

**TCP/11/16(570) – 18/01196/FLL – Formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie – Review of Condition 2**

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**TCP/11/16(570) – 18/01196/FLL – Formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie – Review of Condition 2**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100127618-002

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

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation: John G Aitken Architectural Services

Ref. Number:

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

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1  
(Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Dorothy"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Macmillan"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="STONEFIELD"/>
Address 2:	<input type="text" value="GOLF COURSE ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BLAIRGOWRIE"/>
Post Code:	<input type="text" value="PH10 6LJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="743182"/>	Easting	<input type="text" value="318667"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Formation of a Vehicular Access at Land 20 Metres South of Beech Manor Care Home, Golf Course Road, Blairgowrie.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☐ Refusal Notice.
- ☒ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Planning Condition No.2 should be removed on the grounds that it is not appropriate to the submitted application. The property has a right of access over the area shown as new roadway on the application drawings. The application was submitted following advice from the council that planning approval was required for forming a new access road from the public road to the existing private driveway. Future applications, if any, should be considered on their own merits at the appropriate time.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

779\_Transport Planning Comments. 779\_Pre-Application Email Trail 779\_2012 Appeal Decision Notice

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/01196/FLL

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

06/07/2018

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

21/09/2018

## Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Aitken

Declaration Date: 12/11/2018



**Planning Application Reference : 18/01196/FLL**  
**Access Road, Stonefield, Golf Course Road, Blairgowrie, PH10 6LJ**

**Request for Removal of Planning Condition No.2**

This Planning Condition should be removed on the grounds that it is not appropriate to an application for a new access to an existing property in that it appears to attempt to exclude possible future applications without giving the opportunity to have them considered on their merits.

This Condition appears to have been included at the request of the Transport Planning Officer, in the interests of traffic safety. A copy of his Comments is included with this submission.

He includes in his comments on the planning history of the site and the lack of vehicular access that “Extensive discussions have taken place with the agent regarding this issue, but despite these discussions, no definitive answers have been agreed”.

The fact is that, as agent for the application, I asked, by email, what width a road had to be before it would be considered for adoption by the council, and received a telephone reply from the same Officer advising that a minimum width of 5.00 metres is required. I later confirmed this by email. On providing a copy of the drawing showing the proposed access road, the Officer advised that he could not comment as there was insufficient information on the width of the road even though the drawing clearly showed the width to be the same as the existing adopted road. A copy of the email trail is included with this submission.

The Officer begins his Comments by confirming that he is aware of the “extensive planning history surrounding this site”. He may not have been aware however, of the Appeal Decision Notice for the previous application Ref. 11/01256/FLL, a copy of which is included with this submission. The application was for 16 dwellings and 2 garages. The Decision Notice makes it clear at Clause 24 that the Reporter was satisfied that, even with a development of that size, there would be no material detriment to road safety.

The Transport Planning Officer goes on to state in his Comments that, due to being off the existing turning head, he does not wish to see the new access serve more than one property in order that it can continue to fulfil its primary purpose. In actual fact we are dealing with one half of the existing turning head, and the other half also forms the entrance to the busy care home car park. It should also be acknowledged that the area of the turning head at the proposed new access is consistently used for the parking of cars. Neighbour comments from previous applications indicate that there are often four cars parked at this area. The new access will mean that this area will have to be kept clear which will therefore assist in providing a turning facility.

On the subject of car parking at the neighbouring care home, it would be appreciated if, as part of this review, information could be provided on the current minimum parking space requirement for a 45 bedroom care home. Beech Manor care home was approved in April 2006 with a requirement for 14 parking spaces.



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

<b>Planning Application ref.</b>	18/01196/FLL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Formation of a vehicular access		
<b>Address of site</b>	Land 20 Metres South Of Beech Manor Care Home Golf Course Road Blairgowrie		
<b>Comments on the proposal</b>	<p><b>I am aware of the extensive planning history surrounding this site, most of which hinges on the issue of forming a new road towards the rear of the site which currently does not have any means of vehicular access. Extensive discussions have taken place with the agent regarding this issue, but despite these discussions, no definitive answers have been agreed.</b></p> <p><b>With regards to the submitted proposal, this is to form an access off the existing turning head. Given that this is a turning head and therefore its primary purpose is to allow vehicles to turn, I would not wish to see the new access serve more than one property in order that it can continue to fulfil its primary purpose.</b></p> <p><b>Therefore I would not object to this proposal, provided the undernoted condition is attached in the interests of pedestrian and traffic safety.</b></p>		
<b>Recommended planning condition(s)</b>	<ul style="list-style-type: none"> <li>The vehicular access as shown on the approved plans is approved to serve the property known as Stonefield only.</li> </ul>		
<b>Recommended informative(s) for applicant</b>	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
<b>Date comments returned</b>	12th September 2018		



Fw: New Driveway to Stonefield Cottage, Golf Course Road,  
Blairgowrie, PH10 6LJ ( At the Rear of Beech Manor Care Home, Golf  
Course Road, Blairgowrie.)

John Aitken

Sat 10/11/2018 07:04

Inbox

To: John Aitken <jgaitken@btconnect.com>;

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**From:** John Aitken  
**Sent:** 06 July 2018 12:31  
**To:** Tony Maric  
**Subject:** Re: New Driveway to Stonefield Cottage, Golf Course Road, Blairgowrie, PH10 6LJ ( At the Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.)

Hi Tony,

Thanks for your email.

The width of the proposed new section of road is the same as the existing adopted road, approx. 5.30 metres.

The road will be built to adoptable standard in order to keep all options open for any future development of the Stonefield site.

You earlier advised that a minimum width of 5.00 metres will be required for the road between this new access and the Stonefield site. I confirm that this is available.

I will now go ahead and lodge the planning application.

Regards,

John

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**From:** Tony Maric [REDACTED]  
**Sent:** 06 July 2018 12:12  
**To:** John Aitken  
**Subject:** RE: New Driveway to Stonefield Cottage, Golf Course Road, Blairgowrie, PH10 6LJ ( At the Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.)

Hi John,

I have now had the chance to review your proposals. As previously stated any road would need to be built to an adoptable standard, regardless of whether it was subsequently adopted or not. Unfortunately the drawings you have provided do not provide any details of the width of the proposed road, so I am unable to provide you with any advice as I do not have the requisite information to enable me to do so. We have also discussed before the possibility of only creating a single house and I have provided you with details of my requirements for this in previous correspondence.

Regards

Tony

Tony Maric BSc (Hons) MSc PG Dip CMILT MCIHT MTPS MInstTA  
Transport Planning Officer  
Transport Planning  
The Environment Service  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

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

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**From:** John Aitken [mailto:jgaitken@btconnect.com]  
**Sent:** 02 July 2018 13:37  
**To:** Tony Maric  
**Cc:** TES Transport Planning - Generic Email Account  
**Subject:** Re: New Driveway to Stonefield Cottage, Golf Course Road, Blairgowrie, PH10 6LJ ( At the Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.)

Good afternoon Mr Maric,

Further to previous communications on the above I now attach a drawing of the proposed access link between the existing adopted road and the original driveway at Stonefield Cottage.

My clients are still considering different options for this site. They think they will prefer to replace the existing cottage with a single house but would like to keep their options open by having an access road that would be suitable for a possible future development of maximum four houses.

They are aware that the neighbouring Care Home has applied for four additional parking spaces and are hoping that the same contractor could form the new access road to Stonefield.

Can you please advise if the proposals shown on the attached drawing will meet the requirements for a four-house development.

An indication of the access requirements for fewer houses would also be helpful.

Thank you meantime.

Regards,

John Aitken

---

**From:** John Aitken  
**Sent:** 22 May 2018 21:05  
**To:** transportplanning@pkc.gov.uk  
**Subject:** New Driveway to Stonefield Cottage, Golf Course Road, Blairgowrie, PH10 6LJ ( At the Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.)

Good morning,

My clients have asked me to find out the procedure for lowering the kerb at the existing hammerhead at the front of the above care home.

This work will be required to form a vehicle access to Stonefield Cottage.

I look forward to hearing from you. Thank you.

Regards,

John Aitken

J G Aitken Architectural Services.

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**From:** John Aitken  
**Sent:** 15 May 2018 11:17  
**To:** [REDACTED]developmentmanagement@pkc.gov.uk  
**Subject:** Re: Application 17/00330/FLL Proposed Houses at Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.

Good morning Mr Maric,

My clients are asking if you can give an indication of timescale for dealing with this enquiry regarding the requirements for the access road to this site.

They had been advised that the earlier application had been withdrawn but are now telling me that it was reported in yesterday's Courier that the application has recently been refused due to insufficient width being available for the access road.

I will appreciate receiving any information you can provide.

Regards,  
John Aitken

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**From:** John Aitken  
**Sent:** 14 May 2018 09:07:13  
**To:** [REDACTED]  
**Subject:** Re: Application 17/00330/FLL Proposed Houses at Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.

Good morning,

My clients are negotiating to purchase the above site.

Having read your response to the previous application, I'm wondering if you would confirm the requirements for forming an access road.

My clients haven't decided on the total number of houses they would be proposing to build but have indicated it would be a maximum of four.

You will be aware that the access road will commence at the junction with the existing hammerhead and a new section of roadway is required to link to the former access road to Stonefield Cottage.

I have been asked to establish the requirements so that overall costs can be estimated.

Your advice on the procedure to have the existing kerb dropped at the junction with the new road would also be appreciated. This may be an option if the new road is to remain private.

Is it the case that the road could remain as private for one house but would have to be adopted by the council if serving more than one house?

I look forward to hearing from you.

Regards,  
John Aitken

J G Aitken Architectural Services  
Stonehaven

**From:** Andy Baxter <[REDACTED]>  
**Sent:** 09 May 2018 11:38  
**To:** John Aitken  
**Subject:** RE: Application 17/00330/FLL Proposed Houses at Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.

Hello John,

You'll need to discuss that with my colleagues in Transport Planning, however guidance on new accesses for new residential developments is provided in the National Roads Development Guide.

Andy

**From:** John Aitken [mailto:jaaitken@btconnect.com]  
**Sent:** 09 May 2018 11:37  
**To:** Andy Baxter  
**Subject:** Re: Application 17/00330/FLL Proposed Houses at Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.

Thanks Andy,

My clients preference would probably be for two houses.

They needed to know if the eight house application would have been approved as this would possibly have taken the site value beyond their budget.

Can you say if a development of two houses can be accessed via a private road coming off the existing adopted road ?

Regards,  
John

**From:** Andy Baxter <[REDACTED]>  
**Sent:** 09 May 2018 11:30  
**To:** John Aitken  
**Subject:** RE: Application 17/00330/FLL Proposed Houses at Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.

Hello John,

The planning application 17/00330/FLL has been formally withdrawn.

A proposal for 8 dwellings would be required to be accessed via an adopted road, and due to the physical limitations this is considered extremely difficult to achieve. This issue was the primary reason why the previous planning application was withdrawn, however a proposal for 8 dwellings would also raise other planning issues in combination with the access issues.

At this point in time, I'm therefore not in a position to any support for a development of the scale proposed.

If you wish to obtain a formal pre-application response, then you'll need to submit this formally as per the guidance below.

<http://www.pkc.gov.uk/article/20214/New-Planning-and-Development-Services-and-Charges-1st-April-2018>

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

Hope this helps,

Andy Baxter  
Planning Officer

**From:** John Aitken [<mailto:gaiken@btconnect.com>]  
**Sent:** 09 May 2018 11:25  
**To:** Andy Baxter; Development Management - Generic Email Account  
**Subject:** Re: Application 17/00330/FLL Proposed Houses at Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.

Good morning Andy.

Just wondering if you are able to say that an application for eight houses would be looked on favourably for this site.

My clients are interested in submitting an offer. The closing date is tomorrow.

I will appreciate any assistance you can give on this. Thank you.

Regards,

John Aitken

**From:** John Aitken  
**Sent:** 04 May 2018 12:38:05  
**To:** Andy Baxter  
**Subject:** Fw: Application 17/00330/FLL Proposed Houses at Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.

Good afternoon Andy,

Just wondering if you can give an indication of timescale for getting back to me on this enquiry.

All I need to know at this stage is if last year's application for eight houses was likely to be looked upon favourably.

It appears that the application was put on hold and the site is now being offered for sale.

Regards,

John Aitken

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**From:** Development Management - Generic Email Account <[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)>  
**Sent:** 27 April 2018 07:53  
**To:** John Aitken  
**Cc:** Andy Baxter  
**Subject:** RE: Application 17/00330/FLL Proposed Houses at Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.

Good Morning

I have forwarded your email to the case officer, Andy Baxter to see if he can give you any guidance regarding this matter.

Regards

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

Telephone 01738 475334

---

**From:** John Aitken [<mailto:jgaitken@btconnect.com>]  
**Sent:** 27 April 2018 07:40  
**To:** Development Management - Generic Email Account  
**Subject:** Application 17/00330/FLL Proposed Houses at Rear of Beech Manor Care Home, Golf Course Road, Blairgowrie.

Good morning,

My clients are interested in purchasing the above site and I'm trying to establish the current status of the planning application previously lodged for eight houses.

I am aware that a previous application for this site, Ref 11/01256/FLL, for eight houses and eight flats was refused.

Are you able to say that the most recent application was being looked on favourably or is it considered that a lower number of houses would be more suitable for this site.

I will appreciate any assistance you can give on this matter.

Thank you meantime.

Regards,

John Aitken

J G Aitken Architectural Services  
2 Cameron Court  
Stonehaven  
AB39 2FH

Tel. 01569 766765

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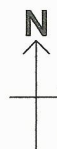
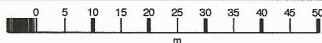
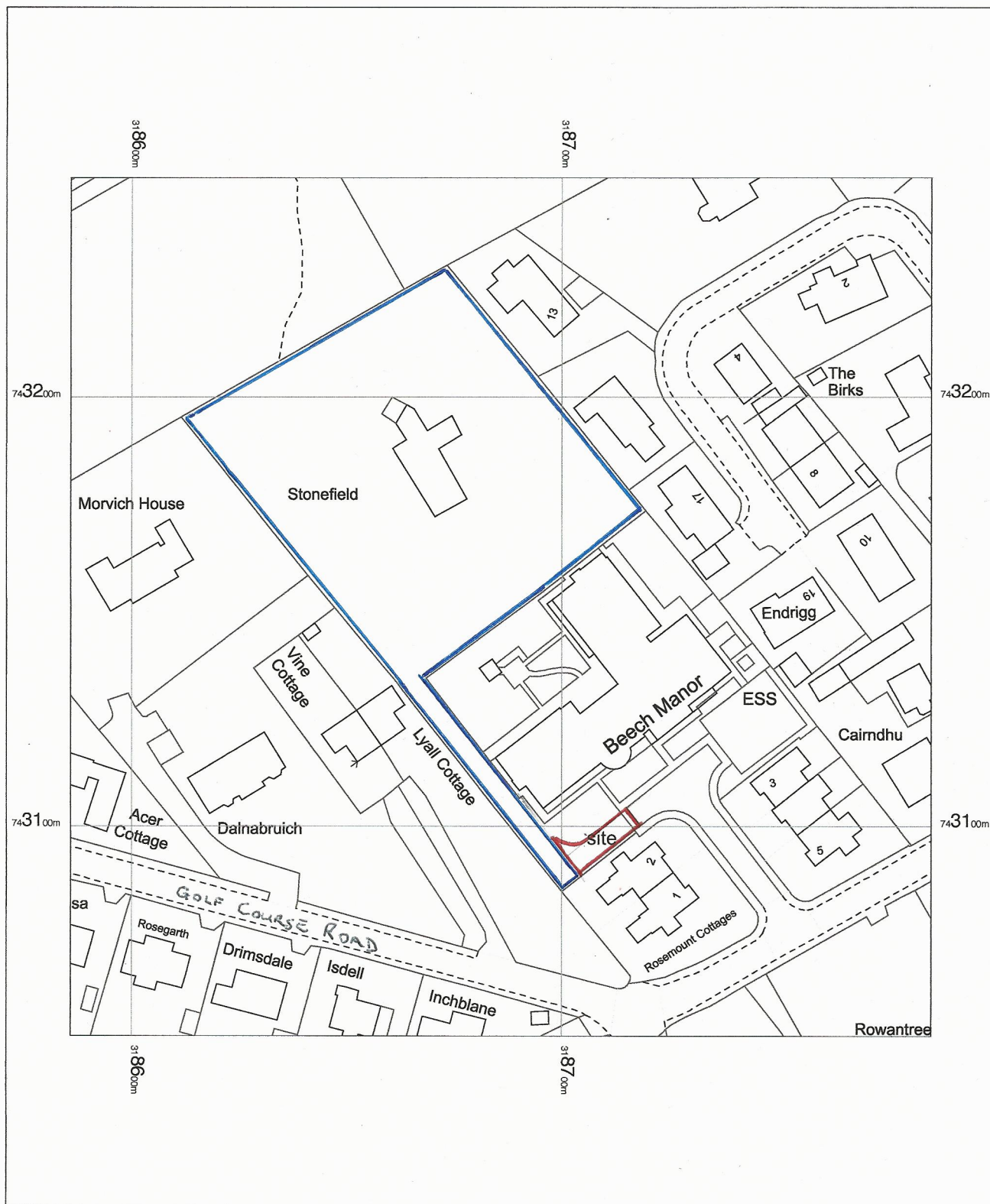
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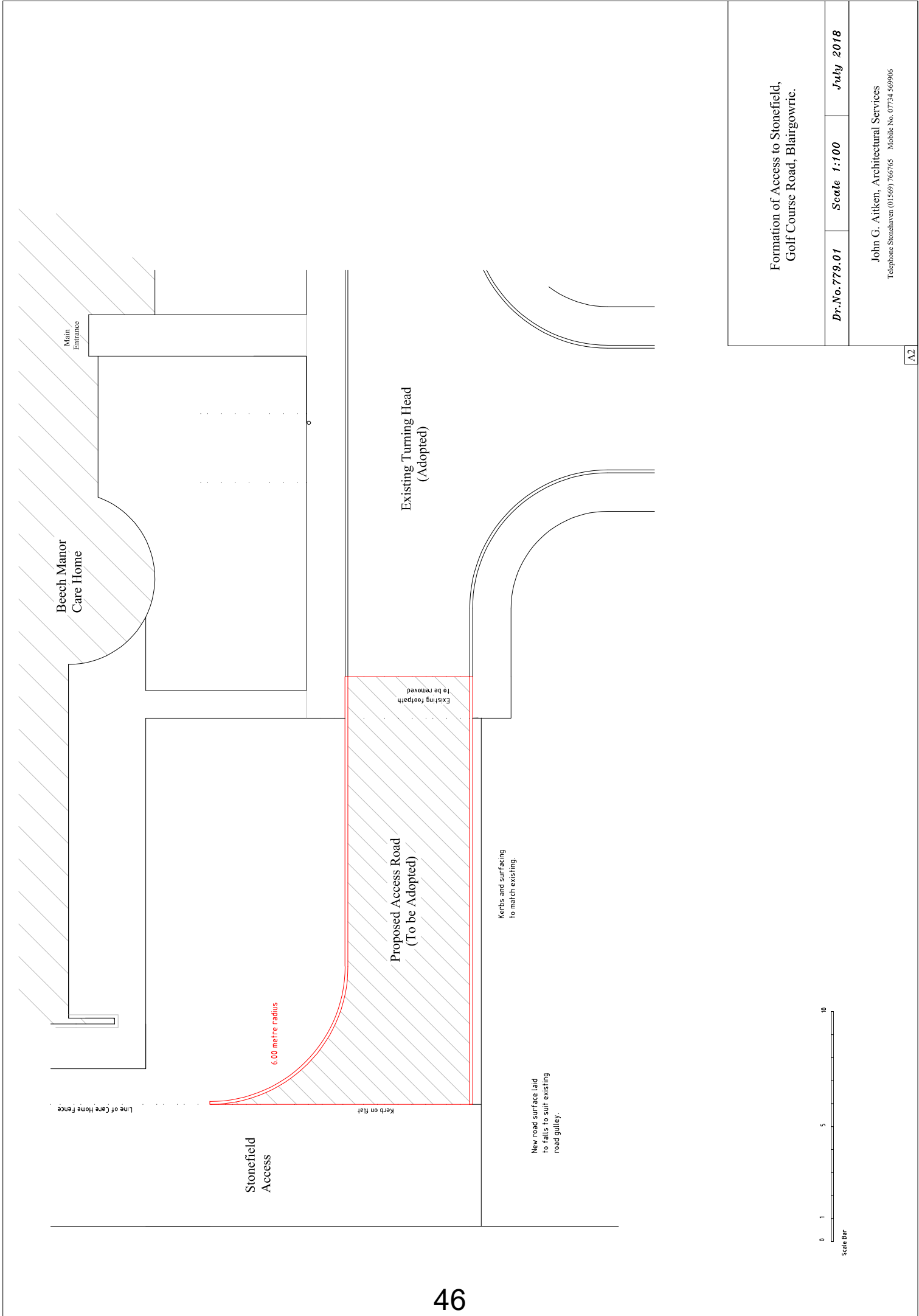
Beech Manor and  
Stonefield  
Golf Course Road  
Blairgowrie  
PH10 6LJ

OS Lic.No. 100047777

OS MasterMap 1250/2500/10000 scale  
Monday, July 2, 2018, ID: M4P-00723761  
[www.nicolsondigital.com](http://www.nicolsondigital.com)

1:1250 scale print at A4, Centre: 318686 E, 743151 N

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## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



Decision by David Buylla, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-340-2066
- Site address: Stonefield, Golf Course Road, Blairgowrie, PH10 6LJ
- Appeal by Argus Construction against the decision by Perth and Kinross Council
- Application for planning permission 11/01256/FLL dated 19 July 2011 refused by notice dated 27 January 2012
- The development proposed: demolition of cottage and erection of eight care cottages, eight care apartments, two garages and formation of road and associated parking
- Date of site visit by Reporter: 11 May 2012

Date of appeal decision: 6 July 2012

### Decision

I dismiss the appeal and refuse planning permission.

### Reasoning

1. Having regard to relevant provisions of the development plan, the main issues in this appeal are whether:

- the proposal would be appropriate for the site in terms of density and character;
- it would detract unacceptably from the living conditions of neighbouring residents;
- it would detract from road safety;
- it would have adverse implications for trees and wildlife; and
- proposed occupancy controls would be appropriate.

*Would the proposal be appropriate for the site in terms of density and character?*

2. The proposal would involve the construction of eight cottages and a block of eight flats, with ancillary development, on a site to the rear of a recently constructed residential care home. The appellant proposes that these would be occupied by persons receiving or eligible to receive some form of care, either provided by the adjacent care home or by another provider. The planning authority has accepted that because of this, the



development should not be regarded as a housing development in the conventional sense, but should be considered to fall within class 8 'residential institutions' of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (the use classes order). As I have explained later in this notice, I do not accept that this is the correct way to consider the proposal.

3. The Eastern Area Local Plan 1998 (the local plan) describes the Rosemount and Darkfaulds area of Blairgowrie as an area that has been the subject of sustained development pressure but where there remains a semi-rural feel. In order to retain the area's special character, the local plan applies more stringent assessment criteria to infill housing than are applied elsewhere. Local plan Policy 57 only permits housing within this area where, among other considerations, each house has a minimum plot size of 0.3 hectares.

4. In accepting that this proposal involves the provision of specialist accommodation, the planning authority has not assessed the appeal proposal against Policy 57. I do not consider that this is the correct approach because, regardless of the extent of any care that would be available to future occupiers (which I have discussed later in the notice), the eight proposed cottages, which are each self-contained and would be sold to individual private occupiers, are 'houses' within class 9 of the use classes order. The first criterion of Policy 57, which specifies a minimum plot size of 0.3 hectares, applies to 'house sites' rather than to the more general term 'housing', which is used elsewhere in the policy. This requirement therefore applies only to the proposed cottages and not to the proposed flats, which are specifically excluded from class 9 of the use classes order. However, the sensitive nature of the locality, as confirmed in the local plan, requires the impact of proposed flat block also to be considered carefully.

5. The purpose of Policy 57 is to protect the area's semi-rural character by requiring that houses are not built on plots that would be uncharacteristically small. The focus of this policy is therefore on the impact of housing development in visual and townscape terms, where the form of occupancy is not a material consideration. The fact that residents of the development would receive care would not materially affect its visual and townscape impact. This adds weight to my conclusion that the development must be assessed against Policy 57.

6. The proposed construction of eight cottages on a site of 0.59 hectares would clearly not comply with the requirement of Policy 57 to maintain a minimum individual plot size of 0.3 hectares. It is necessary therefore to consider whether there are other material considerations which would justify planning permission being granted despite this policy conflict.

7. There can be occasions when it is in the public interest that private rights are protected by the planning system. An example of this would be the protection that is given to individual properties from overlooking or overshadowing from a new development, which are issues I have considered later in this notice. Generally however, the planning system seeks to regulate the use and development of land in the public interest and does not exist to protect the rights of one individual over another.

8. One of the objectives of the local plan's strict approach to minimum plot sizes in Rosemount and Darkfaulds is to retain the semi-rural feel of the area. Bearing in mind the public interest purpose of the planning system, I agree with the appellant that the effect that development would have on public perceptions of the area is of greater importance than its effect on the perceptions of a small number of individuals. Consequently, the fact that the appeal site is very well screened from any roads or public land and would not, if developed in the manner proposed, have any significant impact on public perceptions of the area's semi-rural character, is a material consideration in favour of granting planning permission, despite the conflict with Policy 57.

9. Paragraph 2.30 of the local plan, which provides context for Policy 57, refers to a large number of gap sites in the area "having significant landscape importance, either offering tree cover or providing the important gaps which give the area a sense of place and a separate identity from Blairgowrie and Rattray." Because the appeal site is so well screened from public view, it does not have significant landscape importance. It does not provide a gap which contributes to the area's sense of place and, although it contains some valuable trees, these are not significant contributors to the character of the wider area and would, in any event, be retained as part of the proposed layout. Therefore, although the site is covered by Policy 57, it does not have the characteristics that the local plan identifies as particularly important in justifying its stricter approach to development in this area.

10. Much of the debate amongst the parties has been over the concept of development density. While Policy 57's minimum plot size stipulation effectively controls development density by limiting the number of houses that can be built per hectare, the focus of the policy's first criterion is actually on maintaining minimum plot sizes and by implication, as is confirmed in paragraph 2.31, on encouraging houses at the upper end of the market. However, I do not regard it as irrelevant, when assessing whether there are grounds to depart from this policy, also to consider the development density issue, as the appellant has done, in terms of the proportion of the site that would be built upon. Small cottages, as are proposed here, do not cover the same ground area as the large detached houses that would be supported in this area by paragraph 2.31 of the local plan. When assessed in this way, the appellant's calculations of the development density of the entire development (including both the proposed cottages and the block of flats), which have not been refuted by the planning authority, show that the density of development, while significantly higher than is found to the west, would be rather lower than is seen in the existing development at Auchmore Drive. Such cottages are also likely to be significantly lower and less massive than houses "serving the upper end of the market", which the local plan supports, which would again tend to decrease the impression of development density. These factors mean the development might not have the urbanising effect one might assume if one considered only the headline 'dwellings per hectare' figure.

11. I agree with objectors to the scheme that, when considering whether the proposal meets the minimum plot size requirement of Policy 57 it is irrelevant that there is other development in the locality, built before the adoption of the local plan, which does not comply with that requirement. However, when considering whether there are grounds to depart from the policy, I do not agree that one should ignore the context within which the

development would be built. On a prominent site which had significance for the overall townscape character of the area, where all neighbouring properties were built at a low density in large plots, I would agree that there would be no grounds to take account of the existence of higher density development elsewhere in the Rosemount area. But that is not the situation with the appeal site, which occupies a transitional point between areas with different density characteristics and is, in any event, very well screened from public view.

12. The other local plan policy that has relevance to this issue is Policy 56. This applies to a wider area than just Rosemount and Darkfaulds and requires that infill housing development does not have a significant adverse effect on the density, character or amenity of the area concerned. For the reasons I have already set out, I agree with the appellant that the very well screened location of the site and the variety that exists in the character and density of local development mean that the proposal complies with the density and character requirements of this policy. I have considered its amenity implications later in this notice.

13. Overall, I find that, in terms of its visual and townscape impact, the proposal would comply with Policy 56 because it would not have a significant adverse effect on the density or character of the area. It would not however comply with the first criterion of Policy 57, because the proposed cottages would not have plot sizes of 0.3 hectares. The fact that this site is not particularly sensitive in townscape terms and that the breach of the minimum plot size requirement would only be appreciated by those living adjacent to the site rather than by the general public, lessens the significance of this breach of the policy and I have borne this in mind when considering all material considerations in deciding whether the balance lies in favour of allowing the appeal.

*Would the proposal detract unacceptably from the living conditions of neighbouring residents?*

14. The question to address is not whether the proposed development would alter the appearance of the site in a way that neighbouring residents might consider objectionable. No party has a right to insist that views of and over land they do not control are maintained in a form that they consider appropriate. What is required is an objective assessment of whether the development would detract from neighbouring residents' living conditions to an extent that it would be undesirable, in the public interest, to permit.

15. I have considered the impact on neighbouring residents in three respects. First, I have considered whether the development would cause unacceptable overshadowing or have an overbearing presence due to its proximity to neighbouring properties. Secondly, I have considered whether the proposal would be likely to overlook neighbouring properties or lead the occupiers of those properties reasonably to perceive that they were being overlooked. Finally I have considered whether there would be any unacceptable increase in noise or smell (attributable to the proposed site access and bin store respectively).

16. With regard to the first consideration, the proposed development would result in significantly more coverage with built development than is presently the case and there would be buildings situated closer to the site boundaries than at present. The existing

bungalow is situated about 29 metres from the western boundary and at least 20 metres from that to the east. In comparison, the nearest edge of the proposed flat building would be about 8.5 metres from the western site boundary, and the rear wall of the cottages proposed for plots 3 to 8 would be about 13.5 metres from the eastern site boundary.

17. The proposal would therefore undoubtedly change the appearance of the site for the residents of properties that adjoin it. However, due to the relatively low height of the proposed buildings (the flat block being the tallest at approximately 7.7 metres) the presence of landscape planting on the site boundaries that would break up and soften the impact of the proposed development (and during summer months provide an effective screen to the site) and the fact that the proposed development would incorporate areas of garden ground between and around the buildings, I am satisfied that there would be no unacceptable overshadowing or overbearing impact on any neighbouring property.

18. With regard to overlooking, the appellant has referred me to a 'rule of thumb' that is applied by the planning authority when considering the separation that is required between new development and existing neighbours. This is said to require 18 metres between facing windows, although this can be reduced where the windows are not parallel. The planning authority has not argued against the use of this test and it is commonly used across the country for this purpose. Assessed in these terms, the proposal achieves or exceeds the required separation distance from all of its neighbours. The standard is concerned with window to window overlooking and does not address any potential for overlooking of neighbours' gardens. A resident who occupies a property to the west has raised concern over the presence of windows facing their garden which, in winter, would not be completely screened by the existing deciduous boundary planting. The windows in question (serving two bedrooms and a bathroom at ground floor and a further two bedrooms at first floor) would be about 16 metres from the boundary with the neighbour's garden. Therefore while they would be visible from the neighbour's garden at times of year when boundary screening was not in leaf, they would be far enough away from the boundary that there could not reasonably be any impression of being overlooked when in the neighbour's garden.

19. The proposed vehicular access to the development would run alongside part of the boundary with Lyall Cottage. The existing access to Stonefield runs along all of the front garden boundary between these properties. Lyall Cottage is set well back from Golf Course Road and is therefore unlikely to be significantly affected by traffic noise from that source. However, its flank wall is very close to the boundary with the appeal site, immediately beyond which is the proposed site access road.

20. A development of 16 residential units could be expected to generate significantly more vehicular traffic and consequent noise and disturbance than a single house. A lower level of disturbance would be expected if the units were occupied by residents who had significantly lower levels of car ownership. However, the proposed development incorporates a level of parking provision that exceeds one space per unit, which does not suggest a development that is expected to generate fewer car movements than a typical mainstream development of this size. Furthermore, as I have discussed later in this notice, notwithstanding the reference in the description of development to 'care', the nature of the

accommodation to be provided is, based on the appellant's proposals for occupancy control, unlikely to be materially different in terms of its traffic generation to a typical mainstream housing development. Taking these factors into account, which I do not consider could be resolved by a planning condition or obligation, I conclude that the development would be likely to generate a significant increase in vehicular traffic, which would unacceptably detract from the living conditions of neighbouring occupiers, particularly those in Lyall Cottage.

21. I am also concerned with the potential impact of this level of development on the existing 'care cottage' development to the front of the care home. Although residents of these units do not enjoy the same degree of tranquillity as those of Lyall Cottage, as they are close to the care home's access and car park and the relatively busy Golf Course Road, the level of additional traffic that would be generated by the proposed development would have a noticeably detrimental impact on their living conditions. This adds weight to my conclusion that the proposed intensity and character of development would be inappropriate.

22. Some objectors are concerned that the development's proposed communal bin store, which is shown to be situated close to the western site boundary, could lead to smell nuisance. However, I am satisfied that, were I to allow the appeal, a suitable sealed enclosure with adequate capacity to accommodate the likely refuse output from the site could be secured by a planning condition.

23. Overall, while I am satisfied that the proposal would not unacceptably overlook or overshadow any of its neighbours, I conclude that the position of the site access and the intensity with which it would be used would significantly detract from the amenity of local residents, contrary to Policy 56.

*Would the proposal detract from road safety?*

24. The original vehicular entrance to the site is situated immediately after a bend in Golf Course Road and would be unsuitable for any additional traffic. This is proposed to be closed off, with all traffic to the site taken through the adjacent care home development via its existing access onto Golf Course Road. The planning authority did not raise road safety as a concern and there was no objection from the roads authority. However, several local residents have commented on the volume of traffic that is carried on Golf Course Road and the proximity of the care home's access to the bend. Having visited the site and the surrounding area and examined the visibility that is available to drivers using the entrance to the care home site, I am satisfied that, in accordance with the second requirement of Policy 57, the existing junction would be able to accommodate the additional traffic that would be generated by the proposed development, without any material detriment to road safety.

*Would the proposal have adverse implications for trees and wildlife?*

25. A number of local residents have raised concern over the effect the proposal would have on trees and wildlife such as red squirrels, which are said to frequent the site.

However, most of the significant trees would be retained and, while some of these would be quite close to the development I do not accept that it is inevitable that they would subsequently come under pressure for removal once the development was occupied. I note that the council's Biodiversity Officer and Trees and Woodland Officer have no concerns with the proposal and I find no evidence to refute their conclusions. I am therefore satisfied that the proposal satisfies the third requirement of Policy 57, to protect existing trees worthy of retention and incorporate significant, mainly native, landscaping.

*Would proposed occupancy controls be appropriate?*

26. Due to the fact that the proposed vehicular access to the development would be very close to neighbouring properties, particularly Lyall Cottage, and would be taken through the adjacent care home development, and the fact that the proposed development would closely adjoin the rear of the care home, I do not regard the site as suitable for mainstream residential development at the proposed development density. If the site is to be suitable for development at the intensity that is proposed I consider it essential that occupation of the proposed units is controlled in such a way that residents would be significantly less likely to use private cars.

27. The appellant contends that the description of the proposal would be sufficient to regulate the development but is willing to accept a planning condition or obligation that entitled residents to receive care from either the adjacent care home or independently.

28. I do not accept that the description of development would have any effect in controlling how the units were occupied, and the occupancy restriction that the appellant is willing to accept, whether secured by condition or obligation, would merely entitle residents of the development to care and would not restrict occupancy to those who, due to age or other reason were in need of that care.

29. Developments of this type are typically restricted by specifying the minimum age of at least one of the occupants of each unit. However, age is not necessarily a successful indicator of lifestyle and consideration needs also to be given to the layout of the proposed development, in particular to the level of parking that is provided. The proposed development would be provided with a level of parking that would not be materially different to a conventional residential development. In a desirable residential area such as this, I conclude that unless the layout of the development and the restrictions that were imposed upon occupancy were strictly controlled, the development is likely to be occupied in a way that was not materially different to a mainstream housing development, which would be inappropriate for the reasons I have already set out. It is not possible for these matters to be addressed without redesigning the scheme, so they are not issues that could be addressed at this stage.

*Conclusions*

30. With an ageing population there will be an increasing need for specialist housing accommodation that fills a gap between mainstream housing and institutional accommodation such as a residential care home. However, no case has been made that

there is a particularly pressing local need for such specialist accommodation at this time and, as I have already stated, the proposal does not in any event appear to be targeted solely at that specialist need. The well screened nature of the site reduces the harm to the character and appearance of the area that would result from the high development density that is proposed. However, this does not reduce my concerns over the significantly harmful impact the proposal would have in terms of noise and disturbance due to the nature of the proposed accommodation and its proximity to a number of neighbouring properties.

*David Buylla*

Reporter

**TCP/11/16(570) – 18/01196/FLL – Formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie – Review of Condition 2**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 45-46)*



# PERTH AND KINROSS COUNCIL

Mrs Dorothy Macmillan  
c/o John G Aitken Architectural Services  
John Aitken  
2 Cameron Court  
Stonehaven  
Scotland  
AB39 2FH

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 21 September 2018

Town and Country Planning (Scotland) Acts.

Application Number **18/01196/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 6th July 2018 for planning permission for **Formation of a vehicular access** at Land 20 Metres South Of Beech Manor Care Home Golf Course Road Blairgowrie subject to the undernoted conditions.

Interim Development Quality Manager

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

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

- 2 The vehicular access as shown on the approved plans is approved to serve the property known as Stonefield only.

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

Justification

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

## Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

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

### **Plan and Document Reference**

**18/01196/1**

**18/01196/2**

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	18/01196/FLL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	05.09.2018	
Case Officer	Alma Bendall	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Formation of a vehicular access

**LOCATION:** Land 20 Metres South Of Beech Manor Care Home Golf Course Road Blairgowrie

#### **SUMMARY:**

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

**DATE OF SITE VISIT:** 9 August 2018

#### **SITE PHOTOGRAPHS**



#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning application relates to an area of grassed landscaping set on the western side of the turning head that serves the above care home situated at Rosemount to the south of Blairgowrie. The proposal is to form a new access across the turning head which will link into a land to the rear (north) of the home.

The application site has an extensive development history and previously contained a hotel and separate manager's house. Since the development of the nursing home and nearby sheltered residential units, the overall land title has changed and been split into multiple owners, resulting in the house to the rear of the home being landlocked with no vehicular means of access. The lack of a suitable access has been a factor in the redevelopment of the land to the rear of the nursing home.

### **SITE HISTORY**

10/00968/FLL Demolition of cottage and erection of 8 care cottages, 8 care apartments, 2 garages and formation of road and associated parking 5 November 2010 Application Refused

11/01256/FLL Demolition of cottage and erection of 8 care cottages, 8 care apartments, 2 garages and formation of road and associated parking. (resubmission of 10/00968/FLL) 27 January 2012 Application Refused

16/00256/FLL Erection of 10 care cottages, formation of vehicular access and associated works

26 September 2016 Application Withdrawn

10/00968/FLL Demolition of cottage and erection of 8 care cottages, 8 care apartments, 2 garages and formation of road and associated parking 5 November 2010 Application Refused

11/01256/FLL Demolition of cottage and erection of 8 care cottages, 8 care apartments, 2 garages and formation of road and associated parking. (resubmission of 10/00968/FLL) 27 January 2012 Application Refused

16/00256/FLL Erection of 10 care cottages, formation of vehicular access and associated works

26 September 2016 Application Withdrawn

### **PRE-APPLICATION CONSULTATION**

Pre application Reference: advised of the need for planning permission

### **NATIONAL POLICY AND GUIDANCE**

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

### **DEVELOPMENT PLAN**

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

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

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

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

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

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

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

### **Policy TA1A - Transport Standards and Accessibility Requirements**

Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

### **OTHER POLICIES**

n/a

## **CONSULTATION RESPONSES**

No external consultations have been issued; internal comment which is conditionally supportive of the work has been received from Transport Planning officers.

## **REPRESENTATIONS**

The following points were raised in the 2 representation(s) received:

- Traffic increase
- Disturbance
- Servicing
- Lack & loss of parking for home and residents
- Traffic safety
- Development history and need to regulate against further development to rear of home

The points will be addressed in the appraisal section.

**ADDITIONAL INFORMATION RECEIVED:**

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

**APPRAISAL**

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

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

**Policy Appraisal**

The site lies within the settlement boundary and as such, the main policy considerations relate to the residential area in which located, the site layout and transportation requirements. As one habitable house exists to the rear of the care facility which was previously serviced by an access (now in the grounds of the sheltered cottages); it is deemed appropriate to reinstate the link. The proposals should not impact negatively on the surrounding area, in accordance with development plan policies.

**Residential Amenity**

The actual link road is relatively minor in nature and should not in itself lead to any adverse residential impacts. If further planning applications are brought forward to develop the land to the rear of the care home, then they will be open for further comment, and assessed on the basis that the access being created is only suitable for one residential unit.

**Landscape**

No landscape features of merit will be affected.

**Visual Amenity**

The works will have minimal visual impact.

**Roads and Access**

It is understood that extensive pre-application discussions have been held over the formation of a suitable access to the rear of the nursing home. It is noted that the primary function of the existing road layout is to provide a turning area at the end of the cul-de-sac and to enable cars to park in the limited number of off-street bays available. As the home will retain control over the land, it is assumed

they have no issues with the proposals and can manage the land as operational circumstances dictate.

Two recent applications have been forwarded by the home in order to create additional parking spaces in the grass landscaped areas which should help to ease congestion at the home. The formation of the access link will also preclude cars parking in the turning area which cannot access the property known as Stonefield.

The formation of the access will be regulated under the Roads Scotland Act and is deemed acceptable, solely on the basis that it will enable the occupants of Stonefield to access the property which has recently been purchased at auction.

### **Drainage and Flooding**

No known issues, no change anticipated.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION Approve the application**

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

1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

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

2 The vehicular access as shown on the approved plans is approved to serve the property known as Stonefield only.

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

### **Justification**

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

### **Informatives**

1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

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3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

### **Procedural Notes**

Not Applicable.

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

18/01196/1

18/01196/2

### **Date of Report**

14/9/18

**TCP/11/16(570) – 18/01196/FLL – Formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie – Review of Condition 2**

## **REPRESENTATIONS**

*(part included in applicant's submission, see page 13)*



General

**From:** Doris Barnard [REDACTED]  
**Sent:** 23 July 2018 12:12  
**To:** Development Management - Generic Email Account  
**Subject:** Planning permission. 18/01196/FLL

[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

from:-  
Mrs Doris Barnard  
[REDACTED]

If the proposed road is to take place I would not object, providing it is controlled by a planning condition to ensure it isn't used as a short cut to getting permission to build more houses.

As the resident of [REDACTED] I will probably be affected most by this proposed road.

I notice that the new owners are already using the piece of land in question, which runs alongside my fence. So far this hasn't affected me, but I am worried that if they get permission for a road, it will be a short cut to getting permission to build more houses.

More houses would bring all the problems we have objected to before——Access from Golf Course road, very close to the hard bend, already an accident waiting to happen with all the enormous lorries using it. Also, despite extra parking places at Beech Manor, the cars park everywhere, the overflow using Golf Course Road, which makes visibility difficult as it is necessary to go into the middle of the road to pass them.

We bought our houses here as a quiet cul-de-sac, specially built for older people, two of us being in our nineties, one in late eighties, the others in their seventies. We need to be able to cross our road, we need walking sticks or other help aids, more cars would make this even more difficult.

The previous applications for the use of this land failed partly because there was no access. I would need to be assured that it was not just an easy way to get building permission.

If this new road IS to be a way of building more houses, in effect more cars, delivery vans, builders lorries, it will affect the residents of the Home, as well as our cottages.

If this is the case, I object.

Sent from my iPad

ENTERED IN COMPUTER

23 JUL 2018



# Comments for Planning Application 18/01196/FLL

## Application Summary

Application Number: 18/01196/FLL

Address: Land 20 Metres South Of Beech Manor Care Home Golf Course Road Blairgowrie

Proposal: Formation of a vehicular access

Case Officer: Alma Bendall

## Customer Details

Name: Mr HOWARD SADD

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Lack or loss Of Car parking
- Road Safety Concerns
- Traffic Congestion

Comment: We wish to object to this application as there several points which concern us;  
Should my points /comments be answered to our satisfaction I will withdraw my Objection.

1. The application claims the access is for 1 property. In which case why is the access road to be 5.5 m wide to Adoptable Standard?

I am surprised that the Highways Dept. are prepared to adopt such a spur.

Constructing a road to such a standard in a very confined/busy area is inevitably going to cause considerable disturbance to all residents and visitors, deliveries and staff at the Home

Given the previous history of this site, I am somewhat concerned that this is in preparation for a larger scale development on the plot.

A simple driveway construction would surely be adequate and far less disruptive for all concerned and a lot cheaper.

The existing access way to Stonefields is certainly not built to adoptable std. (I have dug it up in our garden)!

2. The application states that all surface water will be directed to an existing road gully.

As all the surface water from the existing development currently ends up in a soakaway in our garden, can we be assured that this system will cope with the additional run-off?

This must be considered in conjunction with the run-off from the grass area recently converted to 4 parking bays by the Home and the 4 proposed bays (again a grass area) currently under consideration by yourselves.

The existing "Stonefields access way" does not have any drainage system, Is it proposed to drain

any of this road on to the new section?

3. As pointed out in response to previous applications for this site, the new access will deprive the Home and householders of an area where 4 cars can be parked, forcing more visitors to park on Golf Course road, which is already dangerously overloaded with large Quarry lorries, HGVs, Buses, farm tractors, trailers and machinery as well as general traffic. Some farm implements have to mount the footway to pass other large vehicles or parked cars.

4. Should this application be approved, conditions should be included in the Consent to the effect, that;

a,) additional development of the plot will be prohibited because of all the reasons given in respect to previous applications for Stonefields redevelopment.

b,) during construction, the present road must be kept clear at all times and no materials are to be stored on it and no plant or skip is to left parked on it.

Works can only be carried out during the normal working day i.e..9.00 hrs to 18.00hrs. Week end working to be avoided unless absolutely essential.

c.) Any new underground services, cables, pipes, ducts, mains must be installed prior to or in conjunction with, the construction of the access road in order to minimise disruption.

Howard & Sheila Sadd

**From:** Doris Barnard [REDACTED]  
**Sent:** 28 November 2018 19:30  
**To:** Development Management - Generic Email Account  
**Subject:** Road by Beech Manor Care Home, Golf Course Road, Blairgowrie

Dear Sirs,

I refer to Application Ref. 18/01196/FLL, vehicular access on land 20 metres South of Beech Manor Care Home, Golf Course Road, Blairgowrie.

It appears obvious that this proposed road is meant for access to more than one house.

This would bring about all the problems we objected to before, ie:- Access from Golf Course Road, very close to the hard bend, already an accident waiting to happen with all the huge lorries using it; cars parking on the pavements, as seen on the enclosed photograph, blocking the only path available for people wanting to take their relatives out in wheelchairs , or people in “buggies” , without having to cross the road. This would mean that people would have to go out into the road, into the path of incoming cars. Also the problem still , despite proposed extra parking places, will not be enough to stop the overflow parking on Golf Course Road, and the formation of this proposed road will mean even less parking places..

As I said in my previous objection, if the proposed road is a means of building more houses, in effect more cars, delivery vans, builder’s lorries, it will affect the residents of Beech Manor, as well as our cottages.

If this is the case, I object.



Yours faithfully, Doris Barnard.



From: Doris Barnard [REDACTED]  
Sent: 04 December 2018 17:41  
To: Development Management - Generic Email Account  
Subject: Development of Road by Beech Manor Care Home, Golf Course Road, Blairgowrie

Dear Sirs,

I refer to Application Ref.18/01196/FLL, vehicular access on land 20 metres South of Beech Manor Care Home.

I believe that more information has come to light since my last email to you in that the Council was already aware that the building of more properties was being considered for this plot.

As a resident of the area which is affected, I think this should have been made clear to me.

The fact that the new owners put a "no parking" cone at the entrance to the proposed road has already caused problems, with visitors to the Home having to park on the pavements. The "proposed" road will cut through the existing safe pathway from Beech Manor, so apart from having to cope with traffic going in and out from Stonefield, people with wheelchairs then have the additional hazard of passing, or trying to pass, illegally parked cars. The problem was bad enough without having to contend with any extra dangers. As to what it would be like with even more traffic I hate to think.

Already, the Freedom Coach, which takes some of us on outings and weekly shopping trips, sometimes has a job to turn as the original turning circle is congested. This applies also to Refuse Lorries, Delivery Vans, Ambulances to name but a few. It is already a hopeless situation, without adding to it.

Regards,

Doris Barnard



**Planning Application Reference : 18/01196/FLL**  
**Access Road, Stonefield, Golf Course Road, Blairgowrie, PH10 6LJ**

**Response to Neighbour Comments :**

My client was aware that the owners of Nos. 1 and 2 Rosemount Cottages had lodged representations at the time of the application to form the access road and respected their right to make any comments which they regarded as relevant.

Having read the comments, a decision was taken not to respond in the belief that they were not relevant to the submitted application, and also in the belief that the planning officers would recognise this to be the case.

Prior to submitting the application, I asked the council if a planning application was required or if it would be a straightforward case of only requiring Roads Consent due to the fact that Stonefield existed before any of the neighbouring properties were built. I was of the opinion that the lack of vehicular access must have been the result of an oversight on previous applications and the situation should possibly have been addressed prior to the council adopting the care home access road. I was advised however that a planning application was required. I confirm at this point that the care home owners acknowledged that Stonefield has a legal right of access and have been very supportive.

With regard to the representations submitted by the owners of Nos. 1 and 2 Rosemount Cottages, I attach a copy of the servitudes included in the title deeds for these properties. The cottages are referred to as the 'Conveyed Property' and Part 4A shows that purchasers were made aware at conveyancing stage that an access would later be formed to Stonefield, and footpaths, drains, etc. including soakaways, would be altered as required. I don't know if the conveyancing solicitors would have made this clear to the purchasers but the wording in the title deeds would appear to settle any issues on this.

Further inspection of the title deeds, and also Planning Approval Ref 10/01067/FLL, appears to show that these two cottages have not been built at the approved position. This may have been dealt with by the conveyancing solicitors and will not therefore be a major issue. The deed plans however, appear to show that parts of the garden walls/fences are not on the legal boundaries. This will be dealt with as a separate issue for both properties.

The boundary issue does however have a bearing on the proposed access road to Stonefield. The legal documents show that the boundary at Cottage No.2 should be in line with the rear edge of the pavement. The attached photograph shows that the fence is not on the legal boundary. This is significant in that the area of ground between the proposed new access road and the legal boundary can be used to form four parking spaces which will ensure that the roadway is kept clear, not only for the Stonefield access, but also for the turning space required by the vehicles referred to in the neighbours' submissions. This will be dealt with separately and does not affect this application.

In conclusion, I make the following points with regard to how the 'traffic problems' have arisen in this area :

The 45 bedroom care home received planning permission in 2006 with a requirement to provide 14 off-street parking spaces. This was possibly calculated by the developer at the extremely low provision of 0.25 spaces per bedroom giving a rounded up figure of 12, which means 2 spaces were deemed adequate for staff members, etc. I am advised that staff numbers can be around 15 during the daytime and that visiting consultants are in addition to this.

The developer also applied for permission for 5 'care cottages' as part of the same application, presumably with the intention of maximising the project's financial return. This would be deemed to be understandable from a developer's point of view.

The opportunity existed, at that time, for the council to increase the parking provision by requiring the developer to reduce the number of cottages as appropriate. It seems however that the transport planning officer agreed that the 14 space provision was adequate for the proposed development.

Clearly this was a serious error of judgement by the council officer resulting in the area being 'blighted' with the traffic problems which have existed ever since the care home opened.

Some of the consequences have been that the area required by the council for vehicles turning has been used for parking with the obvious resultant problems, and the care home is having to change previously approved amenity area into parking spaces.

My client acknowledges that the objectors are seeking the outcome that they consider is best for their own properties and hopes that they will show the same level of understanding for Stonefield.

I confirm that this review has been requested in order to have Planning Condition No.2 removed on the grounds that it is not appropriate to the application. The opportunity will remain for neighbours to submit representations should any applications be submitted for this site in the future.

Signed,

J G Aitken  
Agent

7<sup>th</sup> January 2019

16/11/2018

ScotLIS - Title Information - PTH39259

connected to the relevant services at all times without any interruption and subject to the owner for the time being of the Retained Property being responsible for any damage caused by exercising this right.

#### Part 4A

#### Servitudes affecting the Conveyed Property

The following servitudes are excepted and reserved out of the Conveyed Property in favour of the Retained Property subject to the conditions set out in Part 4B of this Schedule:

1. a right of access for pedestrian and vehicular traffic, for all purposes connected with

(a) the construction and use of the Retained Property for the Approved Development and

(b) any construction works on or the use of Stonefield, over and across the footpaths and roads constructed (or to be constructed) within the Conveyed Property as tinted yellow and blue on the said Plan;

2. a right to construct footpaths and roads over the parts of the Conveyed Property as tinted blue on the said Plan (but excluding any part thereof currently forming part of the care home building located on the said area) in connection with any construction works on or the use of Stonefield

PROVIDED THAT any soakaway or other facilities on the area tinted blue on the said Plan will not be adversely affected, or if they are adversely affected, they are appropriately relocated in accordance with proposals approved by the owner for the time being of the Conveyed Property (with their approval not to be unreasonably withheld) at the cost of the owner for the time being of the Stonefield;

3. a right of free and uninterrupted use of services supplied by Service Media existing now or at any time in the future to be made upon through or under the Conveyed Property and also (in the case of Service Media to be located outside of the area tinted yellow and blue on the said Plan, subject to obtaining the consent of the owner for the time being of the Conveyed Property as to the route, such consent not to be unreasonably withheld, and in the case of Service Media to be connected into Service Media which benefit the Conveyed Property, subject to satisfying such owner, acting reasonably, that no overloading to such Service Media will result) to construct and lay any necessary Service Media upon, through or under the Servitude Area, for the purposes of servicing the Retained Property, together with a right to make connections to such Service Media for such purposes of servicing the Retained Property, and a servitude right of access over the Conveyed Property for the purpose of constructing and laying such Service Media, making such connections and inspecting, repairing, maintaining, renewing, replacing and upgrading the Service Media which right of access may be validly exercised by any person duly authorised by the proprietor of the Retained Property including its tenants, agents and tradesmen.

4. a right of access to the Conveyed Property for the purposes of carrying out any construction or maintenance works to the Retained Property, where such construction or maintenance works cannot be carried out from within the Retained Property, which right of access may be validly exercised by any person duly authorised by the proprietor of the Retained Property including its tenants, agents and tradesmen.





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CITY	Angus Construction					
PIN	Care Home and Cure Cottage, Rosemount, Ballagowla.					
CONTRACTING SITE PLAN PROPOSED						
Date	DRAWN	APPROVED	(DATE)	KO NO. 18888	W/O U-102	EIT P
The drawing is based on the 1997/98 Census of Population and Housing, which shows a population of 1,200 (SEE ATTACHED MAP).						





