

**TCP/11/16(339)****Planning Application 14/01482/FLL – Erection of dwellinghouse, land 50 metres south east of Moucums View, Leslie Road, Scotlandwell**

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**TCP/11/16(339)**  
**Planning Application 14/01482/FLL – Erection of**  
**dwellinghouse, land 50 metres south east of Moucums**  
**View, Leslie Road, Scotlandwell**

**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 2008

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 **MR JOHN BEALES**

Address **MORCUMS VIEW  
MAYFIELD  
LESLIE ROAD  
SCOTLANDVILLE  
KY13 9DE**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name **R T HUTTON**

Address **2 FACTORS DRAE  
LIMBRIKINS, FIFE  
KY11 3HG**

Contact Telephone 1 **01383 872000**

Contact Telephone 2 **07881097659**

Fax No **N/A**

E-mail\* **hutton874@btinternet.com**

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

Yes No

☒ ☐

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

Planning authority

**PERTH & KINROSS**

Planning authority's application reference number

**14/01482/FLL**

Site address

**LAND 5 METRES SOUTH EAST OF  
MORCUMS VIEW, LESLIE ROAD, SCOTLANDVILLE**

Description of proposed  
development

**ERECTOR OF HOUSE**

Date of application **31.08.14**

Date of decision (if any) **28.10.14**

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" 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 SEPARATE STATEMENT  
ATTACHED

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

Yes ☐ No ☒

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

**List of documents and evidence**

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.

1. LOCATION PLAN SHOWING APPROVED HOUSING TO THE EAST OF THE APPLICATION SITE.
2. PHOTOGRAPHS OF VIEWS TOWARDS THE SITE FROM LESLIE ROAD, AND VIEWS WITHIN THE SITE

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:

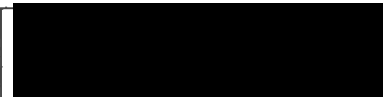
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

21.01.15



**STATEMENT IN SUPPORT OF THE APPLICATION FOR  
REVIEW OF THE DECISION TO REFUSE THE PLANNING  
APPLICATION FOR A DWELLINGHOUSE ON LAND 50  
METRES SOUTH EAST OF MOUCUMS VIEW, LESLIE ROAD,  
SCOTLANDWELL.**

**PERTH AND KINROSS COUNCIL REFERENCE 14/01482/FLL.**

**R T HUTTON PLANNING CONSULTANT  
JANUARY 2015.**

## **1.0 Background to the application.**

1.1 In August last year Mr John Beales applied for detailed planning permission for the erection of a new house on land immediately adjacent to his house, Moucums View, in Scotlandwell. The planning application was refused in October for 3 reasons all of which are based on development plan policies, and the Report of handling makes clear that there are no other material considerations in this case. However, it is clear from both the reasons for refusal and the Report of Handling that conclusion on the 3 policies are all based upon the subjective opinion of the planning case officer. The applicant considers that the policies have been misinterpreted in this case, and now seeks a review of the decision by the Local Review Body.

## **2.0 The application proposal.**

2.1 The application site is located on land immediately south east of the house owned by the applicant, and it is proposed that access to it would be gained by extending the current private road which serves the existing house and 2 others. Extending this access would require the removal of a small raised landscaped bed, which in itself would be helpful to all of those turning a vehicle at the bottom of this private road. A foul sewer passes through the application site, and connection will be made to this, thus ensuring no drainage difficulties. There are no technical difficulties with the development as proposed, and this is reflected in the Report of Handling.

2.2 The house proposed has a footprint of around 244 square metres and the plot extends to 1244, giving a plot ratio of approximately 1:5. This is a generous ratio and ensures that the house in no way will look cramped on the site. The house has been designed taking account of the setting of the site which benefits from a mature landscape framework on all sides. Accommodation within the house is arranged over 2 levels with the main living space on the ground floor and 4 bedrooms at first floor level. Provision is also made for a 2 car garage. The elevations of the proposed house have been designed add interest and break up the mass of the building, using dormers widows at first floor level to allow the house to be kept to one and a half storeys. The central section one and a half storey section is flanked on both sides by lower structures; on one side is a single storey lounge and at the other the garage with a bedroom above.

2.3 The external finishes proposed comprise a natural slate roof and for the walls, a combination of smooth render and weatherboarding. The south facing aspect of the site is exploited with large areas of glazing in order to maximise solar gain. The mature planting around the site will be retained, and as a result little of the house will be seen.

### **3.0 Comments on the reasons for refusal.**

3.1 Three reasons were given for refusal of the planning application as set out in the Report of Handling. However in summary the concerns can be summarised as :

- The siting of the proposed house does not respect the local character.
- The proposal does not respect the building line along the south of Scotlandwell.
- The development does not respect the building pattern along the southern edge of the village.

It is very clear for these 3 points that there are no issues over house design, and the concerns relate exclusively to the principle of development close to the southern edge of the village. Rather than consider each of the points individually, we should like to address them collectively as they all concern the single issue of local character and the impact the proposed house would have on that. We would also point out that policies PM1A, PM1B and RD1 are all policies which can only be assessed by making a subjective judgement, and clearly in this case the applicant's view differs from that of the case planning officer.

3.2 So what constitutes the local character of this part of Scotlandwell? It is apparent from the location plan submitted with the application that the village has developed along the Leslie Road with development south of this having happened at a later date. The house styles vary considerably in this part of the village with a variety of ages, external finishes and storey heights. The access arrangements proposed, using the private access road Hayfield, is a feature of the area, with another similar arrangement at the eastern edge of the village serving Rowan Cottage and yet as unbuilt 3 house development to its east. There is no hard and fast building pattern, and so it is difficult to understand why the siting of the proposed house is seen as not respect this character.

3.3 However, the second reason for refusal is more specific when it refers to "the building line along the south edge of the settlement boundary".

Again the location plan is helpful in showing this point. What this plan does not show though is the location of the house on the south east boundary of the village which was granted planning permission in 2007 under Council reference 07/02749/FUL. Under this reference permission was given for a full 2 storey house. A subsequent application approved in June 2012 (Council reference 2/00738/FLL) approved amendments to this approved house type, but the height and massing was relatively unchanged. The plan which is submitted as the applicant's Document 1 shows the position of this house, and from this it is very clear that a new building line is being established by new development, and that the application proposal which is the subject of this review respects this.

3.4 When the proposal approved for the plot at the eastern end of the village is compared with that for the current application for review, the similarities are obvious. Both proposals are for houses with accommodation on 2 levels, and both have a similar position relative to the southern boundary of Scotlandwell as defined in the Local Development Plan. The sites are approximately 60 metres apart, and as such the local character is the same for both sites. When Mr Beales submitted his application for the house now subject to this review, it was done so in the knowledge of what had been approved on land close to his site. The plan led approach under which planning should operate is designed to give potential applicants a good understanding of the likelihood of their application being considered favourably, and inconsistency such as is shown here is not helpful in this regard.

3.5 What is being proposed is in line with earlier planning approvals in this part of Scotlandwell which were assessed against the same local character and settlement boundary. These earlier approvals are appropriate in location and design, and the same can be said for this current proposal.

#### **4.0 Comments on third party objections.**

4.1 Whilst the Delegated Report addresses some of the points expressed by objectors to the planning application, we should like to make a response to the main concerns raised. The material planning objections can be summarised as:

- Access arrangements
- Impact of the development on existing trees

- Height of the house/visual impact
- Drainage

4.2 The access arrangements propose extending the existing private access into the application site. This has been assessed by the Council's Transport Planning Officer, and his memo of 23<sup>rd</sup> September 2014 he sets out his recommendation for approval. However, it is clear from a number of objections that a real concern is that should this access be approved, it would be used by the applicant to gain access to his land south of the village. This is not the intention, and the standard of the access is such that it would not be suitable to serve a larger development.

There are existing mature trees immediately adjacent to the site, but on neighbouring land. It is the intention that these would be protected during building works because they add to the environmental quality of the site, and they also screen the proposed building (see point below).

The site is located at the bottom of a slope, and as such the floor level of the proposed house will be below those of adjacent property. The house is also limited to one and a half storeys at its highest. To give an approximation to allow assessment to be made, the ridge height of the new house would be not much higher than that of the house Moucums View. What is also significant when looking at the visual impact the house may have within this local area, is the screening afforded by the existing mature trees. The applicant's Document 2 comprises pictures of the application site taken from Leslie Road, and even at this time of year with no leaves on the trees, the site is effectively screened such that the new house will have little, if any visual impact. Also included in this document are photographs of the site, with the trees on the land immediately to the north showing prominently. These, plus the existing buildings will ensure that the new house will not be seen from Leslie Road.

With regard to drainage, the applicant is aware of the position of the sewer which crosses the site, and this will be protected both during construction and thereafter.

In concluding on third party objections, we would point out that the community council raised no objection to the planning application, but expressed concerns about the height of the building; protecting the existing trees and the sewer. All of these issues have been discussed above.

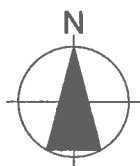
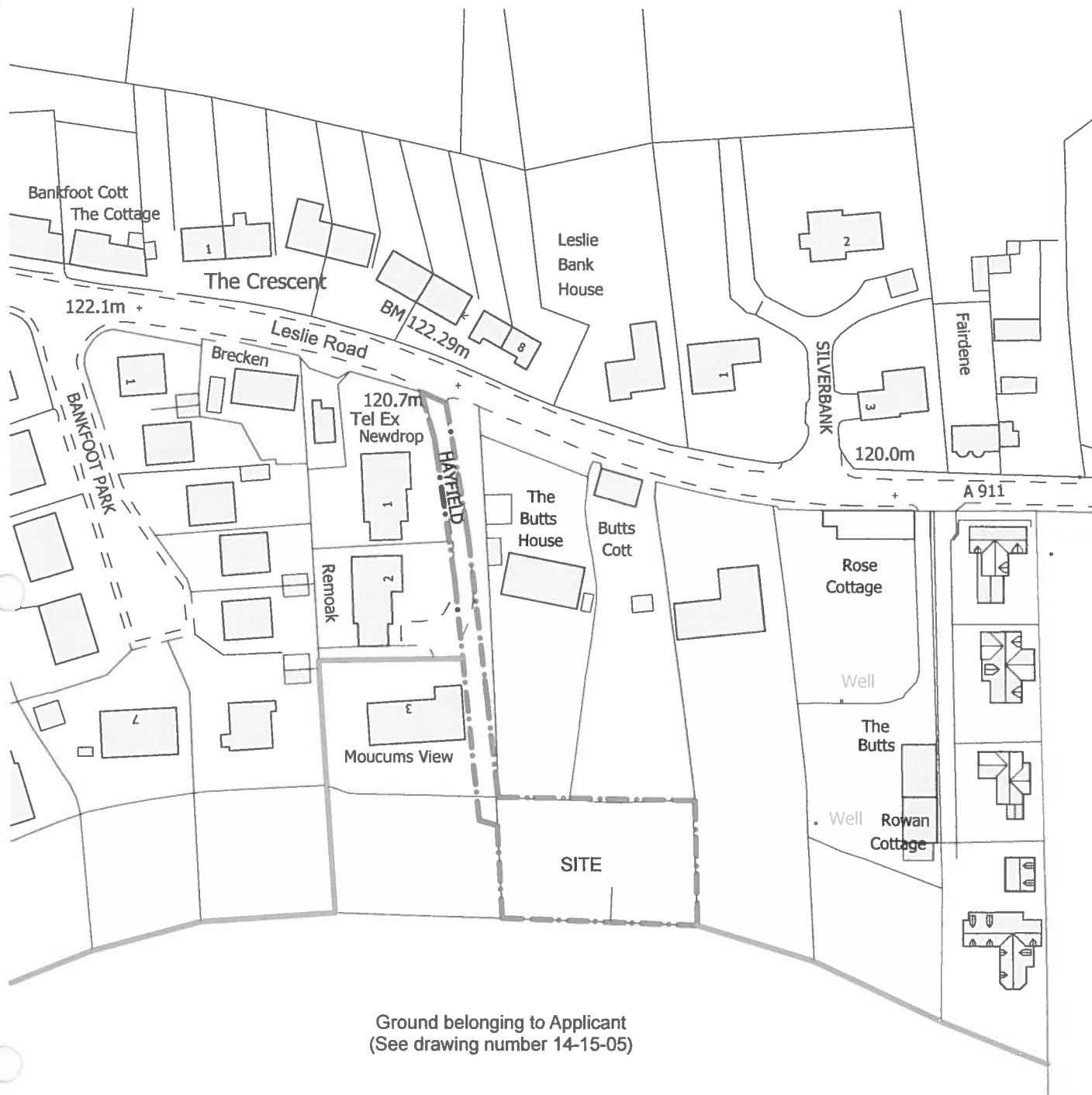
## **5.0 Conclusions.**

5.1 The reasons given for refusal of this planning application are the result of a subjective judgement by the planning case officer. Reference is made to the impact on local character, but no effort is made to explain what this impact would be other than not respecting the south building line in the village. In the information detailed above we have shown that the local character is a very mixed one in terms of house styles, heights and finishes, and that within this context the proposed house would not be inappropriate.

5.2 On the matter of building line we have provided details of planning permissions which have a similar relationship to the south boundary of the village as that proposed by the applicant. These permissions also relate to 2 storey houses. This gives support to Mr Beales proposal if planning policy is being applied consistently.

5.3 Whilst the applicant is of the view that his proposed house will make a positive contribution to design in Scotlandwell, those who take an opposing view can draw comfort from the fact that they will see little, if anything of the building once it is completed.

5.4 On the basis of all of the above we ask that this review be accepted and planning permission granted for the new house.



**Promap**

Scale in metres

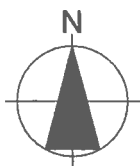
10m 0m 10m 20m 30m 40m 50m

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 <b>Shand Architecture</b> <a href="http://www.shandarchitecture.co.uk">www.shandarchitecture.co.uk</a> Studio One, Crook of Devon, Kinross KY13 0UL E-mail :- <a href="mailto:stuart@shandarchitect.co.uk">stuart@shandarchitect.co.uk</a>	Project	Proposed House at Hayfield, Leslie Road, Scotlandwell, Kinross KY13 9JE		Date	May 2014	Scale	1:1250
	Drg. Title	LOCATION PLAN		Drg. No.	14-15-01	A	

DOCUMENT 1



**Promap**

Scale in metres

10m 0m 10m 20m 30m 40m 50m

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 <b>Shand Architecture</b> <a href="http://www.shandarchitecture.co.uk">www.shandarchitecture.co.uk</a> Studio One, Crook of Devon, Kinross KY13 0UL E-mail :- <a href="mailto:stuart@shandarchitecture.co.uk">stuart@shandarchitecture.co.uk</a>	Project	Proposed House at Hayfield, Leslie Road, Scotlandwell, Kinross KY13 9JE	Date	May 2014	Scale	1:1250
	Drg. Title	PHOTO LOCATION PLAN	Drg. No.	14-15-06		

DOCUMENT 2  
472





PHOTOGRAPH No. 1



PHOTOGRAPH No. 2

 <p><b>Shand</b> Architecture  <a href="http://www.shandarchitecture.co.uk">www.shandarchitecture.co.uk</a>          Studio One, Crook of Devon, Kinross KY13 0UL          E-mail :- <a href="mailto:stuart@shandarchitect.co.uk">stuart@shandarchitect.co.uk</a></p>	Project	Proposed House at Hayfield, Leslie Road, Scotlandwell, Kinross KY13 9JE		Date	Jan 2015	Scale	NTS
	Drg. Title	PHOTO SHEET 1		Drg. No.	14-15-07		



PHOTOGRAPH No. 3



PHOTOGRAPH No. 4

 <p><b>Shand</b> Architecture  <a href="http://www.shandarchitecture.co.uk">www.shandarchitecture.co.uk</a>          Studio One, Crook of Devon, Kinross KY13 0UL          E-mail :- <a href="mailto:stuart@shandarchitect.co.uk">stuart@shandarchitect.co.uk</a></p>	Project	Proposed House at Hayfield, Leslie Road, Scotlandwell, Kinross KY13 9JE		Date	Jan 2015	Scale	NTS
	Drg. Title	PHOTO SHEET 2		Drg. No.	14-15-08		

**TCP/11/16(339)**  
**Planning Application 14/01482/FLL – Erection of**  
**dwellinghouse, land 50 metres south east of Moucums**  
**View, Leslie Road, Scotlandwell**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENT**



# PERTH AND KINROSS COUNCIL

Mr John Beales  
c/o Shand Architecture Ltd  
Stuart Shand  
Studio One  
Crook Of Devon  
Kinross  
KY13 0UL

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 28th October 2014

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01482/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 31st August 2014 for permission for **Erection of dwellinghouse Land 50 Metres South East Of Moucums View Leslie Road Scotlandwell** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy PM1A Placemaking of the Local Development Plan 2014 as the siting of the development does not respect the character of the place.
2. The proposal is contrary to Policy PM1B Placemaking of the Local Development Plan 2014 as the proposal does not respect the existing building line along the south edge of the settlement boundary.
3. The proposal is contrary to Policy RD1 Residential Areas of the Local Development Plan 2014 category (a) as the proposal for infill development does not respect its environs by virtue of the proposal not respecting the existing building pattern along the southern edge of the settlement.

## **Justification**

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

## **Notes**

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

## **Plan Reference**

14/01482/1

14/01482/2

14/01482/3

14/01482/4

14/01482/5

14/01482/6

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	14/01482/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	30.10.2014	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of dwellinghouse

**LOCATION:** Land 50 Metres South East Of Moucums View Leslie Road  
Scotlandwell

### SUMMARY:

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

**DATE OF SITE VISIT:** 12 September 2014

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application is for erection of a dwellinghouse at Land 50 Metres South East Of Moucums View, Leslie Road, Scotlandwell. The site is located within the settlement boundary of Scotlandwell bound by residential development to the north and areas of open space to the east/west (within settlement boundary) and an open field (outwith the settlement boundary) to the south. The site is defined by planting on all sides.

## **SITE HISTORY**

No site history

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: N/A

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

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

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

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:



#### Policy PM1A - Placemaking

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

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy RD1 - Residential Areas

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

### **OTHER POLICIES**

No other policies specific to this scale of development

### **CONSULTATION RESPONSES**

Education And Children's Services	No capacity issue
Scottish Water	No objection
Scottish Gliding Centre	No response within time
Portmoak Community Council	No objection but concerns raised

### **REPRESENTATIONS**

The following points were raised in the 17 representations received:

Ownership issues regarding notification - this has been resolved

The proposal would create an access to the field to the south which could lead to further development - this is not material consideration all application are considered on their own merits.

No changes to current access shown - considered under Roads and Access Section

Road safety issues from existing access - considered under Roads and Access Section

Flood Risk - considered under Flooding and Drainage Section

Damage to trees - considered under Trees Section

Proposed dwelling too large and out of character - Considered under Design and Layout Section

Impact on Conservation Area - Not considered as the site is not located within the Conservation Area.

Overlooking - Considered under Residential Amenity Section.

#### **ADDITIONAL STATEMENTS RECEIVED:**

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

#### **APPRAISAL**

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

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

#### **Policy Appraisal**

The proposal is considered under Policy RD1 Residential Areas as it lies within the settlement boundary. Policy RD1 supports proposals for infill residential development at a density which represents the most efficient use of the space. The proposal is also considered under Policy PM1 Placemaking and the Placemaking Guide. The policy and guide state that the design, density and siting of development should respect the character and amenity of the place. The Placemaking Guidance outlines examples of backland development and where it can be an acceptable addition.

This proposal, I consider would not comply with the Local Development Plan. Although the site is located within the settlement boundary proposals must respect the character of existing development.

This proposal, I consider, does not respect the character of existing development as the development of the site would extend built development beyond the existing established building line. The area proposed which runs to the south of a number of existing dwellings functions as a mixture of private open space and garden ground where there is currently no built development (apart from the strip to the far east of the settlement boundary which is different in character and has been developed purposely as a four plot site). The development of this site would also include a contrived access which runs along the side of the applicants dwelling which I consider would detract from the residential amenity of this dwelling.

I therefore consider the proposal to contrary to Policy PM1 and Policy RD1.

### **Design and Layout**

The dwelling is proposed to the west of the plot and is 1 1/2 storey with the first floor accommodation served by roof lights and dormers. The dwelling proposed is large in mass and footprint compared to adjacent plots but it is proposed to retain the existing mature hedge along the site boundaries. The proposed finish materials are smooth render, timber cladding and slate roof.

Should the principle of development been acceptable on this site I would have been seeking further supporting information in relation to the proposed height of the development as the area is characterised by single storey dwellings.

### **Residential Amenity**

The site is located to the southeast of the applicant's property and the proposed access is to be taken down the east side of this property. I consider that the access required to service this property would have an adverse impact on the residential amenity of this dwelling due to the proximity and the way the access snakes around this side of the dwelling.

Concerns have been raised regarding overlooking. The dwellings location within the plot combined with the distance of proposed windows to boundaries I would not consider to be unacceptable and would not form a reason for refusal of this application.

### **Visual Amenity**

The site is hidden from view by the dense planting around the site and the retention of these existing boundaries would be required by condition. Concerns have also been raised regarding existing trees, a condition would also be required to ensure their protection during construction.

### **Roads and Access**

Transport Planning have no objection to the proposal and request conditions requiring visibility splays, parking and turning.

## **Drainage and Flooding**

The site is not located within an area of flood risk although some localised issues may exist with the adjoining farm land. As part of any proposal drainage arrangements would be fully considered under the building warrant process.

## **Developer Contributions**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Portmoak Primary School. Education & Children's Services currently have no capacity concerns in this catchment area.

## **Economic Impact**

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

## **Conclusion**

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

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

## **Reasons for Recommendation**

- 1 The proposal is contrary to Policy PM1A Placemaking of the Local Development Plan 2014 as the siting of the development does not respect the character of the place.
- 2 The proposal is contrary to Policy PM1B Placemaking of the Local Development Plan 2014 as the proposal does not respect the existing building line along the south edge of the settlement boundary.
- 3 The proposal is contrary to Policy RD1 Residential Areas of the Local Development Plan 2014 category (a) as the proposal for infill development does not respect its environs by virtue of the proposal not respecting the existing building pattern along the southern edge of the settlement.

## **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

Not Applicable.

## **Procedural Notes**

Not Applicable.

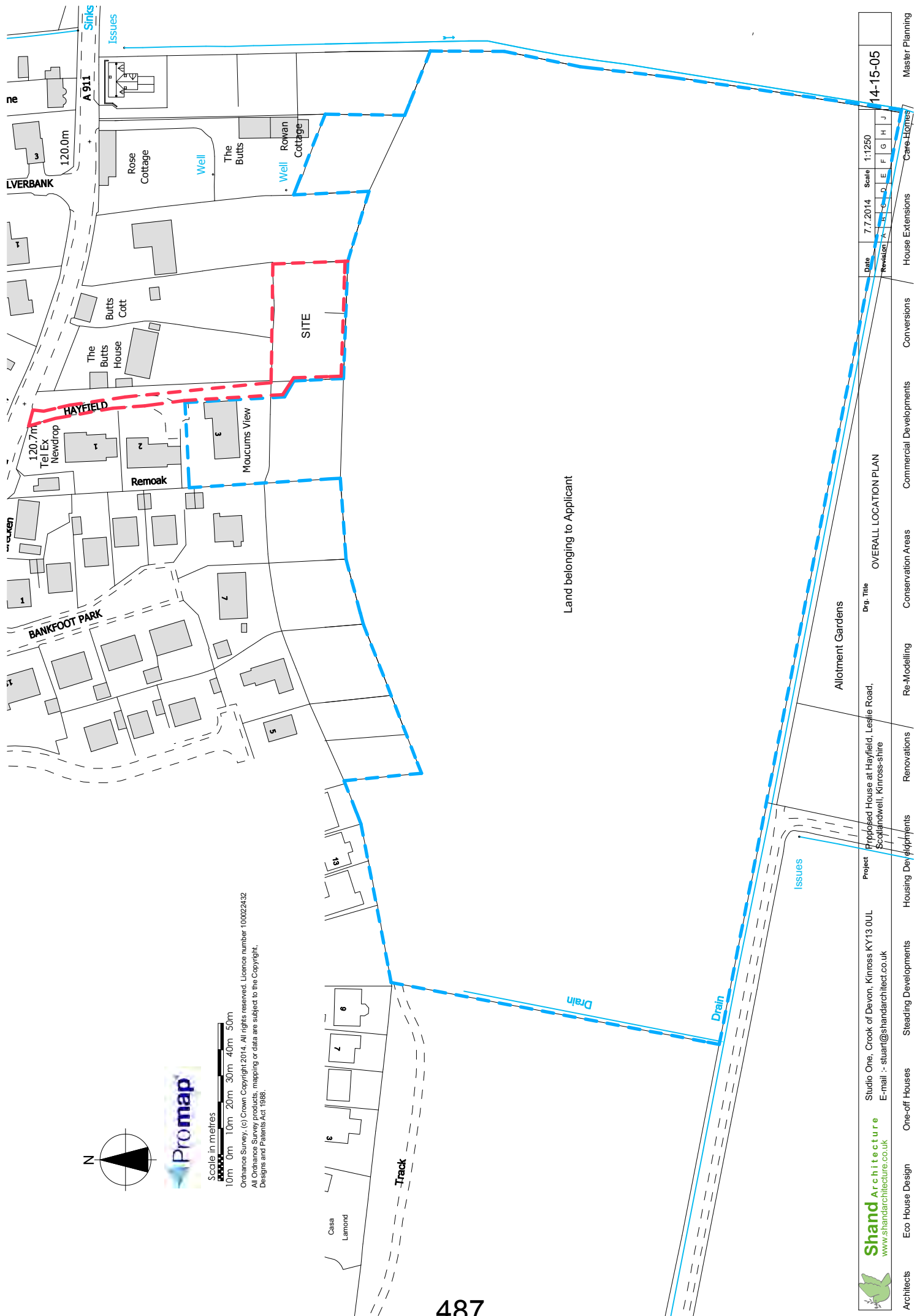
## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

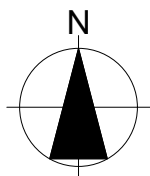
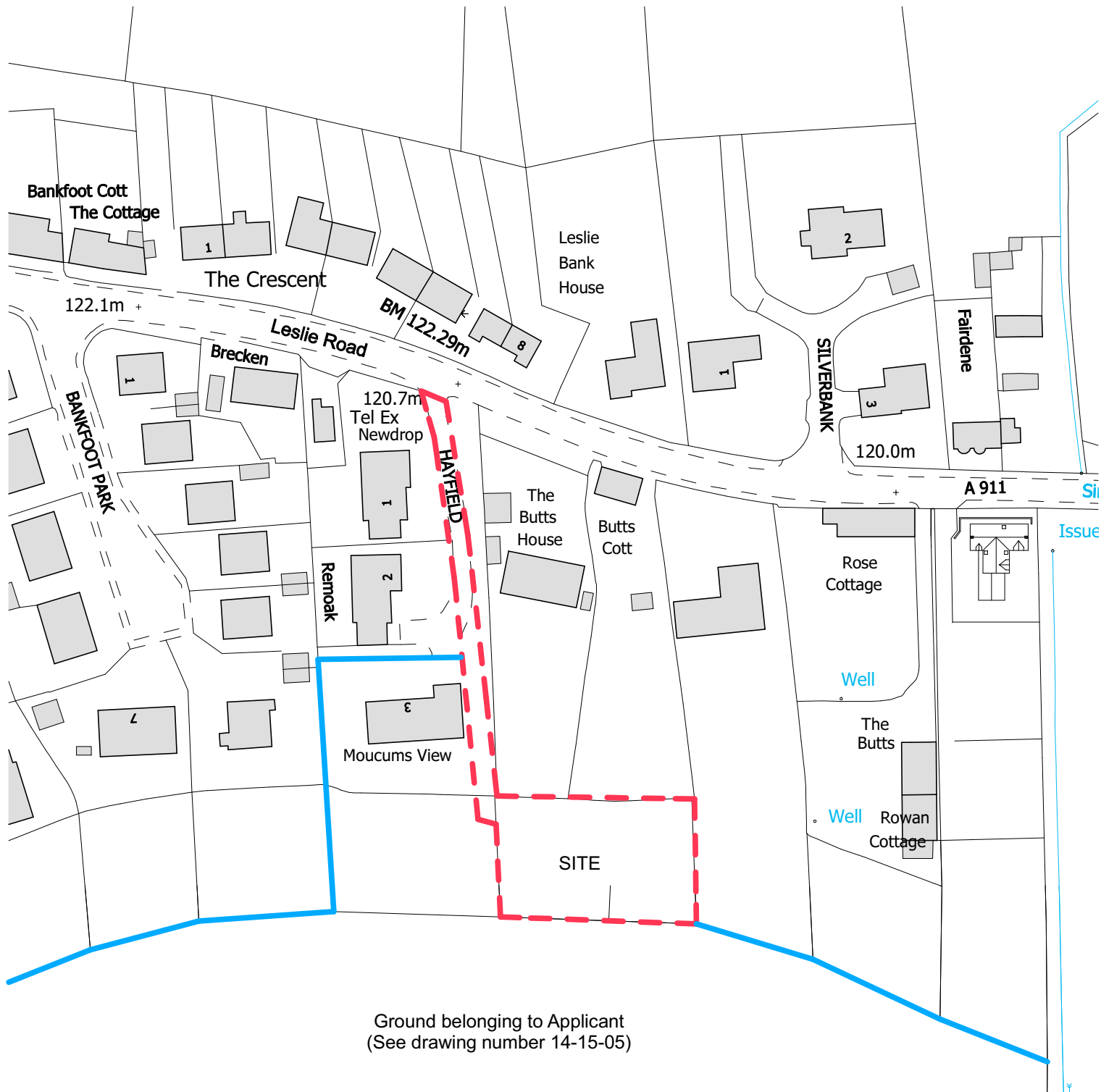
14/01482/1  
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14/01482/5  
14/01482/6

## **Date of Report**

**27.10.2014**








Scale in metres

10m 0m 10m 20m 30m 40m 50m

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 <b>Shand Architecture</b> <a href="http://www.shandarchitecture.co.uk">www.shandarchitecture.co.uk</a> Studio One, Crook of Devon, Kinross KY13 0UL E-mail :- <a href="mailto:stuart@shandarchitect.co.uk">stuart@shandarchitect.co.uk</a>	Project	Proposed House at Hayfield, Leslie Road, Scotlandwell, Kinross KY13 9JE		Date	May 2014	Scale	1:1250
	Drg. Title	LOCATION PLAN 488		Drg. No.	14-15-01		





Notes  
The contents of this drawing are strictly copyright  
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Revisions

K	
J	
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**Shand Architecture**  
Studio One, Crook of Devon, Kinross KY13 0UL  
Tel: 01577 940120  
www.shandarchitecture.co.uk

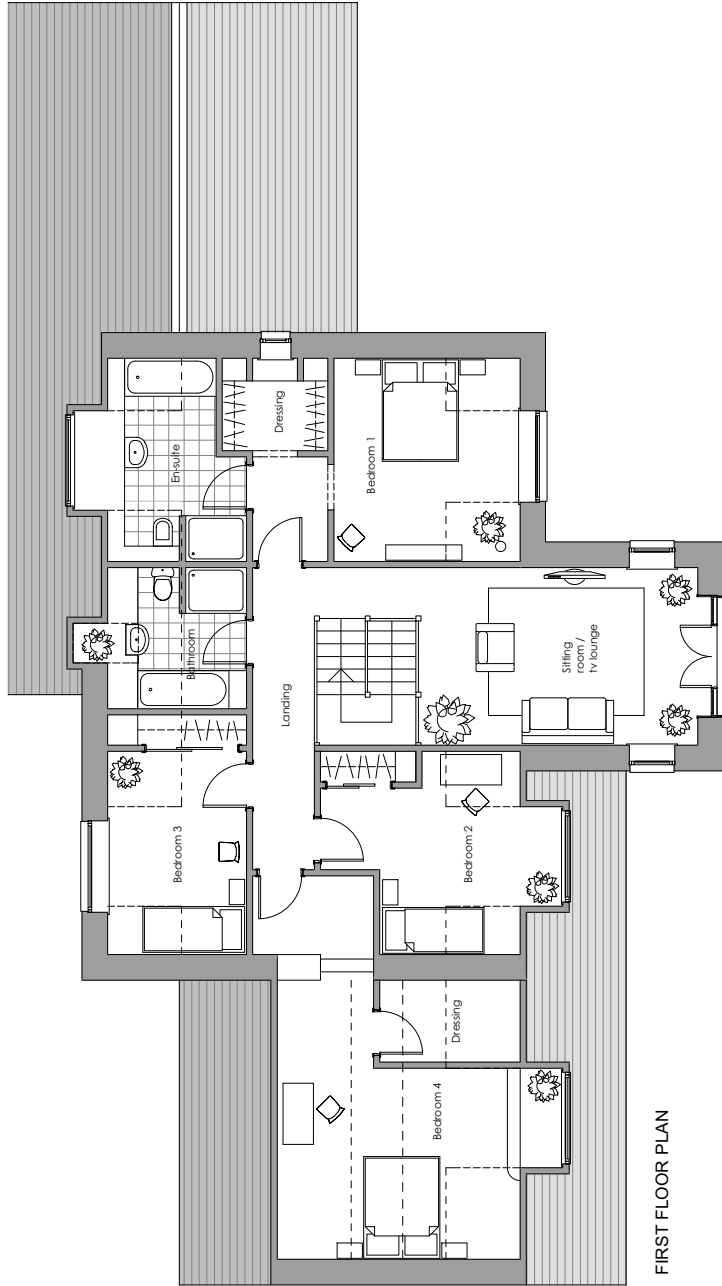
Project

Proposed House  
Hayfield, Leslie Road  
Scotlandwell  
Kinross-shire

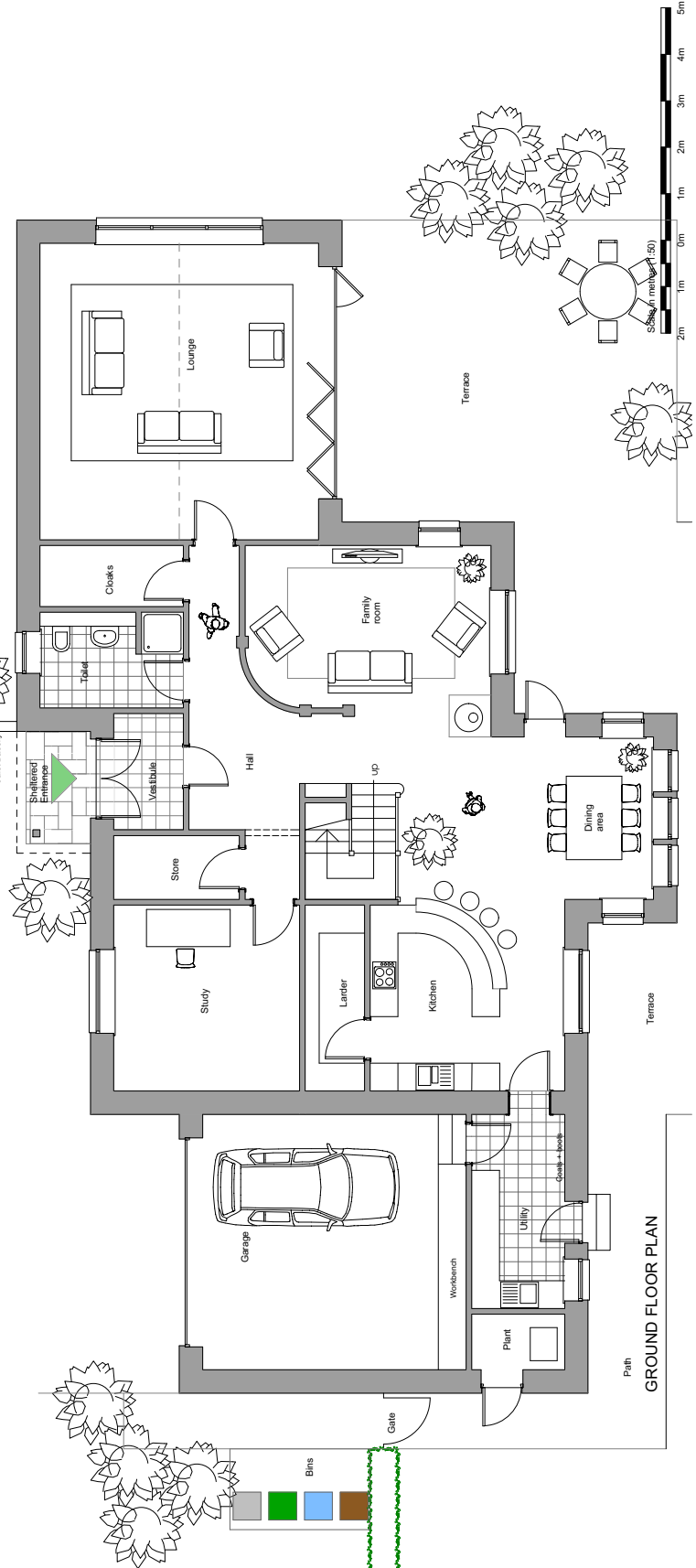
Title

FLOOR PLANS

Scale	1:50; 1:100
Date	June 2014
Dwg. No.	14-15-03
Stage	Planning



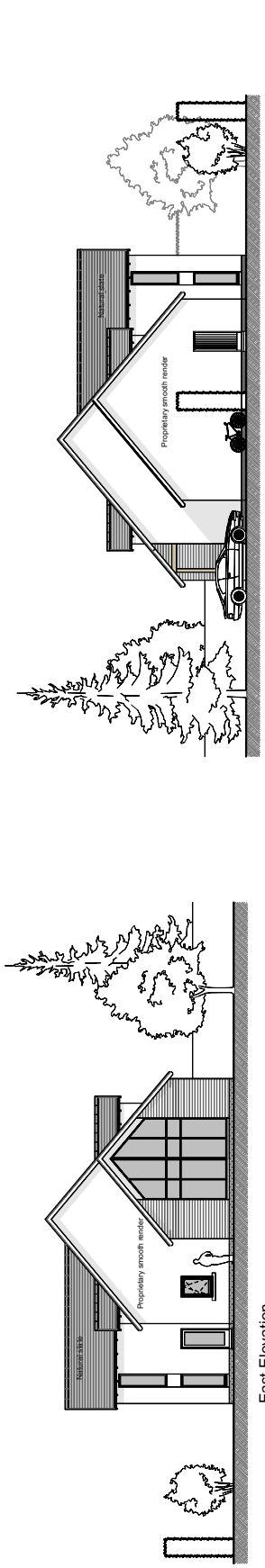
FIRST FLOOR PLAN



GROUND FLOOR PLAN

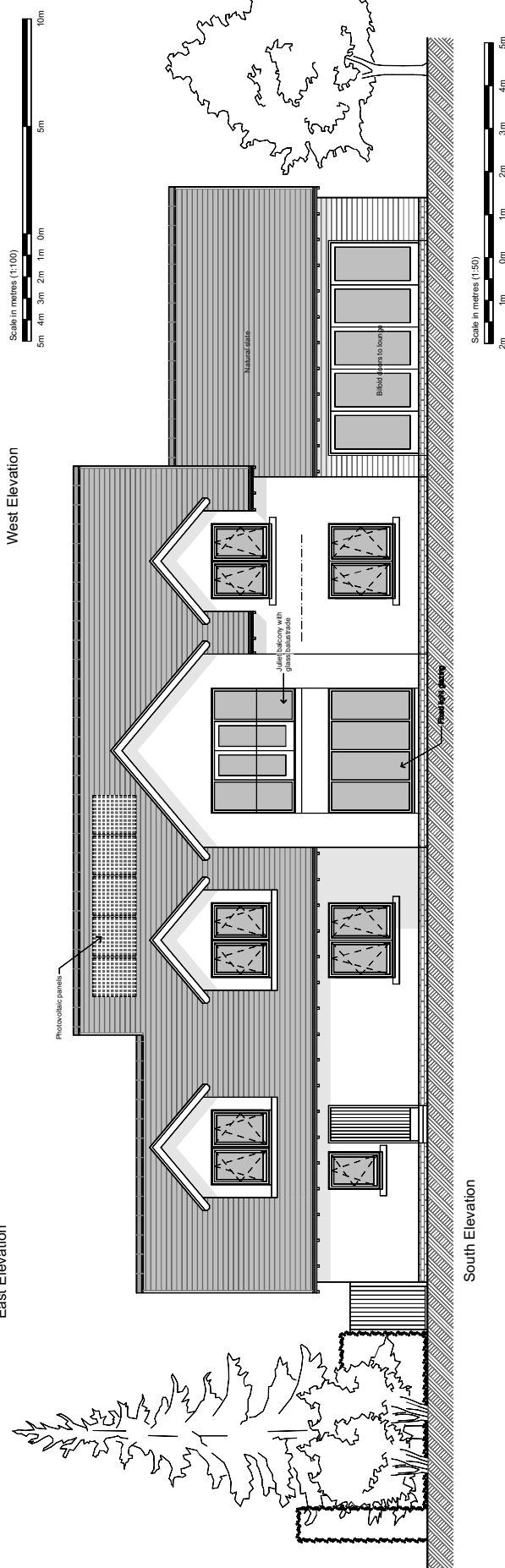


North Elevation



East Elevation

West Elevation



South Elevation



**TCP/11/16(339)**

**Planning Application 14/01482/FLL – Erection of dwellinghouse, land 50 metres south east of Moucums View, Leslie Road, Scotlandwell**

## **REPRESENTATIONS**

- Objection from Mr and Mrs Cameron, dated 5 September 2014
- Objection from Mrs Freya Lornie, dated 8 September 2014
- Representation from Education and Children's Services, dated 9 September 2014
- Representation from Development Negotiations Officer, dated 10 September
- Representation by Roy and Barbara Clark, dated 11 September 2014
- Objection from Craig Dunn, dated 18 September 2014
- Objection from Joanne and Ron Cowan, dated 19 September 2014
- Objection from Simon and Sylvia Herrington, dated 20 September 2014
- Objection from Kor Newhouse, dated 20 September 2014
- Objection from James Rigby, dated 20 September 2014
- Objection from Derek Thomas, dated 20 September 2014
- Objection from Stewart Arbuckle, dated 22 September 2014
- Objection from Erik Lornie, dated 22 September 2014
- Objection from Sion Matthews, dated 22 September 2014
- Objection from Morag and Frank Wellman, dated 22 September 2014
- Objection from Mr Williamson, dated 22 September 2014

- Objection from Sylvia Wilson, dated 22 September 2014
- Objection from Susan Abbott-Smith, dated 23 September 2014
- Representation from Portmoak Community Council, dated 23 September 2014
- Representation from Transport Planning, dated 23 September 2014
- Representation from Erik Lornie, dated 18 February 2015
- Agent's response to representation, dated 23 February 2015



DT

## Tracy McManamon

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**From:** Tracy Cameron <[REDACTED]>  
**Sent:** 05 September 2014 14:07  
**To:** Development Management - Generic Email Account  
**Subject:** Objection - Planning Application Reference 14/01482/FLL

From: Mr J & Mrs T Cameron  
5 The Crescent  
Scotlandwell  
Kinross  
KY13 9JG

We would like to object to the above planning application. We think that although this is an application for one dwelling house, we are sure more will follow. The access road is too narrow for the existing properties it leads to without having any more traffic on it. The exit from this road is quite hazardous as traffic from the east coming into the village can be at speed. We live diagonally across from the access road and do not want a constant flow of traffic coming from these properties as it would make access to our own property difficult. The owner is already out of the country and we feel he is doing this purely for financial gain with no second thought for us residents who will be left to deal with the consequences of his actions.

Scotlandwell is a small village and we feel it would be a shame to have it lose it's beauty and appeal by ever increasing the amount of new builds, taking away the look of the more traditional houses.

I have lived here since 1972 and have witnessed countless changes in that time and although I am not against progression I feel that there comes a time when we have to say "enough is enough".

Sent from my iPhone







**Mrs Freya Lornie (Objects)**

**Comment submitted date: Mon 08 Sep 2014**

I object to planning application 14/01482/FLL. In the application for planning permission document on page five in the section headed 'Certificates and Notices' the applicant states that he is the sole owner of all the land which is not the case. The area within the red line shown in Document Location Plan (14/01482/2) does not belong solely to the applicant. The existing access road from Leslie Road to the three existing houses Newdrop, Remoak and Moucums View is jointly owned by these properties, only one of which is owned by the applicant. Supporting documentation to verify that this is the case can be provided.

In the Location Plan (14/01482/2) or architects drawing number 14-15-01 the red line crosses the edge of the existing access road and into the land owned by the property Newdrop. If there is a change to the width or position of the existing road then the drawings are not detailed enough to clearly show this. They do not show 'the position of any existing, altered or new access points' as stipulated in the Access and Parking section on page three of the application for planning permission document.

I have several further objections that I will submit in due course.



# Memorandum

To	Nick Brian Development Quality Manager	From	Maureen Watt Asst Asset Management Officer
Your ref	14/01482/FLL	Our ref	
Date	09 September 2014	Tel No	476308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Planning Application Ref No: 14/01482/FLL

I can confirm this development falls within the Portmoak Primary School catchment area.

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



## **INTERNAL CONSULTATION ON PLANNING APPLICATION**



**To:** Development Management  
**From:** Euan McLaughlin  
**Date:** 10 September 2014  
**Planning Reference:** 14/01482/FLL  
**Description of Proposal:** Erection of dwellinghouse Land 50 Metres South East Of Moucums View Leslie Road Scotlandwell for Mr John Beales

**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.

### **Primary Education**

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

This proposal is within the catchment of Portmoak Primary School.

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

### **Summarised as follows**

Education: £0

**Total: £0**

### **Contacts**

The main point of contact for enquiries relating to the interpretation of developer contributions will be the Development Negotiations Officer:

Euan McLaughlin  
Tel: 01738 475381  
Email: [emclaughlin@pkc.gov.uk](mailto:emclaughlin@pkc.gov.uk)

If your query specifically relates to the provision of affordable housing please contact the Council's Affordable Housing Enabler:

Stuart McLaren  
Tel: 01738 476405  
Email: [sjmclaren@pkc.gov.uk](mailto:sjmclaren@pkc.gov.uk)



Development Quality Manager  
Perth & Kinross  
Planning & Renergeration  
Pullar House  
35 Kinnoull  
Perth  
PH1 5GD

Butts Cottage  
Leslie Road  
Scotlandwell  
KY13 9JE

Tel [REDACTED]  
[REDACTED]

11 September 2014

Dear Sirs

**Planning Application Ref 14/01482/FLL**

We have a concern over the proposed development at land 50 metres south east of Moucums View.

The garden ground of Butts Cottage has an existing stone retaining boundary wall, approximately 3ft in depth adjoining the field area / plot of the proposed project.

This wall has been in position since before the loch level was dropped to provide farming land and although not in great condition, effectively retains our garden ground and is the only thing stopping it from subsiding into the proposed development land.

This boundary also has mature trees including a large horse chestnut, the roots of which would require consideration.

Unless controlled by a planning condition, I would be objecting this proposed development application.

I look forward to hearing from you in this regard.

Yours faithfully

**Roy and Barbara Clark**





Additional comments (Dunn)

OF

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**Tracy McManamon**

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**From:** CraigieD <[REDACTED]>  
**Sent:** 23 September 2014 20:34  
**To:** Development Management - Generic Email Account  
**Subject:** Re: 14/01482/FLL Application Comments

Butts House  
Leslie Road  
Scotlandwell  
KY13 9JE

On 23/09/2014 12:12, Development Management - Generic Email Account wrote:

Dear Mr Dunn

To enable us to register your comments we will need your full postal address including postcode.

Regards

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

Telephone 01738 475334



---

**From:** CraigieD [mailto:[REDACTED]]  
**Sent:** 18 September 2014 23:05  
**To:** Development Management - Generic Email Account  
**Subject:** 14/01482/FLL Application Comments

Dear sir or madam:

I wish to object and plea for a rejection of the application in the subject line - 14/01482/FLL

1. Address of Owner is incorrect

The current address of the owner is not at the address stated. He is currently living and staying in Australia.  
Under current legislation point 9 (c) an application must contain

“the name and address of the applicant”

Since this is in fact not the case then the application is falsely delivered.

2. The applicant does not fully own the development applied for.

Under section 35 of the act, point 15, paragraph 2(b) (I) it states that

“that at the beginning of the prescribed period no person (other than the applicant) was the owner of any of the land to which the application relates or an agricultural tenant; “

Since this is not the case the applicant has once again failed to follow planning law and therefore the application is void. The applicant does not wholly own the area he is seeking development for.

In the planning application Section Certificates and Notices the applicant states that they are the sole owner of ALL of the land. This is factually incorrect and therefore this application should immediately be thrown out.

### 3. Access

The applicant is looking to change the shared road, which he does not own, but has provided no written explanation of how this will be achieved. It states in the planning application “please describe and show” with regards to changes to a road. No details have been provided.

### 4. Parking

The application does not show the position of the four parking spaces on the plan as required by the application.

“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, cycle spaces).”

### 5. Drainage

The applicant has indicated that a new or altered drainage system would be required. However

This area is prone to flooding and the house at Moucums view is prone to flooding, particularly the garage. There have been several incidents in recent years. It is only right that SUDS report is carried out.

### 6. Trees

The application shows development directly within the Protected Root Areas of the trees belonging to myself, Butts House, Leslie Road. The calculation of the PRA's shows that the development significantly impacts into the PRA's of the trees which would seriously endanger and damage the root structure. These are highlighted on the attached plan.

I ask that the planning committee reject this application.

Regards, Craig D Dunn **Internet Marketer**

[REDACTED]



OF

**Tracy McManamon**

---

**From:** Joanne Cowan <[REDACTED]>  
**Sent:** 19 September 2014 20:48  
**To:** Development Management - Generic Email Account  
**Subject:** Objection to Development 14/0142/ELL 14/01482/ELL.

Dear Sirs,

We are writing to advise our objection to the above numbered application for a house in Scotlandwell.

We object on the following points:

The current owner, John Beales, does not in fact live at the address stated, he is currently residing in Australia.

We believe that John Beales does not fully own the development which has been applied for and is therefore in breach of Section 35.

In the planning application Section Certificates, Mr Beales states that he is the sole owner of all of the land. This is incorrect and should therefore make the application void.

We believe the applicant is seeking to change the shared road. Mr Beales does not own the road. No details have been provided as to how this can be achieved.

The position of the four parking places is not shown on the plan as should be required for the application.

We feel that a SUDS report requires to be carried out as Mr Beales has indicated on the application that either a new or altered drainage system would be required.

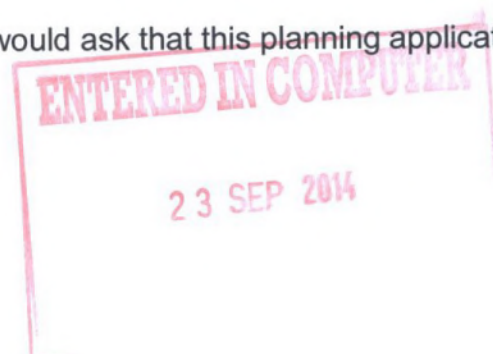
The area in question is subject to flooding. The house at Moucums View, in particular the garage, has been prone to flooding, indeed there have been several incidents in the past few years.

The application shows development within the protected root area of trees belonging to Butts House, Leslie Road. The calculation of the protected root area shows that the proposed development would significantly impact into the protected root area which will therefore endanger and damage the root structure of the trees.

Due to the above mentioned points, we would ask that this planning application be rejected.

Yours faithfully

Joanne & Ron Cowan  
7 Jamesfield  
Scotlandwell  
KY13 9NA





DF

6, Jamesfield,  
Scotlandwell, Kinross,  
KY13 9NA.

20.9.14.

Dear Sir,

REF. PLANNING APPLICATION REFERENCE 14/01482/FLL - 2nd Sept.2014.

1. Over the past ten years or so the applicant has tried numerous times to obtain building planning permission for the field he owns, which adjoins the planning site and his existing "Moucums View" dwelling. We are convinced that the current application is the thin edge of the wedge to achieve his final goal.

Is it coincidence that the application site and his field adjoin Local Development Site H54 which will have access onto the local road system at 'The Causeway'? Should all Mr. Beales aims come to fruition it will be the blackest day in Scotlandwell's long history.


2. The site of the application was until 1981 a general farm field, and was sold on as part of a garden. Mr. Beales has since purchased part of the plot with house building in mind. We think that any building on the plot is prohibited under the rules of the original sale from farm field to garden.

3. Over the past few years 50+ building planning permissions have been granted in the village. When they are all completed it will double the size of same.

Over the same period local amenities have decreased as follows:-

- a) Fortnightly bin collections only
- b) Payment required for any Council pick-up
- c) The Post Office is now 3 miles distant with no connecting bus service
- d) A laughable bus service to Glenrothes or Kinross
- e) There is no shop in the village
- f) The village public house and restaurant is up for sale
- g) The village church is part-time only
- h) Council Tax payments have doubled, despite the recent price freeze
- i) Of the 50+ planning permissions given recently, only four houses could be classed as gap sites. The remaining 40+ sites are all in what we consider Green Field locations, as is the above application. Enough is enough.

Yours faithfully,

  
Simon and Sylvia Herrington

P & K Council, Planning & Regeneration, 35, Kinnoull St., Perth, PH1 5GD.  
E Mail:- Development Management@pkc.gov.uk

ENTERED IN COMPUTER

23 SEP 2014



**Mr Kor Newhouse (Objects)**

**Comment submitted date: Sat 20 Sep 2014**

In the recent approved Local Development Plan, the applicant was refused permission to develop his field bordering the southern edge of the village, for multiple housing, on the grounds that the land was land-locked and the only possible access was through the adjoining field which was granted permission for houses.

This new application, which places a new building plot in his owned field with access to the main road is a blatant attempt to once again create the access road to the field which he so desperately needs to stand any chance to develop his land when the next Local Plan is considered.

I can see no other reason for such a development to be undertaken.

If the Council grant this application they will leave the door open to a future development which could double the size of the village - a village which has no amenities what so ever. Scotlandwell is a small village, and the Council should accept this village is not suited now, or in the future, for massive overdevelopment.

I believe the application submitted should be rejected on the grounds that this is not a genuine development, but an attempt to gain an access road to the larger field for future large scale development - all to the financial gain of the applicant, but detriment to those living in the village.





**Dr James Rigby (Objects)**

**Comment submitted date: Sat 20 Sep 2014**

With reference to Planning Application reference 14/01482/FLL for the erection of dwelling house on land 50 metres South East of Moucums View Leslie Road Scotlandwell I have the following objections;

Access.

The application states that the road is owned by the applicant, tin addition the applicant has a proposal to change the road to provide access to the proposed development. However this is a shared road and as such any change would need to be in consultation with the other owners. There are no details how this will be achieved. In addition the location of the exit of this current road is located on a bend in the Leslie Road with restricted sighting of traffic in both directions. I would expect details to be provided on the impact of the change to this road to current residents and what measures need to be made to ensure this does not increase the likelihood of an accident in this area.

Drainage/Flooding

This part of Scotlandwell is prone to flooding however the applicant has indication that a It is important that any development in this area takes into consideration the impact on the environment and whether it will increase the likelihood of future flooding.

Impact on Mature Trees.

The proposed development is very close to a number of mature trees with a paved area up to the boundary wall of the property where the trees are located. An assessment of the impact of proposed development on these trees needs to be carried out to ensure that any works or heavy building equipment used does not cause any serious damage or endanger the root structure.



07=

4, Jamesfield,  
Scotlandwell,  
Kinross, KY13 9NA.

20.9.14.

P & K Council,  
Planning & Regeneration,  
35, Kinnoul Street,  
Perth, PH1 GD.

Dear Sir,

Ref Planning Application-re 14/01482/FLL 02-09-14.

The proposed access to the site is via ground that is not owned fully by the applicant.

The exit is onto the A911, in the middle of a congested housing section of a busy road.

The proposed site is part of what was agricultural ground (until 1993). Sections were bought by individual house owners to extend their land etc., the condition being that no building was allowed.

The proposed site is in a very wet area, combine harvesters get "bogged down" annually.

With these points in mind I object to this development and recommend that it be refused.

Yours faithfully,

  
Derek Thomas





**Mr Stewart Arbuckle (Objects)**

**Comment submitted date: Mon 22 Sep 2014**

We wish to object to the above on the following grounds;

The road is owned by the three properties within Hayfield and not purely by the Applicant as stated within the application form. The site boundaries cross our garden ground on at least two occasions and no approval has been given for this.

The visibility splays when joining Leslie Road are quite poor. When turning East care is certainly required to avoid oncoming traffic from the West. The scale of the house with the four bedrooms and spaces for four cars will not help matters at this junction. In addition to this there is a blind junction into Hayfield when travelling from the East. Additional cars leaving and entering the junction may lead to cars be stopped on Leslie Road and allowing cars to pass, the width of the existing road does not allow this.

The site boundary has a number of large mature trees and these add to the setting of our property. It would be a shame for the trees to be affected during the installation of the access road which is very close by.

The scale of the proposed house is larger than what we expected and we cannot think of many within Scotlandwell that are of a similar size, if any. We understand that the applicant owns the remainder of the adjacent field and our concern would be that the scale of this house is used as a benchmark for the future applications and in the short term the increased traffic within Hayfield from the scale of the single house proposed.

Stewart & Frances Arbuckle.



**Mr Erik Lornie (Objects)****Comment submitted date: Mon 22 Sep 2014**

With reference to planning application 14/01482/FLL, I have the following objections:

**Access Road**

When joining Leslie Road from the top of the existing access road, there is no clear line of sight to traffic travelling along Leslie Road in either direction, which makes it difficult to join Leslie Road safely. Furthermore, if travelling from Leslie and turning left down the access road, due to the sharp corner there is no visibility of vehicles or pedestrians that may be travelling up the access road. The proposed development, which has parking for up to four cars, would increase traffic at the access road exit and would therefore increase the risk of accidents at this junction.

The structure of the existing access road is not suited to heavy vehicles or any increase in traffic volume. Damage would be caused to the road surface by construction traffic during the development phase. Furthermore, the existing access road is not wide enough to allow traffic to pass in opposite directions, which would be an increasing problem if the proposed development went ahead.

Approval of this development would create a precedent that may lead to further building. Extending the existing access road as proposed would allow the applicant to gain access to develop a larger area of land owned by the applicant.

The applicant has not requested permission for the new development to use the jointly-owned access road. In the application for planning permission document on page five in the section headed Certificates and Notices the applicant states that he is the sole owner of all the land which is not the case. The area within the red line shown in Document Location Plan (14/01482/2) does not belong solely to the applicant. The existing access road from Leslie Road to the three existing houses Newdrop, Remoak and Moucums View is jointly owned by these properties, only one of which is owned by the applicant. Supporting documentation to verify that this is the case can be provided.

In the Location Plan (14/01482/2) or architects drawing number 14-15-01 the red line crosses the edge of the existing access road and into the land owned by the property Newdrop. If there is a change to the width or position of the existing road then the drawings are not detailed enough to clearly show this. They do not show the position of any existing, altered or new access points as stipulated in the Access and Parking section on page three of the application for planning permission document.

**Protection of Trees with High Natural Value**

Further survey work should be carried out to evaluate the impact to trees with high natural value due to their age and large size, growing on the border of the proposed development, in accordance with policy NE2B of the Local Development Plan. The building work and proposed extension of the access road would damage the root zones of these large trees. Protection should be given to trees of high natural value, as stated in policy NE2A of the Local Development plan.

**Visual Appearance**

The proposed house is over-sized and would be out of character in terms of its appearance with the existing housing in the village. Although there are presently high hedges around the plot, the house would be visible in the landscape as the only house built so far to the south in this part of the village.





**Mr Sion Matthews (Objects)**

**Comment submitted date: Mon 22 Sep 2014**

I am told that the 'Address of Owner' is incorrect, and that the applicant does not fully own the development applied for - one or both of which may render this application void. I don't know this for sure, but trust you will investigate further.

The applicant is looking to change the shared road, which he does not own, but has provided no written explanation of how this will be achieved.

The application does not show the position of the four parking spaces on the plan as required by the application, as in, "Please show on your drawings the position of existing and proposed parking spaces...."

The proposed area for building on is prone to flooding. I would think that a SUDS report would have to be carried out?



07

**Tracy McManamon**

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**From:** Morag Wellman <[REDACTED]>  
**Sent:** 22 September 2014 15:33  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application reference 14/1482/FLL

Dear Sir

With reference to the above planning application, we wish to lodge an objection to the application on the following grounds

1. the house is far too large to be in keeping with the surrounding houses.
2. Access to the A911 (Leslie Road) is unsatisfactory - the line of sight to the east is not good.
3. The proposed shared road is not owned by the applicant and no details are provided.
4. The field to the south of the proposed building is subject to flooding throughout the year - particularly in winter.
5. There is no indication that this development lies within the village envelope for Scotlandwell and is this a ploy for development for this field which the applicant owns which will on impinge on him as he is seldom in the country.

I trust you will take these comments into consideration and reject this application.

Yours sincerely

Morag and Frank Wellman

7 Bankfoot Park  
Scotlandwell  
KY13 9JP

Tel. [REDACTED]





UF.

**Tracy McManamon**

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**From:** Dick Williamson <[REDACTED]>  
**Sent:** 22 September 2014 16:48  
**To:** Development Management - Generic Email Account  
**Subject:** 14/01482/FLL Erection of Dwellinghouse on Land 50 Metres SE of Moucums View, Leslie Road, Scotlandwell.

Dear Sirs

14/01482/FLL Erection of Dwellinghouse on Land 50 Metres SE of Moucums View, Leslie Road, Scotlandwell.

I would refer to the recently lodged planning application above and would lodge the following objections:

- 1 According to the plans presented the ridge height would appear to be 8 metres assuming no underbuilding. This would appear excessive in view of the fact that surrounding houses are bungalows.
- 2 The east elevation of the house would appear to be almost 100% a glass window which would overlook our garden which would affect our privacy.
- 3 No landscape plan has been presented although Mr Beale had intimated some time ago that the conifer hedge near the boundary would be removed. This has not happened and indeed has now grown to approx. 18-20 feet, raising concerns about the ultimate height. We would like this restricted to around ten feet which would maintain privacy but ensure the ability to maintain.

Three technical reasons as follows require consideration and confirmation that all would be safely accounted for in the event of any building.

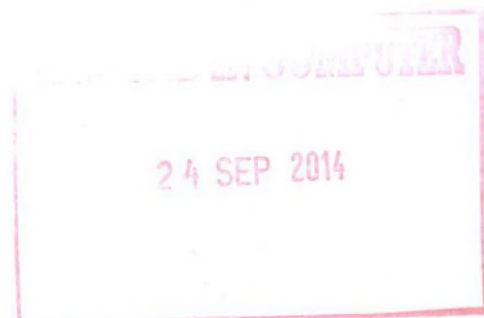
- 1 The mains drainage for the village runs through the site.
- 2 Roads drainage from the A911 runs through the site.
- 3 Septic tank effluent runs through the site certainly the length of one boundary and possible two.

**Potential Land Burdens**

The plot in question was originally bought in 1992 as were others which abutted the field as additional garden ground. Our purchase was recorded in the Register of Sasines for the County of Kinross under Fiche 69 Frame 24 on 26 November 1992, and we assume the transfer of the plot now in question would have similar dates and references numbers. Our plot was transferred to us under burdens, conditions and whole clauses specified in a Disposition by David in favour of Edwin Albert Barwood Curtis and Another, recorded in the General Register of Sasines on 23<sup>rd</sup> April 1953. While we have yet to physically inspect that disposition and associated burdens, my understanding is that the land transferred was classified as amenity land and carried a building prohibition.

Yours faithfully

R K Williamson  
Nether Rig  
Leslie Rd  
Scotlandwell  
Kinross  
KY13 9JE





**Mrs Sylvia Wilson (Objects)**

**Comment submitted date: Mon 22 Sep 2014**

With reference to the above application, I would like to point out that the applicant is not living in Moucums View as it is let out and he actually lives in Australia. This application is for a substantial house to be built in an area which is prone to flooding. It is also in a small part of a much larger area which is owned by the applicant and I am concerned that it could be the forerunner of many more applications in the future. In which case would the access to all of them be by the same narrow lane which joins Leslie Road where it bends slightly in both directions, thus restricting the view onto this A road? Traffic leaving the village is already speeding up, if indeed it was only doing 30mph or less in the first place.

I am concerned that the character of this beautiful small village is in danger of being spoilt. The proposed access is narrow and will be constructed over the roots of some large trees growing in a neighbouring garden.





**Ms susan abbott-smith (Objects)**

**Comment submitted date: Tue 23 Sep 2014**

I feel that the road access is of very poor design to sustain more car use. The private road is only capable of taking one car at a time due to it being so narrow. The access onto the main road is poor now that there has been traffic alterations (bollards to try and slow down the traffic) coming into Scotlandwell. This instead of making cars slow down, they are speeding up to go pass the bollard, and this means that they are going faster passed the entrance to this private road. The area is also a conservation area and this does not appear to have been taken into consideration.



# Portmoak Community Council

Robin Cairncross - Secretary  
Kantara, Wester Balgedie, Kinross KY13 9HE

  
[www.portmoak.org](http://www.portmoak.org)

23<sup>rd</sup> September 2014

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

Dear Mr Brian

**14/01482/FLL Erection of Dwellinghouse on Land 50 Metres SE of Moucums View, Leslie Road, Scotlandwell.**

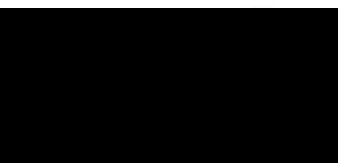
**Notice of comment.**

This is an application to erect a 1.5 storey dwellinghouse with garage on Land 50 Metres SE of Moucums View, Leslie Road, Scotlandwell.

The Community Council does not object to the erection of a dwellinghouse on this site but it does have concerns that should be considered when determining any grant of planning consent:

- **Height of the house.** This is a 1.5 story house with a significantly high ridge height. Its setting, where all housing in the immediate vicinity is of single storey low profile bungalows, should be considered.
- **Landscaping and trees.** The application refers to an attached landscape plan - yet beyond a sketch - no meaningful landscape plan has been provided. Were planning consent to be granted, a landscape plan must be required and approved before building commences. There are several mature trees in the immediate vicinity that should be safeguarded.
- **Waste water drainage.** The site is traversed by waste water drainage which must be accommodated.

Yours sincerely



**Robert G Cairncross**  
For Portmoak Community Council





# MEMORANDUM

To	Joanne Ferguson Planning Officer	From	Niall Moran Transport Planning Officer Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	14/01482/FLL	Date	23 September 2014

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

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 14/01482/FLL for planning consent for:- **Erection of dwellinghouse Land 50 Metres South East Of Moucums View Leslie Road Scotlandwell for Mr John Beales**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- The existing access will be provided with visibility splays of 2.4m x 43m measured from the centre line of the new access in both directions along the nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.



## CHX Planning Local Review Body - Generic Email Account

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**From:** Erik Lornie [REDACTED]  
**Sent:** 18 February 2015 22:34  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Ref: TCP-11-16(339); Re: Erection of dwelling house Land 50 Metres South East Of Moucums View Leslie Road Scotlandwell

Further Comments Re: Erection of dwelling house Land 50 Metres South East Of Moucums View Leslie Road Scotlandwell

Application Number: 14/01482/FLL

Reference Number: TCP-11-16(339)

In the response to the Notice of Review for application reference number 14/01482/FLL. The principle point put forward by the applicant in appeal of the decision to refuse the planning application for a dwellinghouse on land 50 metres south east of Moucums View, Leslie Road, Scotlandwell is the assertion that a precedent has already been set for approval of a 'similar' house 60 metres east of the proposed site (Council ref. 12/00738/FLL). The proposed building plans for the dwellinghouse on land 50 metres south east of Moucums View present a building which is substantially larger than the building already approved under Council ref. 12/00738/FLL. The building proposed under Council ref. 12/00738/FLL has a ground level footprint of 164m<sup>2</sup>, whereas the building proposed under the application 14/01482/FLL has a footprint of 244m<sup>2</sup>, which represents a substantial difference of 49%. Furthermore, the building previously approved under Council ref. 12/00738/FLL has a height of approximately 7m to the eaves, whereas the proposed building under the application 14/01482/FLL has a height of approximately 8.3m to the eaves, which represents a substantial difference of 18%. Consequently, I would agree with the planning officer's conclusion that the proposed application does not respect the existing building pattern along the southern edge of the settlement, and is therefore contrary to Policy RD1 Residential Areas of the Local Development Plan 2014 category (a).

A point put forward by the applicant in appeal of the decision to refuse the planning application (comment 3.2) states that the proposed access road is 'similar' to the arrangement at the east of the village serving Rowan Cottage. This is not the case, as the proposed private access road Hayfield passes directly through, not along the boundary of, the existing gardens of Newdrop and Remoak. The owners of both of these houses own land on either side of the proposed access road.

The land 50 metres south east of Moucums View, Leslie Road, Scotlandwell, on which the proposed building application is based was sold to the owner of Moucums View under terms that precluded the use of the land for building purposes. It was intended to be used as additional garden ground, and I believe that this is stated in the existing missives for the land in question. For this reason the land to the south of the existing houses are used as garden areas.

I agree with the point made by the case officer Joanne Ferguson in the Residential Amenity section of the Delegated Report that 'I consider that the access required to service this property would have an adverse impact on the residential amenity of this dwelling Moucums View due to the proximity and the way the access snakes around this side of the dwelling.' Additionally, the extension of the access road would cover over existing sewerage pipes which would potentially make access to these for any repairs more difficult.

Submitted by Freya and Erik Lornie



**Bitwise Ltd** - Crescent House, Carnegie Campus, Dunfermline, KY11 8GR, United Kingdom  
tel: +44 1383 625151 - mob:  
web: [www.bitwisegroup.com](http://www.bitwisegroup.com)





R T HUTTON

PLANNING CONSULTANT

The Malt Kiln  
2 Factors Brae  
Limelilns  
Fife KY11 3HG  
01383 872000  
07881097659

[hutton874@btinternet.com](mailto:hutton874@btinternet.com)

Our ref: 15/04/RTH

Your ref: TCP/11/16(339)

Gillian A Taylor,  
Clerk to the Local Review Body,  
Perth and Kinross Council,  
2 High Street,  
Perth.  
23<sup>rd</sup> February 2015.

Dear Ms Taylor,

**Application for review: Land off Leslie Road, Scotlandwell.**

I thank you for your letter of 23<sup>rd</sup> February in which you included the email received from Freya and Erik Lornie (the objectors) and asked for any comments we have on this submission. There are 3 points on which I should wish to offer comment.


A main issue in the reason for refusal was the southern boundary of Scotlandwell, and the planning officer's view that the proposed house would be out of character. In our submission we pointed out the precedent set by the approval at the east end of the village. In their submission the objectors dispute this view on the basis that the application proposal is larger than the house to the east. Irrespective of the scale, it is clear that the house previously approved is in a similar position to the southern boundary of the village, as that of the house now being proposed. For that reason the application house cannot be seen to be out of character.

The objectors contend that the access arrangements proposed are different from that which serve the proposed house to the east because of the land ownership on either side of it. The similarities are that both are private, narrow accesses at right angles to Leslie Road. The way they would be used would be similar, despite any differences in land ownership.

The final point on which we wish to offer comment is that concerning any restrictions which may have been placed on the legal title of the land. This is not a material issue in assessing the planning merits of the proposal, and one which, if necessary, will need to be dealt with at another time.

I thank you for being given the opportunity to comment, and trust that members of the Review Body will be made aware of these views.

Yours sincerely,

  
R T Hutton BSc(Hons) MRTPI



**TCP/11/16(339)**  
**Planning Application 14/01482/FLL – Erection of**  
**dwellinghouse, land 50 metres south east of Moucums**  
**View, Leslie Road, Scotlandwell**

## **FURTHER INFORMATION**

- Further information from Transport Planning, dated 14 May 2015
- Agent's comments on further information, dated 2 June 2015



## Comments to the Local Review Board on a Planning Application

<b>Planning Application ref.</b>	14/01482/FLL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	x76512
<b>Description of Proposal</b>	Erection of dwellinghouse		
<b>Address of site</b>	Land 50 metres south east of Moucums View, Leslie Road, Scotlandwell		
<b>Comments on the proposal</b>	<p>The Local Review Body has requested further information on the following points:</p> <ul style="list-style-type: none"> <li>• The visibility possible at the junction (how much of the 2.4m by 43m specified can be provided?)</li> <li>• The width of the road (could it accommodate a fire engine?)</li> <li>• The proximity of the access track to the existing dwellinghouse (and clarification of the minimum distance required).</li> </ul> <p>Having undertaken an additional site visit I would offer the following information to clarify the original memo dated 23 September 2014 from Transport Planning to Development Management.</p> <p>While the existing junction with the public road is of a good standard in terms of construction and geometry, it was noted that the visibility is compromised slightly by the adjacent hedging and would not meet the standards for a visibility splay within a 30mph zone, as detailed within the National Roads Development Guide (2.4m x 43m). A standard condition was originally suggested to development management to ensure that the visibility was improved as part of this development and this would require the existing adjacent hedging etc to be trimmed back to facilitate the improved visibility from the access. However, I note that this area is not shown within the site boundary and does not appear to be within the control of the applicant and therefore this condition may not be achievable.</p> <p>The minimum width of a private access for use by firefighting appliances is controlled by the Building Standards (Scotland) Regulations. This specifies a minimum width of 3.7m to facilitate the use of pumping appliances, however it should be noted that a basic vehicle path of 3.5m width (2.75 at pinch points) is appropriate for access (but not operation) of the fire tender. This information is provided within the National Roads Development Guide. It is therefore my opinion that the existing shared private access would meet these width requirements; however the final assessment on suitability would be undertaken by the Council's Building Standards team.</p> <p>Based on the plans submitted the access track is approximately 2m from the existing house. There is no minimum distance from a house to a private access specified by Transport Planning and this matter would largely be one of residential amenity to be considered by Development Management.</p>		
<b>Date</b>	14 May 2015		



## PLANNING APPEAL

### Erection of House

Land 50m south east of Moucums View, Leslie Road, Scotlandwell

Planning Application Reference: 14/01482/FLL

### **LRB Ref.: TCP/11/16(339)**

I refer to your email of 20<sup>th</sup> May 2015 with enclosed comments made by Transportation Planning following the request from the LRB for further information on the proposed access arrangements, and should like to offer the following comments.

Firstly I should like to point out the proposed changes to the existing lane, Hayfields, will result in a much improved situation for all of those using the lane because of the increased turning area at the bottom of the lane. I note that comments from Transportation Planning express no concerns in relation to the suitability of the lane to cope with service and emergency vehicles gaining access to the proposed new house. The only issue they raise is that of residential amenity given the proximity of the access to the existing house. However this is not a matter that was raised by the planning officer in the Report of Handling, and in any case the house in question is owned by the applicant who is clearly aware of the position.

With regard to the junction with the public road, Transportation Planning state that it is good in terms of its construction and geometry. The only concern relates to the need to trim back hedging in order to achieve the 2.4m x 43m visibility splay. The plan submitted with this message indicates the extent of this. When planning permission was granted for the houses in Hayfield a condition would have been imposed requiring that the appropriate visibility splay should be maintained. The Council therefore have the ability to enforce this to ensure that full sight lines are achieved.

I trust that on the basis of this information members of the LRB are satisfied that the proposed access arrangements are both appropriate and safe. They are similar to others within Scotlandwell and can be seen as in character with the village. With improvements to the turning space within the lane the situation will be improved for all those who need to gain vehicle access, thus ensuring there will be no need to reverse out onto the public road. This can be seen as the development resulting in an improved safety situation.

RT Hutton BSc (Hons) MRTPI  
Planning Consultant

2 June 2015

