

**LRB-2021-42**  
**21/01145/FLL - Erection of a dwellinghouse, land 50 metres north west of Dunaverig House, Needless Road, Perth**

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**LRB-2021-42**  
**21/01145/FLL - Erection of a dwellinghouse, land 50**  
**metres north west of Dunaverig House, Needless Road,**  
**Perth**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address   
Friarton Road  
Perth  
PH2 8DE

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

## Agent (if any)

Name

Address   
Friarton Rd  
Perth  
PH2 8DY

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

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

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

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

**Statement**

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

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

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

Please see attached supplementary information.

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.

Additional information supplied in justification of the application and the reasons for refusal

## List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- Application form
- Design Statement dated 15 June 2021
- Location Plan – PL-01
- Block Plans – PL- 02
- Existing Drawings – PL – 03
- Proposed Drawings – PL-04
- Proposed Elevations – PL-05
- 3D Views – PL-06
- Exterior Renders – PL – 07
- Air Source Heat Pump – Technical Specifications
- Solar Panels – Technical Specifications
- Planning Statement, prepared by TheTownPlanner, dated 8 November 2021
- Swept Path Analysis

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

## Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

10/11/21

LTR/21049/002/RRT

10 November 2021

FAO Clerk to the Local Review Body

**ERECTION OF DWELLINGHOUSE ON LAND 50 METRES NORTHWEST OF DUNAVERIG HOUSE,  
NEEDLESS ROAD, PERTH**

Please find attached a Notice of Review together with following two additional documents to support the Review:

- Planning Statement, prepared by TheTownPlanner, dated 8 November 2021
- Swept Path Analysis

The following are those originally submitted planning papers for review by the Local Review Body:

- Application form
- Design Statement dated 15 June 2021
- Location Plan – PL-01
- Block Plans – PL- 02
- Existing Drawings – PL – 03
- Proposed Drawings – PL-04
- Proposed Elevations – PL-05
- 3D Views – PL-06
- Exterior Renders – PL – 07
- Air Source Heat Pump – Technical Specifications
- Solar Panels – Technical Specifications

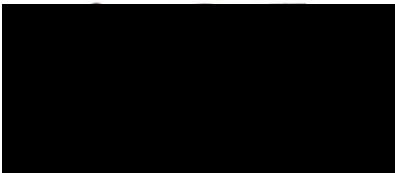
My client would also like it noted that Councillor W. Wilson has undertaken a significant and active role in the opposition of the proposed development of this and the adjacent site. This is documented by the following public actions in his capacity as a PKC Councillor:

- Quotations in Perthshire Advertiser, The Courier, and Daily Record
- Letters dated February and March 2017 sent to residents

In accordance with the Scottish Governments Code of Conduct for Councillors (9 July 2018), it is expected that Councillor Wilson will declare a significant interest and take no part in the Review of this case. To take part would render Councillor Wilson unable to pass the 'Objective Test' (Section 5.3 and 5.7 (ii)) and therefore prejudicial to the discussion and outcome of the Review.

If you have any queries regarding the above, please feel free to contact me.

Yours sincerely



Richard Taylor  
for studioEAST  
Enc

cc. Legal Adviser to the Local Review Body  
Planning Adviser to the Local Review Body  
Head of Legal & Governance Services



# PLANNING STATEMENT

(In support of the Local Review Body review of planning  
decision  
reference 21/01145/FLL)

**SITE: LAND 50 METRES NORTHWEST OF DUNAVERIG HOUSE,  
NEEDLESS ROAD, PERTH**

Jane Shepherd MRTPI

8 November 2021

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## SECTION 1: INTRODUCTION

The purpose of this Planning Statement is to draw upon the details as already submitted to demonstrate that the proposed erection of a dwellinghouse should have been approved (reference 21/01145/FLL) given its unequivocal compliance with national, regional, and local planning policies.

First, a detailed background to the current situation will be provided by way of context. The details provided in this Statement are factual and relate to historical records held by the applicant and those published online at PKC.

The remainder of this Statement will then concentrate on the consideration of whether the proposals meet the policy requirements; all as detailed in the Officers Handling Report and stated in the reason for refusal on the Council's Decision Notice.

It is important that the Local Review Body (LRB) read this Statement alongside all the previously submitted documentation under 21/01145/FLL to enable a comprehensive Review of all the facts and merits involved in these proposals.

It is also of relevance that the LRB has the authority to overturn this decision on one or all the reasons given. The applicant's case demonstrates that some of the reasons given to refuse this application are not based on facts. The applicant in requesting this Review is providing those facts. As such it is requested that each reason for refusal is considered in detail.

## SECTION 2: EXECUTIVE SUMMARY

**The refusal of this planning application rests on two matters, as raised in the Officer's Handling Report and the stated Reasons for Refusal in the Decision Notice:**

- Whether the proposed house respects the character of the surrounding area
- Whether the access (pedestrian and vehicular) access is acceptable.

### **Whether the proposed house respects the character of the surrounding area**

This Statement provides a comprehensive analysis of the character of the area based on established urban design and placemaking principles to enable a comprehensive assessment based on facts.

The Council's case relies on an historical analysis from 2016, which incorrectly argues that the frontage is too narrow to accommodate a new house plot and therefore the development constitutes a dense overdevelopment in this area. It also argues there is a defined architectural style of houses in this road, which the new house design fails to be compatible with.

The applicant's case relies on fact. The plot and Site (with or without the inclusion of the required access) is directly comparable to frontages in Cavendish Avenue. The proposed house fits well within this plot leaving appropriate visual gaps compatible with those in the surrounding area.

From a detailed analysis it is evident the character of the area is in fact derived from an eclectic mix of architectural styles, scales, designs, roofscapes, materials, finishes and window designs.

The proposed drawings demonstrate equivocally that the proposed house design is compatible with in that context, whilst also providing a house design that meets future needs of accessibility, living environment, and sustainability.

### **Whether the access (pedestrian and vehicular) access is acceptable**

This Statement provides a full analysis of access requirements, assessing the previous, current, and proposed arrangements.

The Council's case relies on the analysis that there will be a conflict between users of the access.

The applicant's case relies on fact and the continued provision of an improved, safe, accessible link between Cavendish Avenue and Needless Road, whilst maintaining vehicular access to three users (SSE, the owners of 63 & 63 A Needless Road, and the owner of 48 Cavendish Avenue).

## SECTION 3: PLANNING CONTEXT

### Historical Background

Taking reference from previous third-party objections cited throughout the planning history of this and the adjacent site, it is evident that a pedestrian access has been in existence and used by the public for a significant period.

According to a local resident, Donald Paton, author of 'Twixt Castle and Mart' (2005), the current site land arose from housing not being constructed, for which permission had been granted at the time of the housing development of this part of Perth. The extract below from an Ordnance Survey map, 1931 shows Needless Road and the beginnings of Cavendish Avenue, and the undeveloped plot (now 63 A Needless Road).



Subsequently, air raid shelters then lock up garages were built upon it whilst maintaining access.

Whilst the situation must be considered as it is at present, the original intention was clearly for a continuous row of houses and not land left over providing an access point for the community. It was not, as asserted by others, a deliberate intention from day one, that this land would be provided as a public access; it was by default.

It is fact that whilst this may be used for pedestrian access it is not, as indicated by PKC, a registered right of way but one that has acquired rights over time. Irrespective of this, the land since it was sold on by PKC is now in private ownership and the only obligation upon the applicant is to ensure that a path is provided.

### Recent Background

It is accepted by the applicant that land transactions and gaining planning permission are quite separate and covered by separate legislation. However, it is important to note the background

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behind these proposals in the context of the disposal of the land (detailed in the plan extract below) by PKC.

The two main issues relate to (1) the status of the access, and (2) the future of the site, which as demonstrated below were clearly stated by PKC and therefore formed the basis of the applicant's purchase of the land and his ongoing pursuit of a return for his investment. The factual situation relating to these issues is provided below:



*Plan Extract © Registers of Scotland (ROS)*

The applicant initially expressed an interest in buying the land to PKC in August 2014, when it was first advertised. The land was withdrawn from auction in November 2014 due to the lack of available details and then re-advertised for sale at Auction in 2015; albeit the legal pack of information that had delayed the initial auction, was still not provided to the applicant. The sale of the land to the applicant (and current owner) took place on 29 July 2015.

The applicant did try to contact the planning department in advance of the auction but was unable to receive advice in the short auction period provided. Any potential purchaser would have been in the same position and would have had to base their investment upon the information available at the time of auction; the advertisements, sales particulars and stated terms, burdens, and conditions.

Research of the sales particulars and current ROS records demonstrate there were no conditions or burdens imposed by PKC as part of that sale. Furthermore, the records do not include any registered rights of access or use of the land.

Therefore, the land was purchased in good faith from a public body assuming that there were no restrictions in place, or these would have been identified and made transparent during the transaction. Furthermore, as a public body that is responsible for rights of way, it would have been expected that this aspect would have been brought to the attention of any potential purchaser.

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PKC's Disposal of Land and Buildings Policy clearly sets out that sales are based on market value. The market value in this case must have been based on some future development or return on the land since if it this is not possible, the potential costs in terms of public liability, maintenance etc would far exceed any return from leaving it undeveloped with twelve, mostly unlet, garage lockups in a poor condition.

And of note, during the period of sale, a noticeboard was placed on the land and advertised as a 'Development Opportunity' (see photograph of noticeboard below), which demonstrate that PKC expressed the potential for the site to be developed publicly.



Therefore, it is not surprising there was a clear expectation from the applicant at the outset, having paid a considerable amount for the land in an unencumbered transaction, that it had value as a development site. This expectation was based on the information available at the time of sale and how PKC was advertising the land.

There was no expectation that the Council would now assert such restrictions that should have been identified at the outset, on any future owner, thereby considerably depleting its market value. The applicant finds himself in the current situation because of these issues, which have only come to light following the purchase of the land from PKC.

Furthermore, notwithstanding their concerns, the community was fully aware of the potential sale of this land in 2015. The applicant was not made aware of any concerns being raised at this point. Had they been so, the expectation would have been that PKC would have revealed them prior to the transaction taking place and the applicant would have been able to make a more informed decision at the time of any restrictions and opposition.

Associated with this, the expectation by the local community that any private purchaser would intentionally spend their own money to then gift this land to the local community for their benefit or wishes to use the land to meet their parking needs, access, dog toileting or indeed expect the applicant to donate the land as community open space, is unrealistic. Whilst it has been repeatedly claimed that the applicant should *get the message* from the refused planning permissions, it is

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unrealistic to expect that the applicant having bought the land in good faith from the same Council now refusing permission to develop, to just accept the situation without at least trying to find a solution, challenging those decisions through all the legitimate and available channels, and seeking a return on his investment.

## Site Description

The application site comprises hardstanding access of varying types of materials, levels, and condition, flanked by kerbed rough grassed areas, and a substation. This description is borne out by the case officer's three photographs (extracted from the Report of Handling below © PKC)



*Photograph from the site towards 63 A Needless Road with substation © PKC*



*Photograph showing the Site from Cavendish Avenue © PKC*

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*Photograph showing the Site, the two domestic garages and substation © PKC*

By contrast, in the many objections received throughout the planning history, the site is described varyingly as an *amenity space* and a *cherished landmark*. These comments are disingenuous given the reality on the ground relating to the quality and size of this land.

To refer to it as an *amenity space* suggests that the local community perhaps use it as a park, for play, picnics, and other recreational purposes. This is neither practical nor realistic. It is not useable space nor attractive. There is no evidence that these grass strips have ever been used by the community for amenity or recreational purposes. Based on the objections alone, it is evident that whilst the hardstanding may be used regularly, the grassed area (where the house is proposed) is not, except for dogs' toileting (therefore making it even less attractive for human use). There is no legal requirement to maintain this grassed area for those purposes.

To refer to it as a *cherished landmark* suggests that the site has some intrinsic visual value. However, it is not in a conservation area, and it has no historical, landscape, recreational or amenity value.

A more accurate description in visual and use terms is a *cut-through* between Cavendish Avenue and Needless Road. In addition to pedestrian and cycle access along the footpath, there are three other access 'rights':

- prescriptive rights of access to two domestic garages. This does not extend to the right for parking outwith the garage on the applicant's land.
- access and temporary parking for SSE Engineers to service the substation
- access and parking rights for the new occupants at 63 A Needless Road

No other persons have access rights or to park on the land in the applicant's ownership.

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Since the construction of a house (planning permission reference 17/00395/FLL), the footpath has been maintained at 2 metres wide, as agreed and accepted by PKC.

## Previous Planning History

The planning history of this and the adjacent site is of relevance and a material consideration in the determination of this planning application, the subject of this Review.

- 15/01716/FLL – Erection of 3 dwelling houses – Withdrawn 19/11/2015
- 16/01261/FLL – Erection of 2 dwelling houses – Refused 23/01/2017
- 17/00395/FLL – Erection of dwellinghouse and relocation of public footpath – Approved 12/06/2017

It is evident from these decisions, whilst the applicant has endeavoured to engage through pre-application and drawn up his proposals to meet all the requested requirements, there remains objections to the house at Cavendish Avenue, albeit the exact details of those concerns have not been forthcoming and dialogue with PKC has been limited to explore these further.

It is apparent that PKC's ongoing aim to reject this second house has not enabled a comprehensive assessment of the details presented for this house; the answer has just repeatedly been a preference for this second house to not be included.

### 15/01716/FLL – Erection of 3 dwelling houses – Withdrawn 19/11/2015

The relevant issue arising from this planning application is that most of the objections related to the loss of the *right of way* between Cavendish Avenue and Needless Road, and some even advised/suggested the retention of an access as an alternative option to blocking all access completely.

Following planning officer advice regarding the complete blocking of the access through the site, this planning application was withdrawn by the applicant.

### 16/01261/PREAPP – Erection of 2 dwellinghouses

To explore the access issues further, discussions took place with Council officers and a pre-application was submitted for advice in advance of making another planning application.

It should be noted that the purpose of pre-application advice is to provide greater certainty to a potential applicant, assisting them in their project design and submission and helping them in their decision as to whether it is worth submitting a planning application. The advice given by Council officers, whilst accepted as being made without prejudice to any planning decision, should therefore be based on professional planning judgments and the full assessment of proposals against planning policy.

The advice provided in this case referred to the following requirements relating to access provision:

- Footpath – 2 metres
- Ability to access/egress in forward gear
- Access driveway - 3 metres

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It was concluded by PKC officers that to meet these requirements the scope for the house at the Cavendish Avenue end of the site was limited. This was expressed as a preference, or a solution if the above was not met.

It was also confirmed that the design, scale, massing of the houses was acceptable, there were no resultant amenity issues, and the garden sizes were deemed to be acceptable. This suggested that if the above three matters were resolved then a proposal would be supported by PKC officers.

### **16/01261/FLL – Erection of 2 dwelling houses – Refused 23/01/201**

This planning application comprised the following details, designed in accordance with the pre-application advice provided:

- Footpath – 2 metres
- Ability to access/egress in forward gear
- Access driveway – 3 metres

These aspects were achieved with the inclusion of both dwellinghouses and therefore it was rightly assumed by the applicant that the proposals would be supported by PKC officers.

The only consultation responses received from Council Officers were as follows:

- Strategy and Policy – Requirement for Development Contributions for Education and Transport Infrastructure
- Transport Infrastructure – Reference made to the previously withdrawn application, which related to the complete blocking of access (which was no longer the case or relevant to this application) and their ongoing concerns regarding access issues raised. No specific or detailed concerns were provided.

Unusually, reference is also made in the consultation part of the Officer's Handling Report to previous comments made by Community Greenspace officers regarding there being an important link through the site. Given the 2016 proposals were quite different to the previous 2015 proposals in this respect and each planning application should be based on their own individual merits, such comments are not relevant to these proposals. If the Community Greenspace team had concerns regarding this proposal, then they should have been made during the consultation time for this planning application.

Twenty-four representations from third parties were received.

The planning application was determined under delegated powers and considered by way of an Officer's Handling Report.

It is of note that the officer confirms the grassed area is not zoned as open space and whilst some residents may put amenity value on this space, the officer does not *consider the loss of this small area of grass or landscaping to be significantly detrimental*. This suggests that it is the planning officer's view that the land is merely a grassed area and nothing more.

Of significance, and contrary to the pre-application advice given, the following points were raised in the Officer report:

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- the provision of a 1.8 m fence along the eastern boundary of the new house means that the vehicular access is *throttled* and creates *a conflict between pedestrians and vehicular movements to the rear parking area*.
- the proposed house on Cavendish Avenue does not respect the streetscape and they are not *convinced with the scale, massing or design*.
- Limited intervisibility is provided to/from the parking area.

In conclusion, contrary to the pre-application advice given and the detailed compliance provided in the submission, this planning application was refused on the following grounds:

1. *The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014 as the proposal is considered to represent overdevelopment of the site when taking account of the areas environs and surrounding density as a consequence the development is compatible with the character and amenity of the area are retained.*
2. *The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding built environment. The design, density and siting of development does not respect the character and amenity of the place, and it does not improve links within the site.*
3. *The proposal is contrary to criterion within Policy PM1B of the Perth and Kinross Local Development Plan 2014 as the dwelling would (a) not create a sense of identity as it would erode the coherent street structure, (c) the design and density does not compliment the surroundings (e) does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
4. *The proposal is contrary to criterion within Policy CF2 and TA1B of the Perth and Kinross Local Development Plan 2014 as the alternative form of path provision though the site is not considered to be acceptable due to 'throttling' and conflict between motor vehicles and pedestrians.*

Of note from these reasons for refusal, is that they are generic and non-specific, failing to directly relate to the actual concerns raised in the Officer's Handling Report. The report is clear in its objection to the house on Cavendish Avenue yet raises the same concerns regarding the entirety of the development.

### **17/00395/FLL – Erection of dwellinghouse and relocation of public footpath – Approved 12/06/2017**

Following refusal of 16/01261/FLL, the applicant sought planning permission for a single house fronting Needless Road. The proposed house was identical in design, scale, siting, parking location, and path design to that shown in the previously refused application 16/01261/FLL.

Consultation responses received from Council Officers were as follows:

- Developer Contributions – Requirement for Development Contributions for Education and Transport Infrastructure

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- Transport Infrastructure – Given that the plans show a 2-metre-wide path is provided no objection is raised.
- Community Greenspace – Confirm that the footpath is not identified as a right of way in PKC's register. Confirms satisfaction with the provision of the footpath as shown on the plan.
- Street Lighting – Confirms that since the land is private there is no requirement for lighting to be provided.

It is of note, that there were no longer any concerns raised by Transport Infrastructure or Community Greenspace regarding links, navigability, throttling or conflict between pedestrians and motor vehicles. Interestingly, there is also no requirement for safety lighting to be provided for pedestrians using the access because this is private land.

Twenty-five representations from third parties were received.

The planning application was determined by the Development Committee and an officer report recommending planning permission be granted was provided for Member's consideration.

The proposals were seen as an improvement on the previous proposals in 2016 since the connectivity is retained through the inclusion of a 2-metre-wide path and 3 metre shared access.

There was no longer considered to be any conflict between vehicular and pedestrian movements.

The proposals are deemed to overcome the four previous reasons for refusal and were granted planning permission by the Development Committee with conditions related to materials, boundary treatments, parking, access, drainage, glazing, and an informative relating to the required developer contributions.

## Current Planning Application

The current planning application 21/01145/FLL, the subject of this Review, sought planning permission for the second house, to be located fronting Cavendish Avenue.

A full description of the proposals is provided in the Application Form, Plans and Design Statement forming the original planning submission and it is not intended to repeat this here. Details from these will be drawn upon as necessary in the policy assessment.

An extract from the Site Layout plan is provided below to show the proposed layout of the site and the context of the development in relation to neighbouring properties and Needless Road/Cavendish Avenue.

This plan demonstrates the facts of the situation and will be referred to in detail in the policy assessment section of this Statement, related to the four reasons for refusal.

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External Consultee, Scottish Water, raised no objections. Further consultation responses were received from two departments at the Council. Development Contributions reaffirmed the requirement for contributions relating to transport infrastructure and education provision. The full

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response from Transport Planning is quoted below and will be responded to in the Policy Assessment section of this Statement.

*The National Roads Development Guide advises that for a three bedroomed property, two car parking spaces shall be provided, however the applicant has only provided one space.*

*The fence between the property parking area and the access will restrict visibility towards the substation where pedestrians or other vehicles may be egressing from.*

*Moving the access closer towards 48 Cavendish Avenue, will mean that access to the neighbouring garages will be tighter and it is unclear if vehicles will be able to continue to enter and exit from the garages. A swept path analysis will confirm that this is possible.*

*In the previous consultations for application 16/01261/FLL, it was advised that a minimum of 3.0-metre-wide access shall be maintained for maintenance of the electricity sub-station. The floor plan drawings show that a minimum of 3.0 metres will not be maintained as the fence will encroach into the available width. There is also a concern with pedestrian/vehicle conflict as there is no refuge area should a pedestrian/wheelchair user meet a vehicle on the access between to the two fences.*

*Transport Planning are not in a position to support this application.*

There was a significant reduction in representations from the community compared to previous applications, albeit they raise similar issues to those previously, many of which had been dismissed by PKC.

The application was subsequently refused for the following reasons:

- 1. The proposal is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs and surrounding density as a consequence the development is incompatible with the character and amenity of the area.*
- 2. The proposal is contrary to Policy 1A Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The design, density, scale and siting of development does not respect the character and amenity of the place, and it does not improve links within the site.*
- 3. The proposal is contrary to criterion within Policy 1B of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposed development does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport as required by criterion (e).*
- 4. The proposal is contrary to criterion within Policy 15 and 60B of the Perth and Kinross Local Council Development Plan 2 (2019) as the alternative form of path provision though the site*

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*is not considered to be acceptable due to 'throttling' and conflict between motor vehicles and pedestrians as a result of the hemmed in nature of the proposed path.*

Using these reasons for refusal and policy references, the areas of objection can be summed up as follows:

- the proposed house fails to respects the character of the surrounding area
- the access (pedestrian and vehicular) access is unacceptable.

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## SECTION 4: POLICY ASSESSMENT

### General

**It is a statutory requirement that all planning applications must be considered on their own planning merits against planning policy and other material considerations.**

The primary document for planning decisions is the Perth and Kinross Local Development Plan 2019. In addition, both national and regional policies provide visions, objectives and aims for policy making in Scotland and reference is made here to relevant national and regional policy statements promoting the approval of this proposed development.

### National Policy

Current national planning policy is provided through the National Planning Framework (NPF3) and Scottish Planning Policy (SPP).

#### NATIONAL PLANNING FRAMEWORK 3 (NPF3)

NPF3 currently provides a statutory framework for Scotland's long-term spatial development. The overall planning vision is to have growth that can be achieved that respects the quality of environment, place, and life. It seeks to create *sustainable, well-designed places and homes which meet our needs*.

**This development to provide housing in a well-established urban area of Perth, is fully in accordance with Scotland's long term spatial strategy.**

#### SCOTTISH PLANNING POLICY (SPP) (as revised 18 December 2020)

SPP provides the policy framework to deliver the objectives of NPF3 and introduces the presumption in favour of sustainable development.

**This proposal which provides a sustainably located and designed house is therefore in compliance with Scotland's planning policy.**

### Regional Policy

The regional policy is within the Strategic Development Plan (2016-2026) for Perth and Kinross, Dundee, Angus and Fife Council areas. The Vision provided by Regional Policy is that:

*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."*

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The provision of a sustainably designed house in this sustainable location complies with this Vision.

## Local Policy

Perth and Kinross Local Development Plan 2019 is the current Local Development Plan (LDP) against which all planning applications are to be considered.

### PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2019 (PKCLDP19)

The table below includes the policies listed in the Officer's Handling Report as being relevant.

Those policies that are in bold text are those referred to in the reason for refusal.

All other matters relating to those remaining policies have been considered and found to be acceptable by the Officer in their Handling Report.

POLICY REFERENCES	
<b>Policy 1 A</b>	<b>Placemaking</b>
<b>Policy 1 B</b>	<b>Placemaking</b>
Policy 5	Infrastructure Contributions
Policy 14 A	Open Space Retention and Provision: Existing Areas
<b>Policy 15</b>	<b>Public Access</b>
<b>Policy 17</b>	<b>Residential Areas</b>
Policy 32	Embedding Low & Zero Carbon Generating Technologies in New Development
Policy 39	Landscape
Policy 41	Biodiversity
Policy 53 B	Water Environment and Drainage: Foul Drainage
Policy 53 C	Water Environment and Drainage: Surface Water Drainage
<b>Policy 60 B</b>	<b>Transport Standards and Accessibility Requirements: New Development Proposals</b>

This part of the Statement will follow a defined format. The proposals will be assessed as follows:

- **Reason for Refusal** quoted and interpreted
- **Policy Test** quoted and interpreted
- **Facts** of the application submission and other relevant points
- **Assessment** against the Reasons for Refusal/Policy Test
- **Conclusion** that the Assessment demonstrates full compliance with the Policy Test and therefore rebutting the Reasons for Refusal.

Thereafter, since this is a full review of the proposals, any outstanding issues raised in the Officers Handling Report or through Consultation Responses/Third Party Representations will be briefly covered by way of a Policy Test, Assessment and Conclusion format.

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## **REASON FOR REFUSAL NO. 1: RESIDENTIAL AREAS: OVERDEVELOPMENT**

### **Reason for Refusal**

The stated reason for refusal related to this issue is as follows:

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

This reason purports, irrespective of the detailed design and layout of the proposals, the principle of the proposed development of this plot of land to construct a new dwellinghouse is unacceptable because it would constitute overdevelopment having assessed the surrounding area and density. This appears to be quite separate with the issue raised in the second reason for refusal which goes on to deal with the merits of the proposed house on the plot. Accordingly, this will be assessed separately.

### **Policy Test**

Policy 17 is used to argue this reason for refusal and states that:

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

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

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

Policy 17 sits below the heading 'Residential Development' in the PKCLDP19 but deals with all types of development within a residential area. It clearly seeks to protect residential areas from inappropriate development, that would either impact upon its character or the amenities of

residents. Not all the policy is therefore applicable to this proposal. The relevant part of this policy which has been referred to in the reason for refusal is in bold text.

Density is defined in the PKCLDP19 as *the intensity of development in a given area. Usually measured as net dwelling density, calculated by including only those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas, where these are provided.*

## Facts

First, to establish what the character of the broader 'environs' or to use plainer language, 'the surrounding area' of the site is, it is necessary to analyse the street layout and pattern of development, using plans and aerial photography. These aspects define in general terms the density of the area and will therefore assist in the assessment whether the proposal is compatible and respectful of its *environs*.



*Extract from Perth South Settlement Map PKCLDP19 © PKC*

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*Aerial Photograph © Googlemaps*

These two extracts demonstrate this area of Perth is of a medium/high density comprising linear plots of varying widths accommodating either detached or semi-detached houses. In general terms the semi-detached housing sits on narrow plots and the detached housing sits on wider plots. The gaps between buildings are also varied.

A more detailed analysis of the street pattern and layout of this area, finds that the plot widths vary between 6 m to 16 m, with the widest plot being no. 50 and the narrowest being those from no's 30 – 48 Cavendish Avenue: the properties either side of the proposed house plot.

It is also evident there are defined gaps between the buildings within those plots, generally varying in width from 2 m to 6 m, with the narrowest being between no. 56 and 58 Cavendish Avenue. However, there is a wider gap between no. 48 and 50 of 18 metres. This wider gap of 18 metres is not typical of the layout and only exists due to this 'gap site', where the expectation is that a house would be sited to fit in to the existing pattern. The norm in the *environs* is between 2 m to 4 metres for those houses either side of the proposed plot. The existing situation is not therefore in character with the street layout and pattern of the environs.

The plot depths for Cavendish Avenue vary between 34 and 38 m. Many of the properties are shown to include sheds and outbuildings to the rear, foreshortening the garden depths. The adjacent property at no. 48 has a garage at the rear of the garden, leaving the plot depth at 31 m. The plot depth for the site is 33 m with a substation to the rear of that.

This pattern of development is typical of that in Craigie and many of the areas that developed out from Perth Town Centre during the last century. There is no uniformity in plot size and width or

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defined rhythm that would normally be created by more regular plot widths, house types and designs.

This varied street pattern is more apparent when viewed from a 3-dimensional form, travelling up and down Cavendish Avenue, which is provided using extracts from Googlemaps Streetview in the Assessment for Refusal Reason No. 2 below.

### **Assessment**

Notwithstanding the broadness of this policy as outlined in the Policy Test section, in terms of principle, an infill residential development is encouraged in this location providing it is at *a density which represents the most efficient use of the site while respecting its environs*.

In terms of compliance with this policy, the infilling of this natural (and historical) housing plot would make the efficient use of the land and provide much needed housing in the area. It is therefore only whether the proposal is at a *density* that is *respecting its environs* that is an issue and whether this constitutes or manifests itself as being overdevelopment.

It is not clear how this density can have been considered, as stated in the reason for refusal. No density calculation has been carried out; albeit density, in my professional view is merely a number and what is more important is how that *density* manifests itself on the ground.

To that end, it is not clear what assessment has been undertaken of the environs to conclude that the proposed development is incompatible with the character and amenity of the area. To enable that assessment, a detailed urban design assessment needs to be undertaken to establish the baseline (the existing) and then compare the proposal against that defined baseline.

Without a density calculation, a more appropriate and relevant assessment would therefore be based on the following questions:

- Is the plot width too narrow or too wide compared to neighbouring properties and the environs?
- Is the gap between the proposed house and its neighbours too narrow or too wide compared to neighbouring properties?
- Is the plot significantly smaller or larger than neighbouring properties?
- Does the property have sufficient amenity space?
- From a 3-dimensional viewpoint, does this plot size (width, depth, building to building gap) appear out of character with the surrounding area?

These are the main factors, which would define whether in principle a house plot on this land would constitute overdevelopment such that it stands out to an extent that significantly affects the character and amenities of the area. These factors comprise a real assessment based on visual aspects and analysis, rather than using an academic numerical assessment such as a density calculation.

In direct response to these five factors:

- **No**, the plot width is 10m, comprising a house plot width of 7 m and an access road of 3 m.

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- **No**, the gap between the proposed house and no. 48 is 6 m. the gap between the proposed house and no. 50 is 6 m.
- **No**, as stated the plot width and depth is like those in the environs. A shorter depth by 1 m to that adjacent at no. 48 does not constitute a significantly smaller plot, particularly given that it is 1 m wider than no. 48. The shortening by 1 m would not be visually apparent or obvious such that the plot would appear small or out of character with the area.
- **Yes**, the proposal is for a house with adequate garden space (as affirmed in the Officer Handling Report). It sits in line with the front building line of Cavendish Avenue. Its garden length is only marginally shorter than those adjacent, in fact it is identical in length to no. 48 and wider.
- **No**, using these four factors, the plot would not be significantly different to those in the surrounding area and would not appear to be out of character with them.

Finally, having carried out an assessment based on appropriate tests; it needs to be concluded whether the development constitutes overdevelopment. Unfortunately, the term 'overdevelopment' is not defined by PKC. However, to assist here, an established definition is, *'overdevelopment' is defined as the amount of development (quantity of buildings or intensity of use) that is excessive in terms of demands on infrastructure and service or impact upon local amenity and character'* (Planning Portal).

The proposed plans in 2-dimensional layout form unequivocally demonstrate that this does not constitute a high-density development on this land. This is not overdevelopment. The provision of one single house in this location would have no significant additional demands on the local infrastructure and services. In fact, it has been confirmed that no contribution is necessary for primary schooling. Neither would a house in this location have a significant impact on local amenity and character, as fully demonstrated in the plot and layout analysis.



*3D Visual from Design Statement © Studio-East*

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Furthermore, in 3-dimensional form, it would not look out of place or represent the overdevelopment of this site since the 3 m access road gap is retained to the side, not dissimilar to a driveway adjacent to other properties in Cavendish Avenue, for example at no. 50. This is demonstrated in the 3D Visual above.

### **Conclusion**

The construction of a house in this 'gap' site would not be significantly different to the plots and street pattern in Cavendish Avenue, Needless Road, or other surrounding roads in Craigie and beyond.

Contrary to Reason for Refusal 1, taking account of the area's environs and surrounding density, the proposed development of this plot to provide a house is not considered to constitute an overdevelopment of the site or the area. It is not therefore incompatible with the character or amenity of the area.

For completeness, given the siting and design of the proposed house, there would be no impact upon residential amenity, in terms of loss of light or overlooking/privacy to any adjoining properties, as correctly concluded in the Officer's Handling Report. Additionally, an acceptable residential environment, in terms of layout and usable private amenity space is provided for the future occupants of the proposed house.

**As such the proposal is in full compliance with Policy 17 of the PKCLDP19**

### **REASON FOR REFUSAL NO. 2: PLACEMAKING: DESIGN, DENSITY, SITING, SCALE AND LINKS**

#### **Reason for Refusal**

The stated reason for refusal related to this issue is as follows:

*The proposal is contrary to Policy 1A Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The design, density, scale, and siting of development does not respect the character and amenity of the place, and it does not improve links within the site.*

This reason goes the next level from the first reason for refusal in that it states the actual design, scale and siting of the development has a negative impact upon the surrounding built environment; albeit it refers to density again. It also states that the development does not improve links within the site.

#### **Policy Test**

Policy 1 A is used to argue this reason for refusal and states that:

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

*The design, density, and siting of development should respect the character and amenity of the place, and should create and improve links within, and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and scale and nature of the development.*

## **Facts**

The character of the area is accurately defined under the previous section in terms of its street pattern and layout, which has by default considered the siting of the houses within the plots. For the purposes of this assessment, it is important to look at the siting of the houses in more detail together with their design and scale.

As stated before, from the aerial and OS extracts it is evident the gaps between the houses within their plots are quite varied and generally between 2 m to 6 m, with the narrowest being between no. 56 and 58, and the widest being between no. 52 and 54 Cavendish Avenue. The gaps between the houses to the east of the site are generally narrower and those to the west of the site are generally wider; albeit some side extensions have taken place which narrow the gaps further. This demonstrates that there is no uniformity or defined siting within the width of the plots that requires compliance (or 'respecting'). The pattern allows for a degree of flexibility of what gaps are left either side of the proposed house.

In terms of design, the houses in Cavendish Avenue represent a plethora of house types and architectural styles of the era, as demonstrated by the extracts from ©Googlemaps Streetview below travelling from west to east on the north side (opposite the side of the site).

It should be noted that whilst these extracts date from 2009 they still provide a contemporary picture of the existing houses in Cavendish Avenue.



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*(NB: the above view is directly opposite the site – 3 different house designs, scales, materials etc)*



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Opposite the site, there are no less than eight identifiable house designs: including bungalows, 1 ½ storey houses, and 2 storey houses. They include gable, cross gabled, hipped, cross hipped, and plain pitched roof designs. Some have dormers (with pitched or flat roofs) or chimneys punctuating the roofs. The scale of the houses varies by architectural design from small bungalows to the two-storey semi-detached with bay/bow windows. There are standalone house designs and small groupings of similar house styles side by side; all creating an eclectic mix in terms of defining the character of the area.

In terms of window designs, there are plain windows of varying sizes, horizontal and vertical emphasis, bay windows and bow windows at ground and sometimes also at first floor levels, in varying material types including timber to plastic. The window designs and openings also vary considerably from house to house. The external finish to the houses is equally varied: stone, painted, brick, harl, concrete, render, pebbledash and hanging tile or slate. The two storey houses are sometimes uniformly in one finish but also some have different finishes at ground and first levels.

The new house site is on the south of these properties and whilst it will read in the whole context of the street, it will generally be read within the streetscene of the same side: the south side.

The following Googlemap Streetview extracts are taken travelling from west to east on same side as the Site and demonstrate the same variety outlined above, with at least 7 house styles/designs and the same variety of roof forms, materials, scales, window as identified on the north side of Cavendish Avenue.



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The scale and relative height within the street vary due to the change in levels and orientation of the road. Cavendish Avenue dips down/up and levels out throughout its length. There is also a defined bend in it from the site towards the eastern end. The level of the road is also higher on the

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south than the north. This variety in levels, provides another dimension to the character of the road and the reading of the relative positioning and views of the houses in the street.

The landscaping at the front of the properties in Cavendish Avenue, is the only consistent feature. They comprise low walls, low key hedging and planting as seen in the photo extracts. Where the levels are greater on the south of the road, the front gardens are terraced and step up to the house frontage. Many properties due to the lack of rear access and ability to build garaging, have punctuated their front gardens with driveways and parking areas, thereby reducing the soft landscaping elements. Rear gardens are generally grassed with planting. Most properties have introduced rear extensions (conservatories) and sheds at the rearmost part of the garden.

In conclusion, from the above detailed analysis of the character of Cavendish Avenue, it is evident that there is an eclectic mix of scales, designs, levels, and siting, resulting in no uniformity or defined character (other than a mixed one).

This site sits between no. 48 and no. 50 Cavendish Avenue on a bend in the road and the brow of the hill. Given this it will not be viewed in the context of Cavendish Avenue in its entirety but in localised views dependent upon the viewing point. The following extracts from Googlemap Streetview repeated from the street survey work above, demonstrate this localised view:



*Housing opposite the Site*

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*Housing to the east of the Site*



*The Site*



*Housing to the west of the Site*

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*The site on the left (viewed from the east)*



*The site on the right (viewed from the west)*

The application submission includes elevational drawings, details of finishes together with a detailed Design Statement. Full reference should be made to the application details and architectural analysis in the Design Statement, which will be drawn upon in the Assessment below to emphasis the points made and rebut the reason for refusal as stated.

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## **Assessment**

The key policy test cited in the reason for refusal (with added underlines) is as follows:

*The design, density, and siting of development should respect the character and amenity of the place, and should create and improve links within, and, where practical, beyond the site.*

The reason for refusal goes a step further by citing scale as being an issue. Notwithstanding this, each of these elements will be assessed simply below drawing on the planning submission. Full reference should be made to the Design Statement already submitted in support of this proposal which deals with Design and Materials, Sustainable Development and Landscaping.

It is first worth pointing out the appraisal in the Officer Handling Report is limited and harks back to a similarly limited urban design appraisal. This assessment is based on a comprehensive appraisal based on urban design and placemaking principles.

### **Design**

As demonstrated above, the character and amenity of the *place* i.e., the surrounding area is clearly defined by an eclectic mix of architectural styles. Any house design within this context has a degree of flexibility and does not need to 'copy' or provide a pastiche of one of the many house designs in Cavendish Avenue. This is not a conservation area of specific historic or architectural merit.

Notwithstanding this, the proposed house is a high-quality contemporary design reflecting the following design detailing which is present in the Cavendish Avenue:

- Simple form
- Gable ended pitched roof
- Different Ground and first floor finishes incorporating render
- Front window sizes and glazing patterns



This is again demonstrated in the submission, including the 3D Visual above © Studio-East.

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Furthermore, such a contemporary design is also necessary to meet with the requirements of the remainder of Policy 1 A, whereby,

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

Most of the house designs in Cavendish Avenue were constructed at a time when climate change, mitigation, and adaption were not such an important issue when choosing a house design. To replicate those more traditional house designs would also not meet with modern living requirements. This is apparent from the adaptations and extensions made to those older traditional houses in the road and surrounding area. Sustainable development using modern sustainable materials is now necessary to meet planning and building control requirements.

Therefore, correctly, the proposed house has been designed with an emphasis on sustainable living and future adaptability. The open plan form allows for adaptability and flexibility for its future use in terms of accessibility and incorporates space for home working, considering the recent COVID restrictions and ongoing changes in working patterns. The inclusion of a large area of windows on the south elevation improves solar gain. The proposal includes PV panels and an Air Source Heat Pump.

An attractive front garden design is proposed with a low wall to the street, incorporating parking and landscaping reflecting those adjacent and within Cavendish Avenue, whilst not reducing the availability of on-street parking.

#### Density

The matter of density is considered under the first reason for refusal and not repeated here. It can be concluded that the proposed house fits within the medium/high density of the surrounding area.

#### Siting

The siting of the house within the plot is considered under the first reason for refusal, whereby the gaps either side of the proposed house reflect those in the adjacent and surrounding area.

The Officer Handling Report refers to the application site having a *very narrow frontage with Cavendish Avenue, which is further limited due to the need to retain the vehicular access*. Further reference is made to the development being *shoe-horned* into a *limited frontage*.

This appears to be the main factor behind the Officer's conclusion the proposal constitutes a poor design, siting, and scale of development. However, this conclusion is not based on facts when considering a full appraisal of the surrounding area. The frontage is in keeping with those prevalent in Cavendish Avenue, with or without the 3 m access road being included in the calculation. It is 7 m wide without the access and 10 m wide with the access. It cannot therefore be considered as *limited* as claimed.

Furthermore, within the housing plot the site layout incorporates side a minimum of 1 access either side of the proposed house from the front to the rear, demonstrating that the house is not *shoe-horned* into the site as claimed. Similar accesses are shown in the adjacent properties, and in particular the houses to the east of the Site.

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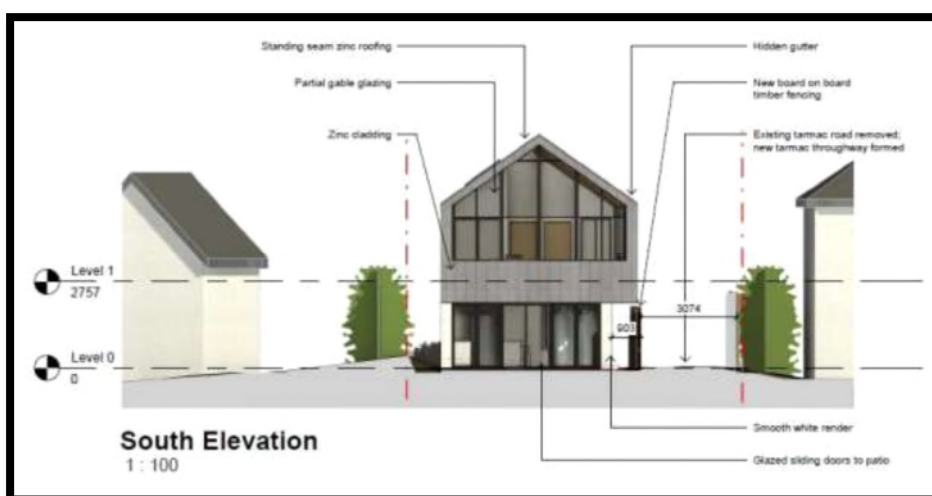
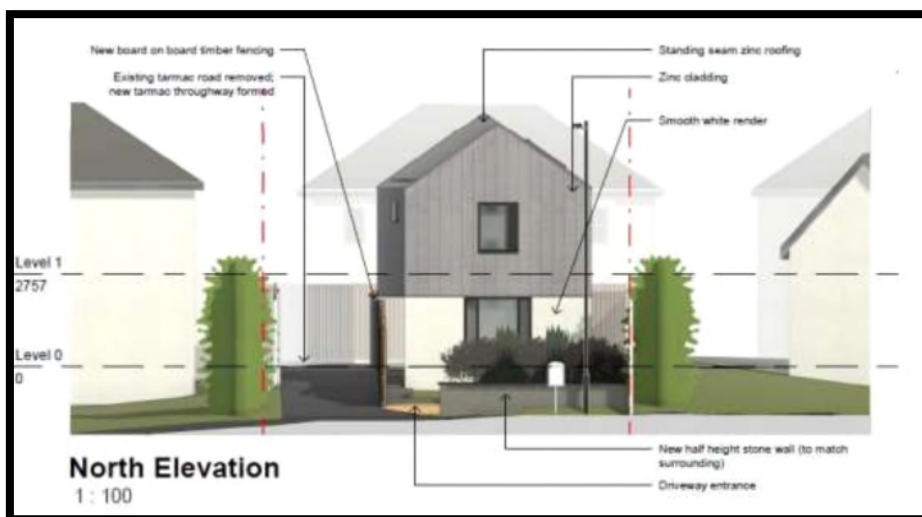
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The front building line for the proposed house reflects the existing strong building line of those houses adjacent and within the south side of Cavendish Avenue.

## Scale

It is acknowledged that it does need to reflect the scale and massing of those houses surrounding it. Equally, as demonstrated in the above analysis, the scale of the houses varies widely, and the site is specifically flanked by two significantly different scales of housing; a two-storey bay windowed hipped pitched roof house on the left and a gable-ended (with dormer) 1 ½ storey house to the right. Any house on this Site, in the bend of Cavendish Avenue, could either provide a two storey or a 1 ½ story house or, as correctly as designed by the architect, a house scale is proposed which transitions between these two scales of housing. The proposed house directly reflects the levels; eaves and ridge heights, as depicted in the 3 D Visual above and the North and South Elevations below © Studio-East)



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## Links

Finally, by reference of Policy 1 A and this reason for refusal, it was concluded that the proposal did not improve links within the Site. This aspect is also mentioned in Reasons for Refusal 3 and 4 and will therefore be assessed in detail under those headings.

However, by way of fact, the proposal continues to provide a shared access through the site, which,

- maintains a 2-metre footpath through the Site and linking directly with the remainder of the 2-metre footpath associated with the development of 63 A Needless Road.
- maintains a 3-metre access to the domestic garages, the parking area for 63 A Needless Road, and the substation.

It needs to be acknowledged that this access is currently shared between users and is of the same dimensions. The applicant has committed to maintain the link between Cavendish Avenue and Needless Road of the dimensions cited by PKC officers.

It is also evidenced from those third-party representations that the Site and surrounding area is served by this well-established link to public transport and services.

It is also worth noting that in providing the above, the existing access/footpath is improved with the existing tarmac being replaced. The existing tarmac and finishes in the site are of poor quality with differing surface levels, as identified in the site photograph below © PKC. The replacement with new tarmac will provide a safer, consistently level access for all users, and in doing so, improve this link in safety and visual terms.



Within the housing plot, links are also provided. There is a path to the east of the house and grassed access to the west of the house. A pedestrian link via a gate is provided to the main

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entrance into the proposed house. A pedestrian link is also provided from the front garden and parking area to the house.

## **Conclusion**

The construction of a house on this Site would, as demonstrated, positively contribute to the quality of the surrounding built development. The design, density, scale, and siting of the development fully respects the eclectic mix of housing that provides the character and amenity of Cavendish Avenue and beyond. Furthermore, links are provided within the site, as required, and are being improved by being resurfaced.

The development has been planned and designed with full reference to climate change, mitigation, and adaption.

Finally, new landscaping and planting works have been incorporated which directly reflect the local context, scale, and nature of the development.

**As such the proposal is in full compliance with Policy 1 A of the PKCLDP19**

## **REASON FOR REFUSAL NO. 3: PLACEMAKING: LINKS**

### **Reason for Refusal**

The stated reason for refusal related to this issue is as follows:

*The proposal is contrary to criterion within Policy 1B of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposed development does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport as required by criterion (e).*

This reason for refusal merely states that the development does not comply with policy but does not provide any justification or reasoning behind this. There are no clues to the non-compliance provided in the Officer's Handling Report.

### **Policy Test**

Policy 1 B is the policy used to argue this reason for refusal, with specific reference to criterion (e), which has been highlighted below. Policy 1 B states that:

*All proposals should meet all the following placemaking criteria:*

***(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport***

It is evident the key tests for compliance with this policy are safety, accessibility, inclusivity and navigability and the reason for refusal directly quotes this verbatim.

### **Facts**

The proposed house is designed to incorporate windows on the side and rear overlooking the vehicular and pedestrian access road, providing natural surveillance, in line with Secured by Design guidance.

The previous, current, and proposed path and access provision is factually presented in the table below for the current Application Site:

CRITERION	2015	2021	POST DEVELOPMENT OF 21/01145/FLL
<b>Path and Vehicular Access</b>	3 m wide shared	3 m wide shared	3 m width resurfaced, re-levelled and moved 1 m to the east.
<b>Vehicular Users</b>	Up to 12 garages/lockups  Up to 2 domestic garages/storage (63 Needless Road & 48 Cavendish Avenue)  Substation maintenance and repair  Unrestricted parking by local community	Up to 2 domestic garages/storage (63 Needless Road & 48 Cavendish Avenue)  Up to 2 private parking spaces (no. 63 A Needless Road)  Substation maintenance and repair	Up to 2 domestic garages/storage (63 Needless Road & 48 Cavendish Avenue)  Up to 2 private parking spaces (no. 63 A Needless Road)  Substation maintenance and repair
<b>Other Users</b>	Community on foot, bicycle, and links to public transport	Community on foot, bicycle, and links to public transport	Community on foot, bicycle, and links to public transport

*Table 1: Access Before and After Development (2015 onwards)*

This table demonstrates that the vehicular use and therefore movements within the Site, have significantly reduced between 2015, when the applicant bought the land from PKC and the current time. It also shows that the difference between the current use in 2021 compared to if the proposed house is permitted on the application site is nil.

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Any difference that may occur by moving of the access to the east by 1 m will be assessed in detail under the Assessment for Reason for Refusal 4.

### **Assessment**

Using the facts above, it is a straightforward and simple assessment that there is no difference in numbers of vehicles access the site and ongoing pedestrian use is presumably consistent throughout.

The situation has significantly improved in terms of safety when compared to that when PKC owned the land. At that time, vehicular use was unrestricted and even the legitimate use by the garages, lockups and substation had the potential to be regular. Regardless of this heavier use by vehicles, during that time the access was heavily used by pedestrians. This is evidenced by the representations submitted by locals. The reduction and control over vehicular movement results in a safer environment for those many pedestrians and cyclists who use the access.

The construction of a house on this plot with windows on the side and rear improves safety for path users from increased visibility into the space. Currently there is limited visibility into this space, other than distant from the new house at no. 63 A Needless Road. Such natural surveillance is actively encouraged by Secured by Design guidance.

The replacement of the access with new tarmac provides a smooth and level surface for pedestrians and cyclists, which will also improve their safety.

The space remains inclusive. Pedestrians and cyclists still have unlimited access. The existing and proposed situations provides greater priority for pedestrians and cyclists to use the space, which is essentially as a cut through and not as an amenity space of recreational value.

The access route is easily navigable on foot and bicycle providing access beyond to community services and public transport. The path is straight and given its limited length provides clear access to/from Needless Road and Cavendish Avenue. Given the level of third-party involvement in this and previous applications, this path is known to the local community and easily identifiable for new users.

### **Conclusion**

Reasons for Refusal 3 merely states that the development does not do what criterion (e), with no facts to back this up. Based on the facts presented in this Statement, it is demonstrated that the proposed development unequivocally does meet with policy requirements.

It is noted that Policy 1 B is not quoted in the first two Reasons for Refusal, which deal with overdevelopment and design matters. It could be concluded from the lack of reference to this policy in those Reasons for Refusal, the proposal therefore complies with criterion (a) – (d) and (f) to (j). Notwithstanding this, the assessment of both issues deals with all these criterion as set out in Policy 1 B, in terms of street patterns, spaces and buildings, safe access, topography, landscape character, views, design, density, appearance, height, scale, massing, materials, finishes, colours, future adaptability, climate change, resource efficiency, natural features, connections, refuse storage and sustainable design and construction.

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For completeness it can therefore be concluded that there is full compliance with those other criteria in Policy 1B, and not just with criterion (e)

**As such the proposal is in full compliance with all the criteria within Policy 1 B of the PKCLDP19**

## **REASON FOR REFUSAL NO. 4: UNACCEPTABLE PATH PROVISION**

### **Reason for Refusal**

The stated reason for refusal related to this issue is as follows:

*The proposal is contrary to criterion within Policy 15 and 60B of the Perth and Kinross Local Council Development Plan 2 (2019) as the alternative form of path provision though the site is not considered to be acceptable due to 'throttling' and conflict between motor vehicles and pedestrians as a result of the hemmed in nature of the proposed path.*

### **Policy Test**

Policies 15 and 60B are used to argue this reason for refusal and respectively state that:

*Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well-used route and connectivity proposals identified in the Regional Transport Strategy and Delivery Plan will not be permitted.*

*Development proposals that would affect unreasonably public access rights to these features will not be permitted unless these adverse impacts are adequately addressed in the plans and suitable alternative provision is made.*

*Development that may have an adverse impact on either of the Long Distance Routes (Crook of Devon to Kinross and the Tyndrum to Crieff section of the Cross-Scotland Pilgrim Way) identified as national developments in National Planning Framework 3, will not be permitted*

*All development proposals that involve significant travel generation should be well-served by and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, prior to private car journeys. The aim of all development should be to reduce travel demand by car and ensure a realistic choice of access and travel modes is available, including opportunities for active travel and green networks.*

*All development proposals (including small-scale proposals) should:*

- (a) be designed for the safety and convenience of all potential users;*
- (b) incorporate appropriate mitigation on-site and/or off-site, provided through developer contributions where appropriate, which might include improvements and enhancements to*

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- the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads;*
- (c) incorporate appropriate levels of parking provision not exceeding the maximum parking standards laid out in SPP, including application of maximum on-site parking standards to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport;*
  - (d) fit with the strategic aims and objectives of the Regional Transport Strategy and the Tay Cities Deal;*
  - (e) support the provision of infrastructure necessary to support positive changes in Low and Ultra Low Emission Vehicle transport technologies, such as charging points for electric vehicles, hydrogen refuelling facilities and car clubs, including for residential development.*

*In certain circumstances developers may be required to:*

- (a) prepare and implement travel plans to support all significant travel generating developments;*
- (b) prepare a Transport Assessment and implement appropriate mitigation measures where required.*

*Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:*

- (a) direct links to the core paths networks are or can be made available;*
- (b) access to local bus routes with an appropriate frequency of service which involve walking no more than 400m are available;*
- (c) it would not have a detrimental effect on the safe and efficient operation of the strategic road and/or rail network including level crossings;*
- (d) the transport assessment identifies satisfactory mechanisms for meeting sustainable transport requirements, including the implementation of a site travel plan.*

*Developers should include consideration of the impact of proposals on the core paths network and local and strategic transport network.*

### *Cycling and Walking*

*New developments should provide access from the development to off-road walking and cycling provision as part of the green network and contribute to its enhancement and improved connectivity. Existing active travel routes will be safeguarded and incorporated into development. Cycle parking facilities should be provided*

### *Car Parking*

*Development proposals should not exceed maximum on-site parking standards, including disabled parking, to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport.*

*Where an area is well served by sustainable transport modes, more restrictive standards may be considered appropriate. In rural areas where public transport is infrequent, less restrictive standards may be applied.*

*Developers of town centre sites will be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.*

The terms of Policy 15 are clear that a development will be refused if there is an adverse impact upon the integrity of a well-used path or unreasonably affect public access, unless these impacts are adequately addressed, and suitable alternative provision is made.

The terms of Policy 60 B are wider, and it is appropriate to sift through the many elements to find the relevant parts that presumably PKC are referring to in this fourth Reason for Refusal.

### **Facts**

The proposals include the provision and upgrade of the 3-metre-wide access for pedestrian, cyclist and limited vehicular access. The principle of this has been established over time and currently this is what is provided for users, and therefore deemed to be sufficient for these purposes.

The proposals merely seek to move this 3-metre-wide access to the eastern boundary of the Site to accommodate a new house plot. The proposals also seek to relevel and resurface all the hardstanding within the Site (outwith the housing plot).

Reference should be made to [Table 1](#) above. This demonstrates the significant reduction in vehicular movement. The only current and future vehicular movement is limited to:

- Substation – access for maintenance and repair.
- No. 63 A Needless Road – access for parking
- Garages/Storage for 48 Cavendish Avenue and 63 Needless Road - access

It is necessary to break down this usage to demonstrate that vehicular movement is in fact minimal.

- Substation - SSE have been contacted. It has been confirmed that a small van is used in these circumstances. Whilst it is accepted that there are a variety of vehicles used, it has been reported that SSE is introducing electrical cars and vans to its commercial vehicle fleet, pictured below. Furthermore, they have confirmed that visits are irregular and generally amount to quarterly; four times a year.



*SSE Commercial Fleet © Electric Drives, May 2021*

- 63 A Needless Road – Parking in full accordance with planning permission 17/00395/FLL has been provided to the rear of the property. This will be accessed for normal light domestic use.
- Garages – These two garages are used by the owners of the cited properties. It is questionable whether the one related to 63 Needless Road is of a size or standard capable of accommodating a modern car. It has been advised that these are both used for storage rather than for the garaging of vehicles. The current vehicular access to these garages is therefore nil to minimal. However, even if both were in use as garages, it is two cars and for light domestic use.

Notwithstanding the above, the worst-case scenario here relating to any regular vehicular access amounts to four vehicles for light domestic use. Added to this are approximately 4 trips to and from the substation per year.

Furthermore, all these users are fully aware of the shared use aspect of this access. They are fully aware of the pedestrian and cycle use of this space. As qualified and responsible drivers they will also therefore be fully aware of the need to reduce speed limits and to drive with care in such spaces.

Equally, given the extended historical use documented in the third-party representations, pedestrians (and cyclists) are fully aware this is a shared space and will be fully aware and act with caution accordingly.

### **Assessment**

This is not a development that would involve significant travel generation. It is for one house in a well-established residential area, well-served by alternative sustainable modes of transport. As such, much of the terms outlined in Policy 60 B are not applicable. Through the maintenance of the pedestrian/cyclist link from Cavendish Avenue and Needless Road, the occupants of the house

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have direct links to community facilities and to public transport, as evidenced and documented by the third-party representations.

The key issue here is acceptability of the path provision. The test here is therefore whether there is an impact on the **integrity** of the path, and if there is then has it been addressed through suitable alternative provision being made.

As demonstrated by the facts above and the assessment under Reason for Refusal 3, an improved surfaced access with increased visibility is being provided on the Site. It will be level and safe for all users and therefore complies with Policy 1 B. By the same justification, the improved access with greater visibility will comply with Policy 15 and 60 B.

There appear to be two issues raised by PKC resulting from the moving of the access and the proposed fencing, allegedly resulting in:

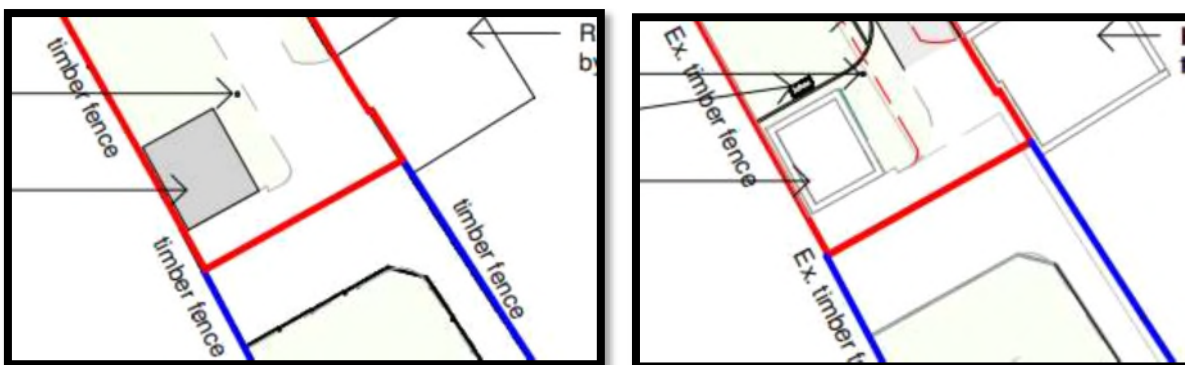
- Conflict between users of the access
- **Throttling** of the access due to the fence

#### Conflict between vehicle and pedestrian users of the access

Reference is made in the Officer's Handling Report to the conflict between vehicles and pedestrians.

However, as demonstrated above, the previous unrestricted vehicular movement and parking has been completely removed from the Site. It is of note that PKC as previous landowners did not seek to restrict this alleged conflict at the time when there was uncontrolled vehicular movement in conflict with pedestrians. No speed limit or signage was in place.

However, because of the applicant's intervention, the situation is markedly safer, and less vehicle orientated. Access is now limited to a maximum of four vehicles (for domestic use) and an SSE van, four times a year, vastly improving safety for pedestrians and cyclists. Any vehicular use of this space is by persons familiar with the shared space concept and should therefore adapt their speed and drive cautiously.



*Extracts from submitted Existing and Proposed Site Plans © Studio-East*

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The area of *conflict* is identified in the above drawings. This demonstrates that irrespective of the movement of the access beyond the garages by 1 m, the space for manoeuvring is identical to the existing situation and it should be easy for any competent driver to access and exiting those areas in forward gear.

It should be noted that there is a 6.8 m distance back-to-back from the garages to the substation. This distance is more than that required in dedicated parking layouts, for which the norm is 6 m back-to-back. A swept path analysis should not therefore be necessary given these identified dimensions. It should be noted that such scenarios are applicable to public parking in similar low speed environments, where pedestrians and vehicles share the same space. The application site by comparison is significantly more pedestrian-centric than vehicle-centric as a result of the applicant's actions.

Cars emerging from the parking area for 63 A Needless Road and the garages for 63 Needless Road and 48 Cavendish Avenue have the same space to reverse and turn in, in the before and after scenarios shown in the extracts above. They have the same visibility when considering pedestrians using the same space. Neither the substation nor the dedicated parking area for no. 63 A Needless Road are relocating. Therefore, the cars for 63 A Needless Road will be accessing and exiting in the same space. Again, it is worth re-iterating that it is only a maximum of four cars, and these will not all be trying to gain access or leave at the same time.

Finally, a Swept Path Analysis has been provided with this Review, demonstrating the fact that there is adequate space for vehicles to manoeuvre in this area.

#### Throttling of the access due to the fence

Research has been undertaken for the reference to *throttling* in this situation and this has not been found in planning policy.

However, it is understood that this is claiming users will feel enclosed and unsafe within the space. It must be acknowledged that this is a 3 m wide space over a limited distance of 30 metres, leading into a central 6.8 m wide (at the substation) to 11 m wide space, which is then reduced to an approved 2 m wide pedestrian access bordered with fencing. The full extent of the pedestrian access is only 75 metres in length. It is not therefore an enclosed corridor over a significant distance, such that it would result in pedestrians being *hemmed* in as claimed.

Reference is made in the report to pedestrians and wheelchair users feeling compromised by the fencing in and reducing their ability to move aside as vehicles use the access. It is normal for pedestrians to take priority in such scenarios.

The current access is 3 metres wide and flanked by kerbed and raised areas of overgrown, rough grass (used for dog toileting). There is a large mature hedge obstructing the eastern area of rough grass from access on foot.

It is not a public, heavily trafficked road and it should not be perceived as such. It is limited to a handful of authorised vehicle users. The grassed areas are not useable or accessible as a refuge for pedestrians either even though it is not fenced. They have not been designed for this purpose, being raised, kerbed, and given their current use.

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Notwithstanding this, with the significantly reduced and limited use of this space by vehicles, any potential instance of **conflict** will be extremely rare, and the likely scenario is that both users will adapt accordingly.

Reference is made to the impact of the fence upon visibility for pedestrians. As already stated, the location of the substation, the car parking and the garaging is unchanged as because of this proposed development. The proposed fencing is considerably lower than those established buildings. It is not accepted that there would therefore be any visibility issues resulting from the inclusion of a fence here.

Notwithstanding this, if these concerns relating to the fencing height remain outstanding, this is easily resolved by the imposition of a condition to any planning permission to lower the fence in any areas of concern.

### **Conclusion**

The access as proposed is an improvement upon the past and existing situation. It is being used by a significantly reduced number of vehicles due to the applicant's positive intervention since 2015, thereby reducing any perceived or potential conflict.

The replacement surface will be uniformly level and together with the increased overlooking, and therefore natural surveillance, from the new house, this space will be safer for all users. Although not required by PKC, the applicant is also committed to maintaining the lighting in this area, in line with Secured by Design guidance, and is open to the provision of solar lighting on the fencing to assist, which could be covered by the imposition of a condition on any approval.

The central space, available for manoeuvring of vehicles is unchanged from the existing situation, and is more than adequate, as demonstrated by the submitted Swept Path Analysis.

The perceived 'throttling' and conflict between vehicular and pedestrian users of this access is unfounded and no contrary evidence has been presented by PKC, either in the Officer's Handling Report or the Reason for Refusal to demonstrate the perceived problems.

**As such the proposals are in full compliance with Policies 15 and 60 B of the PKCLDP19**

### **ASSESSMENT OF OTHER ISSUES NOT COVERED IN THE DECISION NOTICE:**

For completeness, the following issues are covered in this Statement to demonstrate compliance with all the LDP policies.

### **Parking**

Whilst mentioned in the Officer's Handling Report, any lack of parking associated with this development has not been cited in the reason for refusal. It is assumed that this issue has been overridden by the Officer in the Decision Notice.

Notwithstanding this, since this Review covers all aspects of the proposal, it is considered necessary to cover this issue in this Statement for completeness.

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Reference is made in the Officer's Handling Report to the National Development Guide. This Guide refers to a maximum provision of 2 spaces per 2- 3-bedroom dwelling. The informative attached to this statement advises that *reductions of the standard may be considered if there is development within an urban area that has good links to sustainable transport.*

The proposal is not one that would involve significant travel generation; albeit the site is well-served by and easily accessible to all modes of transport. The site is in an established residential and urban area. As stated previously, the local community in their representations have repeatedly referred to the use of this access to community uses (schools, shops, health centres, recreational space, etc) and to public transport links (bus and train). As such, they have demonstrated that the Site has good links to sustainable transport. It is therefore assumed that the provision of one space is appropriate, being the same as the off-street provision for most of the houses in Cavendish Avenue.

Furthermore, the applicant has in the past, upon Councillor suggestion, sought to offer the land for parking. However, PKC has advised that this is not an option, and this clearly shows it is not considered that there is a demonstrable parking issue in the immediate or surrounding residential area.

Notwithstanding this, if it were considered that an additional space was required, this could easily be accommodated alongside the one space in the front garden or alternatively at the rear of substation, adjacent to the parking for 63 A Needless Road, which falls within the red line Application Site. Accordingly, a condition could be imposed to secure the parking provision.

### **Developer Contributions**

According to the Officer's Handling Report, it has been established that contributions would be required for Transportation Infrastructure. The applicant accepts this requirement.



## SECTION 5: CONCLUSION

This Statement has demonstrated by providing the facts and a detailed, comprehensive assessment of the relevant policy criteria, the proposals are supported in principle by national and regional planning policy. More importantly it has been demonstrated that proposals are in full compliance with the currently adopted local planning policy

To assist the LRB in their Review, the policies and their wording cited in the decision notice have been fully defined and broken down to unequivocally demonstrate full compliance.

Additionally, since planning permission should not be withheld if conditions could be imposed to overcome relevant planning concerns, the applicant has suggested conditions that would be acceptable and achievable relating to car park provision and fence height reductions.

**The proposed residential development of this site specifically and unequivocally complies with Policies 1 A, 1 B, 15, 17 and 60 B of the PKCLDP19.**

**The development is also in full compliance with all other relevant planning policies cited in the Officer's Handling Report.**

**It is therefore requested that the Local Review Body allow this planning application, considering this robust, detailed, and comprehensive justification based on facts, which demonstrates that this development can be delivered, in full compliance with PKCLDP19 policies.**



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 100434924-001

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

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use from vacant land to residential and erection of 1 dwelling house

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent



## Agent Details

Please enter Agent details

Company/Organisation:	studioEAST Chartered Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	King James VI Business Centre
Last Name: *	Taylor	Building Number:	
Telephone Number: *	01738 472090	Address 1 (Street): *	Friarton Rd
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	UK
		Postcode: *	PH2 8DY
Email Address: *	hello@studio-east.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	
Company/Organisation	GRM Investments Ltd	Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Unused land adjacent to Cavendish Avenue

Northing

723024

Easting

310805

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

449.20

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Vacant land

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">1</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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

Bin store provided to back of garden fence by sub station

## Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? \*

1

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

## All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

## Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Richard Taylor

On behalf of: GRM Investments Ltd

Date: 24/06/2021

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☒ Other.

If Other, please specify: \* (Max 500 characters)

Design Statement

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Richard Taylor

Declaration Date: 24/06/2021

## Payment Details

Pay Direct

Created: 24/06/2021 16:32



## Design Statement

### Proposed New Dwelling

**Land between Cavendish Ave and Needless Rd, Perth**

Prepared: 15<sup>th</sup> June 2021

Revision: #



Prepared by:

studioEAST Chartered Architects

King James VI Business Centre, Friarton Rd, Perth, PH2 8DY

01738 472090

hello@studio-east.co.uk

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## **1.0 Introduction**

This report has been prepared to support an application for construction of a single detached dwelling on vacant land connecting Cavendish Ave and Needless Rd, Perth. The site sits within a residential area of Perth and has already seen recent partial development adjacent to Needless Rd.



## 2.0 Planning History

There have been previous planning application submissions for residential development on this site as follows:

2015 – 15/01716/FLL – Application Withdrawn

Erection of 3 Dwelling Houses

2016 – 16/01261/FLL – Application Refused

Erection of 2 Dwelling Houses

Permission was refused for the following reasons:

1. *The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014 as the proposal is considered to represent overdevelopment of the site when taking account of the areas environs and surrounding density as a consequence the development is compatible with the character and amenity of the area are retained.*
2. *The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding built environment. The design, density and siting of development does not respect the character and amenity of the place, and it does not improve links within the site.*
3. *The proposal is contrary to criterion within Policy PM1B of the Perth and Kinross Local Development Plan 2014 as the dwelling would (a) not create a sense of identity as it would erode the coherent street structure, (c) the design and density does not compliment the surroundings (e) does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
4. *The proposal is contrary to criterion within Policy CF2 of the Perth and Kinross Local Development Plan 2014 as the alternative form of path provision though the site is not considered to be acceptable due to 'throttling' and conflict between motor vehicles and pedestrians.*

With the above in mind, careful consideration has been given to achieving a high quality development which maintains and enhances the character of the area and safeguards the character, appearance and amenity of the residential landscape.

2017 – 17/00395/FLL – **Application Approved**

Erection of a Dwellinghouse and Relocation of Public Footpath to Southern end of the extended site, adjacent to Needless Rd.

### 3.0 Housing Requirement

The proposed development is being undertaken by a private developer, GRM Investments Ltd, who has a reputation for constructing high quality dwellings in smaller strategic development sites.

The design of the dwelling has been considered with a view to appeal to the private market and be suitable for individuals and families of all ages and abilities.

With reference to the Scottish Planning Policy's key principles; planning should promote development that is designed to a high quality;

*“By locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles”.*

SPP Outcome 1: A successful sustainable place, pg.6

The surrounding built context of Craigie is primarily private residential with a mixture of detached, semi-detached and terraced properties in a relatively uniform and dense pattern. Properties fronting on to Cavendish Avenue tend to have small front gardens with private rear gardens backing on to those from the properties on Needless Road. The Perth & Kinross Local Development Plan 2 makes reference to the key elements of a successful and sustainable place in Policy 1:

*“The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.”*

Policy 1A: P&K LDP 2019, pg.20

*“[All proposals should] ...Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings. 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.”*

Policy 1B: P&K LDP 2019, pg.20

The proposals aim to respect the character of the surrounding residential area through the siting, scale and form. The contextual form of the local built environment has informed the design of the dwelling and its relationship to the streetscape; the proposals seek to strengthen the street elevation by continuing the existing pattern.

Policy 17 of the LDP identifies categories for residential development within settlement boundaries:

*“Generally, encouragement will be given to proposals which fall into one or more of the following categories of development and which are*

*compatible with the amenity and character of the area:*

- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.”*

Policy 17: P&K LDP 2019, pg.39

In this case, the proposed dwelling constitutes infill development and is consistent with the surrounding density of development. The design aims to make the most efficient use of the site whilst maintaining the existing pedestrian link between Cavendish avenue and Needless Road.

The proposals will provide the future owners with a high quality, well designed space that is well-seated within its context and responds to the local character of the area. The dwelling will allow them to make the sustainable choice, both financially and physically, to improve their quality of life both now and in the future.

#### **4.0 Site & Topography**

The application site extends to 449.2m<sup>2</sup> and is currently accessed by a tarmac path from both Cavendish Ave and Needless Rd. The site is in a discrete location between dwellings with existing vehicle access from Cavendish Ave.

The site is defined by hedges alongside timber fencing with a clear grass area either side of the tarmac path and changes in level throughout. The frontage features an unmaintained grass verge while the rear boundary lies adjacent to an electric substation, a gravel parking area and private garage buildings.

There is a pedestrian (realignment approved under planning application ref 17/00395/FLL) and vehicle access through the site to the parking area and garages which is to be re-aligned but maintained as part of the proposals.





## 5.0 Access & Parking

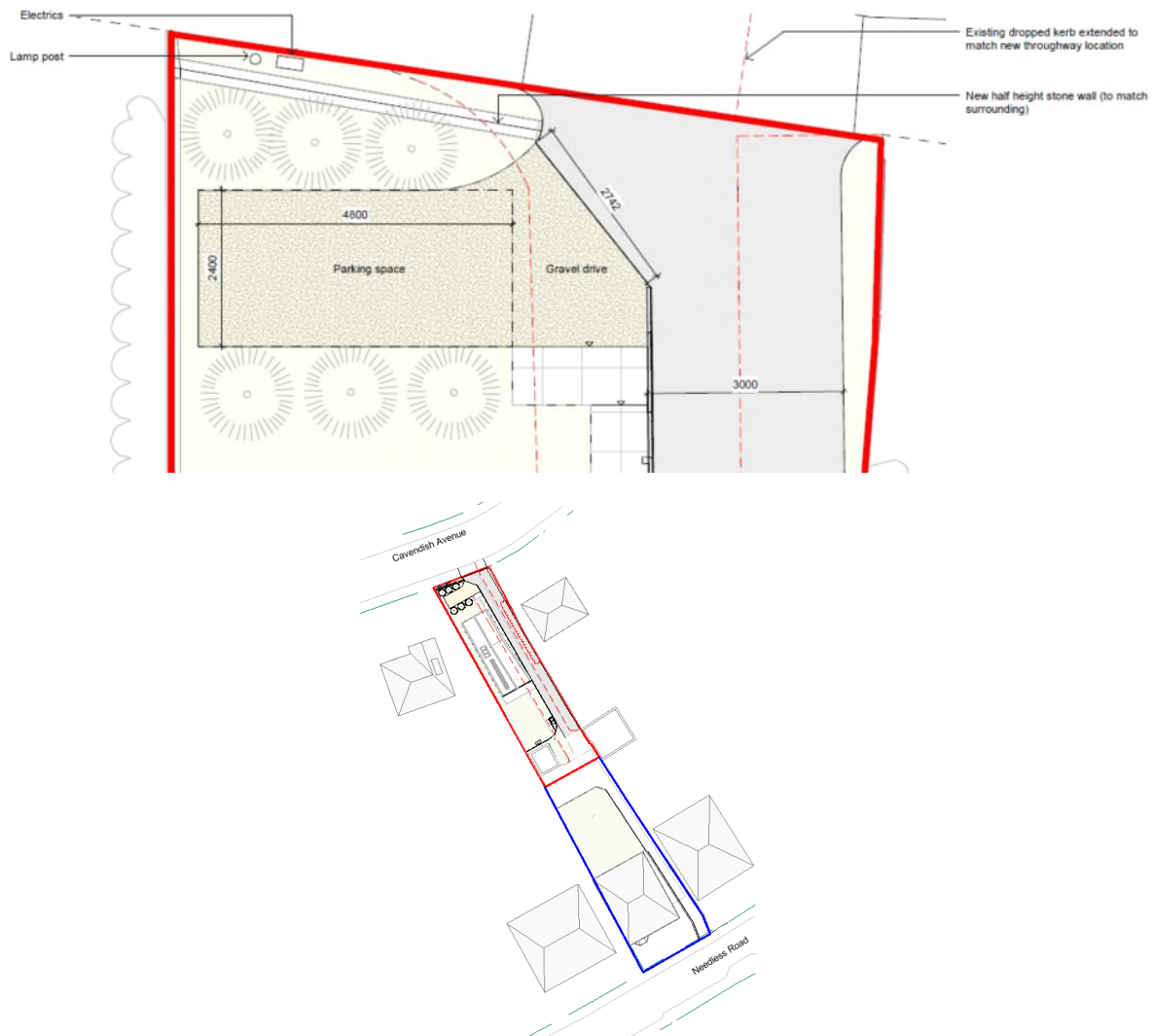
The site is to be accessed from Cavendish Avenue using the existing dropped kerb arrangement. This will be extended to accommodate the re-aligned verge/vehicle access.

There is a provision for vehicles to be able to manoeuvre within the site and leave in a forward gear. Moreover, new fencing and boundary walls are of a height intended not to obstruct visibility either entering or exiting the site.

The site includes for the provision of 1 no. parking spaces which is located to the front of the development. This is in line with the majority of neighbouring dwellings which have parking spaces to the front of the property.

In line with Policies 1 & 17 of the LDP, the proposals have been designed with an emphasis on sustainable living and future adaptability. The provision of space for homeworking has become more prevalent over the past year; the ability to work from home reduces the need to travel for work and therefore the need to rely on traditional methods of transport. The site is well connected to green transport links and is accessible from local path and cycle networks. These connections provide easy access to a variety of local amenities, the city centre and beyond, again reducing the dependence on the car.

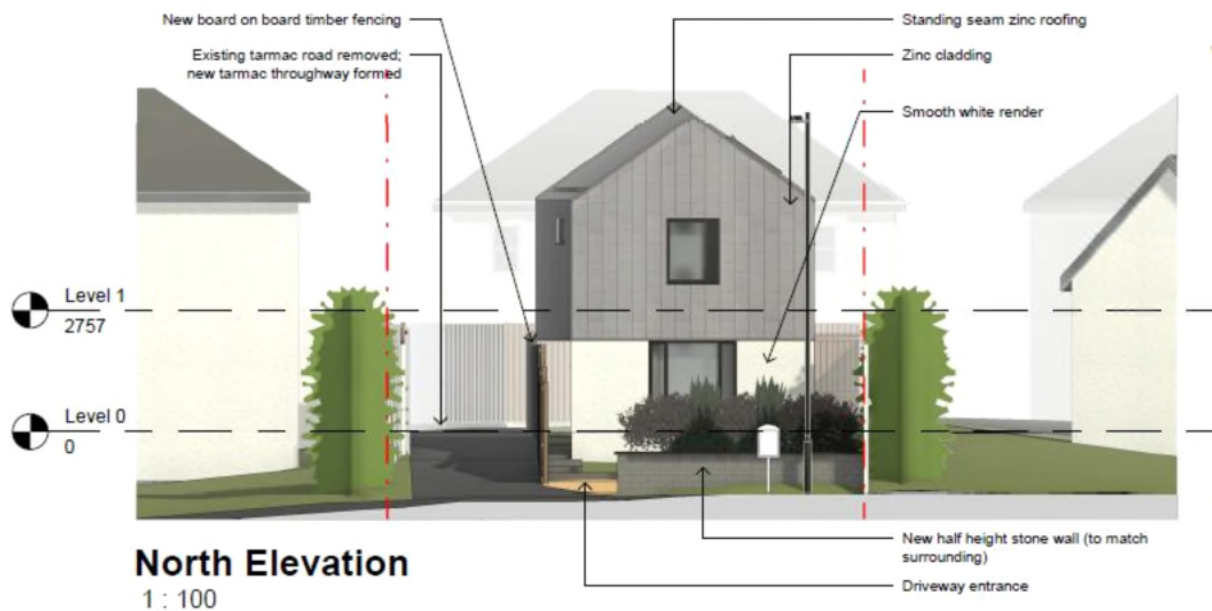
The car parking and manoeuvring areas will be generally finished in a gravel layer to ensure sustainable drainage of surface water.



## 6.0 Design & Materials

### Concept

The original brief was to create a modern, efficient family dwelling that complements the variety of architectural styles found on the street and can adapt to the future needs of the occupants. The proposed dwelling has been designed to be traditional in form through the use of a two-storey, pitched roof format but with a more modern character to appeal to a new generation. The simple form is derived from the shape and layout of the narrow site – by arranging the floorplan in a linear design, living space is maximised and the design is a site specific response to the topography. The ground floor is finished in smooth white render to reflect the surrounding dwellings, while the first floor and roof are wrapped in standing seam grey zinc cladding. The project features simple glazing to the front elevation- representative of the scale of glazing patterns in the streetscape – with larger gable glazing to the rear and overall clean, crisp detailing. It will provide a modern living environment and represent a contemporary yet sensitive development.



The ground floor plan incorporates a recessed entrance, a double-height hall, living room, WC and open plan kitchen and dining space. The ground floor will provide accessible living for occupants in the future whilst maximising the flexible, open-plan living space.

The first floor includes three bedrooms and a family bathroom, along with an open area of landing designated as an office for home working.



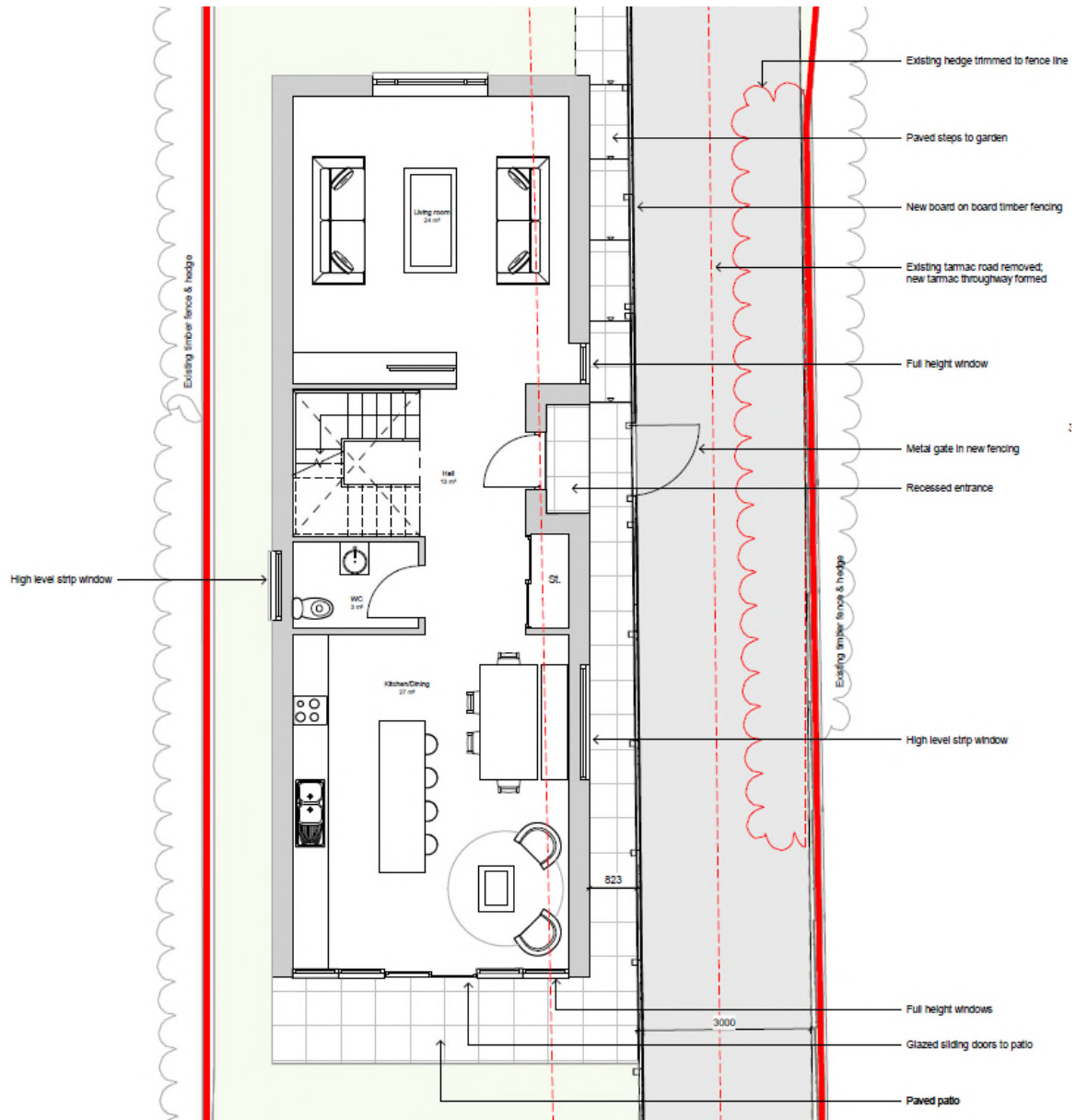
The total footprint of the dwelling is 86m<sup>2</sup>.

The new dwelling presents a high quality of design and detailing and will be sensitive in scale, massing and materiality.

### *Setting*

The massing and location of the building on the site is consistent with adjacent properties and does not extend beyond the existing building line. The distance to each boundary has been carefully considered so as not to adversely affect the adjacent properties and maintain a level of privacy to each property. The density of the area is a key consideration and siting of the building reflects the existing situation on the street.

The building position has been purposefully selected to allow for formation of the new entrance/parking area and also maintain access to the garages, substation and parking area behind the dwelling. The existing pedestrian link through the site will be retained as this is an important local amenity.



### *Open Plan*

The principle living area has been designed as a fully open plan space featuring a lounge, sitting room, dining and kitchen as well as the main staircase. This maximizes the overall accessibility of the house and removes any potential barriers which may restrict enjoyment of this space and future accessibility. This space is extensively glazed to the rear which will maximise passive solar gains and allow a greater connection with the outdoor space.

The design ethos represents an overall high quality contemporary design and is consistent with other similar development opportunities recently approved by Perth & Kinross Council.



**North Exterior View**



**South Exterior View**

### *Materials*

The new dwelling draws on a contemporary style, referencing the vernacular through use of traditional white render, typically found within the area. This will complement the more contemporary zinc cladding and present a pleasant overall aesthetic. Zinc is chosen for its clean-cut appearance and low maintenance, as well as its soft grey colour which will be sympathetic to other materiality on the streetscape.

### *Outdoor Spaces*

The dwelling will have a generous private rear garden space as well as a smaller front garden facing the street. The rear garden will be predominantly laid to grass, while the front garden will feature a frontage with native planting and increased privacy for occupants.

## **7.0 Sustainable Development**

The proposed house will present the opportunity for a holistic sustainable lifestyle with opportunities for living and working taking place within the dwelling. This will appeal to a contemporary lifestyle and working arrangements with a limited dependence on the requirement for travel for work.

The new dwelling will be designed as a low carbon building with high levels of insulation and energy efficient glazing.

The following technologies and sustainable design principles are intended be included within the scheme:

- High performance windows with low u values.
- Use of renewable technologies for domestic heating/hot water services such as Air Source Heat Pump/Photovoltaic panels.
- High performance timber frame construction with enhanced airtightness
- Sustainable drainage including surface water retention as applicable
- Passive solar gain/ventilation strategies

SUDS will be considered as part of the detailed design stage and in conjunction with Scottish Water. This will allow for the sustainable drainage of surface water from the site through the use of soakaways and/or attenuation methods.



## **8.0 Landscaping**

The existing neglected grass areas of the site currently provide an untidy view from the street and an opportunity for anti-social behaviour and fouling, particularly at night. The proposed development of the site would result in a more pleasant environment and safer access to the substation, dwelling and garages behind the site.

The existing boundary treatments will be retained/maintained as far as reasonably practical. Any gaps or opportunities for further additional planting will be undertaken as required with infill being of the same or similar plant/hedging species.

The original unmaintained grassy verge to the front of the site will be removed and, along with the alteration of the existing vehicular entrance, be enhanced with the formation of a new half-height stone wall to match the neighboring styles, with shrubs planted behind.

The dwelling will have adequate private amenity space in the region of 32m<sup>2</sup> to the front and 81m<sup>2</sup> to the rear. This will be a predominantly grass with a small private paved patio to the rear. The site will be separated from the tarmac path and neighboring parking space by new timber board-on-board style fencing to match existing.

The car parking and manoeuvring areas will be generally finished in a gravel layer.

## **9.0 Drainage & Services**

Foul & surface drainage will be connected to mains drainage available within the street. Design of these systems will be carried out in full detail by the project engineer, once engaged.

If site conditions allow, following further investigation by the project engineer and consultation with Scottish Water, SUDS designs using soakaways or attenuation will be considered to facilitate sustainable drainage of surface water on site.

The use of renewable technologies such as air source heat pumps and photovoltaic or solar thermal panels will support domestic heating/hot water services.

The electricity supply will be provided by a new mains connection available adjacent to the site. Water will be provided by a new mains connection also available adjacent to the site.

## 10.0 Policy Assessment

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal policies are:

*Policy 1A: Placemaking*

*Policy 1B: Placemaking*

*Policy 2: Design Statements*

*Policy 5: Infrastructure Contributions*

*Policy 17: Residential Areas*

*Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development*

*Policy 41: Biodiversity*

*Policy 53B: Water Environment and Drainage: Foul Drainage*

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

*Policy 60B: Transport Standards and Accessibility*

*Requirements: New Development Proposals*

The site is located within the residential area of Perth where Policy 17 'Residential Areas' of the Perth and Kinross Local Development Plan 2 (2019) is directly applicable. This policy states that a) infill residential development that respects the environs will be encouraged and c) proposals that will improve the character and environment of the area or village.

This development has been carefully designed to meet the requirements of this policy, as demonstrated in the drawings and documentation supplied.

*Policy 1A& 1B: Placemaking*

The proposed development aims to positively contribute to the quality of the surrounding built and natural environment through its siting, use of materials, scale and massing. The proportions of the proposed dwelling respect the character and amenity of the area.

The development will include new landscaping and planting works that are suitable to the local area, using native indigenous species wherever possible.

The overall scheme has been designed with future adaptability in mind for both the user and the environment.

*Policy 5: Infrastructure Contributions*

TBC

*Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development*

The proposed development will include low and zero carbon technologies in order to demonstrate a minimum of 10% reduction of the current carbon emissions targets set by the Scottish Government. Technologies such as air source heat pumps, photovoltaic panels will be included in the design.

*Policy 41: Biodiversity*

The proposals aim to encourage biodiversity through the use of native and indigenous species in the planting. The current area of the site where the new proposal is sited consists of

unmaintained grass; the building will create differing areas of shade, sun and shelter on the site which it is hoped will facilitate different habitats for wildlife to occupy.

*Policy 53A: Water Environment and Drainage: Water Environment*

*Policy 53B: Water Environment and Drainage: Foul Drainage*

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

The surface water drainage for the development will be directed to mains drainage within the curtilage of the site. There is also the opportunity to include rainwater harvesting withing the surface water drainage strategy to reduce the overall water use of the property and reduce the load on the existing sewer connection at the site.

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

The site sits within a well-connected residential area of Perth which is accessible for walking, cycling and public transport. It is accessed via good road network and the parking area provides ample car parking and turning space for vehicles.

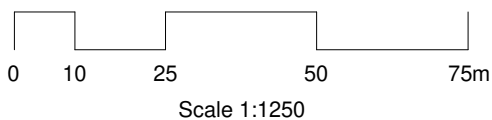
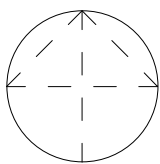
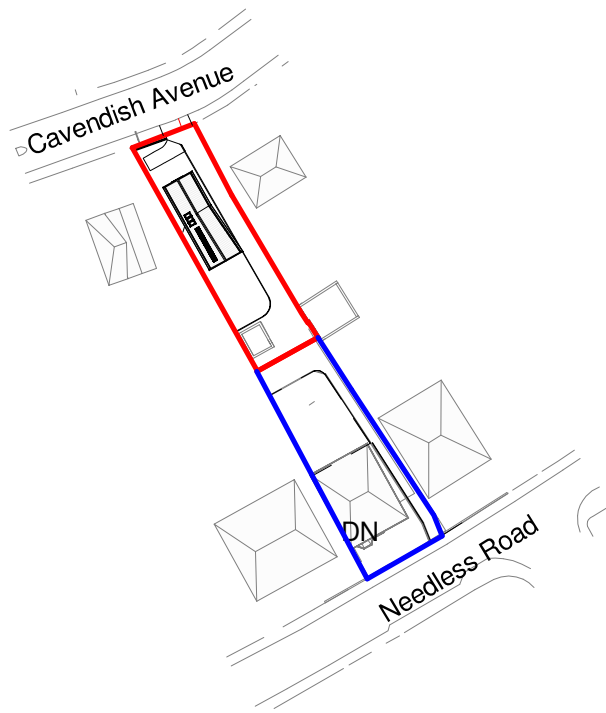
## **11.0 Conclusion**

The overall development will be of a high quality in terms of design, massing and materiality. The new proposal will create a sensitive contemporary development that complements the character of the local built environment, landscape setting and the wider built environment.

The simple form of the proposed dwelling has been conceived to complement and sit within the streetscape of Cavendish Avenue creating a considered and aesthetically pleasing addition to the street. Given the narrow nature of the site, the design responds to this by maximising the living space of the dwelling in a linear plan. The gable facing on to the street references that of the adjacent dwelling creating a relationship with its immediate context and strengthening the streetscape.

The proposals will contribute a positive addition to the local built environment and create a well-designed and highly efficient home that will provide a unique and inspiring space to live, work and relax for the end user.



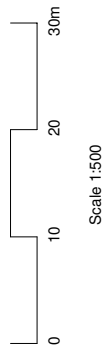
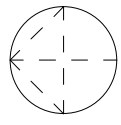


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<div>studio   EAST</div>		PROJECT <div>New Dwelling</div> <div>Cavendish Avenue, Perth, PH2 0JT</div>	
CLIENT <div>GRM Investments Ltd.</div>	REV	Project Number	21049
	Scale (@ A4)1 : 1250	Date	May 21
		PURPOSE OF ISSUE	
DRAWING NUMBER: <div>PL-0183</div>		King James VI Business Centre, Friarton Rd, Perth, PH2 8DY t: 01738 472090 e: hello@studio-east.co.uk	



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**Application Site Area - 449.2m<sup>2</sup>**

**Front Garden Area - 32m<sup>2</sup>**

**Rear Garden Area - 81m<sup>2</sup>**

**SuDS attenuation solution carried out where deemed necessary**

No. Description Date

**studio | EAST**

Client GRM Investments Ltd.

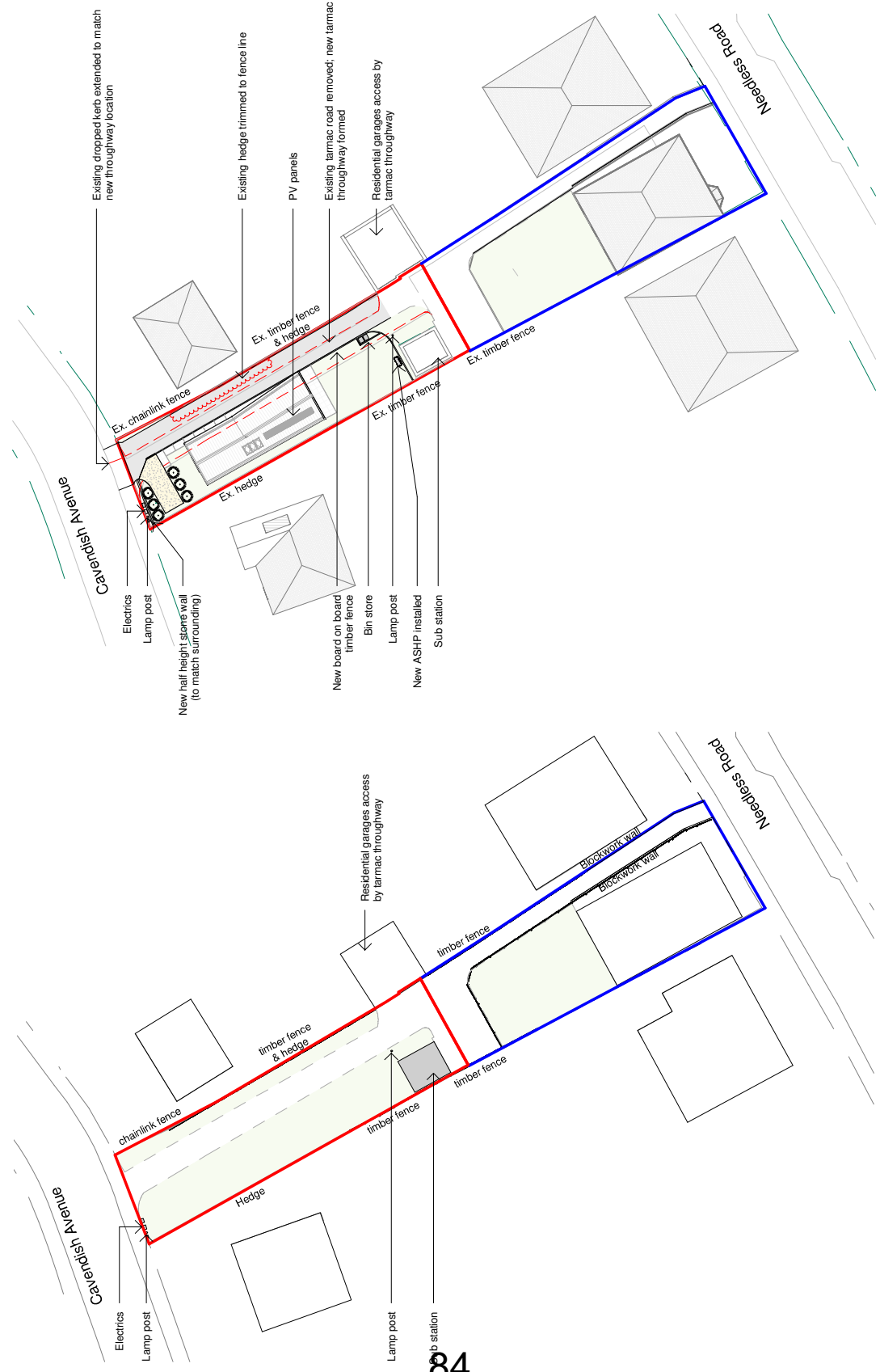
Project **PL-02**

Project New Dwelling  
Cavendish Avenue, Perth, PH2 0JT

Sheet **BLOCK PLANS**

Scale (@ A3)	1 : 500
Project number	21049
Date	May 21
Purpose of Issue	Planning
Drawn by	LV

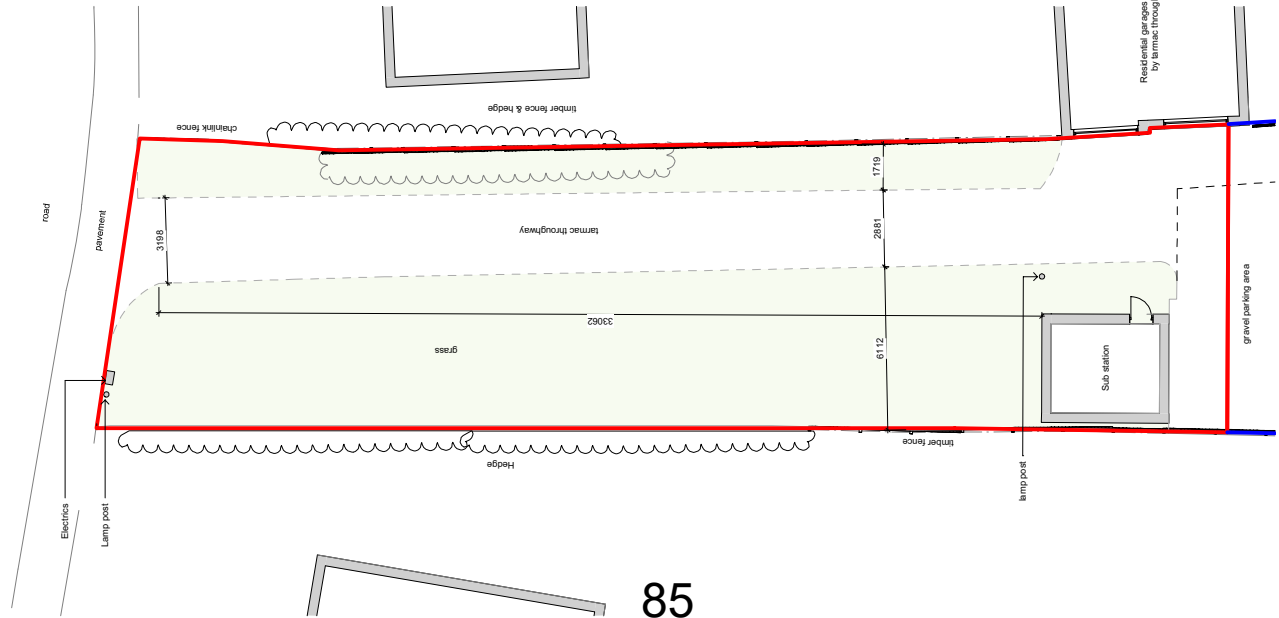
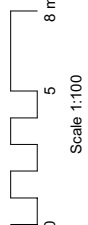
King James VI Business Centre, Fife Road, Perth, PH2 8DY  
t: 01738 472090 e: hello@studio-east.co.uk



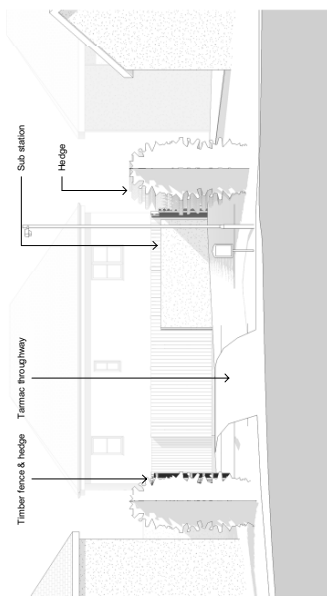
**Proposed Block Plan**  
1 : 500

**Existing Block Plan**  
1 : 500

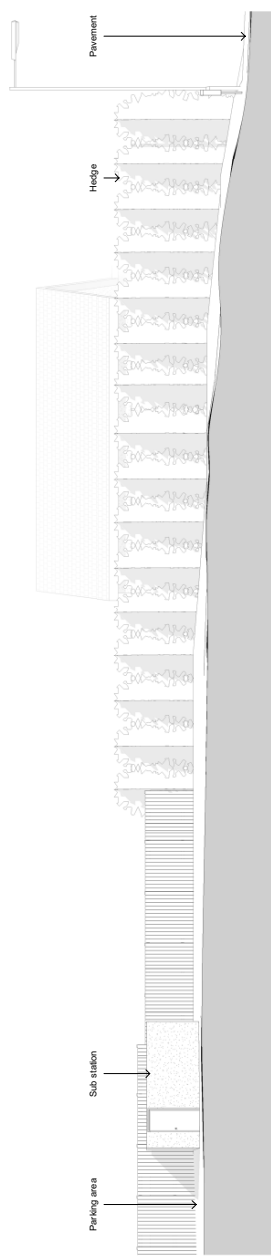
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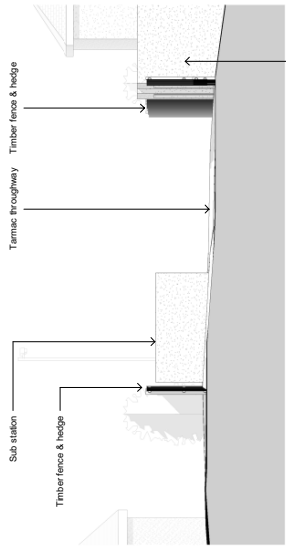
Ground Floor Plan  
1 : 100



North Elevation  
1 : 100



East Elevation  
1 : 100



South Elevation  
1 : 100

No. Description Date  
**studio EAST**

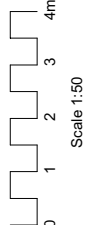
Client GRM Investments Ltd.  
Project **PL-03**

Project New Dwelling  
Cornerstone Avenue, Perth, P16017

Sheet EXISTING DRAWINGS

Scale	1 : 100
Project number	21049
Date	May 21
Purpose of issue	Planning
Drawn by	LV

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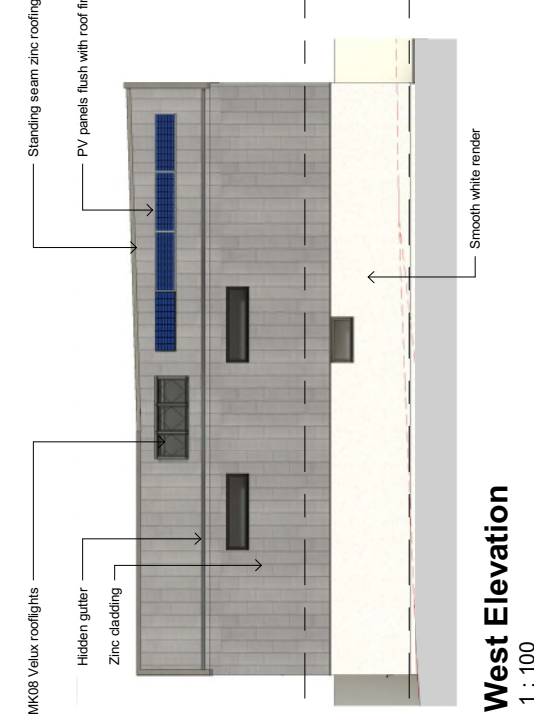
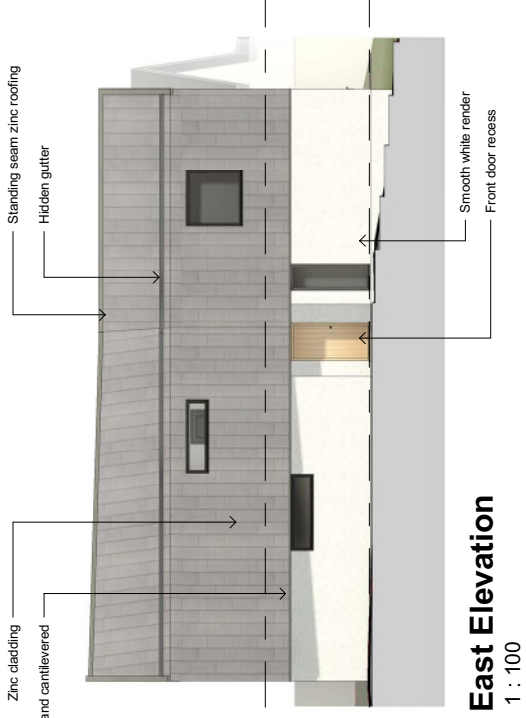
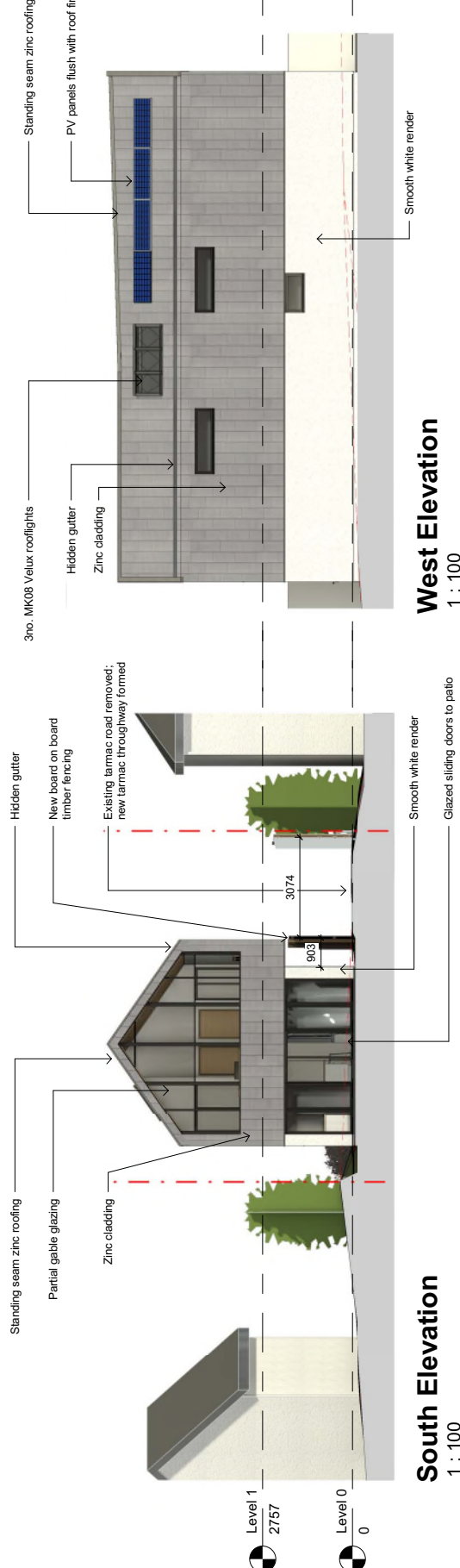
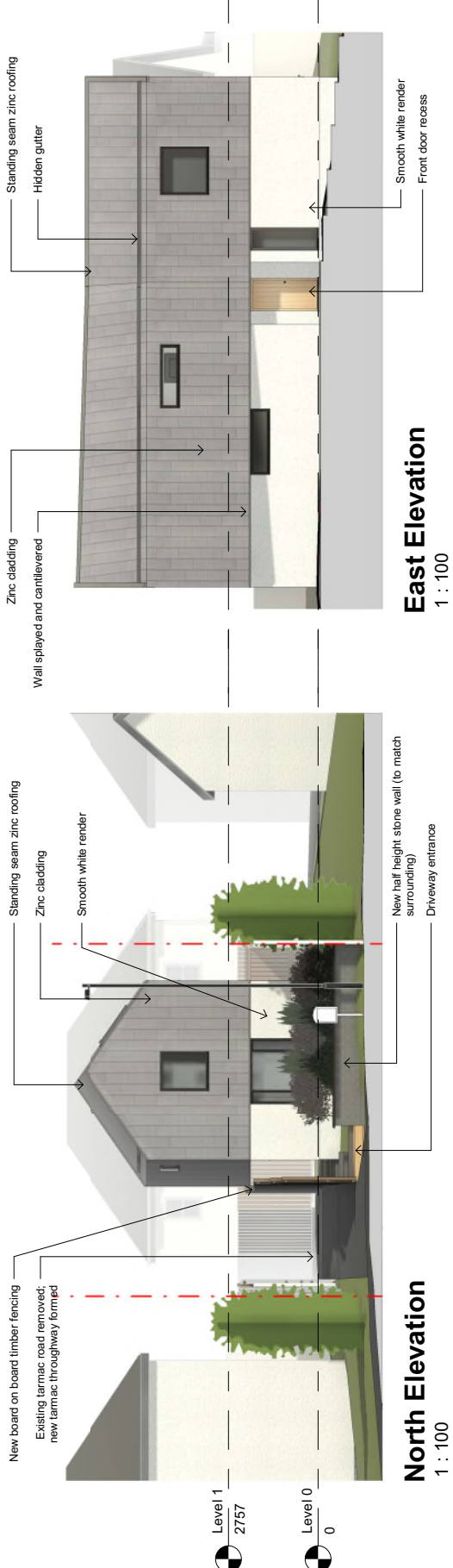
No. Description Date  
**studio EAST**

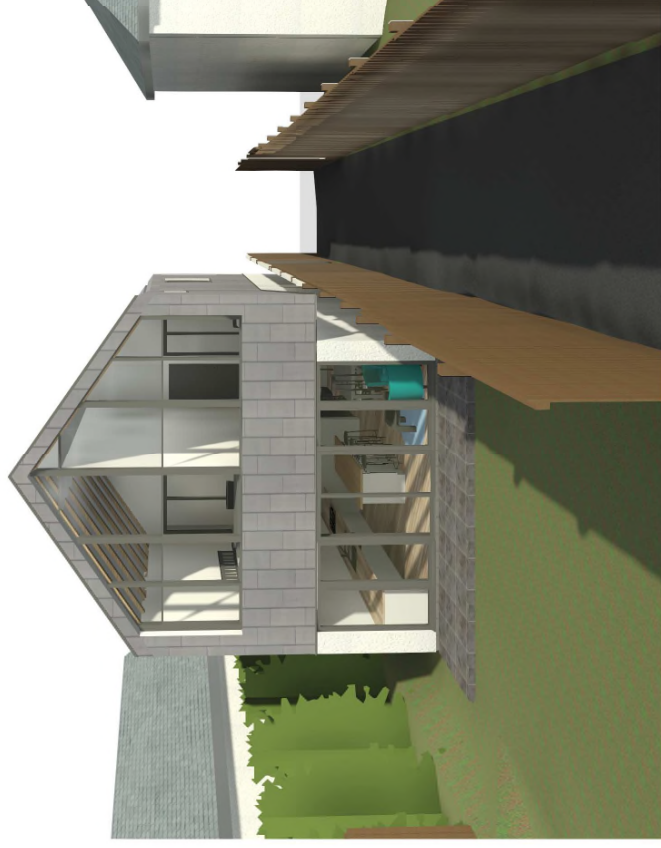
Client	GRM Investments Ltd.		
Project	PL-04		
Sheet	New Dwelling Gwendolyn Avenue, Perth, PtGOUT		
PROPOSED DRAWINGS			
Scale	1: 50		
Project number	21049		
Date	May 21		
Purpose of issue	Planning		
Drawn by	LV		
King James I University Centre, Farnham Rd, Perth, PtGOUT			



First Floor Plan  
1 : 50

Ground Floor Plan  
1 : 50





North Exterior View

## South Exterior View

No.	Description	Date
<div>studio   EAST</div>		
Client	GRM Investments Ltd.	
	PL-06	
Project	New Dwelling Cavendish Avenue, Perth, PH2 0JT	
Sheet	3D Views	
Scale (@ A3)		
Project number	21049	
Date	May 21	
Purpose of Issue	Planning	
Drawn by	LV	
King James VI Business Centre, Friarton Rd, Perth, PH2 8DY t: 01738 472060 e: info@studio-east.co.uk		







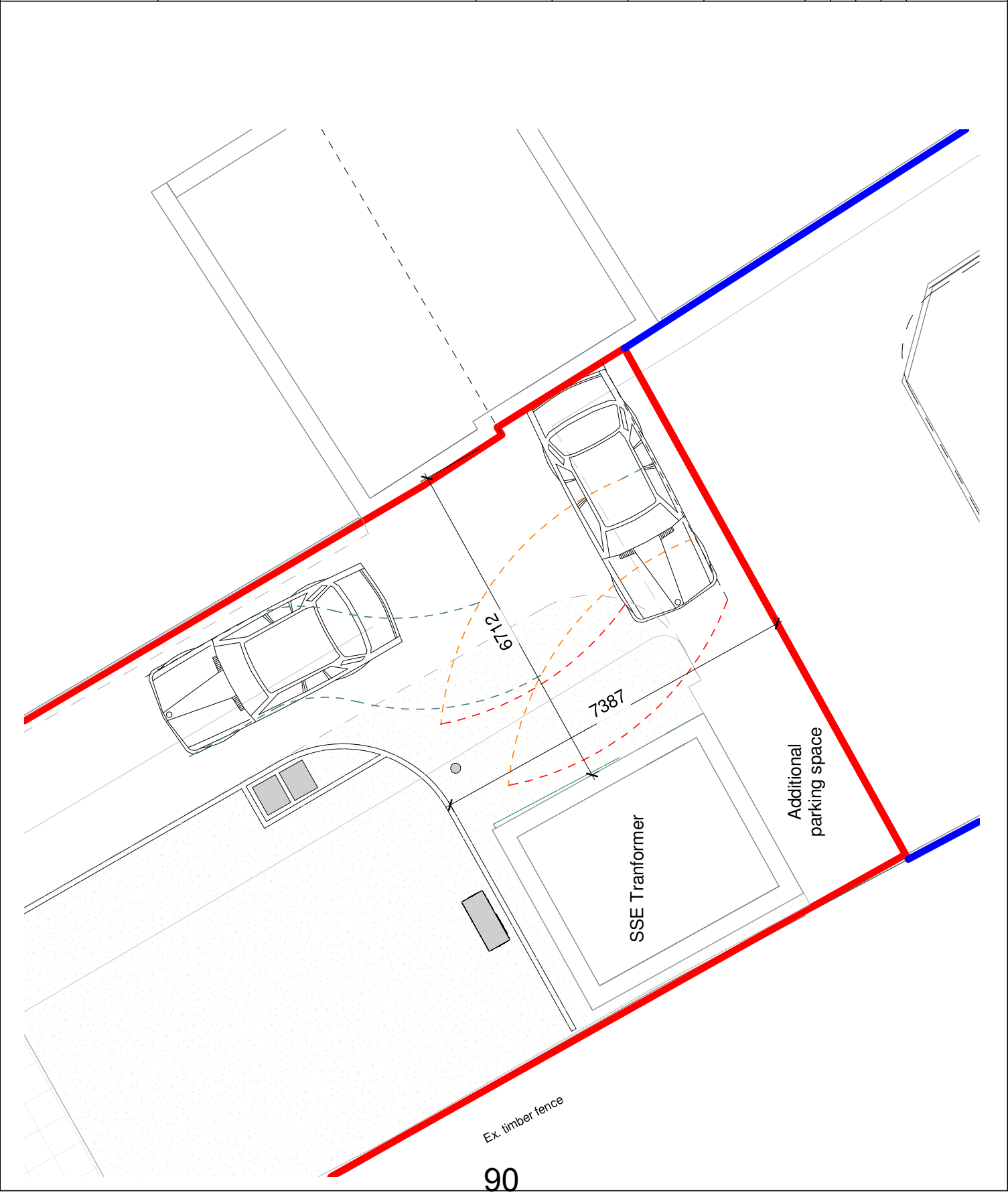
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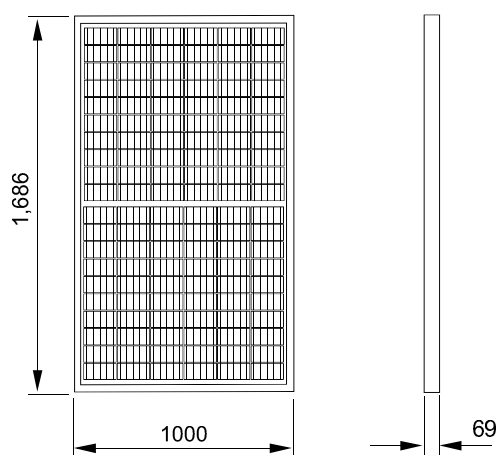
CLIENT	GRM Investments Ltd.
DRAWING NUMBER:	PL-08
PROJECT	New Dwelling Cavendish Avenue, Perth, PH2 0JT
SHEET	
Scale (@ A4)	1 : 100
Project Number	21049
Date	Nov 21
PURPOSE OF ISSUE	Planning
King James VI Business Centre, Friarton Rd, Perth, PH2 8DY t: 01738 472090 e: hello@studio-east.co.uk	





(PV16-335-G1)

- Simple roof integration with clean, low-profile aesthetic for new build and retrofit
- Rapid installation times of less than 45 min/kWp easily achieved
- Compatible with the widest range of slate and tile including special fixings for different batten thickness
- Fitted during the normal roofing programme, enabling clarity of responsibility and safe working practices
- Achieves highest fire rating and wind resistance without modifications to the roof



PV16-335-G1

PV16-340-G1W



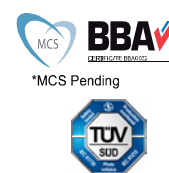
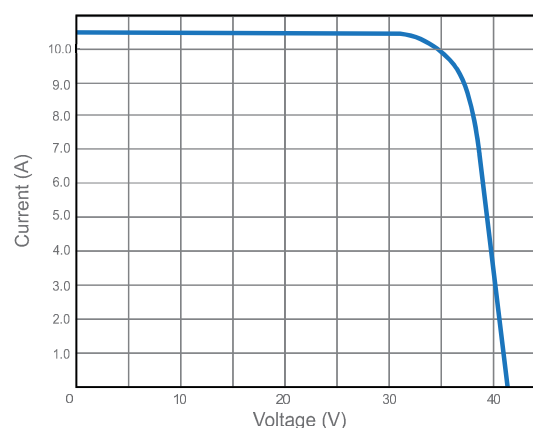
## Mechanical Specification

Model		PV16
Aperture Area	m <sup>2</sup>	1.622
Width	mm	1,000
Length	mm	1,686
Thickness	mm	69
Weight	kg	21.7
Static roof loading (distributed)	kg / m <sup>2</sup>	12.9
Characteristic Wind Resistance	kPa	5.32
Ultimate Design Load <sup>1</sup>	kPa	5.32
Positive Design Load	IEC 61215	5.40
Roofing System Fire Rating	EN 13501-5	B <sub>ROOF</sub> (T1, T2, T3, T4)
Power Warranty	% rated	90% 10 years, 80% 25 years
Product Warranty		10 years
Standards		IEC61215, 61730, TUV, MCS05* , MCS12

## Electrical Specification

Model		PV16-335	PV16-340
Peak Power <sup>2</sup>	Wp	335	340
Module Efficiency <sup>3</sup>	%	20.7	21.0
Number of Cells		60x2	60x2
Maximum Power Voltage (V <sub>mpp</sub> )	V	34.7	35.0
Maximum Power Current (I <sub>mpp</sub> )	A	9.7	9.7
Open Circuit Voltage (V <sub>oc</sub> )	V	42.0	42.4
Short Circuit Current (I <sub>sc</sub> )	A	10.3	10.4
NOCT <sup>4</sup>	°C	44.0	
Cell Type		Monocrystalline Silicon	
Power Temperature Coefficient	% / °C	-0.38	
Current Temperature Coefficient	% / °C	0.05	
Voltage Temperature Coefficient	% / °C	-0.30	
Maximum System Voltage	V <sub>bc</sub>	1,000	
Maximum Fuse Rating	A	20	
Safety Classification		Class II	
Electrical Connectors		Genuine Stäubli MC4 PV-KST4, PV-KBT4	

## I-V Curves



\*MCS Pending

1 Design resistance to ultimate loads includes a partial material safety factor of 1.0

2 Subject to a manufacturing tolerance of +/- 3%.

3 Based on aperture area.

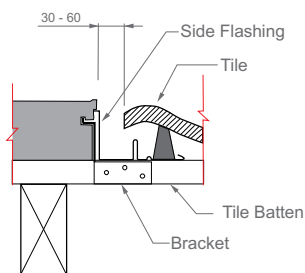
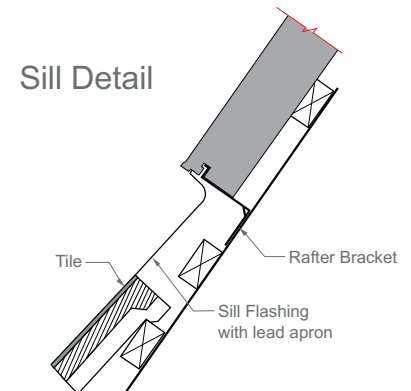
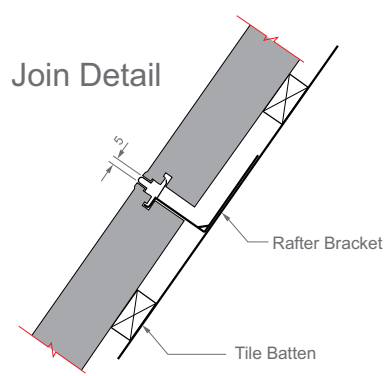
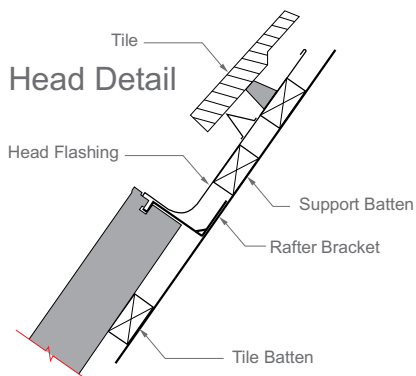
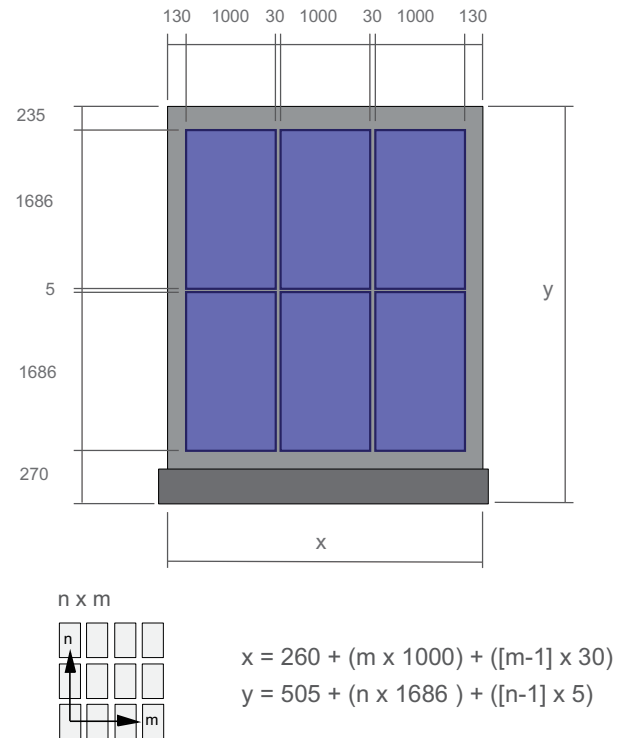
4 Nominal Operating Cell Temperature

Electrical specification measured under standard test conditions: Irradiation 1 kW/m<sup>2</sup> with light spectrum AM 1.5 and a cell temperature of 25°C.

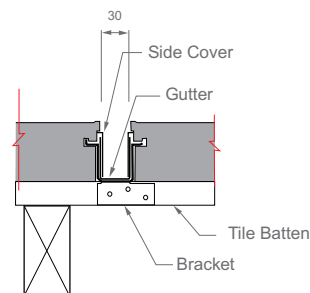
## Pitched Roof Integration

Sleek, low-profile integrated solar that replaces the roof covering for an improved aesthetic and for simple roof maintenance, now at similar cost to above-roof panels. Simple, beautiful, durable.

Solar never looked so good.



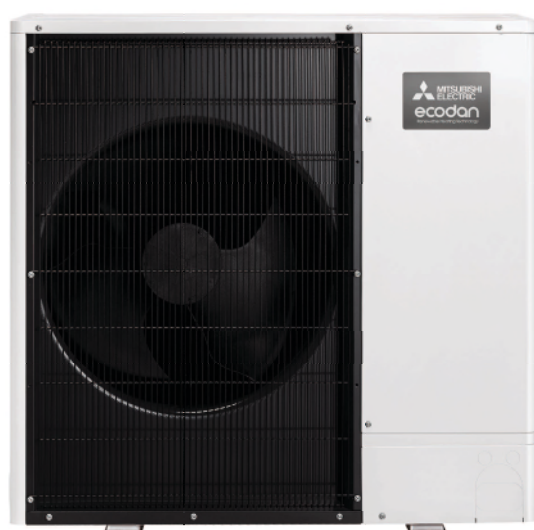
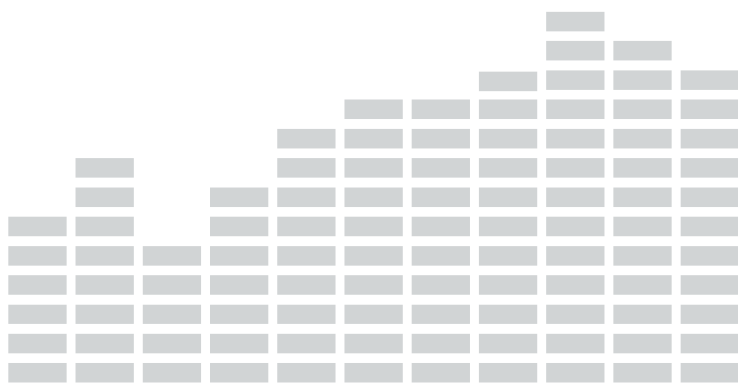
Side Detail



Gutter Detail  
(joined flashings)



# Ultra Quiet Ecodan



**3 Times Quieter** than previous equivalent models,  
virtually eliminating planning restrictions

**58** dB(A)  
Sound Power  
Level



**45** dB(A)  
Sound Pressure  
Level at 1m

Our market leading Ecodan air source heat pumps are designed to provide a home with reliable, trouble free renewable heating and hot water.

## The New Ultra Quiet Ecodan takes air source heat pumps to the next level

These new models offer superb style, market leading energy efficiency and sound levels. Designed especially for residential applications the 8.5kW and 11.2kW units are **3 times quieter than previous models, virtually eliminating planning restrictions.**



Typical sound pressure levels:



**120** dB(A)



**80** dB(A)



**60** dB(A)



**40** dB(A)

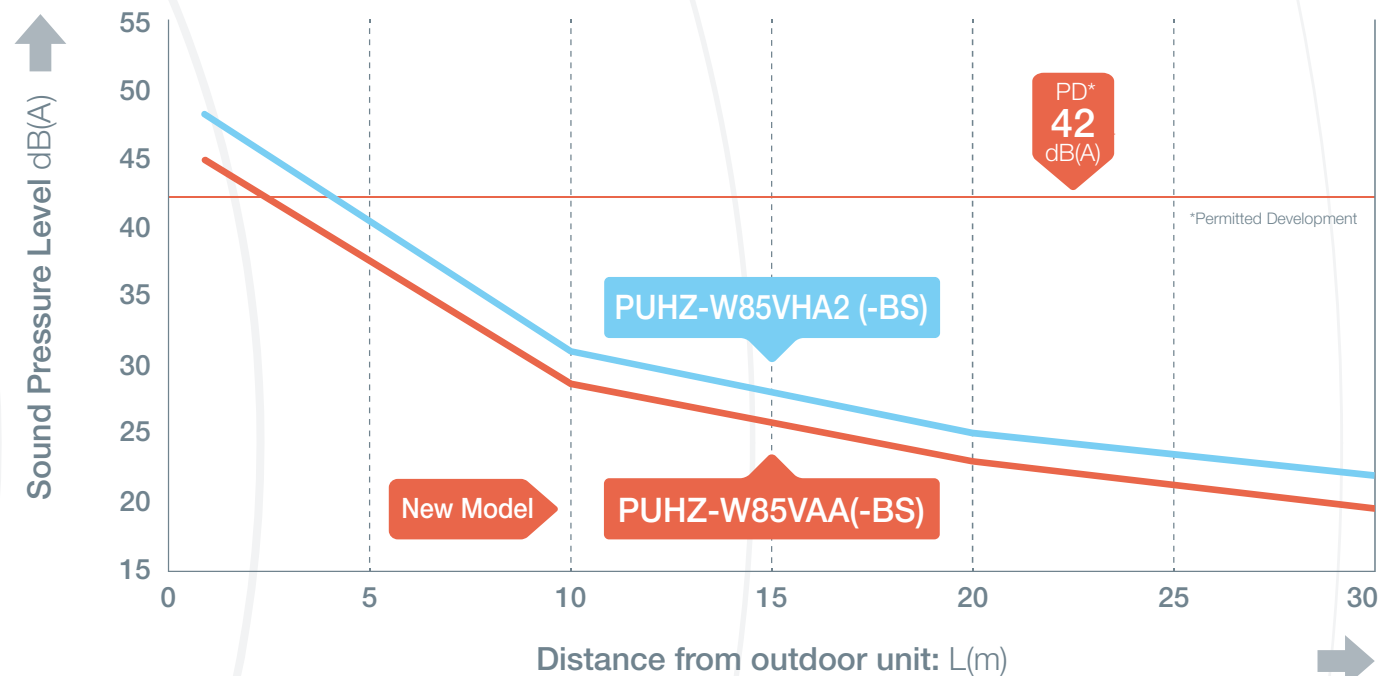
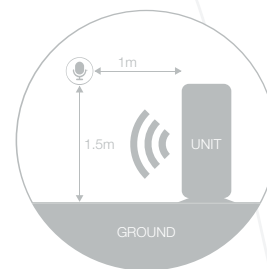
This means the Ultra Quiet Ecodan has a sound pressure level similar to a **Library.**

# Estimated Noise Levels

Based on the distance from the outdoor unit

## Annotation and Measurement Condition

1. Sound data was measured once unit operation was stable.
2. Sound reflection from ground and surrounding walls is not considered.



## Low Sound = Heat Pump Placement Flexibility

One of the regulations under **Permitted Development**, is that the sound pressure level of an air source heat pump must not exceed 42dB(A) 1m from the neighbours nearest room (Assessment Position).

With class leading **sound power levels of just 58dB(A)**, the Ultra Quiet Ecodan air source heat pump can be located much closer to the assessment position and **pass planning**.

This ultra quiet performance means you can now choose the most convenient location for your Ecodan, causing no disturbance to neighbours.



[ultraquietecodan.co.uk](http://ultraquietecodan.co.uk)







PUHZ-W85VAA: MCS Ref: HP0002/45  
 PUHZ-W85VAA-BS: MCS Ref: HP0002/46  
 PUHZ-W112VAA: MCS Ref: HP0002/47  
 PUHZ-W112VAA-BS: MCS Ref: HP0002/48



OUTDOOR UNIT		PUHZ-W85VAA(-BS)	PUHZ-W112VAA(-BS)
HEAT PUMP SPACE HEATER - 55°C	ErP Rating	A++	A++
	$\eta_s$	137%	133%
	SCOP	3.50	3.40
HEAT PUMP SPACE HEATER - 35°C	ErP Rating	A++	A++
	$\eta_s$	171%	170%
	SCOP	4.35	4.34
HEAT PUMP COMBINATION HEATER - Large Profile <sup>1</sup>	ErP Rating	A	A
	$\eta_{wh}$	104%	100%
	Capacity (kW)	8.3	11.0
HEATING <sup>2</sup> (A-3/W35)	Power Input (kW)	2.86	3.73
	COP	2.90	2.95
OPERATING AMBIENT TEMPERATURE (°C DB)		-20 ~ +35°C	-20 ~ +35°C
SOUND DATA <sup>3</sup>	Pressure Level at 1m (dBA)	45	47
	Power Level (dBA) <sup>4</sup>	58	60
WATER DATA	Pipework Size (mm)	28	28
	Flow Rate (l/min)	25.8	32.1
	Water Pressure Drop (kPa)	16.1	24.4
DIMENSIONS (mm) <sup>17</sup>	Width	1050	1050
	Depth	480	480
	Height	1020	1020
WEIGHT (kg)		97	118
ELECTRICAL DATA	Electrical Supply	220-240v, 50Hz	220-240v, 50Hz
	Phase	Single	Single
	Nominal Running Current [MAX] (A)	9.1 [22.0]	10.9 [28.0]
	Fuse Rating - MCB Sizes (A) <sup>6</sup>	25	32
REFRIGERANT CHARGE (kg) / CO <sub>2</sub> EQUIVALENT (t)		2.4/5.01	3.3/6.89

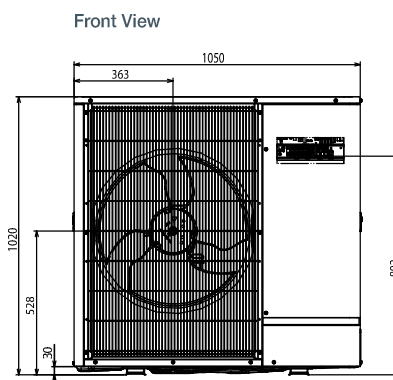
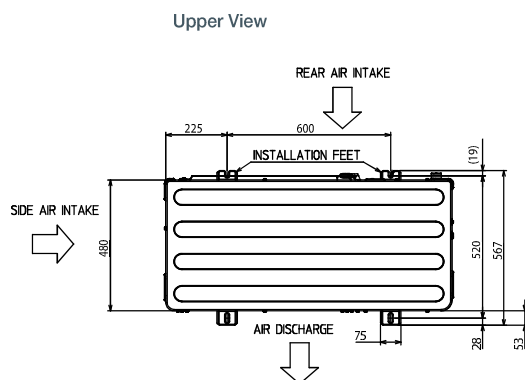
<sup>1</sup> Combination with EHPT20X-MHCW Cylinder. <sup>2</sup> Under normal heating conditions at outdoor temp: -3°CDB / -4°CWB, outlet water temp 35°C, inlet water temp 30°C.

<sup>3</sup> Under normal heating conditions at outdoor temp: 7°CDB / 6°CWB, outlet water temp 55°C, inlet water temp 47°C as tested to BS EN14511. <sup>4</sup> Sound power level tested to BS EN12102. <sup>5</sup> MCB Sizes BS EN60898-2 & BS EN60947-2.

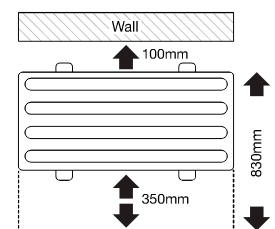
<sup>6</sup> Flow Temperature Controller (FTC) for standalone systems PAC-IP062B-E Dimensions WxDxH (mm) - 520x150x450

$\eta_s$  is the seasonal space heating energy efficiency (SSHEE)  $\eta_{wh}$  is the water heating energy efficiency

## Product Dimensions PUHZ-W85 / 112VAA(-BS)



## Required Space



The space required in front of the unit is 350mm.



Telephone: 01707 278666

email: heating@meuk.mee.com

web: heating.mitsubishielectric.co.uk

UNITED KINGDOM Mitsubishi Electric Europe Living Environment Systems Division  
 Travellers Lane, Hatfield, Hertfordshire, AL10 8XB, England General Enquiries Telephone: 01707 282880 Fax: 01707 278881  
 IRELAND Mitsubishi Electric Europe Westgate Business Park, Ballymount, Dublin 24, Ireland  
 Telephone: Dublin (01) 419 8800 Fax: Dublin (01) 419 8890 International code: (003531)

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**Note:** The fuse rating is for guidance only. Please refer to the relevant databook for detailed specification. It is the responsibility of a qualified electrician/electrical engineer to select the correct cable size and fuse rating based on current regulation and site specific conditions. Mitsubishi Electric's air conditioning equipment and heat pump systems contain a fluorinated greenhouse gas, R410A (GWP:2088), R32 (GWP:675), R407C (GWP:1774) or R134a (GWP:1430). \*These GWP values are based on Regulation (EU) No 517/2014 from IPCC 4th edition. In case of Regulation (EU) No.626/2011 from IPCC 3rd edition, these are as follows, R410A (GWP:1975), R32 (GWP: 550), R407C (GWP:1650) or R134a (GWP:1300).



Effective as of April 2018 SAP No. 338239



[www.greengateway.mitsubishielectric.co.uk](http://www.greengateway.mitsubishielectric.co.uk)

Mitsubishi Electric UK's commitment to the environment



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Mitsubishi Electric  
 Living Environmental Systems UK



[mitsubishielectric2](https://www.youtube.com/mitsubishielectric2)



[thehub.mitsubishielectric.co.uk](http://thehub.mitsubishielectric.co.uk)

**LRB-2021-42**  
**21/01145/FLL - Erection of a dwellinghouse, land 50 metres north west of Dunaverig House, Needless Road, Perth**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, pages 65-96)*





GRM Investments Ltd  
c/o StudioEAST Chartered Architects  
Richard Taylor  
King James VI Business Centre  
Friarton Rd  
Perth  
PH2 8DY

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **12th August 2021**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **21/01145/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 14th July 2021 for Planning Permission for **Erection of a dwellinghouse Land 50 Metres North West Of Dunaverig House Needless Road Perth**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposal is contrary to Policy 17 Residential Areas of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs and surrounding density as a consequence the development is incompatible with the character and amenity of the area.
2. The proposal is contrary to Policy 1A Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The design, density, scale and siting of development does not respect the character and amenity of the place, and it does not improve links within the site.
3. The proposal is contrary to criterion within Policy 1B of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposed development does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport as required by criterion (e).

4. The proposal is contrary to criterion within Policy 15 and 60B of the Perth and Kinross Local Council Development Plan 2 (2019) as the alternative form of path provision though the site is not considered to be acceptable due to 'throttling' and conflict between motor vehicles and pedestrians as a result of the hemmed in nature of the proposed path.

#### **Justification**

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

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

#### **Plan Reference**

**01**

**02**

**03**

**04**

**05**

**06**

**07**

**08**

**09**

**10**

**11**

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	21/01145/FLL	
Ward No	P10- Perth City South	
Due Determination Date	13th September 2021	
Draft Report Date	12th August 2021	
Report Issued by	JW	Date 12 <sup>th</sup> August 2021

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 50 Metres North West Of Dunaverig House Needless Road  
Perth

#### SUMMARY:

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

#### SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

In this instance, a physical visit to the site was considered necessary. The application site was visited on **27 July 2021**.

#### SITE PHOTOGRAPHS







## BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning permission is sought for the erection of a detached two storey dwelling house on a narrow site which sits between 48 and 50 Cavendish Avenue in Perth. The site is currently occupied by an electrical substation, which is proposed to be retained, together with a vehicular access to the substation with grass verges on either side. The vehicular access on the site continues to the south linking to the substation, residential garages and a recently constructed dwellinghouse (ref:17/00395/FLL) with a pedestrian link provided to Needless Road running adjacent to the new dwelling.

The existing vehicular access on the site is proposed to be relocated to the east to accommodate the proposed dwellinghouse. The dwelling is proposed to be contemporary and linear in design with a gable end fronting onto Cavendish Avenue and is proposed to be finished in smooth white render at ground floor level with the first floor wrapped in a standing seam grey zinc cladding. The house is proposed to have a footprint of 85sqm and extend to 7.5m in height. The north elevation, fronting Cavendish Avenue is proposed to be occupied by a small window at ground floor level serving the lounge and a further small window at first floor window serving the master bedroom. The south elevation, facing towards the substation is proposed to be fitted with glazed sliding patio doors at ground floor level and double height glazing at first floor serving the master bedroom.

The main access door to the property is proposed on the east elevation and is proposed to be accessed along a small footway which runs along the eastern boundary adjacent to the re-aligned vehicular access track.

The house is proposed to accommodate a living room, hall, WC and open plan kitchen and dining space at ground floor level with three bedrooms and a bathroom at first floor level. A parking area for one vehicle is proposed to the north of the house adjacent to Cavendish Avenue.

The red line site boundary site extends to 449sqm but much of this is taken up by the relocated vehicular access and substation to the rear (south) with the useable plot being approximately 255sqm.

## **SITE HISTORY**

**15/01716/FLL** Erection of 3 dwellinghouses – Withdrawn 19 November 2015

**16/01261/FLL** Erection of 2 dwellinghouses Refused – 23 January 2017

**17/00395/FLL** Erection of a dwellinghouse and relocation of public footpath – Approved 12 June 2017

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **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 2 (2019).

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

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

## **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

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

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 14A: Open Space Retention and Provision: Existing Areas

Policy 15: Public Access

Policy 17: Residential Areas

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 39: Landscape

Policy 41: Biodiversity

Policy 53B: Water Environment and Drainage: Foul Drainage

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

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

### **OTHER POLICIES**

**Supplementary Guidance – Placemaking**

**Supplementary Guidance – Developer Contributions and Affordable Housing**

**National Roads Development Guide**

## CONSULTATION RESPONSES

### EXTERNAL

Scottish Water – no objection

### INTERNAL

Transport Planning- cannot support application due to lack of sufficient car parking and conflict between pedestrians and vehicles when using re-aligned access/footway

Development Contributions Officer – contribution required towards transportation infrastructure

## REPRESENTATIONS

The following points were raised in the 11 representations received:

- Loss of pedestrian access between Cavendish Avenue and Needless Road
- Adverse effect on visual amenity
- Excessive height
- Inappropriate housing density
- Inappropriate land use
- Lack of car parking
- Light pollution
- Loss of open space
- Loss of daylight/sunlight
- Noise pollution
- Out of character with area
- Overlooking
- Road safety concerns and conflict between pedestrians and vehicles
- Traffic congestion
- Impact from construction
- Impact on trees
- Contrary to Development Plan

The above issues are addressed within the appraisal section below.

## ADDITIONAL STATEMENTS

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

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

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

### **Policy Appraisal**

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

Policies 1A and B are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

Policy 15 - Public Access is also applicable. This confirms that developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made

For reasons set out elsewhere in this report it is considered that this proposal is contrary to Policies 17, 1A and B of the adopted Perth and Kinross Local Development Plan 2019.

### **Design and Layout**

#### **Movement**

The importance of movement within the environment is discussed in the Scottish Government's document on Designing Streets: A policy Statement for Scotland. This notes that:- Providing for movement along a street is vital, but it should not be considered independently of the street's other functions. The need to cater for motor vehicles is well understood by designers, but the passage of people on foot and cycle has often been neglected. Walking and cycling are important modes of travel, offering a more sustainable alternative to the car, making a positive contribution to the overall character of a place, public health, social interaction and to tackling climate change through reductions in carbon emissions.

From reviewing the letters of objection it is clear that residents from the surrounding area do utilise this site as a connection between Needless Road and Cavendish

Avenue. The approved house to the south includes the provision of a 2m wide path which opens out to the rear of the house where the substation is located. From here the path/vehicular access is proposed to be relocated immediately adjacent to the eastern boundary and is proposed to be 3m in width. This is relocated hard against the east boundary of the site (with the existing hedge requiring significant pruning). A boundary fence is proposed along the east elevation of the house from the parking area next to Cavendish Road, extending to the substation at the rear of the site. It also appears from the submitted drawings that the south east corner of the 1st floor of the house is proposed to be cantilevered over the boundary fence.

In this case the proposal creates a conflict between pedestrians and vehicular movements to the rear parking area. Whilst it is accepted that the existing access utilises shared pedestrian and vehicular access this throttling did not occur and the existing grass verges would remedy any conflict. This issue was identified as a reason for refusal on application 16/01261/FLL, for two dwellings and was addressed by the subsequent deletion of the house adjacent to Cavendish Avenue as part of application 17/00395/FLL.

This issue has not been addressed within this submission as the narrowness of the site limits the ability to satisfactorily address this issue.

Taking this into account it is considered that a suitable form of access has not been provided. Accordingly, the proposed scheme conflicts with LDP2 Policy 15.

## **Design and Density**

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

Furthermore, through Designing Places (November 2001) Scottish Ministers have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, it is important at all scales of development. Ill-conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground. It should be noted that the Council has previously considered the development of this site under application 16/01261/FLL which was partly refused on the basis that the site and proposed development failed to respect the established character and density levels in the local area.

As outlined above, the dwelling is proposed to be contemporary and linear in design with a gable end fronting onto Cavendish Avenue and is proposed to be finished in smooth white render at ground floor level with the first floor wrapped in a standing seam grey zinc cladding. It is proposed to extend to 7.5m in height.

As referenced in the Report of Handling for the 2016 refusal on this site, it is evident that there is a steady rhythm of development along Cavendish Avenue, principally of detached and semi detached dwellinghouses. The application site has a very narrow frontage with Cavendish Avenue which is further limited due to the need to retain the vehicular access to the substation, garages and new house to the south. This results in



the dwelling and parking area being shoe-horned into a very narrow part of the site, similar to what was proposed in the refused 2016 application. The introduction of a detached dwelling on a site with such limited frontage with Cavendish Avenue fails to respect the relatively uniform streetscape and character of Cavendish Avenue and fails to respect the established character and density levels of the area. The principle of developing the site was previously refused by the Planning Authority and these concerns remain, regardless of the change in design of the proposed dwelling.

The properties to the west also have gable frontages but these are generally single storey in appearance with rooms in the roof and served by dormer windows. The properties to the west have relatively low eaves levels which helps to limit their visual bulk and mass. The design of the proposed dwelling has an eaves height which is significantly higher than the neighbouring properties to the west and results in a building with a bulk and massing which is significantly greater than the neighbouring properties which detrimentally effects the visual amenity and established street scene. The scale and massing of the building contributes to the fact that the proposal is considered to be an overdevelopment of the site.

The proposal is therefore considered to be contrary to policies 1A and B and 17 of the LDP2 as the proposal fails to respect the character and density levels of the area.

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the formation of a residential development on this site, within the settlement boundary, is not considered to significantly erode the quality of the landscape. Representations have raised concerns with the loss of open space (the grassed area) to the north of the site adjacent to Cavendish Avenue. However, this is not zoned open space in the LDP2. While it is noted that residents may put amenity value on this space it is not afforded the same protection under Policy 15. It is worth noting that this site was previously in the Council's ownership before its disposal. Overall it is not considered that the loss of this small area of grass or landscaping is of significant detriment to the area, although there are concerns which the loss of this area would have in relation to the use of the shared access which is reference above.

## **Residential Amenity**

### Impacts on adjoining properties

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

There are privacy and overlooking concerns expressed in the letters of representation. Whilst there are windows close to the west boundary of the site these are proposed to be high level strip windows which will allow light into the dwelling but avoid overlooking

into the neighbouring property to the west. Furthermore, the same high level strip windows are also proposed on the east elevation to again allow light into the property but to avoid overlooking. This is considered to be acceptable. The large glazing on the south elevation is located approximately 11m from the proposed boundary with the property to the south which is considered to be a sufficient distance to mitigate any overlooking to this property and other properties on Needless Road. Furthermore, the orientation of the building will limit overlooking to the properties to the east and west from this southerly aspect. Overall, there are not considered to be any overlooking concerns with the proposed development.

Letters of representation highlight concern that there will be an unacceptable loss of residential amenity to surrounding residential dwellings with the penetration of vehicles behind the main frontage of properties. Whilst moving the access closer to number 48 Cavendish Avenue will likely result in a reduction to residential amenity it is worthwhile noting that the existing site, with garage lock ups and substation already has vehicle movements along the side boundaries of neighbouring properties. Taking these site circumstances into account and the potential reduction in vehicles associated with the now demolished garage lock ups the vehicle access to the rear of the site is not an issue which merits refusal of the application on these particular grounds.

### Overshadowing

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

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

Having carried out an assessment of the proposed development the height of the dwelling does not breach the 25-degree obstruction path as outlined in the Supplementary Guidance. Therefore, the proposed development is considered to be acceptable in terms of its impact on daylight.

An element of overshadowing will likely occur to the neighbouring properties garden ground, this will occur in the morning to the properties to the west and in the evening to the properties in the east. Notwithstanding this the extent of overshadowing to neighbouring garden is not excessive and would not warrant refusal of the application.

### Private Amenity Space

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

The proposed application site extends to 449sqm but much of this space is occupied by the realigned access to the substation/pedestrian link through the site which limits the

usability of the plot. The private garden to the rear of the house extends to 82sqm. The Council's Supplementary Guidance on Placemaking provides minimum private amenity space levels. This states that a minimum of 80sqm should be provided for a 3+ bedroom dwellinghouse.

Taking the above levels into account an adequate level of private (rear) amenity space is provided to perform the minimum expected of a garden ground taking account of the proposed dwelling type.

## **Roads and Access**

Policy 60B of LDP2 is relevant and requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant. This provides detail on parking and access requirements.

The access arrangements and how this relates to existing land uses is addressed above and are considered to be contrary to the LDP2. Policy 60B is concerned with providing safe access and appropriate car parking. The fence along the eastern boundary of the dwelling and the relocated access will restrict visibility towards the substation where pedestrians and other vehicles may be egressing from. Furthermore, the relocation of the access will mean that access to the neighbouring garages will be tighter and Transport Planning have requested that a swept path analysis be submitted to clarify whether this is possible. Given the concerns regarding the principle of development on the site this information has not been requested. Furthermore, as outlined above there are concerns regarding the pedestrian/vehicle conflict which would result from the development as there is no refuge area should a pedestrian/wheelchair user meet a vehicle on the access. The National Roads Development Guide advises that for a three bedroomed property, two car parking spaces shall be provided, however the proposal only includes one space. Therefore, the parking arrangements fail to adhere to the guidance contained within the National Roads Development Guide. Transport Planning have advised that they cannot support the application.

On the basis of the above proposal is considered to be contrary to Policy 60B of the LDP2.

## **Drainage and Flooding**

The applicant has confirmed that the foul drainage will be connected to the sewer and a condition can be imposed to ensure this connection is achieved. A developer would need to secure a connection from Scottish Water and if there is a capacity problem this is a matter between the developer and network operator to resolve prior to development proceeding on the site.

The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy 53C of the LDP2 and could be secured by condition.

## **Developer Contributions**

### Education Infrastructure

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

This proposal is within the catchment of Inch View Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time.

### Transportation Infrastructure

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The site is located within the 'Full' Contributions area (Appendix 3 of the Supplementary Guidance) and therefore a contribution of E£3657 is required. The applicant has indicated the intention to pay the contribution upfront should planning permission be granted.

## **Trees**

There are no trees on the application site although letters of representation have raised concern which the construction may have on trees within adjacent garden ground. This is not considered to be so significant to merit refusal of the application on these grounds.

## **Impact from Construction Operations**

Letters of representation raise concerns regarding the disruption caused during construction operations. Whilst this is noted, this would be for a temporary period only and therefore not considered to hold significant weighting in the assessment of the application.

## **Ecology and Bio Diversity**

The site is not considered to have any significant ecological value.

## **Economic Impact**

The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development but would not generate sufficient economic value to depart of the Development Plan.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

There have been no variations to the application.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

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

Accordingly, the proposal is refused on the grounds identified below:

### **Reasons for Refusal**

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

The proposal is contrary to Policy 1A Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The design, density, scale and siting of development does not respect the character and amenity of the place, and it does not improve links within the site.

The proposal is contrary to criterion within Policy 1B of the Perth and Kinross Council Local Development Plan 2 (2019) as the proposed development does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport as required by criterion (e).

The proposal is contrary to criterion within Policy 15 and 60B of the Perth and Kinross Local Council Development Plan 2 (2019) as the alternative form of path provision though the site is not considered to be acceptable due to 'throttling' and conflict between motor vehicles and pedestrians as a result of the hemmed in nature of the proposed path.

### **Justification**

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

**Informatives**

None

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

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**LRB-2021-42**  
**21/01145/FLL - Erection of a dwellinghouse, land 50**  
**metres north west of Dunaverig House, Needless Road,**  
**Perth**

## **REPRESENTATIONS**



Tuesday, 20 July 2021



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

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Land 50 Metres North West Of Dunaverig House, Needless Road, Perth, PH2 0JT**  
**PLANNING REF: 21/01145/FLL**  
**OUR REF: DSCAS-0044719-QZ9**  
**PROPOSAL: Erection of a dwellinghouse**

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

### Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### Water Capacity Assessment

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

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

### Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the PERTH CITY Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

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### Please Note



SW Public  
Published  
To find out more about connecting your  
property to the water and waste water supply visit:



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

## Surface Water

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

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

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

## **General notes:**

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



- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

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

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

### **▶ Non Domestic/Commercial Property:**

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

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.





- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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

Yours sincerely,

**Pamela Strachan**

Development Operations Analyst

Tel: 0800 389 0379

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

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



### **So, how are we doing?**

We'd love to know what we're  
doing well or could do better.  
We promise we're listening,  
[click here](#) to tell us...



## Louvain Pentley

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**From:** Steven Harkins [REDACTED]  
**Sent:** 22 July 2021 19:38  
**To:** Development Management - Generic Email Account  
**Subject:** Proposed development 21/01145/FLL

Objection to proposed development

This development will cut off the lane between Cavendish Avenue and Needless Road. This lane is used daily by ourselves and many other local residents. The lane was closed off for several months during the last development on this site.

The lane between these two Craigie streets is over 100-years old and permission for the previous development on the site was granted when developers agreed to keep the lane open. I would object to this development unless a commitment was made to keep the public access lane between Cavensidh Avenue and Needless Road open for pedestrians.

Campbell Harkins  
[REDACTED]



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

<b>Planning Application ref.</b>	21/01145/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner <div style="background-color: black; width: 150px; height: 20px; margin-top: 5px;"></div>
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 50 Metres North West Of Dunaverig House Needless Road Perth		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Inch View Primary School. Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The site is located within the 'Full' Contributions area (Appendix 3 of the Supplementary Guidance)</p>		

<p><b>Recommended planning condition(s)</b></p>	<p><b>Summary of Requirements</b></p> <p>Education: £0 Transport Infrastructure: 1 x £3,657</p> <p><b><u>Total: £3,657</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</p>
<p><b>Recommended informative(s) for applicant</b></p>	<p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash or cheques be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release</p>

	<p>of the Planning Decision Notice.</p> <p><b>Bank Transfers</b>  All Bank Transfers should use the following account details;  <b>Sort Code:</b> 834700  <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p>The Council operate an electronic direct debit system whereby payments may be made over the phone.  To make such a payment please call 01738 475300 in the first instance.  When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p>Transport Infrastructure  For Transport infrastructure contributions please quote the following ledger code:  1-30-0060-0003-859136</p> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
<b>Date comments returned</b>	23 July 2021





# Comments for Planning Application 21/01145/FLL

## Application Summary

Application Number: 21/01145/FLL

Address: Land 50 Metres North West Of Dunaverig House Needless Road Perth

Proposal: Erection of a dwellinghouse

Case Officer: John Williamson

## Customer Details

Name: Mrs Rowena Wright

Address:

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Excessive Height
- Inappropriate Housing Density
- Inappropriate Land Use
- Lack or loss Of Car parking
- Light Pollution
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Noise Pollution
- Out of Character with the Area
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: The following are objections to the proposed plan for the new dwelling between number 48 and 50 Cavendish Avenue, Perth.

1. This proposed dwelling will be sitting higher than our property, thus invading our privacy by looking into our windows and garden. We have a young child and this is causing us great concern.
2. The construction of this property will block our light coming into our home (three windows on the ground floor). We purchased this property partially due to the excellent views from the upstairs of the surrounding area and this will be destroyed by this building.
3. Public right of way (lane / footpath), this lane is used 24/7 by the local residents. The walking / street lighting in this area will considerably be reduced. Looking at the plans, you have cars accessing garages, parking areas which will be dangerous for both children, older generation, animals and local wildlife.

4. The space where this proposed plan does not look adequate for both house / footpath and parking area. There is one garage and three gates to neighbouring properties.
5. Congestion / Parking - There is insufficient parking currently on Cavendish Avenue due to traffic islands built by the council, causing mayhem and forcing people to park on the pavements. This is also a bus route. This construction will only add to this problem, people park their cars over our driveway at times due to insufficient parking, thus making it harder to access our driveway. Also with this building a number of parking spaces will be lost.
6. This building is out of character for this area, next to the current properties and will be an eyesore to the area, leaving no green space for the local residents and dog walkers. Looking at the plans, it is not in line with other properties and will overlook no's 23, 25 and 27 on the opposite side of the Cavendish Avenue.
7. Boundary - The property designed is too near to our property. We have gated access to the footpath; we should not lose this as it has been part of the property when it was initially built in 1935.
8. Heat pump. How big is this and will there be noise pollution? If so this will disturb local wildlife and will affect our hearing.
9. Foundations - Building work. This would affect our property as we have established tree roots. We have a number of large trees and shrubs around the boundary especially on this side. Also our garage has an asbestos roof and is intact at the moment; we are worried that the construction would damage it due to vibrations.
10. What is happening to the substation? It is a concern that this build would be unsafe to all those concerned.

## Development Management

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**From:** Denise Taylor [REDACTED]  
**Sent:** 01 August 2021 13:29  
**To:** Development Management  
**Subject:** Objection to application no 21/01145/FLL

I object to the application for the following reasons:

The proposed development is 100 per cent out of character with all the other properties in Cavendish Avenue which date back to at least 1947. The design and materials used are completely different and the construction appears to be approximately 5 metres wide showing virtually no space between the house and fence adjoining the public footpath and very little space between the property at no 50 Cavendish Avenue. This drawing confirms adequate lack of space for this development in relation to neighbouring properties.

The height of the property will detract light from adjacent properties and overlook neighbouring properties at both front and sides and appears to be towering above all the others.

There is already inadequate street parking in Cavendish Avenue due to the installation years ago of a traffic island affecting street parking for nos 25, 27, 29, 31, 50, 52 and 54 resulting in vans and lorries regularly having to park on pavements and over driveways. This development will only add to the congestion with visiting vehicles.

The application states there are no trees adjacent to the site but no 50 adjacent has established, large trees on the boundary and large roots may be damaged with excavation. Building work of Dunaverig, the property already built on site at Needless Road took at least 6 months with excessive noise, public footpath closure and traffic disruption. Dunlarig itself was built to compliment the character of the Needless Road properties. Any building work and public footpath closure will again cause major disruption and excessive noise.

The land owner agreed to maintain the area cutting grass etc but has not fulfilled this agreement, leaving the area to be overgrown and appear an eyesore which was totally preventable.

In conclusion, this proposed structure is total overdevelopment in a tiny space and will add nothing to the area, which is abundant with plants and trees in large gardens. Naturally the land was purchased for financial profit and i'm sure profit has already been made with the construction of Dunaverig. It would be a lovely gesture for the land owner to landscape the area in question rather than build an unsuitable property. This would retain greenspace, wildlife, prevent further parking congestion and add to the character of the area.

Ms Denise Taylor  
[REDACTED]

Sent from my iPhone



# Comments for Planning Application 21/01145/FLL

## Application Summary

Application Number: 21/01145/FLL

Address: Land 50 Metres North West Of Dunaverig House Needless Road Perth

Proposal: Erection of a dwellinghouse

Case Officer: John Williamson

## Customer Details

Name: Mr John Davidson

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road Safety Concerns

Comment: As the developer has not maintained the site it would be good so some progress, however on studying the parking provision it is NOT possible to turn a car, even a small one on a drive 2.4 metres wide. This means reversing over a footpath much used by children attending Craigie School and Playgroup. The previous development tried to run roughshod over access and this one follows suit, despite the statement in the proposal regarding this.





## Louvain Pentley

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**From:** Mark Jacques [REDACTED]  
**Sent:** 04 August 2021 10:08  
**To:** Development Management  
**Subject:** Objection Comment Planning Application Comments Re 21/01145/FLL

Dear Sir,

We wish to raise the following objections and comments regarding the planning application reference 21/01145/FLL for the erection of a dwelling house on the land 50 metres north west of Dunaverig House, Needless Road, Perth:

1. A well-used and established pedestrian access route will be severely restricted as a result of this development. The lane between Cavendish Avenue and Needless Road is used by a variety of people for various reasons and forms a significant pedestrian route to a number of local facilities, particularly for the young and elderly. The proposed new path, from the plans submitted, would appear to severely restrict the current access enjoyed by the community. The intended surfacing, or whether it will be lit or maintained, particularly in adverse weather, etc, is unknown. Therefore, it is unclear how safe such a path would be for the various users. We note that the owners neither currently maintain the site nor provide adequate lighting.

In fact, this proposed development would compromise user safety due to the path being the same width for its total length and now being overlooked, in the narrowest part of the lane, by a new building, associated fencing, garden and parking space. Indeed, the proposed overlooked path could now create an area where community users might feel unsafe, particularly at night, due not only to inadequate lighting, but also due to personal safety concerns. Therefore, posing another safety hazard to users.

2. A new house would look out of place both visually and aesthetically. Cavendish Avenue is occupied by mature well-established properties, cramming a very narrow house into the Cavendish Avenue end of the lane would seriously impose upon the neighbouring adjacent properties. Particularly, number 50 Cavendish Avenue where there would appear to be an obscenely small distance from the proposed house to its boundary.

The area's character would be also be adversely affected and diminished by this proposal which would make the area look over crowded and 'out of scale'. This would be exacerbated by the proposed materials to be used which appear to be totally at odds with other surrounding properties.

3. Vehicular access to the proposed parking at the rear of the proposed property would increase traffic on the path which would again comprise the safety and wellbeing of users due to the lack of 'passing space' which is currently possible.

4. Parking is already at a premium on both Cavendish Avenue and Needless Road. An additional house and the resultant cars will only add to the problem. At present larger vehicles have difficulty on Cavendish Avenue, ie buses, due to the number of cars owned by households where no private parking is available. Road and public safety would, therefore, be clearly affected by this development. Also, an existing green space would be lost affecting the amenity and enjoyment of the area by the local community.

6. Access to the existing SSE sub-station would be seriously compromised by this development which could result in significant disruption for a number of households in the local area should a problem occur or significant works be required where plant or HGVs need full access.

7. A significant amount of disruption will be caused by such a major construction project in a very confined space, causing noise, property access issues and loss of amenity and facility. Also, health and safety issues, ie removal of debris, site security, storage of equipment, etc. A sizeable detour would be required by the current users of the lane during the proposed works, again compromising safety for the local community.

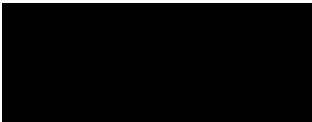
8. The erection of a house would obstruct our current aspect enjoyed from our garden and bedroom windows. From the plans, the proposed building appears to be 'out of kilter' with the rear aspect line of other properties and would be 'proud' of the other homes, in both length and height. Therefore, the new proposed house would overlook our property and our neighbours'. This would be further exacerbated due to the proposed fully glassed rear gable end. Our property was erected in the 1930s and to our knowledge the proposed site has never been built upon. There will be also be additional noise from use of the garden and the movement of vehicles accessing the proposed private parking. All of which would lead to loss of amenity in this respect.

9. With plenty of building land available in Perth and surrounding area, why is this applicant trying to squeeze a house and a footpath on to such a narrow site in a mature residential area? This land has never, to the best of our knowledge, been intended for housing development, neither was it sold as such by the Council we understand.

In conclusion, the impact on the local community will totally outweigh any intended benefit from the construction of one additional house in the area.

Yours faithfully,

Mark and Catherine Jacques



# Comments for Planning Application 21/01145/FLL

## Application Summary

Application Number: 21/01145/FLL

Address: Land 50 Metres North West Of Dunaverig House Needless Road Perth

Proposal: Erection of a dwellinghouse

Case Officer: John Williamson

## Customer Details

Name: Mr Lee McGillivray

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Lack or loss Of Car parking
- Loss Of Open Space
- Noise Pollution
- Out of Character with the Area
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: I strongly object to the proposed plan to erect a dwelling house on land 50 meters north west of Dunaverig House. I note the reasons of concern below: -

1. The proposed building is completely out of character from all of the other houses in the area. There has clearly been no effort made to design the house to suit its surroundings making this an unsightly view from our property directly opposite. The height of the property also causes great concern among the local residents who would be in close proximity of this building.
2. Parking is already a huge issue in Cavendish Avenue with cars & other vehicles forced to park on pavements & blocking driveways regularly. It is also a bus route therefore any construction at the proposed site would only further impact on these issues.
3. I have safety concerns for the public right of way if the proposed plans were to be implemented. The road/lane is used constantly throughout the day & also at night. It would not be safe for the public & vehicles to use this road/lane at the same time due to lack of space which will greatly increase the risk of injury.

4. I feel this small green space would benefit more if it were to be landscaped & maintained properly thus adding to the beauty of the area instead of constructing an unsuitable property & inconveniencing the local residents.

# Comments for Planning Application 21/01145/FLL

## Application Summary

Application Number: 21/01145/FLL

Address: Land 50 Metres North West Of Dunaverig House Needless Road Perth

Proposal: Erection of a dwellinghouse

Case Officer: John Williamson

## Customer Details

Name: Mrs Audrey Cowie

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Road Safety Concerns

Comment: I object to planning application 21/01145/FLL for the following reasons:

It is contrary to the PKC Local Development Plan (LDP), which the applicant highlights in the design brief and which were factors preventing a house of the same footprint to be built in 2017 (planning application 16/01261). The current application does not offer any differences except design and build which are still out of keeping with the local character (PKC LDP 2019; respect character through form).

Policy CF2 of the LDP regards safe pedestrian passage and it was not deemed safe or appropriate then with a house on the Cavendish Avenue end of "the lane". There were concerns from Transport/Planning in Jan 2017 (re: planning application 16/01261) that a new build at the Cavendish Avenue end would cause "throttling" and conflict between motor vehicles and pedestrians. Currently, there is enough space for pedestrian/ cyclist/car to stop to allow safe passage, given the greenspace at the side of the tarmac. A 3metre fenced passage will not provide enough space to allow this to occur safely with removal of the greenspace. 1.8metre fencing on both sides will make the thoroughway dark and enclosed at night adding to concerns, blocking street lighting at Cavendish Avenue and shadowed by the new build.

The application shows the new house has an outward opening metal gate into the 3m pathway - this would not be safe if a car/ pedestrian/cyclist is passing as it is opened.

The applicant mentions that the realignment of the footpath was approved in application 17/00395/FLL. This related to the Needless Road end of the path. Sadly, the path and greenspace at the Cavendish Avenue end has become the; "current neglected grass area with an untidy view.." mentioned in the design brief.

The existing lane is consistent with other thoroughfares between streets in Craigie. It is a necessary and very well used space by car users for access, pedestrians and cyclists. This is an

opportunity to make what is there now a safer, open green space for all to enjoy as they traverse.



# Comments for Planning Application 21/01145/FLL

## Application Summary

Application Number: 21/01145/FLL

Address: Land 50 Metres North West Of Dunaverig House Needless Road Perth

Proposal: Erection of a dwellinghouse

Case Officer: John Williamson

## Customer Details

Name: Mr Keith Cowie

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Loss Of Open Space
- Out of Character with the Area
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: Dear Sir,

I am writing to inform you of my objection to Application 21/01145/FLL which seeks Planning Permission for the erection of one dwelling house on land 50 metres North West of Dunaverig House, Needless Road Perth PH2 0JT.

The reasons of my objections are as follows

1, If passed this development will have an identical footprint as Application 16/1261/FLL which your committee refused on several grounds. Unless the Planning rules have altered in the ensuing years, all the same concerns stand.

These were noted as

1. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014 as the proposal is considered to represent overdevelopment of the site when taking account of the areas environs and surrounding density as a consequence the development is compatible with the character and amenity of the area are retained .

2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding built environment. The design, density and siting of the development does not respect

the character and amenity of the place, and does not improve links with in the site.

3. The proposal is contrary to criterion within Policy PM1B of the Perth and Kinross Local Development Plan 2014 as the dwelling would (a) not create a sense of identity as it would erode the coherent street structure, (c) the design and density does not compliment the surroundings, (e) does not create safe, assessable, inclusive places for places for people, which are easily navigable, particularly on foot, bicycle and public transport.

4. The proposal is contrary to criterion within Policy CF2 of the Perth and Kinross Local Development Plan 2014 as the alternative form of path provision through the site is not considered to be acceptable due to "throttling" and conflict between motor vehicles and pedestrians.

In addition to the above issues which all hold true, I note the following concerns.

1. With regards to the design statement:

Item 8 Landscaping,

The area of grass is in a neglected state as the current owner has not given it any attention after the work on Dunaverig House, Needless Road Perth PH2 0LE.

2. The plans show a gate opening onto the existing roadway which could cause an incident by hitting a car or pedestrian.

3. There is not specified pedestrian only path meaning there could be a bottleneck should a car and pedestrian, bicycle, Pushchair meet. At present there is provision to step on to the "neglected" grass.

4. With 1.8 m high fence on both sides of the Throughway along with the proximity of the wall of the upper floor of the proposed house which protrudes almost to the fence line (as shown in South Elevation Drawing) there will be a major lack of light for any non-vehicular users.

5. There has been an understandable increase in vehicular traffic on the current throughway due it being the only access to Dunaverig House, Needless Road Perth PH2 0JT.

6. The current lane is still used regularly by people going to and from Perth Royal Infirmary, Craigie Primary School and many other local amenities such as Abbot Street post office and Darnhall Co-op.

I hope you consider all my above points when deciding on this proposed development'

Keith Cowie

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

<b>Planning Application ref.</b>	21/01145/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 50 Metres North West Of Dunaverig House, Needless Road, Perth		
<b>Comments on the proposal</b>	<p>The applicant is proposing to erect a three bedroomed dwellinghouse between 48 and 50 Cavendish Avenue.</p> <p>The National Roads Development Guide advises that for a three bedroomed property, two car parking spaces shall be provided, however the applicant has only provided one space.</p> <p>The fence between the property parking area and the access will restrict visibility towards the substation where pedestrians or other vehicles may be egressing from.</p> <p>Moving the access closer towards 48 Cavendish Avenue, will mean that access to the neighbouring garages will be tighter and it is unclear if vehicles will be able to continue to enter and exit from the garages. A swept path analysis will confirm that this is possible.</p> <p>In the previous consultations for application 16/01261/FLL, it was advised that a minimum of 3.0 metre wide access shall be maintained for maintenance of the electricity sub-station. The floor plan drawings show that a minimum of 3.0 metres will not be maintained as the fence will encroach into the available width. There is also a concern with pedestrian/vehicle conflict as there is no refuge area should a pedestrian/wheelchair user meet a vehicle on the access between to the two fences.</p> <p>Transport Planning are not in a position to support this application.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	06 August 2021		



# Comments for Planning Application 21/01145/FLL

## Application Summary

Application Number: 21/01145/FLL

Address: Land 50 Metres North West Of Dunaverig House Needless Road Perth

Proposal: Erection of a dwellinghouse

Case Officer: John Williamson

## Customer Details

Name: Mr Andrew Clarke

Address: [REDACTED]

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Housing Density
- Lack or loss Of Car parking
- Loss Of Sunlight or Daylight
- Loss Of Trees
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: I object to the proposed development for the following reasons:

1. The materials on the proposed property are neither efficient or in keeping with the surrounding area

2. There is already restricted parking in the busy surrounding streets Needless road and Cavendish avenue. This proposed development only adds to this problem

3. This development would compromise access and safety of the public who use the lane adjoining both streets. Walkers, cyclists and school children. Cars accessing Dunaverig house and other properties driveways also adds to this hazard

4. The height of the proposed property would overshadow neighbouring properties in Cavendish Avenue.

As a result of these reasons there is simply no more room for housing density developments in this geographical area.

When will the council hold the land owner to account for leaving the existing site around Dunaverig house a building site and a wasteland?

## Development Management

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**From:** John Thomson [REDACTED]  
**Sent:** 08 August 2021 18:06  
**To:** Development Management  
**Subject:** Objection Comment planning application 21/01145/FLL

I am writing to object to the above application on the following points which I believe to be contrary to local planning policy.

**Loss of daylight/sunlight**

The height of the build and fencing will reduce the natural light to neighbouring properties and provide a dark pedestrian space.

**Overlooking.**

This application will provide a total lack of privacy from the upstairs bedrooms of our house/two back bedrooms of new build.

**Traffic, parking and access problems.**

There is minimal space for safe bicycle and pedestrian access along the vehicle access locally known as 'the lane'. The application reduces considerably the safe space and does not improve the pedestrian and cycle facility.

**Design ,visual appearance**

The design of the application is not in keeping with surroundings. There is a lack of landscaping and the residential amenity to houses close by is diminished considerably. The application does not respect the site topography with the height of the house imposing on to the skyline.

The Tayplan states that 'quality of life will make it a place of first choice where people choose to live' . The Craigie area is a chosen place to live for many families who enjoy the social and environmental benefits of the area. This includes reasonable sized gardens and green spaces. This application cannot provide this due to the small imprint and thin strip of land. This is an overdevelopment of land use for the area and does not improve pedestrian and cycle links currently enjoyed.

I therefore object to the build as it is contrary to Perth and Kinross Local Development Plan POLICY 1A Placemaking which states 'Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.' Policy 1B states 'All proposals should meet all the following placemaking criteria' and lists points a) through to j). This application pays no heed to points a,b,c,d,e, and debatable whether the remaining 5 points have been adhered to either.

I am also concerned regarding the removable of green space: no matter how unattractive it may be. With last years summer deluge of rain water that took up the tarmac in Needless Road, any soakaway spot on a hill should be retained. The houses that flooded at the bottom of Cavendish Avenue would surely agree. With climate change arguing that rain will cause future flooding the granting of this application will not be putting any value on the natural environment.

Yours sincerely  
John Thomson

With reference to my objection to the planning application 21/01145/FLL I did not include my full postal address .  
My address 69 Needless road ph20ld  
I trust this is sufficient to link to my objection .  
Yours  
JohnThomson





# Comments for Planning Application 21/01145/FLL

## Application Summary

Application Number: 21/01145/FLL

Address: Land 50 Metres North West Of Dunaverig House Needless Road Perth

Proposal: Erection of a dwellinghouse

Case Officer: John Williamson

## Customer Details

Name: Mrs paula thomson

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Out of Character with the Area
- Over Intensive Development
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: The Perth & Kinross Local Development Plan 2 stipulates requirements that are not met in this application. These include points within Policy 1A and 1B

This narrow strip of land with access requirements running the full length of the site and beyond mean that this is an overdevelopment with serious safety concerns for the local residents who regularly use the access path between the two streets running between the plot in question.

The narrowing of the road access to 63a needless Rd and the two garages mean that pedestrians, cyclists, cars, vans and lorries will have to share a 3000mm wide space with no designated safe space for walkers and cyclists. this is a safe walking route used by primary school children. High sided fence and 2 storey building on either side mean there is nowhere to step off tarmac. A gate will also open into the driving space which shows how tight the available space is. Egress on to Cavendish Avenue will require a manouvre in a tight space, another safety concern along with the

extra parking requirements, obstruction on Cavendish Avenue.

The development is not in keeping with the surrounding houses and upper back bedrooms will overlook directly into bedrooms in Needless Road previously enjoying privacy. The bungalow adjoining will suffer from a loss of daylight/sunlight that will impinge greatly on their quality of life. The design and visual appearance is not in keeping with the surroundings.

A previous planning housing application was rejected and feel there is little material difference now. The following reasons were given for refusal

'represents overdevelopment of the site when taking account of the areas environs and surrounding density'

'The design, density and siting of development does not respect the character and amenity of the place, and it does not improve links within the site.'

not create a sense of identity as it would erode the coherent street structure, design and density does not compliment the surroundings , does not create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.'

Policy 17 regarding infill is not met as the application does not respect the environs. The natural environment and mature planting is not valued in this application. Loss of green space -no matter how untidy is still loss of green space. A more efficient use of the plot would be a greener solution.

## CDS Planning Local Review Body

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**From:** Denise Taylor <[REDACTED]>  
**Sent:** 07 December 2021 10:41  
**To:** CDS Planning Local Review Body  
**Subject:** Review Application LRB-2021-42

I wish to continue to raise objection to the review proposal to build the proposed dwelling house on the small piece of land purchased from the local authority and still consider the proposed structure to be over-development.

I disagree that it was intended to build properties on this piece of land. Records show going back to at least 1935 that the path for access between Cavendish Avenue and Needless Road existed then when no 50 was built.

The developer complains that insufficient information was provided about this path by the council before purchasing the land. However, old land records clearly show that the path existed. Why would the developer expect this to be demolished as it has been used for over 20 years -records show 86 years.

Prior to purchase by the developer, the area in question was maintained by the council with grass cut. The developer has dumped a significant amount of building materials in that area and failed to maintain it, creating an ugly piece of waste ground. Although the land was sold by the council, it was not considered by local residents that it was suitable to build properties and it was anticipated that the existing garage lock-ups would be demolished and replaced.

Myself and neighbours at no 25 and 50 purchased our properties with the pleasant outlook of greenspace opposite. The proposed development will overlook both nos 25 at front and no 50 at side and the outlook for all properties opposite will be claustrophobic. No 50 will definitely lose their human right to privacy and view. They have old, well established trees along boundary and a garage just off the boundary and are extremely concerned about excavation damage to both tree roots and their garage. This was in their previous objection but appears to have been ignored by the developer who stated that there were no trees adjoining the proposed development.

The proposed run-in for vehicle will still be hazardous for children walking on the path to school, regardless of developer's argument. I am also concerned about safety and the proposal to build next to the electric sub-station, particularly if there are underground cables and an external heating pump system. The rules and regulations in relation to excavation and building in such areas are extremely strict and i cannot see that the proposal meets all these requirements on safety grounds being placed so near this structure.

The developer has admitted that he wants to make further financial profit from this proposed development, despite having already profited from his other development at Needless Road. If this proposed development is permitted, the residents in the immediate vicinity including nos 50, 48, 23, 25, 27 will be exposed to months of excavation work, air pollution, excessive drilling and pounding noise from early morning to late afternoon. In addition, there will be restricted access to the path. There will be lorries, vans, loading, unloading, turning in street opposite and further restricting street parking. Cavendish Avenue is not a wide street and there are already parking issues. We have the right to peace and quiet and non-disturbance in our own homes. Is the developer prepared to offer us compensation for these months of unnecessary inconvenience?

I strongly object to this particular proposed development for all those reasons. In addition, i wish to comment on the developer's remarks regarding Councillor Wilson being incorrectly involved in the planning proposal. On receiving the initial planning objection, i contacted Councillor Wilson who advised that he could not get involved in the proposal as he was on the Planning Committee. I have not spoken with him since and i am not aware that any residents have discussed the situation with him, so i disagree that he has been somehow influencing the decision. He provided advice initially to residents with a proposed development in Needless Road, but is totally uninvolved in this current proposal.



REVIEW DATE : **8 DECEMBER 2021**

The following are objections to the proposed plan for the new dwelling between number 48 and 50 Cavendish Avenue, Perth. Please find attached the deeds to the property, which also shows the road between Cavendish Avenue and Needless Road.

1. This proposed dwelling will be sitting higher than our property, thus invading our privacy by looking into our windows and garden. The rear of the property has a floor to ceiling window that will look directly in to our garden. The windows in the upper storey looks directly into our sons bedroom. We have a young child that has special needs and has stripped off and run around our garden, thus causing us great concern. We have a human right to protect our family, this is in the Human Rights Bill and by allowing this property to be built both the council and the builder are taking our right away.
2. The construction of this property will block our light coming into our home (three windows on the ground floor). We purchased this property partially due to the excellent views from the upstairs of the surrounding area and this will be destroyed by this building.
3. Public right of way (lane / footpath), this lane is used 24/7 by the local residents. Boundary – The property designed is too near to our property. We have gated access to the footpath; we should not lose this as it has been part of the property when it was initially built in 1935.
4. The walking / street lighting in this area will considerable be reduced. Looking at the plans, you have cars accessing garages, parking areas which will be dangerous for both children, older generation, animals and local wildlife.
5. The space where this proposed plan does not look adequate for both house / footpath and parking area. There is one garage and three gates (one of them which is ours) to neighbouring properties.
6. Congestion / Parking – There is insufficient parking currently on Cavendish Avenue due to traffic islands built by the council, causing mayhem and forcing people to park on the pavements. This is also a bus route. This construction will only add to this problem, people park their cars over our driveway at times due to insufficient parking, thus making it harder to access our driveway. Also with this building a number of parking spaces will be lost.
7. This building is out of character for this area, next to the current properties and will be an eyesore to the area, leaving no green space for the local residents and dog walkers. Looking at the plans, it is not in line with other properties and will overlook no's 23, 25 and 27 on the opposite side of the Cavendish Avenue.
8. Foundations – Building work. This would affect our property as we have established tree roots. We have a number of large trees and shrubs around the boundary especially on this side. The building of this property will affect our home, our garage has an asbestos roof and is intact at the moment; we are worried that the construction would damage it due to vibrations.
9. What is happening to the substation? It is a concern that this build would be unsafe to all those concerned.

Rowena Wright







# SUPPLEMENTARY PLANNING STATEMENT

(In support of the Local Review Body review of planning  
decision reference 21/01145/FLL  
and LRB reference LRB-2021-42)

**SITE: LAND 50 METRES NORTHWEST OF DUNAVERIG  
HOUSE, NEEDLESS ROAD, PERTH**

Jane Shepherd MRTPI

5 January 2021

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## Introduction

The purpose of this Supplementary Planning Statement is to provide formal comments to those additional representations provided on 20 December 2021. These comments are for the consideration of the Local Review Body.

Due to GDPR requirements, the location of the two objectors has not directly been identified, prejudicing the applicant's ability to properly address their direct concerns in these comments. However, from the content of those letters, it has been assumed that the locations of the objectors are at no. 50 Cavendish Avenue (adjacent to the site on the western boundary) and no. 25 Cavendish Avenue (directly opposite the site). It is on this basis that these further comments are made, albeit it has already been comprehensively demonstrated within the submissions, there are no material or significant planning impacts due to this development upon any neighbouring property or the surrounding area.

It is also of note that most of the issues raised in the new versions of the objections are either duplications or elaborations of points already made in July 2021 by these same objectors. Such points have been previously fully considered by the planning officer in their consideration of the case and dealt with in their Officer's Handling Report. No objections have been upheld by the planning officer on these issues, confirming that the reporting planning officer agrees with the applicant regarding these matters.

## Detailed Comments

The following table includes detailed comments to all the points made by the two objectors: Rowena Wright and Denise Taylor:

Objections from Rowena Wright	Comments
LOSS OF PRIVACY AND OVERLOOKING	<p>The following is an extract from the Officer's Handling Report:</p> <p><i>There are privacy and overlooking concerns expressed in the letters of representation. Whilst there are windows close to the west boundary of the site these are proposed to be high level strip windows which will allow light into the dwelling but avoid overlooking into the neighbouring property to the west. Furthermore, the same high level strip windows are also proposed on the east elevation to again allow light into the property but to avoid overlooking. This is considered to be acceptable. The large glazing on the south elevation is located approximately 11m from the proposed boundary with the property to the south which is considered to be a sufficient distance to mitigate any overlooking to</i></p>

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	<p><i>this property and other properties on Needless Road. Furthermore, the orientation of the building will limit overlooking to the properties to the east and west from this southerly aspect. Overall, there are not considered to be any overlooking concerns with the proposed development.</i></p> <p>The officer's professional judgement is fully supported by the applicant's submission and the photographs in the Officer's Handling Report, which clearly identify:</p> <ul style="list-style-type: none"> <li>• High level strip windows</li> <li>• Orientation of property at an angle away from no. 50 Cavendish Avenue</li> <li>• The proposed house extending beyond the rear building line of adjacent property at no. 50 Cavendish Avenue</li> <li>• Significant distances between the proposed house and neighbouring properties (including those adjacent and opposite).</li> </ul> <p>The applicant therefore agrees with the officer's assessment. The Local Review Body are requested to view the plans submitted when considering this aspect.</p>
LOSS OF HUMAN RIGHTS	<p>The proposed development has been considered in detail by the Council against adopted planning policy and guidance, in line with their statutory requirements.</p> <p>It has correctly been found that there is no overlooking or impact upon privacy and therefore the protection of this family's human rights against loss of privacy has been achieved.</p>
LOSS OF VIEW	<p>There is no right to a view in planning, whether they are 'excellent' or not; albeit it is questionable that the view from no. 50 Cavendish Avenue to the east is of any merit.</p>

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<p>LOSS OF LIGHT</p>	<p>The following is an extract from the Officer's Handling Report:</p> <p><i>The Council's adopted Supplementary Guidance relating to Placemaking includes specific information on how the issue of overshadowing can be assessed. This is known as the 25 degrees rule. Any proposed development should maintain and allow for a reasonable amount of natural daylight to the internal living space of neighbouring residential properties. Established practise determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect.</i></p> <p><i>Having carried out an assessment of the proposed development the height of the dwelling does not breach the 25-degree obstruction path as outlined in the Supplementary Guidance. Therefore, the proposed development is considered to be acceptable in terms of its impact on daylight.</i></p> <p><i>An element of overshadowing will likely occur to the neighbouring properties garden ground, this will occur in the morning to the properties to the west and in the evening to the properties in the east. Notwithstanding this the extent of overshadowing to neighbouring garden is not excessive and would not warrant refusal of the application.</i></p> <p>The planning officer's professional judgment using planning guidance has been carried out and concluded that there is no loss of light resulting from this development.</p> <p>The applicant agrees with the officer's assessment.</p>
<p>LOSS OF PUBLIC RIGHT OF WAY</p>	<p>As shown in the planning submission, the footpath has been retained and included as part of the proposed development. It will continue to be always available for</p>

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	access, as it is existing; albeit of improved quality, as demonstrated in the Planning Statement.
LOSS OF LIGHTING	<p>As shown in the planning submission, the existing lighting column is to be retained by the applicant.</p> <p>The proposed house will also provide additional lighting to the footpath.</p>
IMPACT UPON CHILDREN, OLD PEOPLE, ANIMALS, AND LOCAL WILDLIFE FROM GARAGES/PARKING AREAS	<p>The planning system is not there to protect animals and local wildlife from vehicles and pedestrians in this area.</p> <p>However, it has been fully demonstrated in the planning submission and subsequent Planning Statement, there would be no impact upon humans using this access from Cavendish Avenue and Needless Road.</p> <p>Also because of this proposed development there will be significantly less vehicular movement to that which has previously occurred on the site. Access will be restricted to two residential properties (the new house at Needless Road and this proposed house) and two private garages, with very infrequent access being required for maintenance of the substation. Full details of this have been provided in the Planning Statement.</p>
SPACE INADEQUATE FOR A HOUSE	The planning submission and Planning Statement unequivocally demonstrate that the plot size is more than adequate to accommodate a house and the characteristics of the plot are similar to those in Cavendish Avenue.
CONGESTION AND LOSS OF PARKING	The applicant cannot be held responsible for the traffic islands built by the Council, the availability of on-street parking provision or individuals who may choose to park over private driveways in Cavendish Avenue. None of these are related to this planning application for a house on this land. As such they are not a material planning consideration.

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	<p>It is also fact the proposed development does not reduce any on-street parking provision. The frontage remains unchanged, allowing a car to park on-street. As a result of the re-alignment of the footpath to the east, the useable frontage has in fact been increased.</p> <p>The application site and adjacent land is not a car park. Any unauthorised parking on the site is rightly controlled by the applicant, particularly since unregulated it could cause obstruction to the use of the footpath and cause potential pedestrian safety issues.</p> <p>It is not clear from the objection in what way the development will result in a loss of parking or congestion as alleged. There is no evidence that this will be the case.</p>
BUILDING OUT OF CHARACTER AND NOT IN LINE WITH OTHER PROPERTIES	<p>The planning submission together with the Planning Statement through a comprehensive and proper assessment demonstrates unequivocally that the surrounding area comprises an eclectic mix of house types, architectural styles, orientations, frontages, materials etc. As such, any new building would not be out of character; albeit in this case the design has specifically derived to reflect characteristics evident in the road.</p>
LOSS OF GREEN SPACE FOR LOCAL RESIDENTS, AND DOG WALKERS	<p>The following is an extract from the Officer's Handling Report:</p> <p><i>Representations have raised concerns with the loss of open space (the grassed area) to the north of the site adjacent to Cavendish Avenue. However, this is not zoned open space in the LDP2. While it is noted that residents may put amenity value on this space it is not afforded the same protection under Policy 15. It is worth noting that this site was previously in the Council's ownership before its disposal. Overall it is not considered that</i></p>

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	<p><i>the loss of this small area of grass or landscaping is of significant detriment to the area, although there are concerns which the loss of this area would have in relation to the use of the shared access which is reference above.</i></p> <p>The planning officer's professional judgment against adopted planning policy has been carried out and concluded that the loss of this insignificant area of grass is acceptable.</p> <p>The applicant agrees with the officer's assessment. There is no policy protection for this land to be retained for the benefit of nearby residents to toilet their dogs.</p>
LOSS OF GATED ACCESS TO THE FOOTPATH	This is a civil matter and not a material planning consideration.
NOISE POLLUTION FROM HEAT PUMP	<p>As part of the Scottish Government's encouragement of sustainable developments incorporating sustainable heating systems, the installation of a heat pump here is acceptable.</p> <p>A full specification of the equipment has been submitted for consideration as part of this planning application. The details provided are for the 'Ultra Quiet Ecodan' model. The specifications demonstrate that noise levels are low at 45 dB(A) at 1 metre distance, reducing to approximately 35 at 5 metres distance and below 30 dB(A) at 10 metres, and further reducing to approximately 20 dB(A) at 30 metres.</p> <p>Neighbouring residential properties are significantly further than this lower level. The specifications use the example of noise in a library being 40 dB(A).</p> <p>Using other examples from the established Decibel scale, 40 dB(A) is deemed a faint noise level e.g., rain</p>



	<p>falling, and people whispering is 30 dB(A) and breathing is 10 dB(A).</p> <p>The Air Source Heat Pump is to be located at the furthest distance from any adjacent residential property; on the back fence of the proposed house abutting the substation (which will constantly generate its own noise level). It is therefore located where at worst it will make less noise than someone whispering set against a higher ambient noise level from the substation.</p> <p>Furthermore, it also should be acknowledged that the ambient noise level will not be zero in this urban area. All properties will be generating their own noise levels behind windows using a range of noise generating domestic equipment. These properties are located on a busy road with traffic noise (70-80 dB(A))</p>
IMPACT FROM BUILDING WORK ON TREES AND GARAGE	<p>The proposed house is a significant distance from the boundary with no. 50 Cavendish Avenue.</p> <p>There are no protected trees on the application site or adjacent land.</p> <p>Any impact upon a neighbouring property in terms of vibrations from building work etc is a civil matter and not a material planning consideration.</p>
UNCLEAR WHAT IS HAPPENING WITH SUBSTATION - UNSAFE	<p>The existing substation is to be retained.</p> <p>The applicant will liaise with SSE regarding protection of the substation during construction works.</p>

Objections from Denise Taylor	Comments
<p>ISSUES REGARDING THE SALE OF THE LAND AND LOSS OF THE PATH</p>	<p>The details provided within the Planning Statement were included to provide a contextual background to the planning application. This was necessary since the narrative presented by objectors was that the applicant should have known a house development would not be acceptable here, implying that he only had himself to blame for the current situation.</p> <p>The context provided in the Planning Statement demonstrates that the original messaging from the Council was not negative, which is not surprising since they were trying to sell the land. The applicant carried out all the correct searches and concerns were only raised by the Council following the land sale.</p> <p>Notwithstanding this, once the need to retain the path was known, plans were drawn up accordingly. Contrary to the objections, the current application retains the footpath; it is not to be '<i>demolished</i>.' Furthermore, the development significantly improves pedestrian safety.</p> <p>It is asserted that although the land was sold, local residents did not consider the land was suitable for development and <i>it was anticipated that the existing garage lock-ups would be demolished and replaced</i>.</p> <p>However, this was clearly not the messaging from the Council to prospective purchasers. The land was blatantly advertised as a development opportunity. The board stating this was also clear for all residents to view on site. There were no restrictions imposed upon any purchaser to demolish and replace the lock-ups. Instead, it was an open sale for the purchaser to decide what to do with the land. Such views of residents, after the event of the sale, are therefore naïve and without substance.</p>

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	Furthermore, it is also naïve to assume that any person would purchase a piece of land (specifically advertised as having development opportunities) and not want to make financial profit from that transaction. Would any of the objectors have purchased the land in the same circumstances on a loss basis?
OUTLOOK/VIEW	<p>There is no right to a view in planning.</p> <p>It is questionable whether a view from no. 25 Cavendish Avenue towards other residential properties, a footpath, grass verge with various metal cabinets, a substation, cars/vans (and previously accommodating dilapidated garage lock-ups) had/has any merits.</p>
HUMAN RIGHTS	<p>The proposed development has been considered in detail by the Council against adopted planning policy and guidance.</p> <p>It has been found that there is no overlooking or impact upon privacy and therefore the protection of this family's human rights against loss of privacy has been achieved.</p>
IMPACT UPON TREE ROOTS AND GARAGE	<p>There are no protected trees on the application site or adjacent land.</p> <p>Any impact upon a neighbouring property in terms of vibrations from building work etc is a civil matter and not a material planning consideration.</p>
PARKING LAYOUT IS DANGEROUS	The parking layout has been designed to comply with guidelines and no different to other properties providing front garden parking and emerging onto the footpath/roadway. No objections have been raised by the Council regarding the parking layout.

<p><b>BUILDING CLOSE TO SUBSTATION DANGEROUS; INCLUDING CABLES FOR HEATING PUMP SYSTEM</b></p>	<p>This is not a material planning consideration.</p> <p>It is for the applicant to liaise with SSE regarding protection of the substation during construction works and any nearby cabling requirements.</p>
<p><b>CONSTRUCTION – AIR POLLUTION, NOISE POLLUTION, RESTRICTION TO PATH ACCESS, VEHICLES AND PARKING, COMPENSATION REQUEST</b></p>	<p>Temporary impacts of a development under construction are not material planning considerations.</p> <p>These matters are instead controlled by other legislative powers. For example, air and noise pollution will be monitored by the Council's Environmental Health Team to ensure measures are in place to minimise any impact.</p> <p>It is interesting that the objector seeks financial compensation for this; thereby confirming an acceptance subject to money changing hands. Notwithstanding this, compensation is a private matter and not a material planning consideration.</p>
<p><b>COUNCILLOR INVOLVEMENT</b></p>	<p>The intention behind mentioning Councillor Wilsons ongoing involvement was to request that he has no further formal input to this case.</p> <p>A Local Review is intended to be an 'independent' review of the case by decision-makers who have had no previous involvement and can therefore view the case afresh with no preconceived viewpoint.</p> <p>What the objector has stated may be correct regarding their own interaction with Councillor Wilson.</p> <p>However, the details provided of letters being sent out to residents encouraging the submission of objections and being quoted in press statements, clearly demonstrate Councillor's Wilson's viewpoint on this development. He already has preconceived and negative</p>

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	<p>views regarding this development. He would therefore be unable to decide on this case without prejudicing the applicant. The same would apply had the Councillor publicly supported the development; this would be prejudicial to objectors.</p> <p>As such, it has been requested that Councillor Wilson is not involved in the Local Review procedure for this case.</p>
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## Conclusion

The Local Review Body is requested to consider these comments in the context of the full planning application submission alongside the Planning Statement submitted for the Local Review.

As demonstrated above, none of these objections are backed by any facts or evidence.

Except for the one objection made regarding the building in the context of the area, all the other objections raised above (many of which are not material planning considerations) were previously dismissed by the planning officer in their Officer's Handling Report and did not form part of the reasons for refusal on the Decision Notice.

The comments provided in rebuttal fully demonstrate that the proposals comply with LDP policy and guidance.

Therefore, the Local Review Body is respectfully requested to approve this planning application.