neighbouring property'*. This also contradicts the application drawing ('E13-012-10') which shows the proposed development with an eaves and overall height significantly higher (greater than 2m) than that of the highest adjacent property to the west. This is contrary to the advice given in the Local Development Plan Policy PM1 ('Placemaking'), which notes that *'the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours'*.

Issues relating to overshadowing, privacy and overlooking are also of concern. The proposed development is located approximately 2m from its southern boundary and approximately 3m from its eastern boundary. Due to the significant height of the proposal, issues relating to overshadowing, privacy and overlooking must be considered. Both single occupancy dwellings at 21 and 23 Sunnypark are sited approximately 10m from the applicant's boundary and therefore within an 18m distance building to building. Though there are no windows to the gable of 25/27 Sunnypark to the west, the development will also overlook the private amenity space associated with these dwellings. The applicant notes in their 'Planning, Design and Access Statement' that:

*'.. the design has also sought to address any related impacts arising from overlooking on residential amenity. For example, in order to protect residential amenity the primary apartments in each unit, comprising the sitting rooms and kitchens, overlook the public open space to the east with mainly secondary apartments, bathrooms and hall windows facing existing properties'*

However, the application drawings indicate that some of the principal apartments (sitting room and bedrooms) will also overlook to the south, this causes concern relating to privacy; with principal rooms associated with 21 Sunnypark overlooked by the proposed development.

There is also concern regarding the traffic impact of the development on both Sunnypark and the Muirs. The development proposes 11 parking spaces (for both occupant and visitor use), which is a significant increase on the existing parking allocation, it must therefore be anticipated that the development will increase the number of vehicles using Sunnypark road. Access along Sunnypark is already difficult for residents due to the restricted road width, which is barely adequate for single lane traffic. Though it is noted the road will be upgraded, this is only possible immediately



adjacent to the application site given the existing constraints along Sunnypark and would only be of benefit to visitors and occupants of the proposed development.

Traffic leaving Sunnypark and joining the Muirs is of greater concern, with visibility at this junction particularly poor. Visibility is obscured to the south by a 1100mm high stone wall and to the north by a 750mm high stone wall. Both walls are set back from the road edge by approximately 1m. To the north, the road curves back to the east with visibility further obscured by stone piers at the access to an adjacent development and beyond this (circa 5m) by well established landscaping. Policy 2 of the Kinross Area Local Plan states that:

*'The local road and public transport network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided'*

The Muirs is heavily used by both vehicle and pedestrian use, due to it's link between Kinross and Milnathort as well as the proximity of the nearby school and associated crossings. There would therefore be a considerable increase in risk to both pedestrians and road users associated with the increased vehicle usage combined with the irremediable and inadequate visibility splay.

Finally, I do not share the applicant's view that there is an 'unmet demand in the Kinross area for high quality retirement-style apartments'. There have been a number of similar developments in the Kinross area, most relevant is the Ivy Garden development to the west of the application site of which units are still available; suggesting that the demand for this form of development is not as high as suggested. As an alternative to this proposal, support would be given for a smaller development serving the community's requirement for additional affordable housing, in keeping with the context of the site.

If this application is to be decided by committee, please take this letter as notice that I would like to be advised of the date of the meeting so attendance can be made.

Yours faithfully,

J. Webster



**Mrs Eileen Thomas**  
**50 Muirs, Kinross, KY13 8AU**

29 November 2013

Planning & Development Management  
Perth & Kinross Council  
Pullar House, 35 Kinnoull Street  
Perth

Dear Sir/Madam

**Planning Application 13/02024/FLL**

**Demolition of dwellinghouse and erection of 6 no flatted units, formation of access, parking and upgrading of adjacent public road, Applegarth, Sunnypark, Kinross**

I wish to object to the above planning application, principally because of visual impact and highway issues.

I believe the proposal is contrary to the following policies of the Kinross Area Local Plan 2004 (KALP): 2(a), 2(b), (2c), 2(d), 2(f), 6(d) and 6(e).

Sunnypark is a narrow side-street in a residential area with one narrow pavement for part of its length and no pavement at all for the remainder. It is a no-through road for vehicles. It leads to a woodland path and there is pedestrian access to the North Cemetery and Broom Road, a neighbouring residential street. The houses in Sunnypark are on one side of the street only, with woodland on the other. For part of Sunnypark's length there are actually two rows of dwellings: there are some cottages in a small lane behind the on-street dwellings. The dwellings are a mixture of styles and ages. As far as I can tell, there are: nine small cottages (by nature, single storey), three 1½-storey houses, two 2-storey houses, and one modest 2-storey building containing four flats.

**Scale, Visual Appearance etc**

The design, scale, dimensions and materials of the proposed block of flats would result in a huge dark mass of a building, totally dominating the modestly sized, and mainly single-storey, dwellings in the locale. The proposal is therefore **contrary to Policy 2(b)** of the KALP (in the case of built development, regard should be had to the scale, form, colour and density of development within the locality.)

The proposed six-flatted block would take up the whole site previously occupied by one modest house. The proposal is **contrary to Policy 2(a)** of the KALP as the site does not have a landscape framework capable of absorbing or screening the development.

The proposal is **contrary to Policy 2(f)** of the KALP, as the site is not large enough to accommodate the impact of the development satisfactorily in planning terms.

It is also **contrary to Policies 6(d) and 6(e)** of the KALP, as the proportions of the building are not in keeping with its surroundings, and it does not fit the location.

**Parking and Access**

I note the following from the applicant's Planning Statement:

- "A total of 6 parking spaces are proposed, one per apartment with visitor spaces also available as required." (para 2.6)
- "In order to improve the setting of the development and the immediately adjacent area, it is proposed, as part of the development, to upgrade the

adjacent section of public roadway and to incorporate dedicated parking areas in order to regulate visitor parking in the area and to improve pedestrian safety. In addition to tidying up and improving the overall visual amenity and function of the area, these works would represent significant improvements to the public road as part of the development at no cost to Perth and Kinross Council. Such works would be for the benefit of the local area/community in general, including providing better parking facilities for those accessing the Loch Leven Heritage Trail at this point.” (para 2.7)

The applicant appears to be offering to upgrade the road and mark out parking bays as a benefit to the community. However, anyone requiring vehicular parking to access the Heritage Trail can do so at the many official trail parking points: Burleigh Sands, Findatie, the Pier etc. Sunnypark is really only suitable for pedestrian and cycle access to the Trail. I note that six parking bays are marked in the basement plan of the proposed development (i.e. one per flat) but there is no space left on the site for any visitor parking. Presumably the visitor space “available” is therefore actually on the public highway and I suggest that this is the true reason for the proposed marking of bays on the road. The road is as little as 5 metres wide in the area where parking bays are proposed, with no pavements. The road in this part of Sunnypark is really just a track and has no markings. There is woodland to one side and ahead, and open grass to the other side. The current road is actually quite appropriate as the residential area gives way to countryside. To have black tarmac with white-lined parking bays marked out would give a very urban appearance to what is a rural scene.

The junction of Sunnypark with the Muirs (the busy main road running through Kinross) has very poor visibility. The road is as little as 4.22 metres wide in parts and several of the dwellings have no off-street parking so residents have to park on the road. It would be unwise to add a further five dwellings to a street which has such poor access and foolish to create an expectation of vehicle parking for the Heritage Trail here. I fail to see how bringing more residents’ cars and visitors’ cars into the street would “improve pedestrian safety” (applicant’s Statement para 2.7), particularly to a section where there is no pavement. It can only be detrimental to pedestrian safety. The proposal is therefore **contrary to Policy 2(d)** of the KALP, as the local road is not capable of absorbing the additional traffic generated by the development and access is not satisfactory.

### **Overlooking**

The height of the proposed building, and the addition of a roof terrace, is bound to result in overlooking, shadowing and loss of privacy for several properties in Sunnypark and Broom Road, some of whom will not have been required to receive neighbour notification.

### **Demand**

The applicant claims there is “unmet demand” in the area for apartments such as these, but I note that one of his Ivy Garden “pre-retirement” apartments is still unsold six months after completion of the development.

There are ample reasons why this proposal is totally unsuitable for the location and I trust the Council will reject it.

Yours faithfully

Eileen Thomas (Mrs)

**Dr GM Lindsay (Objects)**

**Comment submitted date: Tue 03 Dec 2013**

I am writing to object to this proposed development. The proposed building is totally out of character with the location - from a landscape and visual impact perspective. The building will totally dwarf the adjacent buildings and add significant traffic on a minor road. This is one of the few areas of Kinross where there is a small public park and this will be totally dominated by the proposed building.

I would respectfully request that P&K council refuse this application.

GML



## **Audrey Brown - CHX**

---

**From:** G Baillie [REDACTED]  
**Sent:** 31 March 2014 18:01  
**To:** Audrey Brown - CHX  
**Subject:** Re: TCP/11/16(297) - Applegarth, Sunnypark, Kinross

Correction to my reply: should be West to East is blind:  
My apology  
Kind regards  
George and Isabel Baillie

On 31 Mar 2014, at 11:57, G Baillie [REDACTED] wrote:

Whilst I agree with the original decision to refuse the aforementioned application, I feel not enough attention is being paid to the safety aspect of this very narrow and restricted access road. I refer again to the safety consideration of the junction between the heritage trail and Sunnypark which from one direction, the East to West is blind and if traffic is increased as it surely will if this application goes ahead the likelihood of a serious incident is increased also.

Finally it is bad enough to have a barrack block type building at one end of Sunnypark but to have another at the other end beggars belief.

I trust common sense will prevail and the original decision stands.  
Kind regards,  
George and Isabel Baillie  
11 Sunnypark  
Kinross KY13 8BX  
[REDACTED]





13, Sunnypark,  
KINROSS.  
KY13 8BX.  
11.04.14

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

Your Ref; TCP/11/16(297)

Town & Country Planning Application Ref: 13/02024/FL

Dear Sir,

With regard to the above application I should like to Reinforce my previous objections to the same. My main concern is access in Sunnypark as previously stated. However although my property is not adjacent to Applegarth, the proposed development will still have a visual impact, taking the height of the building into consideration. The design of the building is at odds with the other properties in the street.

The applicant has expressed an interest in other properties in Sunnypark and should this application be granted I feel this does not bode well for Sunnypark in the future as it will set a precedent for what is acceptable.

Yours Sincerely.

  
Thelma C. Scally (Mrs.)





## **Audrey Brown - CHX**

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**From:** wilma stuart [REDACTED]  
**Sent:** 12 April 2014 09:57  
**To:** Audrey Brown - CHX  
**Subject:** Re: TCP/11/16(297) - Applegarth, Sunnypark, Kinross

I refer to your recent email regarding Applegarth, Sunnypark, Kinross. I would like to reiterate what i previously said in my original objection for this development. Since then we have been paying a lot more attention to the volume off traffic which we experience on a daily basis in Sunnypark, and the problem is increasing all the time here, being pedestrians it is really very obvious just how bad its getting. Also the building itself will be completely out of sync with the rural feel of Sunnypark, and be very intrusive to those properties in close proximity to it. I think also property developers sometimes lose sight of what would be acceptable in areas such as this.

Kind Regards,  
Mr P & Mrs W Stuart.



**From:** [REDACTED]  
**Sent:** 13 April 2014 21:14  
**To:** Development Management - Generic Email Account  
**Subject:** Planning application 13/02024/FLL

Having been notified that the above planning application's refusal has now gone to the local review body, I would like to note my continuing objections to the application. My original objections still apply but I would also like to mention that having already been refused, I feel that this application should not be allowed to proceed. The comment 'would adversely affect neighbouring residential amenity' which was made in the ruling sums up exactly my feelings.

Regards  
W.G. Haggart  
29 Sunnypark  
Kinross  
KY13 8BX



## Audrey Brown - CHX

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**From:** Malcolm Smith <tmsplanning@tiscali.co.uk>  
**Sent:** 25 April 2014 17:15  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** 'Simon Wilson'  
**Subject:** RE: TCP/11/16(297) - Applegarth, Sunnypark, Kinross

Further to receipt of third party comments related to the above Review, I would respond as follows on behalf of the applicant, Mr Wilson.

It is noted that the 4 representations refer, in the main, to the points raised in their original objections, these already being addressed within the application's Statement of Review. Specific reference is made by the objectors to the additional traffic on Sunnypark arising from the development, albeit this would be minimal with respect to the type and number of units being proposed. It is of note that in the Council Officers Report of Handling he confirms that the Council's Transport officer "*...does not have any significant concerns in relation to the level of traffic that would be generated by the proposed development...*" commenting also on the need for the developer to accommodate minor road widening as part of the development. With respect to this, the applicant has again been in contact with the Council to clarify ownership (e.g. which Council Service owns which part) of the road at this point and the area for the proposed public parking provision (the proposed parking remaining an optional part of the proposal and not integral to the development). The section of Sunnypark adjacent to and to the east of the site (within the application site boundary) clearly requires to be upgraded (in any event) due to its present poor condition. With the Council's agreement this upgrading to full adoptable standards would occur as part of the development and would be of benefit to all users of this section of Sunnypark (leading to the Cemetery and the woodland/Loch Leven walks).

It should also be noted that the junction of Sunnypark with Muirs was upgraded as part of the recent Ivy Garden development. The Ivy Garden development does not now take access from Sunnypark due to a change in the original planning permission but the applicant still carried out the junction improvements. This improvement has upgraded the junction to an extent that the additional usage arising from the development would be entirely appropriate as evidenced by the Council's Transport officer's assessment.

With respect to the other points raised it is considered that, while this is not a standard design solution, it seeks to make full and productive use of the site (as per Local Development Plan policy), it caters for an increasing demand locally and nationally in the housing market for bespoke elderly accommodation, and safeguards can be put into place that will appropriately protect the amenity of existing residents.

The applicant remains happy to address any points of concern arising. It is within the power of the Local Review Body to use planning conditions to ensure that the development occurs in a wholly appropriate manner (including a Section 75 Agreement for affordable housing where required).

**Grateful if you could confirm receipt of this email.**

Many Thanks

Malcolm Smith

