

**TCP/11/16(470)**  
**Planning Application – 16/02094/FLL – Erection of 6**  
**dwellinghouses, formation of community garden and**  
**associated works on land 70 metres North of Gean Tree**  
**Cottage, Muirhall Road, Perth**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 637-828***)
- (b) Decision Notice (***Pages 825-828***)
  - Report of Handling (***Pages 809-823***)
  - Reference Documents (***Pages 750-802***)
- (c) Representations (***Pages 831-892***)





**TCP/11/16(470)**

**Planning Application – 16/02094/FLL – Erection of 6  
dwellinghouses, formation of community garden and  
associated works on land 70 metres North of Gean Tree  
Cottage, Muirhall Road, Perth**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

Philip Neaves

Mobile: 07446 897144

[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)

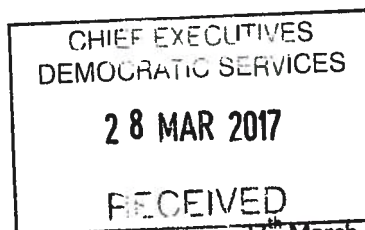
Local Review Body

Perth & Kinross Council

2 High Street

Perth

PH1 5PH



27<sup>th</sup> March 2017

Dear Sirs

**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**

**Planning Application 16/02094/FLL**

**Erection of 6 no dwelling houses, formation of community garden and associated works Land 70 Metres  
North Of Gean Tree Cottage Muirhall Road Perth**

Felsham Planning and Development is planning adviser to Goldcrest LLP. We are instructed to submit a Notice of Review to the Local Review Body following the refusal of the above application. Accordingly, please find enclosed a folder containing the following:

1. Notice of Review Form
2. Notice of Review Statement
3. Documents, as follows:
  - Document 1 Planning Application Forms and Reports
  - Document 2 Application Drawings
  - Document 3 Design Statement
  - Document 4 Correspondence between Jewitt Architects and the Planning Officer
  - Document 5 Planning Officer's Report of Handling
  - Document 6 Decision Notice

Please acknowledge receipt.

Yours faithfully

Philip Neaves

Director

# 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)

## Agent (if any)

Name GOLDCREST PARTNERS LLP

Address CHARLOTTE HOUSE  
13 YOUNG STREET  
EDINBURGH  
Postcode EH 2 4JB

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

Name PELSHAM PD

Address 1 WESTERN TERRACE  
EDINBURGH  
Postcode E4 12 5 QF

Contact Telephone 1 0131 337 9640  
Contact Telephone 2 07446 897144  
Fax No

E-mail\* philip@pelsham.co.uk

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

16/02094/FUL

Site address

LAND 70 METRES NORTH OF GEAR TREE  
COTTAGE, MUIRHALL ROAD, PERTH

Description of proposed development

ERECTION OF 6 NO DWELLING HOUSES  
FORMATION OF COMMUNITY GARDEN  
AND ASSOCIATED WORKS

Date of application 07/12/2016

Date of decision (if any)

08.02.2017

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

**Nature of application**

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

**Reasons for seeking review**

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

**Review procedure**

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

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

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

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

THE PLANNING AUTHORITY HAS FAILED TO PROPERLY ASSESS THE APPLICATION  
THE EVIDENCE + REASONS FOR THE PLANNING AUTHORITY'S DECISION NEEDS TO BE PROPERLY TESTED

**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 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:

THIS IS PRIVATE LAND TO WHICH THE PUBLIC HAS NO ACCESS  
THE OWNER'S PRIOR CONSENT IS REQUIRED

**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 SUPPORTING  
STATEMENT + DOCUMENTS

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.

N/A

**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. PLANNING APPLICATION FORMS + REPORTS
2. APPLICATION DRAWINGS
3. DESIGN STATEMENT
4. CORRESPONDENCE BETWEEN JEWITT ARCHITECTS + THE PLANNING AUTHORITY
5. PLANNING AUTHORITY'S REPORT OF HANDLING
6. DECISION NOTICE

**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:

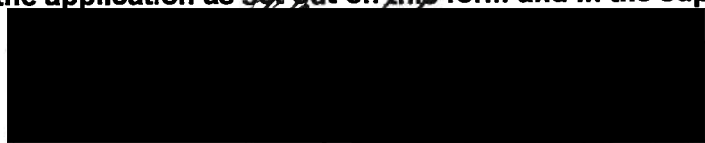
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**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

24/03/2017

PHILIP NEAVES FELSTHAM PD



**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**

**Planning Application 16/02094/FLL**

**Erection of 6 no dwelling houses, formation of community garden and associated works Land 70  
Metres North Of Gean Tree Cottage Muirhall Road Perth**

**Appeal to Local Review Body**

**Appeal Statement on Behalf of Goldcrest Properties LLP**

**March 2017**

## 1.0 Introduction

Felsham is planning adviser to Goldcrest Properties LLP. We are instructed by our client to submit an appeal following the refusal of the application for:

*Erection of 6 no dwelling houses, formation of community garden and associated works Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth*

The application was refused on 8<sup>th</sup> February 2017 for the following reasons:

1. *The proposal is contrary to policy CF1A of the Local Development Plan 2014 as the proposed development site would result in the loss of an area of land that is identified for retention as open space and if approved would set a precedent, undermining the objectives of Local Plan and leading to the further erosion of the open space in the area.*
2. *The proposal is contrary to policy PM1A of the Local Development Plan 2014 as the proposed development will result in the loss of open space which would impact on the character of the surrounding area.*
3. *The proposal is contrary to policy EP3C of the Local Development Plan 2014 as the proposed development lacks any detailed information in relation to proposed drainage arrangements for surface or foul water.*
4. *The proposal is contrary to policy RD1 of the Local Development Plan 2014 as the proposed development is not compatible with the amenity and character of an area by virtue of the amount over overlooking both in respect to the proposed plots and the neighbouring properties to the east and west of the site.*

## 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 Town and Country Planning (Scotland) Act requires full disclosure of an appeal case at the outset. The reasons for refusal cannot be added to or amended. The Council must rely on these reasons for refusal and cannot introduce any further arguments. Having regard to the above, we consider the main determining issues to be:

- The Local Plan allocation of the site and the requirement for the Council to maintain an effective 5-year land supply and the need to balance that requirement against the LDP allocation and the ability of the site to actually meet the aspirations of LDP policy
- Loss of open space
- Drainage and flooding
- Overlooking and impact on amenity

## 2.0 Planning History

The application is a resubmission of an identical application ref 0043/FUL/16 which, was refused on 27th September 2016 for the following reasons:

1. *The proposal is contrary to policy CF1A of the Local Development Plan 2014 as the proposed development site would result in the loss of an area of land that is identified for retention as open space and if approved would set a precedent, undermining the objectives of Local Plan and leading to the further erosion of the open space in the area.*
2. *The proposal is contrary to policy PM1A of the Local Development Plan 2014 as the proposed development will result in the loss of open space which would impact on the character of the surrounding area.*
3. *The proposal is contrary to policy EP3B & C of the Local Development Plan 2014 as the proposed development lacks any detailed information in relation to proposed drainage arrangements for surface or foul water.*
4. *The proposal is contrary to policy RD1 of the Local Development Plan 2014 as the proposed development is not compatible with the amenity and character of an area by virtue of the amount over overlooking both in respect to the proposed plots and the neighbouring properties to the east and west of the site.*
5. *The proposal is contrary to policy NE3 of the Local Development Plan 2014 as the proposed development has failed to demonstrate that the proposals will not impact on protected species.*

**Justification**

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

Our client instructed us to withhold the submission of an appeal following the refusal of that application in the hope that the submission of this second application would allow your Council to reconsider the matter without requiring an appeal. Despite submitting material that addresses all the technical matters that planning authority has maintained its position on all but one of the reasons for refusal, even though it has refused to meet the applicant to discuss these matters.

In our submission the local planning authority's stance is based on fundamental misunderstanding as follows:

1. This is an area of unmanaged grassland. It is not open space and it is not available to the public
2. There are 22 acres of parkland adjoining, which was specifically donated on the grounds that it should remain as open space for public access, in addition to the large areas of open space in the Murray Hospital site
3. The appellants are only proposing to develop 12% of the site. 88% will remain open and the public will be actively encouraged to access and make use of the proposed community garden which will occupy one third of the overall site. This is an enlightened approach to development and a significant benefit to the community
4. This is a featureless area of unmanaged grassland surrounded by development. The appeal proposals will greatly enhance the appearance of the site and will make it a genuine amenity resource
5. Patrick Geddes link referred to by objectors is misleading. The area has changed hugely since Geddes' day. The Geddes link did not prevent development 40-50 years ago much closer to the Geddes cottage

**3.0 Planning Policy**

The relevant development plan is the Perth and Kinross Local Development Plan 2014. Policies relevant to the determination of this appeal are as follows:

**Policy PM1: Placemaking Policy PM1A** 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 PM1B** All proposals should meet all the following placemaking criteria:

(a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings. (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area. (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. (d) 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. (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. (f) Buildings and spaces should be designed with future adaptability in mind wherever possible. (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals. (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

**Policy RD1: Residential Areas** The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.

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

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

the area. (c) Proposals which will improve the character and environment of the area or village. (d) Business, home working, tourism or leisure activities. (e) Proposals for improvements to community and educational facilities.

**Policy EP3C Water and Drainage:** All new developments will be required to employ sustainable urban drainage systems (SUDs) measures.

**Policy CF1: Open Space Retention and Provision Policy CF1A: Existing areas** The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:

- (a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.
- (b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.
- (c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.
- (d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with Sport Scotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.

#### Scottish Planning Policy

The Scottish Government is committed to integrating the following principles in its policy agenda:

- **Social Equality:** Considering the diverse needs of local communities and ensuring accessibility for all.
- **Sustainability:** The measure of the likely impact of development on the social, economic and environmental conditions of people in the future and in other places.
- **Environmental Quality:** Guiding the location and design of development, the management of land use, energy efficiency and the need to travel.
- **Design:** Signalling the importance of achieving improvements in the design and quality of new developments, and bringing long term benefits to the urban and rural environment.

Scottish Planning Policy states at paragraph 78 that *"The siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials. The aim should be to create places with a distinct character and identity, promoting a well-integrated mix of land uses including well-designed homes of different types and tenures."*

Paragraph 79 states *"New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development."*

Paragraph 83 deals with the density of new development and states that it should be set by reflecting the *"character of the place and its relative accessibility, with higher densities appropriate at central and accessible locations. Through good design it is possible to achieve higher density living environments without overcrowding or loss of amenity."*

SPP aims to guide new residential development to existing settlements and to brownfield sites in preference to greenfield sites and to locations where existing services and capacity are available. This strategy also aims to sustain existing educational, commercial and community facilities. However, SPP also requires a flexible approach to rural housing. Paragraph 94 states *"the requirement for development plans to allocate a generous supply of land to meet housing requirements, including for affordable housing, applies equally to rural and urban areas. Development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses..."*

Paragraph 95 continues *"The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses....small scale housing and other development which supports diversification and other opportunities for sustainable economic growth whilst respecting and protecting the natural and cultural heritage should be supported in a range of locations. In these areas, new housing out with existing settlements may have a part to play in economic regeneration and environmental renewal. All new development should respond to the specific local character of the location, fit in the landscape and be appropriate to its setting."*

The planning policy statement *"Designing Places"* argues that *"good design is an integral part of a confident, competitive and compassionate Scotland"*. It recognises that as well as improving design quality, a joined up approach can provide a clear basis for communication, establishing and maintaining identity, create better connections and ultimately, bridge the gap between vision and reality.

The principles contained within *Designing Places* the following PAN's have been taken into account in the application including:

- PAN81: Community Engagement
- PAN78: Inclusive Design
- PAN77: Designing Safer Places
- PAN68: Design Statements
- PAN67: Housing Quality
- PAN65: Planning & Open Space
- PAN44: Fitting Housing Into The Landscape

The importance of creating high quality new development and sustainable communities is established at the top of both the UK and Scottish Government agenda. Scottish Government guidance contained within SPP and PAN68 – Design Statements and PAN67 – Housing Quality, note that the success or failure of a place is ultimately determined by the quality of its buildings, streets and spaces. PAN 68 notes that well-designed places share common qualities, including:

- Transport and connectivity.
- Access to local services.
- Environmental benefits.
- Equity.
- Vibrant local economy.
- High quality buildings.
- Social and cultural activities.
- Atmosphere.

The 6 qualities that make a successful place, identified in PAN68 and PAN67 are as follows:

1. Distinctive.
2. Welcoming.
3. Safe and Pleasant.
4. Adaptable.
5. Easy To Get To And Move Around.
6. Resource Efficient.

### 3.0 Basis for Determining a Planning Application

Section 25 of the Town & Country Planning (Scotland) Act 1997 states:

*'Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise'.*

Section 37 should be read alongside Section 25. Section 37 (2) states:

*'In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations'.*

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:



*'Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.'*

The judgement set out the following approach to determining a planning application:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.
5. Assess whether these considerations warrant a departure from the Development Plan.

This judgement sets out a clear and methodical approach to determining a planning application and clarifies how the development plan should be used.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless any site specific matters preclude consent.

The recently published SPP has further clarified this point. Paragraph 8 sets out the "core principles" which should underpin the "modernised system." The third core principle states:

*'Confidence in the planning system needs to be reinforced through the efficient and predictable preparation of plans and handling of applications; transparency in decision making and reliable enforcement of the law and planning decisions.'*

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

There may be circumstances where the achievement of one policy objective, such as delivery of a site identified in the housing land supply requires another policy to be waived or reduced in impact.

In assessing this proposal we believe that it is also relevant to refer to two further court decisions *Tesco Stores v. Dundee* [2012] PTSR 983 and *Hunston Properties Ltd v Secretary of State for Communities and Local Government*. 2013 WL 4411458. Queen's Bench Division (Administrative Court) (QBD (Admin)). Judge Pelling Q.C. September 05, 2013.

Paragraph 18 of the Dundee decision states:

*The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority....the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.*

Paragraph 19 continues:

*The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.*

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

In *Hunston Properties Ltd v Secretary of State for Communities and Local Government*. 2013 WL 4411458. Queen's Bench Division (Administrative Court) (QBD (Admin)). Judge Pelling Q.C. September 05, 2013 the Court ruled that a shortfall between housing need and available housing was capable of amounting to very special circumstances justifying otherwise inappropriate development on a green belt site. In determining that, a planning inspector was obliged to have regard to the best and most recent evidence of housing need.

Both these decisions add weight to the argument that the aims and objectives of the development plan need to be properly assessed. If they show a specific requirement for a particular form of development that is demonstrably not met it provides the basis to argue that material considerations should overcome any policy or prematurity argument. This means that sites may be able to come forward through planning applications in advance of receiving a development plan allocation or where there is a potential policy objection.

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

The key is that the Courts have confirmed that the development plan provides the planning authority with discretionary powers and these can be used flexibly. It is not sufficient to conclude that in the planning authority's view the proposal does not comply with elements of policy. Instead the Courts require the 5 step procedure set out in the 1998 City of Edinburgh Council House of Lords case to be followed. The planning authority must take a view on a case by case basis with the development plan the starting point for its assessment but not the concluding point. It may be the case that a policy intended to apply across the Local Plan area is clearly not applicable to specific circumstances of a particular site.

The final legal principle to consider is the impact on viability when assessing developer contributions. The 2008 Blythe Valley House of Lords decision confirmed that the Council's proposed affordable housing policy was unlawful because it did not allow for consideration of the impact of the policy's requirement on the viability of individual development proposals. The House of Lords ruled that viability must be at the heart of any consideration of the appropriate level of developer contribution and that impact on development viability is a material consideration that may allow for a reduction or a waiver in the developer contribution. This principle can be applied to all potential developer contributions.

A further consideration is the presumption in favour of sustainable development, introduced by SPP (Revised) June 2014, which can override other policies of the development plan. The presumption applies to all development that is found to be sustainable when tested against the other policies of the SPP as a whole and is a relevant material consideration in the determination of all applications. It is given "significant" weight in circumstances where either the development plan is more than 5 years old.

SPP paragraph 29 identifies 13 sustainability principles. Before the sustainable development presumption can be given weight as a material consideration in the overall decision-making process the perceived benefits and dis-benefits of the proposal must be tested for sustainability against the 13 principles. This includes giving due weight to net economic benefit, supporting good design and the six qualities of "successful places", and "making efficient use of existing capacities of land, buildings and infrastructure."

Such assessment is a matter of planning judgement but SPP also suggests that in carrying out that assessment the decision-maker has to be satisfied, if it is proposed to refuse the development on the grounds that it is unsustainable, that the evidence demonstrates that its identified dis-benefits significantly outweigh its benefits. If the benefits outweigh the dis-benefits the proposal should be deemed to be capable of contributing towards sustainable development. At that point the SPP presumption in favour of planning permission being granted requires to be given significant weight when the proposal is tested against the development plan and other relevant material considerations in accordance with the provisions of Section 25 of the Planning Act.

The decision-maker will only be entitled to conclude that development is unsustainable if the evidence demonstrates that its dis-benefits significantly outweigh its benefits when tested against each of the 13 sustainability principles. If having applied this test, the conclusion is that the proposal is unsustainable the presumption in favour of planning permission being granted will not require to be given weight when tested against the development plan and other relevant material considerations.

If the conclusion is that the proposal will contribute towards sustainable development, the decision-maker is then expected to test the proposal against the development plan and other relevant material considerations and, in doing so, to attach significant weight to the presumption that planning permission should be granted on the basis that the development is sustainable.

#### 4.0 Assessment of the Reasons for Refusal

In assessing the proposal it is important to follow the step by step process laid down by the House of Lords. Our comments are as follows:

**Identify any provisions of the Development Plan that are relevant to the decision** – the policies relevant to determination of the application are the LDP policies dealing with open space and provision of new housing, namely CF1A, PM1A, EP3C and RD1.

**Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies** – the aims and objectives of policy is to provide for a generous supply of housing land and to manage housing development in terms of its impact on its local area, the appropriateness of the scale of development to that area, and the ability to adequately service the development. This needs to be balanced against the objectives of open space policy and the impact of the loss of open space.

It is clear that there is a housing land supply issue in Perth, illustrated by the difficulties in identifying and agreeing strategic housing land. In these circumstances the presumption in favour of sustainable development is triggered. Appeal decisions show that housing arguments trump all other policy considerations. This site satisfies the SPP sustainability criteria. The failure of the planning officer to consider issues other than open space is a serious omission by the planning officer that undermines the credibility of the Council's case. This is clearly contrary to the approach advocated by the Courts in the Dundee decision referred to above.

**Consider whether or not the proposal accords with the Development Plan** – having assessed the aims and objectives of the residential and open space policies our comments are as follows:

- No conflict with established land use – development is compatible with the surrounding land use.

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

- Respects scale, form, design and materials – the design of the proposal has had regard to the character and appearance of the surrounding area. The scale, design and materials are appropriate to the area.
- No significant loss of daylight, sunlight or privacy – the application site is a large plot. The development can be accommodated within the plot with no impact on its neighbours.
- No unacceptable generation of traffic or noise – there is no traffic objection.
- Visual impact- the scale, design and materials are appropriate to the area. The design of the scheme has taken account of the characteristics of the conservation area.

Reporters are looking favourably on housing proposals at appeal and the need to deliver housing has resulted in a ministerial direction that all appeals for 100 units or more are called in for ministers' determination. Unless a proposal is a flagrant breach of normal planning rules appeals are succeeding. The pressing LDP housing need points to an argument that whilst this development is a departure from the developments plan it should not be considered a major departure. In our view there are strong arguments in support of this site and we expect the judgement that is ultimately made to be that it is a suitable, available and viable residential site within the urban area and that such development is acceptable given the lack of demand for the allocated uses.

In these circumstances a key consideration will be SPP paragraphs 132 and 29-33 and the presumption in favour of sustainable development. This should trump a development plan objection. Whilst we accept the site will be a departure from what the development plan envisages it cannot be viewed as a major departure because SPP puts in place a process to positively consider such sites and overcome any policy objection. We believe that the site meets the SPP sustainability criteria for residential development:

1. The site lies within the settlement boundary
2. Development will satisfy local need
3. It is appropriate scale in relation to the settlement
4. No coalescence
5. Landscape and townscape character protected
6. Complements the character of the settlement
7. Existing natural features are retained as far as possible and will be supplemented by further boundary planting
8. The proposed development is sustainable
9. Environmental quality is not compromised
10. Development will be of high quality, including buildings, layout and relationship to existing settlement
11. There will be a mix of house types, sizes and tenure
12. No loss of sports, recreation or amenity space (this is addressed in greater detail below)
13. Evidence is provided to show that the site is deliverable

Having assessed the site against the wider policy aims and objectives of the development plan, our comments are as follows:

- Appropriateness of the proposed development- the proposal continues the historic development pattern and is the natural next phase of development for the village.
- Suitability for development – The site is a natural location for the further expansion of the settlement.
- Impact on character of existing settlements (landscape and townscape character)-the site is visually self-contained. It is proposed to include boundary planting and to create an accessible area of public open space
- Impact on local amenity and integration with natural environment-the site is visually self-contained. There is no reason for the existing relationship with the surrounding open space to be changed.
- Protection of natural and built heritage resources (including archaeology) – there are no such resources known to exist within the site. We would expect planning conditions to address this matter.
- The capability of incorporating renewable energy sources or energy conservation measures into the proposal – Energy conservation is a matter of design and should be identified as a key consideration in the anticipated future master plan.
- Flooding and drainage –information the applicant has submitted demonstrates that there is no issue. Public surface and foul water sewers are available adjacent to the site with the ability to be gravity fed
- Drainage capacity – providers have confirmed capacity
- Utilities capacity – providers have confirmed capacity

Therefore, the site's inherent suitability for residential development needs to be balanced against the impact of a loss of open space. The application proposal is only a partial release of green space which is private land and serves no actual open space purpose. The field has been fallow for at least 6 years and is currently unutilised, overgrown and with no formal access arrangements for either individuals or the community. Our client is proposing positive community access to the garden, the overall net effect being greater than exists at present.

It is important to consider why the proposal has been refused and the exact wording of the policy it is alleged to contravene. Policy CF1A is the main policy consideration. It states in its opening:

**Policy CF1: Open Space Retention and Provision Policy CF1A: Existing areas** The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:



- (a) *Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.*

The proposal cannot possibly be contrary to this part of the policy because:

- It is private land. It is not *principally used as a recreation resource*. There is no recreational resource because the public has no access
- Having no access means that there is nothing to be lost by development
- The application proposals will preserve amenity and enhance the area by providing a designed landscape area. Crucially the public will have access

In terms of policy CF1 it is our view that the development needs to be assessed against criterion (b) which states:

*The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource*

The planning officer responded to us following questioning of his earlier decision, issued before he had considered all the arguments, as follows:

*Whilst I acknowledge that this area of open space is private land and not used specifically as recreational resource, it is indeed an area of green open space and forms an important part of the character of this area and on the connectivity of the network of open spaces and trees from the River Tay to Kinnoull Hill, hence the reason why it has been designated as such in the LDP. I must highlight that designating private areas of land as part of a wider network of open space with cities and towns is not unusual and is often important to retain the landscape character and appeal of an area and also to avoid the over intensive development of areas.*

With respect, that is a poor argument. The land is expected to serve a planning purpose as open space but the planning authority has no control over the land or how it is used. Our client could put pigs or other livestock on the field at any time and that would completely undermine planning policy. The planning authority could do nothing to stop such action. Therefore, the policy has no power because the planning authority does not have the agreement of the landowner for its designated use and cannot stop the landowner undertaking activities that would undermine the perceived purpose of the designation. It is rarely if ever the case that private land is designated as open space for precisely this reason. There can be no control over the use and the policy is not enforceable.

The application proposal represents a planning benefit because it will provide a substantial area of open space to which the public will actually have access.

The subject site is part of a much wider area of open land within the heart of the settlement. There is open space at the adjacent Millennium Park (20+ acres), as well as at the former Murray Royal Hospital opposite the site. The application proposal involves the loss of only a small area of land that does not currently function as active open space because it is private land to which the public has no access. Our client's proposal incorporates public open space, properly laid out to create an attractive setting. This is a planning gain.

The provision of public access where none presently exists; the small area of the total area currently zoned for open space that will be lost; and the compliance of the proposal with housing policy objectives means that the proposal can be supported without undermining the aims and objectives of open space policy.

Therefore, far from contravening policy CF1A the proposal will ensure that its aims and objectives are actually delivered by providing an area of open space that is actually available to the public rather than an open featureless field that the Council asserts is a public asset but to which the public can have no present access.

Policy EP3C Water and Drainage requires that new developments will be required to employ sustainable urban drainage systems (SUDs) measures. The drawings and reports submitted with this application clearly show that a scheme has been proposed that is acceptable for this small scale development.

Policy RD1 deals with development in residential areas and identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Encouragement is given to proposals including:

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

The appeal proposal is for 6 houses occupying only 12% of the site area. The houses have been carefully sited to avoid any overlooking. The general open character of the area is maintained and improved. At present this is unmanaged grassland. It is not open space and it is not available to the public but the appeal proposals mean that much of the site will be turned into a designed amenity space open to the public. This is a genuine planning benefit both in terms of the appearance of the area and public accessibility. This is a featureless area of unmanaged grassland surrounded by development. The appeal proposals will greatly enhance the appearance of the site and will make it

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

a genuine amenity resource. Any concerns about the built element will amount to 12% of the site must surely be overcome by the proposal to actively encourage community access to one third of the site, in conjunction with the 22 acres of adjoining parkland and other areas of open space at the Murray Hospital.

Identify and consider relevant material considerations for and against the proposal –having satisfied section 25 of the Planning Act, section 37 requires the proposal to be considered against wider provisions of the development plan and material considerations.

The development can realistically be achieved within a 5 year timeframe, or within such timeframe that it helps reduce the pressure on the planning authority to deliver its already allocated sites. In terms of the effectiveness criteria of PAN 2 2010, the site is suitable, available and viable because, inter alia:

- **Ownership** - The site is in the ownership or control of a party which can be expected to develop it or release it for development within 5 years.
- **Physical** - The site is free from constraints relating to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development.
- **Deficit Funding** - No public funding is required.
- **Marketability** - The site can be developed in the 5 year period to contribute to the effective land supply.
- **Infrastructure** - The site is free from infrastructure constraints and any required infrastructure commitments can be readily delivered without impacting on viability.
- **Land Use** - Housing is an acceptable use for the site in planning terms and within the context of the site and the village.

**Assess whether these considerations warrant a departure from the Development Plan** – The Dundee decision makes clear that a planning authority will often have to weigh competing policy objectives. In this case there is the need to weigh the legal requirement to maintain a 5 year effective supply of housing land at all times, and to ensure that there are no impediments to delivery of allocated sites, against open space policy. The assessment above demonstrates that the application is in accordance with planning policy. Whilst the planning authority has designated the appeal site as open space it cannot achieve the aims and objective of open space policy because it is private land to which the public has no access. The appeal proposal will lay out an area of open space to which public access will be actively encouraged. This is a definite improvement on the current position where the status of the site as an agricultural field means that the owner could at any time put it to an agricultural purpose, completely undermining the aims and objective of policy CF1 and the contribution to amenity, with the planning authority being able to do nothing to stop such action.

There are no material considerations to indicate that planning permission should not be granted.

## 5.0 Conclusion

In the light of the above assessment it is clear to us that planning permission should have been granted. The next step is to consider the proposal.

1. ***The proposal is contrary to policy CF1A of the Local Development Plan 2014 as the proposed development site would result in the loss of an area of land that is identified for retention as open space and if approved would set a precedent, undermining the objectives of Local Plan and leading to the further erosion of the open space in the area.*** – This is private land to which the public has no access. It serves no open space purpose. Its development would be a continuation of the existing settlement pattern, within the urban area. It lies adjacent to a much larger area of open space to which the public does have access. Its development represents no loss and will aid the delivery of the housing land supply
2. ***The proposal is contrary to policy PM1A of the Local Development Plan 2014 as the proposed development will result in the loss of open space which would impact on the character of the surrounding area*** – as noted above, this is private land. It is privately owned land that could be put to agricultural use without any requirement to obtain planning permission. That could potentially have far greater impact on the character of the area. The appeal proposals are for 6 houses set back in the site with an area of open space to the south, to which community access will be actively encouraged.  
  
The appeal proposal represents a planning benefit because it will provide a substantial area of open space to which the public will actually have access.
3. ***The proposal is contrary to policy EP3C of the Local Development Plan 2014 as the proposed development lacks any detailed information in relation to proposed drainage arrangements for surface or foul water*** – this information was available when the application was determined and has been resubmitted with this appeal. The site is a continuation of existing development adjacent to its boundary. There is no drainage issue with that development and there is no drainage issue with this site.
4. ***The proposal is contrary to policy RD1 of the Local Development Plan 2014 as the proposed development is not compatible with the amenity and character of an area by virtue of the amount over overlooking both in respect to the proposed plots and the neighbouring properties to the east and west of the site*** – the development complies with all Council standards and

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

has been orientated to avoid overlooking. Where there is overlooking the development is compliant with the Council's off set distances and there is no issue.

For these reasons we conclude that there is no basis to support the reasons for refusal and respectfully request that they be overturned and the appeal be granted.

**Documents**

- Document 1 Planning Application Forms and Reports
- Document 2 Application Drawings
- Document 3 Design Statement
- Document 4 Correspondence between Jewitt Architects and the Planning Officer
- Document 5 Planning Officer's Report of Handling
- Document 6 Decision Notice



**The Director of Planning  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD**

07<sup>th</sup> December 2016.

Dear Sirs,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2008**

**Erection of 6no dwelling houses, formation of community garden and associated  
works Land 70 Metres North Of Gean Tree Cottage Mulrhall Road Perth  
On Line Planning Reference – 100007061-007**

We are Agents to our previous application, Ref - 16/01326/FLL, which was refused on 27<sup>th</sup> September 2016. Our Client has instructed us to withhold the submission of an appeal following the refusal of that application in the hope that the submission of this second application will allow your Council to reconsider the matter without requiring an appeal.

Our clients have been advised that there were matters that were outstanding that were not fully considered when the application was determined on 27<sup>th</sup> September 2016 at the expiry of the 8 week statutory period for determination. In particular our Client's submitted a policy statement on 27<sup>th</sup> September 2016. It is apparent from reading the Report of Handling that no consideration was given to that submission when the decision was made.

Accordingly, we confirm the following documents have been uploaded to ePlanning.scot on 07<sup>th</sup> December 2016 in support of a new application (Online Planning Ref -100007061-007):

- A duly completed application form dated 07<sup>th</sup> December 2016.
- A full set of our proposed architectural drawings (see attached drawing issue register).
- A revised Design & Access Statement (split into two smaller documents for upload).
- A Planning Application Supporting Statement as prepared by Felsham PD.
- Ecological reports, including a Phase 01 Survey and Bat Survey as prepared by Ellendale Environmental.
- A Transport Statement as prepared by Create Consulting Engineers Ltd.
- Scottish Water Correspondence dated 18<sup>th</sup> November 2016.

No application fee is required because this is a re-submission of an application refused within the past 12 months.

3192-31-161207-RJ-L02.docx



Please do not hesitate to contact me if you require any further information. I look forward to discussing this matter at your earliest convenience.

Yours faithfully,

**Rhona Johnston**  
for  
**Jewitt and Wilkie Architects.**

Encl.



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 100007061-007

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)

The design and new build of 6 residential properties with community garden on vacant land lying between Muirhall Road & Mount Tabor Road.

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:	Jewitt & Wilkie Architects Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jewitt &	Building Name:	
Last Name: *	Wilkie Limited	Building Number:	38
Telephone Number: *	0141 352 6929	Address 1 (Street): *	New City Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G4 9JT
Email Address: *	june@jawarchitects.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Charlotte House
First Name: *		Building Number:	18
Last Name: *		Address 1 (Street): *	Young Street
Company/Organisation	Goldcrest Partners LLP	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH2 4JB
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

Northing

723807

Easting

313120

## Pre-Application Discussion

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

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☒ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Previous discussions related to the original applications 16/00608/FLL and 16/01326/FLL.

Title:

Mr

Other title:

First Name:

David

Last Name:

Niven

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

8655.00

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.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐ Yes ☒ No

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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

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)? \*

18

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).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☒ Yes – connecting to public drainage network  
☐ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

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.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☒ Yes ☐ No

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.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☒ Yes ☐ No

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

Areas to store and aid the collection of waste will be indicated on the drawings.

## 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? \*

6

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

Are you able to identify and give appropriate notice to ALL the other owners? \* ☒ Yes ☐ No

## Certificate Required

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

Certificate B

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Dr I C & Mrs R R Tod

Address:

c/o Jamieson & Mackay Solicitors, 1, Charlotte Street, Perth, Scotland, PH1 5LP

Date of Service of Notice: \*

04/04/2016

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

or --

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Jewitt & Wilkie Limited

On behalf of: Goldcrest Partners LLP

Date: 07/12/2016

☒ 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 principal 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)

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)

Planning Application Supporting Statement Oct 2016.pdf

## **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: Messrs Jewitt & Wilkie Limited

Declaration Date: 25/07/2016

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2008**

**Detailed planning application for the erection of 6no dwelling houses, formation of community garden and associated works Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth**

**Supporting Statement on Behalf of Goldcrest Properties LLP**

**October 2016**



**1.0 Introduction**

Felsham is planning adviser to Goldcrest Properties LLP. We are instructed to submit a detailed planning application for:

*Erection of 6 no dwelling houses, formation of community garden and associated works Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth*

The application is a resubmission of an identical application ref 0043/FUL/16 which, was refused on 27<sup>th</sup> September 2016 for the following reasons:

1. *The proposal is contrary to policy CF1A of the Local Development Plan 2014 as the proposed development site would result in the loss of an area of land that is identified for retention as open space and if approved would set a precedent, undermining the objectives of Local Plan and leading to the further erosion of the open space in the area.*
2. *The proposal is contrary to policy PM1A of the Local Development Plan 2014 as the proposed development will result in the loss of open space which would impact on the character of the surrounding area.*
3. *The proposal is contrary to policy EP3B & C of the Local Development Plan 2014 as the proposed development lacks any detailed information in relation to proposed drainage arrangements for surface or foul water.*
4. *The proposal is contrary to policy RD1 of the Local Development Plan 2014 as the proposed development is not compatible with the amenity and character of an area by virtue of the amount over overlooking both in respect to the proposed plots and the neighbouring properties to the east and west of the site.*
5. *The proposal is contrary to policy NE3 of the Local Development Plan 2014 as the proposed development has failed to demonstrate that the proposals will not impact on protected species.*

**Justification**

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

Our client has instructed us to withhold the submission of an appeal following the refusal of that application in the hope that the submission of this second application will allow your Council to reconsider the matter without requiring an appeal. Application ref (), which was refused on 27<sup>th</sup> September 2016. Our clients have been advised that there were matters that were outstanding that were not fully considered when the application was determined on 27<sup>th</sup> September 2016 at the expiry of the 8 week statutory period for determination. In particular our client's submitted a policy statement on 27<sup>th</sup> September 2016. It is apparent from reading the Report of Handling that no consideration was given to that submission when the decision was made.

**2.0 Planning Policy**

The relevant development plan is the Perth and Kinross Local Development Plan 2014. Policies relevant to the determination of this appeal are as follows:

**Policy PM1: Placemaking** Policy PM1A 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 PM1B** All proposals should meet all the following placemaking criteria:

*(a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings. (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area. (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. (d) 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. (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*

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

public transport. (f) Buildings and spaces should be designed with future adaptability in mind wherever possible. (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals. (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

**Policy RD1: Residential Areas** The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.

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, home working, tourism or leisure activities. (e) Proposals for improvements to community and educational facilities.

**Policy CF1: Open Space Retention and Provision** **Policy CF1A: Existing areas** The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:

(a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource. (b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource. (c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users. (d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with Sport Scotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.

### Scottish Planning Policy

The Scottish Government is committed to integrating the following principles in its policy agenda:

- **Social Equality:** Considering the diverse needs of local communities and ensuring accessibility for all.
- **Sustainability:** The measure of the likely impact of development on the social, economic and environmental conditions of people in the future and in other places.
- **Environmental Quality:** Guiding the location and design of development, the management of land use, energy efficiency and the need to travel.
- **Design:** Signalling the importance of achieving improvements in the design and quality of new developments, and bringing long term benefits to the urban and rural environment.

Scottish Planning Policy states at paragraph 78 that *"The siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials. The aim should be to create places with a distinct character and identity, promoting a well-integrated mix of land uses including well-designed homes of different types and tenures."*

Paragraph 79 states *"New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development."*

Paragraph 83 deals with the density of new development and states that it should be set by reflecting the *"character of the place and its relative accessibility, with higher densities appropriate at central and accessible locations. Through good design it is possible to achieve higher density living environments without overcrowding or loss of amenity."*

SPP aims to guide new residential development to existing settlements and to brownfield sites in preference to greenfield sites and to locations where existing services and capacity are available. This strategy also aims to sustain existing educational, commercial and community facilities. However, SPP also requires a flexible approach to rural housing. Paragraph 94 states *"the requirement for development plans to allocate a generous supply of land to meet housing requirements, including for affordable housing, applies equally to rural and urban areas. Development plans*

*should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses...*

Paragraph 95 continues *The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses....small scale housing and other development which supports diversification and other opportunities for sustainable economic growth whilst respecting and protecting the natural and cultural heritage should be supported in a range of locations. In these areas, new housing out with existing settlements may have a part to play in economic regeneration and environmental renewal. All new development should respond to the specific local character of the location, fit in the landscape and be appropriate to its setting.*

The planning policy statement "*Designing Places*" argues that "*good design is an integral part of a confident, competitive and compassionate Scotland*". It recognises that as well as improving design quality, a joined up approach can provide a clear basis for communication, establishing and maintaining identity, create better connections and ultimately, bridge the gap between vision and reality.

The principles contained within *Designing Places* the following PAN's have been taken into account in the application including:

- PAN81: Community Engagement
- PAN78: Inclusive Design
- PAN77: Designing Safer Places
- PAN68: Design Statements
- PAN67: Housing Quality
- PAN65: Planning & Open Space
- PAN44: Fitting Housing into The Landscape

The importance of creating high quality new development and sustainable communities is established at the top of both the UK and Scottish Government agenda. Scottish Government guidance contained within SPP and PAN68 – Design Statements and PAN67 – Housing Quality, note that the success or failure of a place is ultimately determined by the quality of its buildings, streets and spaces. PAN 68 notes that well-designed places share common qualities, including:

- Transport and connectivity.
- Access to local services.
- Environmental benefits.
- Equity.
- Vibrant local economy.
- High quality buildings.
- Social and cultural activities.
- Atmosphere.

The 6 qualities that make a successful place, identified in PAN68 and PAN67 are as follows:

1. Distinctive.
2. Welcoming.
3. Safe and Pleasant.
4. Adaptable.
5. Easy To Get To And Move Around.
6. Resource Efficient.

### 3.0 Basis for Determining a Planning Application

Section 25 of the Town & Country Planning (Scotland) Act 1997 states:

*'Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise'.*

Section 37 should be read alongside Section 25. Section 37 (2) states:

*'In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations'.*

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

*'Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.'*

The judgement set out the following approach to determining a planning application:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.
5. Assess whether these considerations warrant a departure from the Development Plan.

This judgement sets out a clear and methodical approach to determining a planning application and clarifies how the development plan should be used.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless any site specific matters preclude consent.

The recently published SPP has further clarified this point. Paragraph 8 sets out the "core principles" which should underpin the "modernised system." The third core principle states:

*'Confidence in the planning system needs to be reinforced through the efficient and predictable preparation of plans and handling of applications; transparency in decision making and reliable enforcement of the law and planning decisions.'*

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

There may be circumstances where the achievement of one policy objective, such as delivery of a site identified in the housing land supply requires another policy to be waived or reduced in impact.

In assessing this proposal we believe that it is also relevant to refer to two further court decisions *Tesco Stores v. Dundee* [2012] PTSR 983 and *Hunston Properties Ltd v Secretary of State for Communities and Local Government*. 2013 WL 4411458. Queen's Bench Division (Administrative Court) (QBD (Admin)). Judge Pelling Q.C. September 05, 2013.

Paragraph 18 of the Dundee decision states:

*The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority...the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.*

Paragraph 19 continues:

*The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose*



*application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.*

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

In *Hunston Properties Ltd v Secretary of State for Communities and Local Government*. 2013 WL 4411458. Queen's Bench Division (Administrative Court) (QBD (Admin)). Judge Pelling Q.C. September 05, 2013 the Court ruled that a shortfall between housing need and available housing was capable of amounting to very special circumstances justifying otherwise inappropriate development on a green belt site. In determining that, a planning inspector was obliged to have regard to the best and most recent evidence of housing need.

Both these decisions add weight to the argument that the aims and objectives of the development plan need to be properly assessed. If they show a specific requirement for a particular form of development that is demonstrably not met it provides the basis to argue that material considerations should overcome any policy or prematurity argument. This means that sites may be able to come forward through planning applications in advance of receiving a development plan allocation or where there is a potential policy objection.

The key is that the Courts have confirmed that the development plan provides the planning authority with discretionary powers and these can be used flexibly. It is not sufficient to conclude that in the planning authority's view the proposal does not comply with elements of policy. Instead the Courts require the 5 step procedure set out in the 1998 *City of Edinburgh Council House of Lords* case to be followed. The planning authority must take a view on a case by case basis with the development plan the starting point for its assessment but not the concluding point. It may be the case that a policy intended to apply across the Local Plan area is clearly not applicable to specific circumstances of a particular site.

The final legal principle to consider is the impact on viability when assessing developer contributions. The 2008 *Blythe Valley House of Lords* decision confirmed that the Council's proposed affordable housing policy was unlawful because it did not allow for consideration of the impact of the policy's requirement on the viability of individual development proposals. The House of Lords ruled that viability must be at the heart of any consideration of the appropriate level of developer contribution and that impact on development viability is a material consideration that may allow for a reduction or a waiver in the developer contribution. This principle can be applied to all potential developer contributions.

A further consideration is the presumption in favour of sustainable development, introduced by SPP (Revised) June 2014, which can override other policies of the development plan. The presumption applies to all development that is found to be sustainable when tested against the other policies of the SPP as a whole and is a relevant material consideration in the determination of all applications. It is given "significant" weight in circumstances where either the development plan is more than 5 years old.

SPP paragraph 29 identifies 13 sustainability principles. Before the sustainable development presumption can be given weight as a material consideration in the overall decision-making process the perceived benefits and dis-benefits of the proposal must be tested for sustainability against the 13 principles. This includes giving due weight to net economic benefit, supporting good design and the six qualities of "successful places", and "making efficient use of existing capacities of land, buildings and infrastructure."

Such assessment is a matter of planning judgement but SPP also suggests that in carrying out that assessment the decision-maker has to be satisfied, if it is proposed to refuse the development on the grounds that it is unsustainable, that the evidence demonstrates that its identified dis-benefits significantly outweigh its benefits. If the benefits outweigh the dis-benefits the proposal should be deemed to be capable of contributing towards sustainable development. At that point the SPP presumption in favour of planning permission being granted requires to be given significant weight when the proposal is tested against the development plan and other relevant material considerations in accordance with the provisions of Section 25 of the Planning Act.

The decision-maker will only be entitled to conclude that development is unsustainable if the evidence demonstrates that its dis-benefits significantly outweigh its benefits when tested against each of the 13 sustainability principles. If having applied this test, the conclusion is that the proposal is unsustainable the presumption in favour of planning permission being granted will not require to be given weight when tested against the development plan and other relevant material considerations.

If the conclusion is that the proposal will contribute towards sustainable development, the decision-maker is then expected to test the proposal against the development plan and other relevant material considerations and, in doing so, to attach significant weight to the presumption that planning permission should be granted on the basis that the development is sustainable.

#### 4.0 Assessment

In assessing the proposal it is important to follow the step by step process laid down by the House of Lords. Our comments are as follows:

**Identify any provisions of the Development Plan that are relevant to the decision** – the policies relevant to determination of the application are those dealing with open space and provision of new housing, namely PM1, CF1 and RD1.

**Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies** – the aims and objectives of policy is to provide for a generous supply of housing land and to manage housing development in terms of its impact on its

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

local area, the appropriateness of the scale of development to that area, and the ability to adequately service the development. This needs to be balanced against the objectives of open space policy and the impact of the loss of open space.

It is clear that there is a housing land supply issue in Perth, illustrated by the difficulties in identifying and agreeing strategic housing land. In these circumstances the presumption in favour of sustainable development is triggered. Appeal decisions show that housing arguments trump all other policy considerations. This site satisfies the SPP sustainability criteria. The failure of the planning officer to consider issues other than open space is a serious omission by the planning officer that undermines the credibility of the Council's case. This is clearly contrary to the approach advocated by the Courts in the Dundee decision referred to above.

**Consider whether or not the proposal accords with the Development Plan** – having assessed the aims and objectives of the residential and open space policies our comments are as follows:

- No conflict with established land use – development is compatible with the surrounding land use.
- Respects scale, form, design and materials – the design of the proposal has had regard to the character and appearance of the surrounding area. The scale, design and materials are appropriate to the area.
- No significant loss of daylight, sunlight or privacy – the application site is a large plot. The development can be accommodated within the plot with no impact on its neighbours.
- No unacceptable generation of traffic or noise – there is no traffic objection.
- Visual impact- the scale, design and materials are appropriate to the area. The design of the scheme has taken account of the characteristics of the area.

Reporters are looking favourably on housing proposals at appeal and the need to deliver housing has resulted in a ministerial direction that all appeals for 100 units or more are called in for ministers' determination. Unless a proposal is a flagrant breach of normal planning rules appeals are succeeding. The pressing LDP housing need points to an argument that whilst this development is a departure from the developments plan it should not be considered a major departure. In our view there are strong arguments in support of this site and we expect the judgement that is ultimately made to be that it is a suitable, available and viable residential site within the urban area and that such development is acceptable.

In these circumstances a key consideration will be SPP paragraphs 132 and 29-33 and the presumption in favour of sustainable development. This should trump a development plan objection. Whilst we accept the site will be a departure from what the development plan envisages it cannot be viewed as a major departure because SPP puts in place a process to positively consider such sites and overcome any policy objection. We believe that the site meets the SPP sustainability criteria for residential development:

1. The site lies within the settlement boundary
2. Development will satisfy local need
3. It is appropriate scale in relation to the settlement
4. No coalescence
5. Landscape and townscape character protected
6. Complements the character of the settlement
7. Existing natural features are retained as far as possible and will be supplemented by further boundary planting
8. The proposed development is sustainable
9. Environmental quality is not compromised
10. Development will be of high quality, including buildings, layout and relationship to existing settlement
11. There will be a mix of house types, sizes and tenure
12. No loss of sports, recreation or amenity space (this is addressed in greater detail below)
13. Evidence is provided to show that the site is deliverable

Having assessed the site against the wider policy aims and objectives of the development plan, our comments are as follows:

- Appropriateness of the proposed development- the proposal continues the historic development pattern and is the natural next phase of the development for the village.
- Suitability for development – The site is a natural location for the further expansion of the settlement.
- Impact on character of existing settlements (landscape and townscape character)-the site is visually self-contained. It is proposed to include boundary planting and to create an accessible area of public open space
- Impact on local amenity and integration with natural environment-the site is visually self-contained. There is no reason for the existing relationship with the surrounding open space to be changed.
- Protection of natural and built heritage resources (including archaeology) – there are no such resources known to exist within the site. We would expect planning conditions to address this matter.
- The capability of incorporating renewable energy sources or energy conservation measures into the proposal – Energy conservation is a matter of design and should be identified as a key consideration in the anticipated future master plan.
- Flooding and drainage –information the applicant has submitted demonstrates that there is no issue
- Drainage capacity – providers have confirmed capacity
- Utilities capacity – providers have confirmed capacity

Therefore, the site's inherent suitability for residential development needs to be balanced against the impact of a loss of open space. The application proposal is only a partial release of green space which is private land and serves no actual open space purpose. The field has

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

been fallow for at least 6 years and is currently unutilised, overgrown and with no formal access arrangements for either individuals or the community. Our client is proposing positive community access to the garden, the overall net effect being greater than exists at present.

In considering this application it is important to consider why the previous proposal was refused and the exact wording of the policy it is alleged to contravene. Open space is clearly the main issue. All the other policy considerations have already been addressed in this resubmission. In this respect policy CF1A is the main policy consideration. It states in its opening:

**Policy CF1: Open Space Retention and Provision Policy CF1A: Existing areas** *The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:*

- (a) *Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.*

The proposal cannot possibly be contrary to this part of the policy because:

- It is private land. It is not *principally used as a recreation resource*. There is no recreational resource because the public has no access
- Having no access means that there is nothing to be lost by development
- The application proposals will preserve amenity and enhance the area by providing a designed landscape area. Crucially the public will have access

In terms of policy CF1A it is our view that the development needs to be assessed against criterion (b) which states:

*The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource*

The planning officer responded to us following questioning of his decision, issued before he had considered all the arguments, as follows:

*Whilst I acknowledge that this area of open space is private land and not used specifically as recreational resource, it is indeed an area of green open space and forms an important part of the character of this area and on the connectivity of the network of open spaces and trees from the River Tay to Kinnoull Hill, hence the reason why it has been designated as such in the LDP. I must highlight that designating private areas of land as part of a wider network of open space with cities and towns is not unusual and is often important to retain the landscape character and appeal of an area and also to avoid the over intensive development of areas.*

With respect, that is a poor argument. The land is expected to serve a planning purpose as open space but the planning authority has no control over the land or how it is used. Our client could put pigs or other livestock on the field at any time and that would completely undermine planning policy. The planning authority could do nothing to stop such action. Therefore, the policy has no power because the planning authority does not have the agreement of the landowner for its designated use and cannot stop the landowner undertaking activities that would undermine the perceived purpose of the designation. It is rarely if ever the case that private land is designated as open space for precisely this reason. There can be no control over the use and the policy is not enforceable.

The application proposal represents a planning benefit because it will provide a substantial area of open space to which the public will actually have access.

The subject site is part of a much wider area of open land within the heart of the settlement. There is open space at the adjacent Millennium Park (20+ acres), as well as at the former Murray Royal Hospital opposite the site. The application proposal involves the loss of only a small area of land that does not currently function as active open space because it is private land to which the public has no access. Our client's proposal incorporates public open space, properly laid out to create an attractive setting. This is a planning gain.

The provision of public access where none presently exists; the small area of the total area currently zoned for open space that will be lost; and the compliance of the proposal with housing policy objectives means that the proposal can be supported without undermining the aims and objectives of open space policy.

Therefore, far from contriving policy CF1A the proposal will ensure that its aims and objectives are actually delivered by providing an area of open space that is actually available to the public rather than an open featureless field that the Council asserts is a public asset but to which the public can have no present access.

Identify and consider relevant material considerations for and against the proposal –having satisfied section 25 of the Planning Act, section 37 requires the proposal to be considered against wider provisions of the development plan and material considerations.



The development can realistically be achieved within a 5 year timeframe, or within such timeframe that it helps reduce the pressure on the planning authority to deliver it's already allocated sites. In terms of the effectiveness criteria of Circular 2 2010, the site is suitable, available and viable because, inter alia:

- **Ownership** - The site is in the ownership or control of a party which can be expected to develop it or release it for development within 5 years.
- **Physical** - The site is free from constraints relating to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development.
- **Deficit Funding** - No public funding is required.
- **Marketability** - The site can be developed in the 5 year period to contribute to the effective land supply. Lochay Homes is committed to purchase the site once satisfactory planning permission is secured
- **Infrastructure** - The site is free from infrastructure constraints and any required infrastructure commitments can be readily delivered without impacting on viability.
- **Land Use** - Housing is an acceptable use for the site in planning terms and within the context of the site and the village.

**Assess whether these considerations warrant a departure from the Development Plan** – The Dundee decision makes clear that a planning authority will often have to weigh competing policy objectives. In this case there is the need to weigh the legal requirement to maintain a 5 year effective supply of housing land at all times, and to ensure that there are no impediments to delivery of allocated sites, against open space policy. The assessment above demonstrates that the application is in accordance with planning policy. Whilst the planning authority has designated the the site as open space it cannot achieve the aims and objective of open space policy because it is private land to which the public has no access. However, this proposal will lay out an area of open space to which the public will have access. This is a definite improvement on the current position where the status of the site as an agricultural field means that the owner could at any time put it to an agricultural use, completely undermining the aims and objective of policy CF1A and any contribution to amenity the site makes, with the planning authority being unable to do anything to stop such action.

There are no material considerations to indicate that planning permission should not be granted.

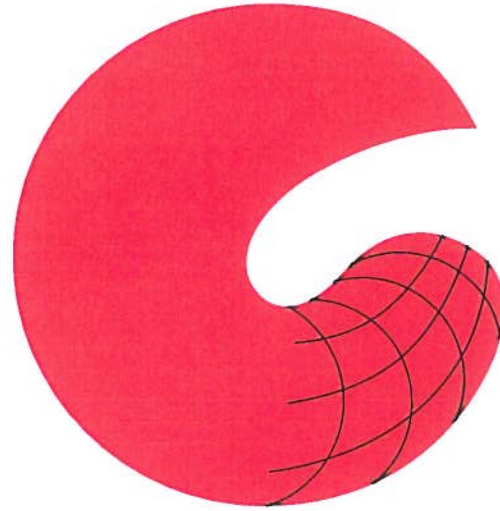
## 5.0 Conclusion

in the light of the above assessment it is clear to us that planning permission should have been granted. The next step is to consider the proposal.

1. This is private land to which the public has no access. it serves no open space purpose. Its development would be a continuation of the existing settlement pattern, within the urban area. It lies adjacent to a much larger area of open space to which the public does have access. its development represents no loss and will aid the delivery of the housing land supply
2. As noted above, this is private land. It is privately owned land that could be put to agricultural use without any requirement to obtain planning permission. That could potentially have far greater impact on the character of the area. The proposal is for 6 houses set back in the site with an area of landscaped open space at the front, to which the public will have access. The proposal is an improvement on the current designation because they will provide an area of designed open space and the public will be allowed access.
3. The site is a continuation of existing development adjacent to its boundary. There is no drainage issue with that development and there is no drainage issue with this site.
4. The development complies with all Council standards and has been orientated to avoid overlooking. Where there is overlooking the development is compliant with the Council's off set distances and there is no issue.
5. An ecological survey has been submitted. This shows no impact on protected species.

For these reasons we conclude that there is no reason not to support this application and we respectfully request that planning permission should be granted.





**create**  
CONSULTING  
ENGINEERS LTD

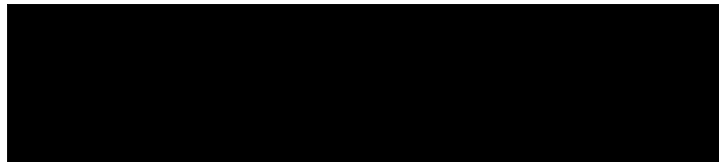
**LAND TO SOUTH OF MUIRHALL ROAD, PERTH**  
**Transport Statement**

# LAND TO SOUTH OF MUIRHALL ROAD, PERTH

## Transport Statement – Revision A

**Client:** Goldcrest Partners LLP

**Engineer:** Create Consulting Engineers Ltd  
109-112 Temple Chambers  
3-7 Temple Avenue  
London  
EC4Y 0HA



**Report By:** Fiona Blackley, MA (Hons), MSc, MCIHT, MILT

**Checked By:** Sarah Simpson, BA (Hons), MSc (Eng), CEng, MCIHT

**Reference:** FB/SS/AR/P16-1080\_01 – Rev A

**Date:** July 2016

LAND TO SOUTH OF MUIRHALL ROAD, PERTH  
Transport Statement – Revision A

## **LAND TO SOUTH OF MUIRHALL ROAD, PERTH**

### **Transport Statement – Revision A**

#### **CONTENTS**

- 1.0 Introduction
- 2.0 Policy Context
- 3.0 Existing Conditions
- 4.0 Proposed Development
- 5.0 Site Access Strategy
- 6.0 Conclusions
- 7.0 Disclaimer

#### **APPENDICES**

- A. Extract of Crashmap accident data
- B. Site layout for proposed development
- C. Visibility splays for proposed access junction
- D. Swept path analysis for refuse vehicle

#### **REGISTRATION OF AMENDMENTS**

Revision	Amendment Details	Revision Prepared By	Revision Approved By
Rev A	Amendments incorporating client comments	FB	SS

## 1.0 INTRODUCTION

- 1.1 Create Consulting Engineers Ltd was instructed by Goldcrest Partners LLP to provide specialist transport consultancy to inform the proposed development of land to the south of Muirhall Road, Perth.

### Project Context

- 1.2 The proposed development comprises of 6 residential dwellings and a community garden. The new residential dwellings will take access from Muirhall Road to the north of the site, and the community garden area will be accessed from Mount Tabor Road to the south of the site.
- 1.3 The development site lies within the jurisdiction of Perth and Kinross Council which is the Roads Authority for the area.
- 1.4 The site is currently a small field of 2.13 acres of pasture in the Kinnoull area on the east side of the city of Perth within the settlement boundary. The location of the proposed development site and its surrounding area is shown in Figure 1.1 below:

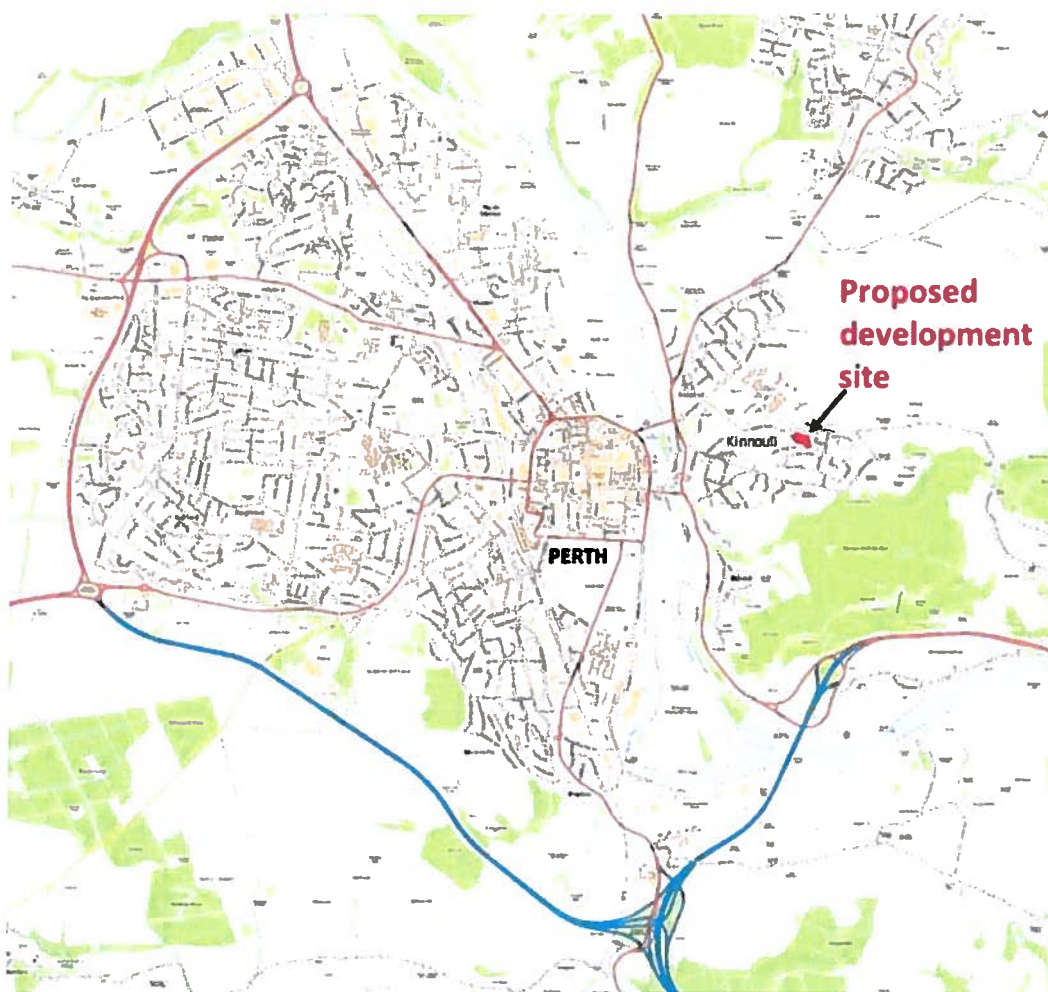


Figure 1.1 – Location of proposed development site and its surrounding area

- 1.5 A planning application for the development of 6 residential dwellings and a community garden was submitted in April 2016 to Perth and Kinross Council (Planning Application reference 16/00608/FLL).
- 1.6 The application has since been withdrawn to allow the proposals to be amended in light of the comments received both from the public and as consultation responses from Perth and Kinross Council.
- 1.7 This Transport Statement will be used by Goldcrest Partners LLP to support their resubmitted planning application incorporating the amended proposals.
- 1.8 Although a Transport Statement is not normally required for a development of this size, this document has been prepared to assist Perth and Kinross Council with the decision making process for this planning application.
- 1.9 In particular, this report provides evidence that the proposed vehicular access junction onto Muirhall Road will meet the relevant road design standards and demonstrates that safe and appropriate access to the site can therefore be achieved.

#### **Report Structure**

- 1.10 The remainder of this report is structured as follows:
- **Section 2** analyses the planning and transport policy context relevant to the proposed development;
  - **Section 3** describes the existing transport conditions at the site and the surrounding area;
  - **Section 4** describes the characteristics of the proposed development including access arrangements;
  - **Section 5** presents the access arrangements for the development including design details for the proposed access junction;
  - **Section 6** sets out the findings and conclusions of the report.

## 2.0 POLICY CONTEXT

2.1 This section provides an overview of the current national and local planning policies which relate to this proposed development site. The documents reviewed in this section are:

- Scottish National Planning Framework 3
- Scottish Planning Policy
- Perth and Kinross Local Development Plan

### **Scottish National Planning Framework 3 (NPF3)**

2.2 The Scottish National Planning Framework 3 was published in 2014 by the Scottish Government and outlines a framework for delivering the better integration of transport and land use planning. It states that significant travel generating uses should be located to support more sustainable travel patterns, with specified non-car mode shares. A key element of this framework is location policy: ensuring development has regard to national, strategic and local development plan requirements, and controlling the location of significant travel generating uses.

2.3 NPF3 aims to strengthen the role of our city regions and towns, create more vibrant rural places, and realise the opportunities for sustainable growth and innovation in our coastal and island areas.

2.4 NPF3 reflects our continuing investment in infrastructure, to strengthen transport links within Scotland and to the rest of the world. Improved digital connections will also play a key role in helping to deliver our spatial strategy for sustainable growth

### **Scottish Planning Policy (SPP)**

2.5 Scottish Planning Policy, which was published in 2014 by the Scottish Government, sets out national planning policies for operation of the planning system and for the development and use of land. It requires that development layouts should provide for pedestrian movement and contribute to the creation of a comprehensive cycle network, concentrating in particular on providing convenient routes to employment centres, schools and other local facilities.

2.6 SPP requires that planning authorities should support development that reduces the need to travel and facilitates travel by walking, cycling and public transport and freight movement by rail and water.

2.7 Paragraph 28 states that:

*“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.”*

**2.8 Paragraph 36 states that:**

*“Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs.”*

**2.9 Paragraph 270 states that:**

*“The planning system should support patterns of development which:*

- optimise the use of existing infrastructure;*
- reduce the need to travel;*
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;*
- enable the integration of transport modes; and*
- to facilitate freight movement by rail or water.”*

**Perth and Kinross Local Development Plan (LDP)**

**2.10** The Perth and Kinross Local Development Plan was adopted in 2014 and is a statutory document that guides all future development and use of land. It acts as a catalyst for changes and improvements in the area and shapes the environment and economy of Perth and Kinross. The LDP provides clear guidance on what development will or will not be allowed and where. It addresses a wide range of policy issues, including housing, shopping, business, industry, transport, recreation, built and natural heritage.

**2.11** Although this site is currently zoned within the LDP as Open Space, it is argued that this zoning is inappropriate as the site does not presently provide value for the community for either recreational or amenity purposes. Due to the site’s current status as an unused, overgrown field, it would benefit from repurposing. Given the site’s local context within the Perth settlement boundary, and its surrounding uses, it is suggested that it is a suitable location for housing and a community garden facility.

**2.12** In light of the policy documents reviewed above, the proposed development in this location accords with the principles of sustainable development planning outlined in national and local planning policy.



### 3.0 EXISTING CONDITIONS

#### Site Location and Description

- 3.1 The site is currently a small field of 2.13 acres of pasture located in the Kinnoull area of the city of Perth. It is located to the east of the city within the settlement boundary. The location of the site is shown in Figure 3.1 below:

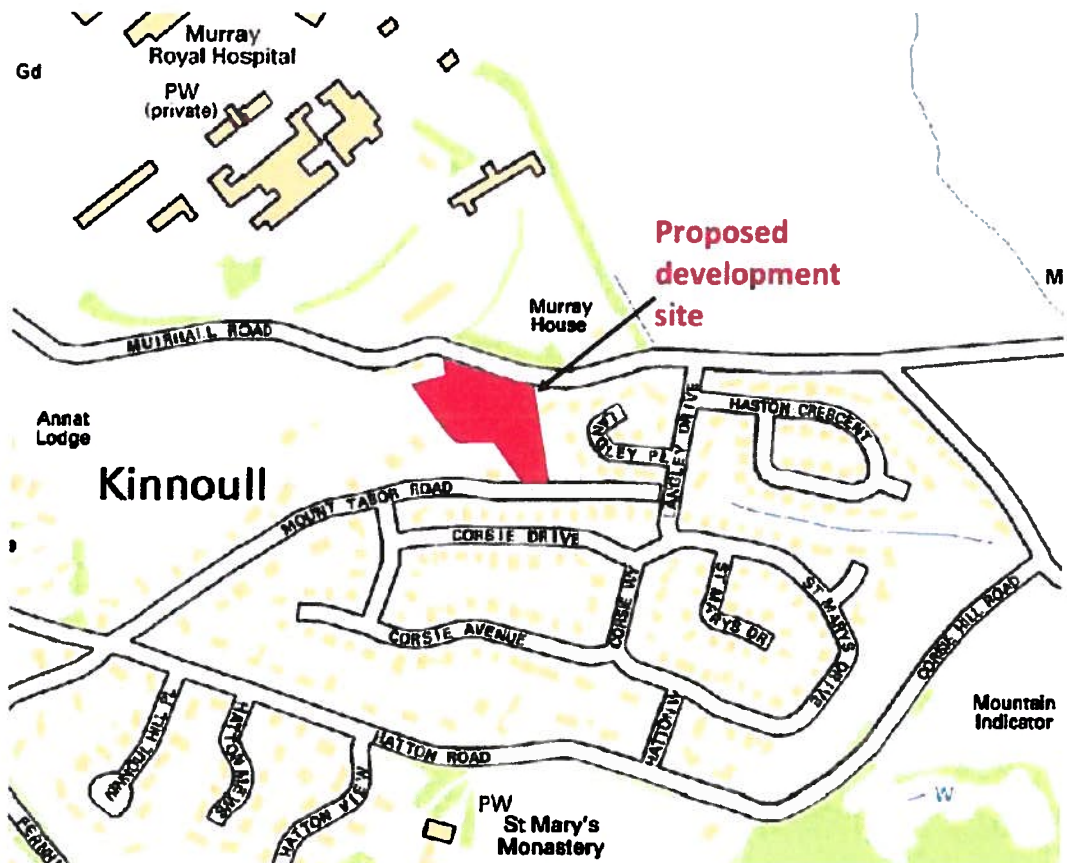


Figure 3.1 – Location of proposed development site

- 3.2 The site is situated towards the edge of the urban area of Perth with a residential area to the south and the Murray Royal Hospital estate to north. The site is bounded by the following existing uses:
- on the north side by Muirhall Road,
  - on the east by residential properties on Langley Place,
  - on the south-west by residential properties on Mount Tabor Road
  - on the west by a public footpath connecting Muirhall Road with Mount Tabor Road, and
  - on the north-west side by residential properties on Muirhall Road.
- 3.3 The site is well located in relation to local amenities in the city of Perth including public transport services, retail and leisure facilities, which are all accessible on foot.

- 3.4 The nearest primary school to the site is Kinnoull Primary School on the A85 Dundee Road which is located approximately  $\frac{3}{4}$  mile or a 15 minute walk to the west of the proposed development site.

### Public Transport

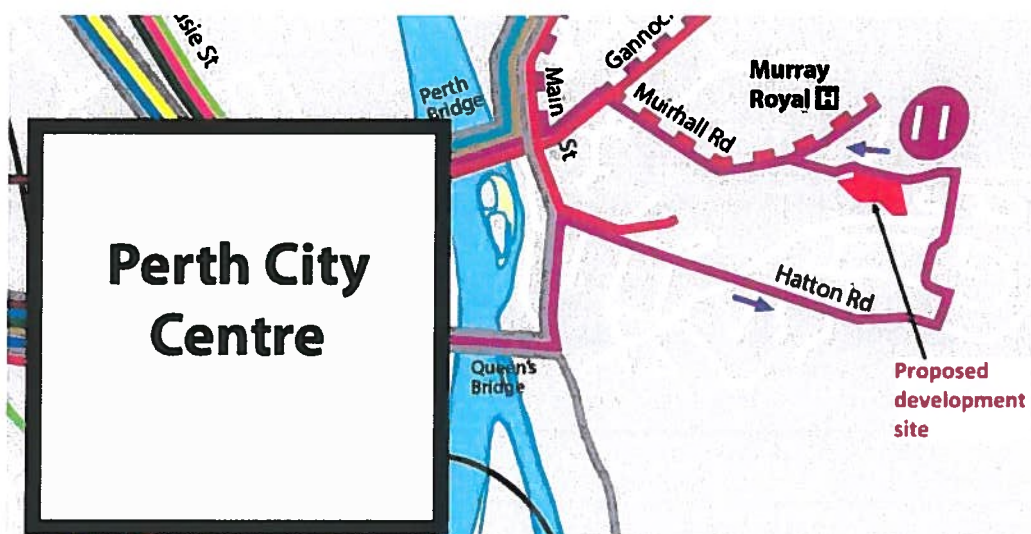
#### Bus

- 3.5 The nearest bus stops are located on Muirhall Road to the east and west of the proposed development site, as well as on Langley Drive at the end of the footpath connection from Mount Tabor Road.
- 3.6 The stop on Muirhall Road to the west of the site, and the stop on Langley Drive, both feature bus stop flags, waiting shelters, seating and timetable information. The stop on Muirhall Road to the east of the site only has a bus stop flag.
- 3.7 These stops are all served by the Stagecoach service number 11 which is a circular route between Perth city centre and Kinnoull. A summary of the timetable for this bus service is provided in Table 3.1 below:

	First AM departure	Last PM departure	Peak time frequency	Off-peak frequency
Monday-Friday	07:13	17:40	Approx. every 30 mins	Hourly
Saturdays	08:25	17:40	Approx. every 45 mins	Hourly

**Table 3.1 – Summary of Stagecoach bus service number 11**

- 3.8 A extract from the Stagecoach route map for Perth, showing the route of service 11, is shown in Figure 3.2 below:



**Figure 3.2 – Extract from Stagecoach route map for Perth showing the route of service 11**

### Rail

- 3.9 Perth rail station is located approximately 1.5 miles or a 30 minute walk from the proposed development site. The station is served by Scotrail services to destinations including Edinburgh, Glasgow, Stirling, Dundee, Aberdeen and Inverness.

### **Active Travel Modes**

#### Walking

- 3.10 The site's location benefits from good pedestrian infrastructure offering connectivity on foot around the local area. It is around 1 mile, or a 20 minute walk, from Perth city centre.
- 3.11 There is a footway on the northern side of Muirhall Road which are around 1.7m in width in the vicinity of the site. To the east of the site there is also a footway on the southern side of the road. This section of Muirhall Road has street lighting and the footways provide a safe and secure walking environment.
- 3.12 Along the western edge of the site is a public footpath connecting Muirhall Road to the north with Mount Tabor Road to the south. This path is part of Perth and Kinross Council's adopted Core Path network and provides north-south with pedestrian connectivity in the local area.
- 3.13 To the south of the site, this footpath then leads east from Mount Tabor Road, connecting with Langley Drive at the bus stop and continuing east between Haston Crescent and St Mary's Drive towards Kinnoull Hill Woodland Park.
- 3.14 An extract from the Core Path Plan showing these paths is shown in Figure 3.3 below:

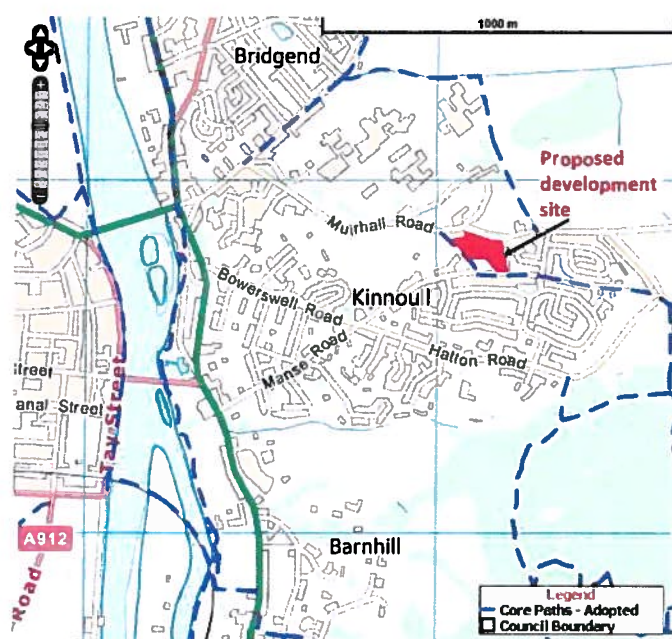
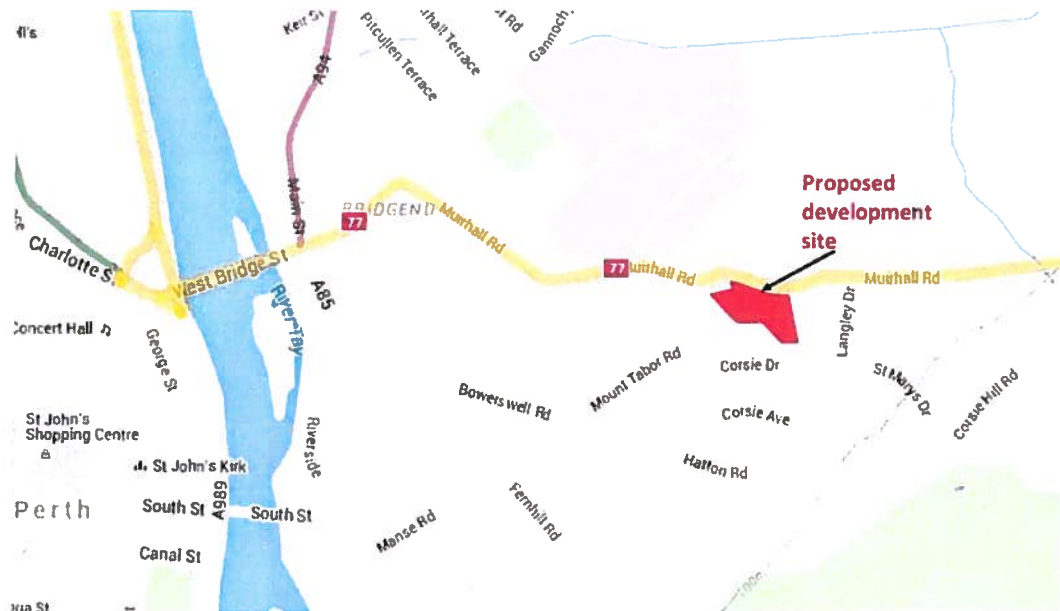


Figure 3.3 – Extract from Perth and Kinross Core Path Plan

### Cycling

- 3.15 In the vicinity of the proposed development site, Muirhall Road forms part of National Cycle Route (NCR) 77 which connects Dundee with Pitlochry via Perth. An extract from the Sustrans map of the local area is shown in Figure 3.4 below:



**Figure 3.4 – Sustrans Cycle Map showing NCR 77**

### **Road Network**

- 3.16 The proposed development site is located to the south of Muirhall Road which is a single-carriageway road around 5.7m wide, running approximately east-west. It has double-yellow lines on both sides and in the vicinity of the site has a footway of 1.7m on the northern side. There is street lighting provided and it is subject to a mandatory 30mph speed limit.
- 3.17 To the west of the site, Muirhall Road provides road connections to Perth city centre and to the east of the site it gives access to the residential area of Kinnoull and to the rural area to the east of the city of Perth.

### **Road Safety**

- 3.18 Information available on the Crashmap website has been reviewed in order to gather accident data in the vicinity of the proposed development site. This data is collected by the police about road traffic collisions occurring on British roads where someone is injured.
- 3.19 The Crashmap data for the most recent three years for which data is currently available (2012-2014 inclusive) has been reviewed. This is the standard time period for accident data analysis. This data shows that no Serious or Fatal collisions have occurred in the vicinity of the site in this time.

- 
- 3.20 There was 1 Slight injury accident on Muirhall Road to the west of the site near to the new entrance to the Murray Royal Hospital. This accident occurred in February 2012 involved 1 vehicle and 1 casualty. An extract of the Crashmap search can be found in Appendix A.
- 3.21 Having reviewed the most recently available accident data available, the local road network in the vicinity of the proposed development site does not appear to present any road safety issues.



## 4.0 PROPOSED DEVELOPMENT

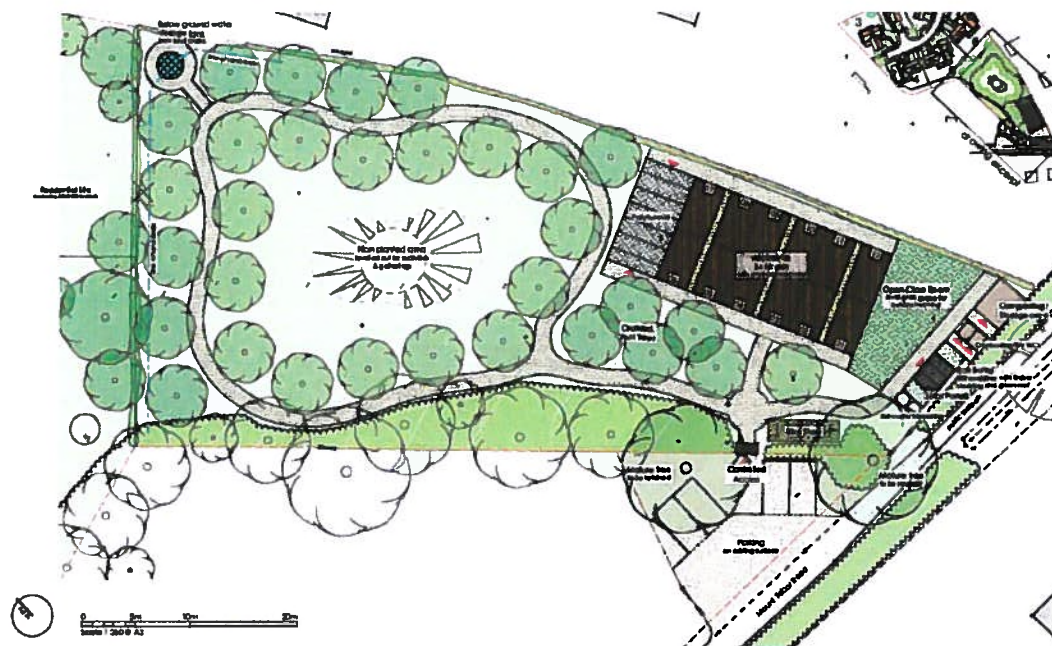
4.1 The proposed development comprises of 2 distinct areas:

- A housing area of 1.5 acres to the north of the site of 6 detached residential dwellings between 215 and 236 sqm of gross internal floor area
- A community garden area of 0.63 acres to the south of the site including an open grassed area for activities and gatherings, allotments, orchard fruit trees, an eco bothy and open class room.

4.2 An overview of the proposed site layout can be found in Appendix B, with some detail of each area shown in Figures 4.1 and 4.2 below:



Figure 4.1 – Proposed layout of housing area



**Figure 4.2 – Proposed layout of community garden area**

### Site Parking

- 4.3 All of the residential properties will incorporate a garage of 36sqm and a driveway offering ample off-street parking for each dwelling. The proposed site layout also incorporates 2 off-street spaces for visitor car parking.
- 4.4 The community garden area will provide 4 parking spaces, including 1 for disabled users, and a bike store with 6 stands providing spaces for 12 bicycles.



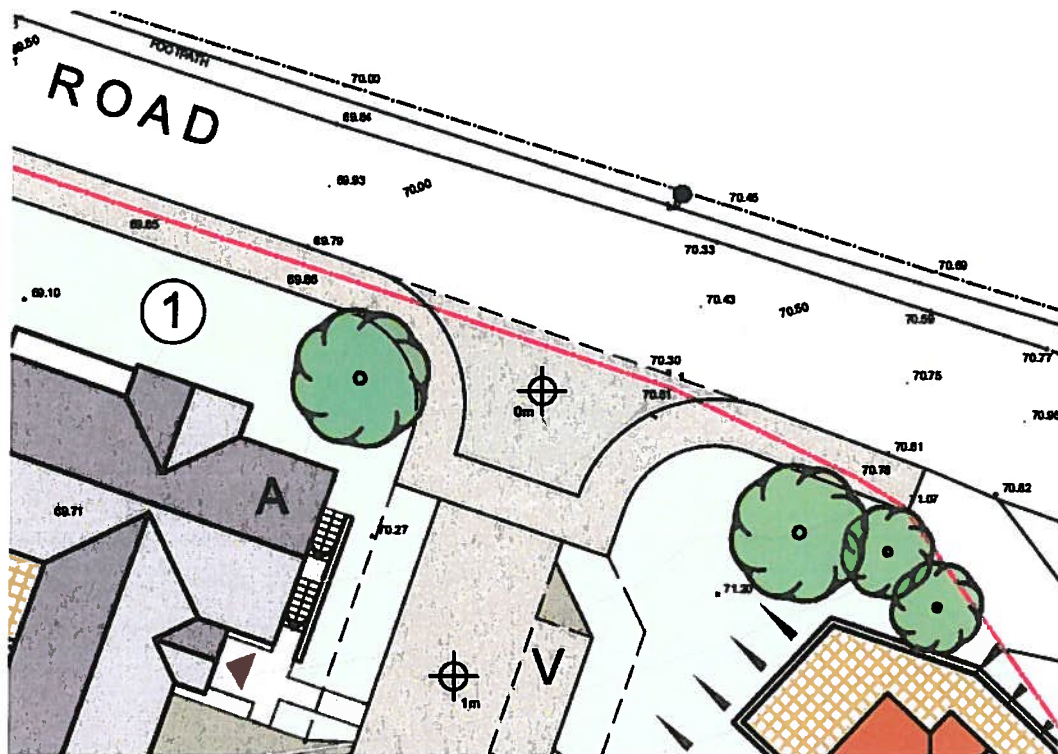
## 5.0 SITE ACCESS STRATEGY

**5.1 The site access points and roads layout contained in the development proposals comply with the relevant design guidance and standards including:**

- Designing Streets published in 2010 by the Scottish Government
- SCOTS' National Roads Development Guide published in 2014 by the Society of Chief Officers for Transportation in Scotland

### Proposed Vehicle Access

5.2 It is proposed that a new access junction will be constructed on the south side of Muirhall Road to provide vehicular access to the site. This will take the form of a simple priority junction as shown in Figure 5.1 below:



**Figure 5.1 – Extract of the site layout showing the proposed access junction**

**5.3** Visibility at the proposed junction has been assessed using visibility splays to ensure adequate inter-visibility between vehicles on Muirhall Road and on the new internal access road. This section of Muirhall Road is subject to a 30mph speed limit and therefore the junction has therefore been designed to a 30mph design speed.

5.4 An x-distance of 2.4m has been used to in accordance with the design parameters from Designing Streets for a 30mph road. For the y-distance, the Stopping Sight Distance of 43m has been used in accordance with the design parameters from Designing Streets for a 30mph

road. These visibility splays demonstrate that sufficient inter-visibility can be achieved by this proposed access junction. A plan showing the visibility splays can be found in Appendix C.

- 5.5 The detailed design of the new access junction will be carried out as part of the Roads Construction Consent (RCC) process.
- 5.6 From the new access junction, a new 6m-wide internal access road will be created into the site, providing access for vehicles, pedestrians and cyclists into the housing area of the proposed new development.

#### **Additional Access Points**

- 5.7 There will be two additional access points into the development which will provide permeability and help integrate the site with its surroundings.
- 5.8 The first of these access points will be a new link path from the proposed new residential area which will connect to the existing footpath running down the west side of the site between Muirhall Road and Mount Tabor Road. It will provide additional pedestrian connectivity from the site into the existing residential area of Kinnoull. The location of this new path is shown on the site layout plan (in Appendix B).
- 5.9 The second of these access points will provide controlled access into the community garden area to the south of the site from Mount Tabor Road. It will provide connectivity from the community facilities in the garden, such as the allotments and open class room, into the existing residential area of Kinnoull. The location of this access is shown on the site layout plan (in Appendix B).

#### **Access for Service, Emergency and Waste Collection Vehicles**

- 5.10 The proposed new internal access road, extending from the new access junction on Muirhall Road into the site, will provide sufficient access to the 6 residential dwellings for service, emergency and waste collection vehicles.
- 5.11 In order to satisfy the requirements of the Waste Service department of Perth and Kinross Council, a swept path analysis has been carried out to demonstrate that a large refuse collection vehicle (11.347m long and 2.5m wide) can satisfactorily carry out the necessary manoeuvre in the turning head at the end of the access road. This also complies with the design criteria stated in the SCOTS' National Roads Development Guide. A diagram showing this analysis can be found in Appendix D.
- 5.12 As sufficient car parking will be provided on each housing plot, with additional parking spaces for visitors, the turning manoeuvre by waste vehicles will be unimpeded by parked cars.

## **6.0 CONCLUSIONS**

- 6.1 Goldcrest Partners LLP is seeking to develop 6 residential dwellings and a community garden area on a site on the east side of the city of Perth.
- 6.2 The site is in the jurisdiction of the Perth and Kinross Council and this report supports a resubmitted planning application for the proposed development.
- 6.3 The proposed development accords with the principles of sustainable development planning outlined in national and local planning policy. The site is in an accessible location within the existing settlement boundary of Perth and is adjacent to the existing residential area of Kinnoull. It benefits from good connectivity for pedestrians, cyclists, public transport users and private vehicles.
- 6.4 An analysis of the accident data for the local area shows that there are no patterns of road traffic accidents and it can therefore be concluded that the road network in the vicinity of the proposed development site does not present any road safety issues.
- 6.5 Vehicles, pedestrians and cyclists will access the proposed housing area from a new priority junction on Muirhall Road and a new internal access road. The new priority junction complies with the relevant road junction geometry for a 30mph road and will provide sufficient inter-visibility between vehicles on Muirhall Road and those on the new access road.
- 6.6 There will also be two additional pedestrian access points on the west and south of the proposed development site. The proposals therefore increase pedestrian connections in Kinnoull and offer residents of the new development opportunities to travel within the local area in a sustainable manner.
- 6.7 The development proposals considered in this report, including the access arrangements, can satisfactorily be accommodated by the development site and have been shown to meet the necessary design criteria. The application should therefore raise no concerns from the Roads Authority.

---

**7.0 DISCLAIMER**

- 7.1 Create Consulting Engineers Ltd disclaims any responsibility to the Client and others in respect of any matters outside the scope of this report.
- 7.2 The copyright of this report is vested in Create Consulting Engineers Ltd and Goldcrest Partners LLP. The Client, or his appointed representatives, may copy the report for purposes in connection with the development described herein. It shall not be copied by any other party or used for any other purposes without the written consent of Create Consulting Engineers Ltd or Goldcrest Partners LLP.
- 7.3 Create Consulting Engineers Ltd accepts no responsibility whatsoever to other parties to whom this report, or any part thereof, is made known. Any such other parties rely upon the report at their own risk.

## APPENDICES



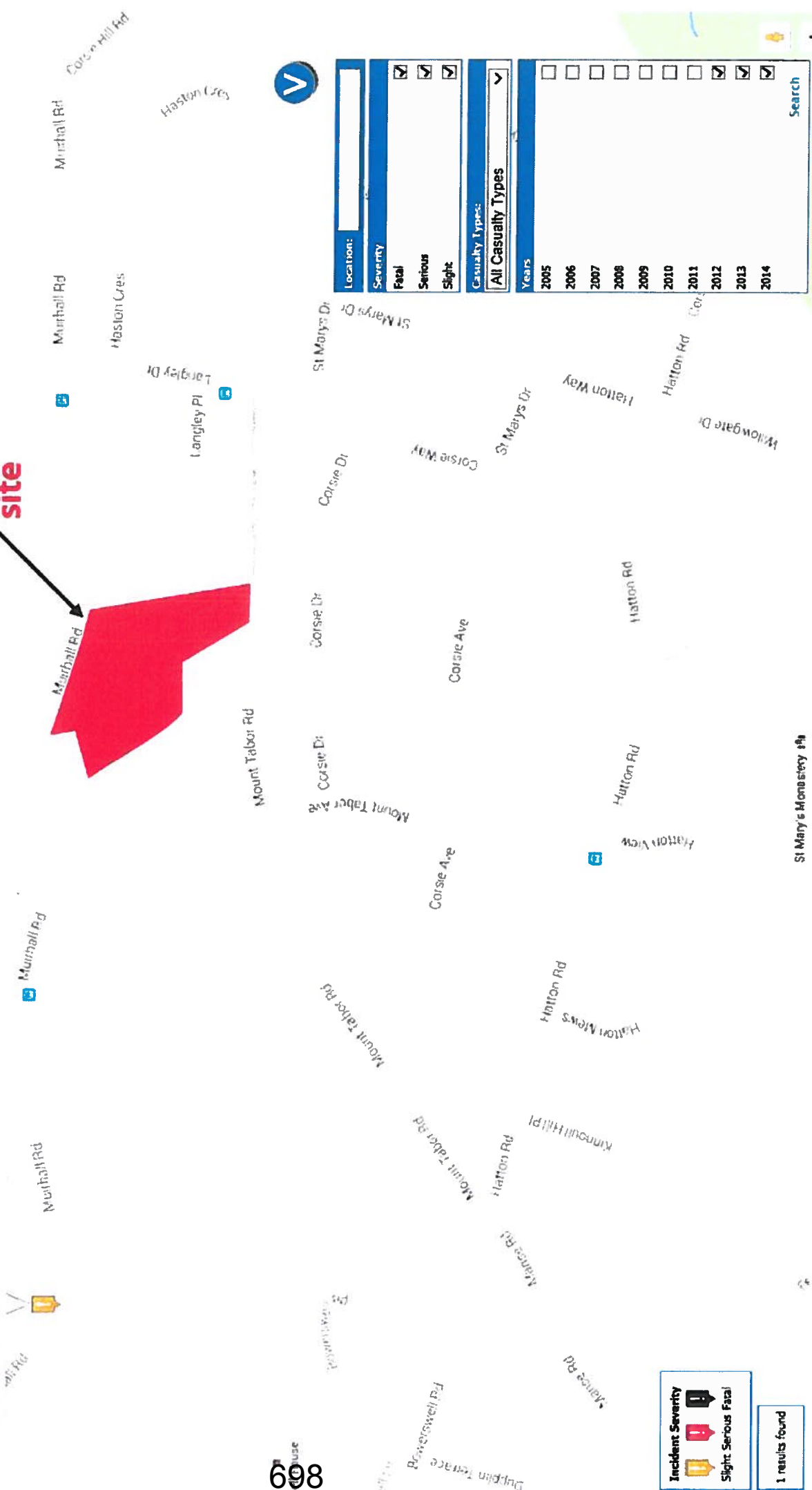
## APPENDIX A



Map Satellite

**Incident Details**  
 Date: 15/02/2012  
 Severity: Slight  
 Number of Vehicles Involved: 1  
 Number of Casualties Involved: 1  
[View Detailed Report](#)

**Proposed development site**



608

**Incident Severity**

☒ Slight  
☐ Serious  
☐ Fatal

1 results found

**Location:**

**Severity:**

☒ Fatal  
☒ Serious  
☒ Slight

**Casualty Types:**

**All Casualty Types**

Years	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

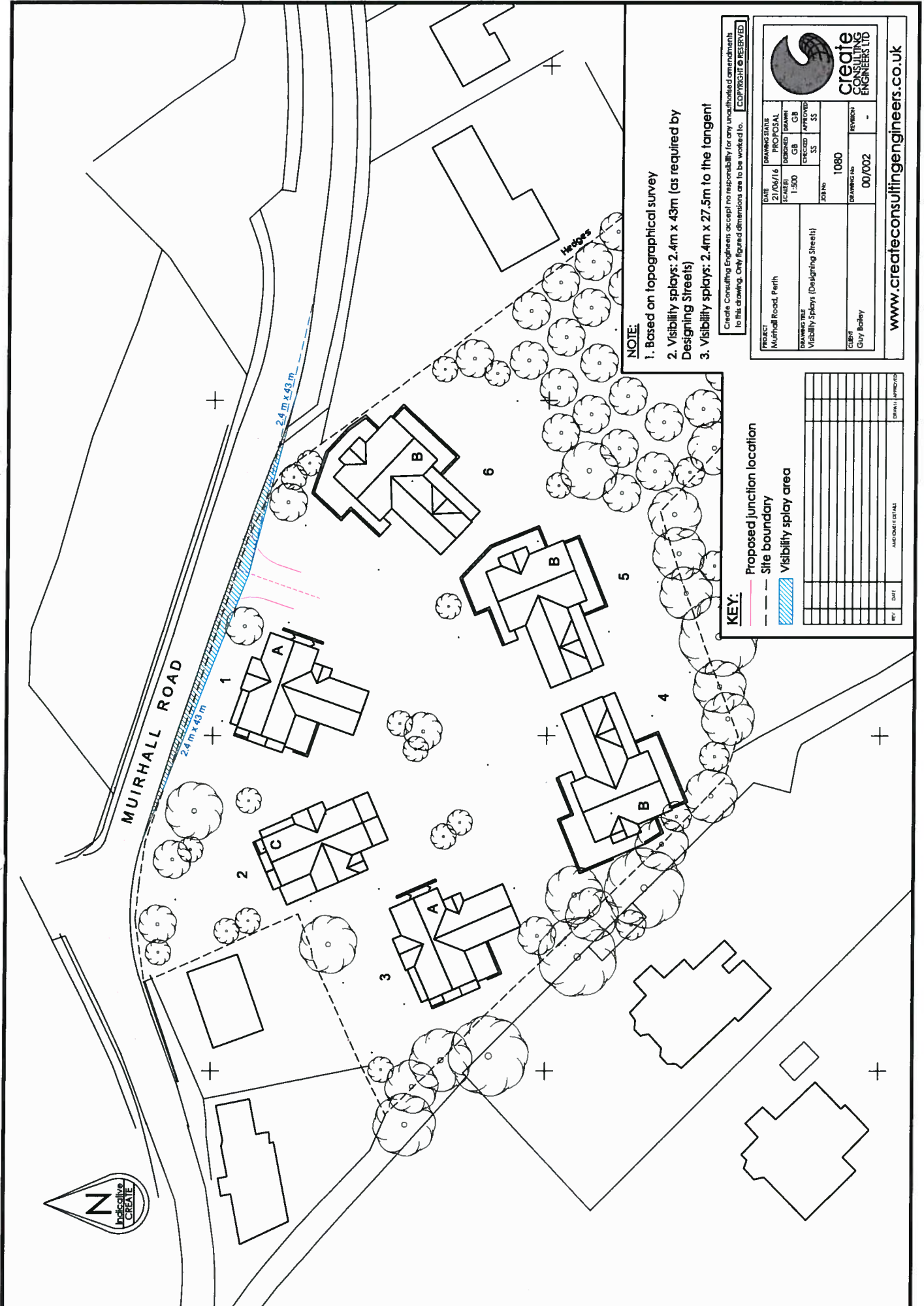
**Search**

## APPENDIX B

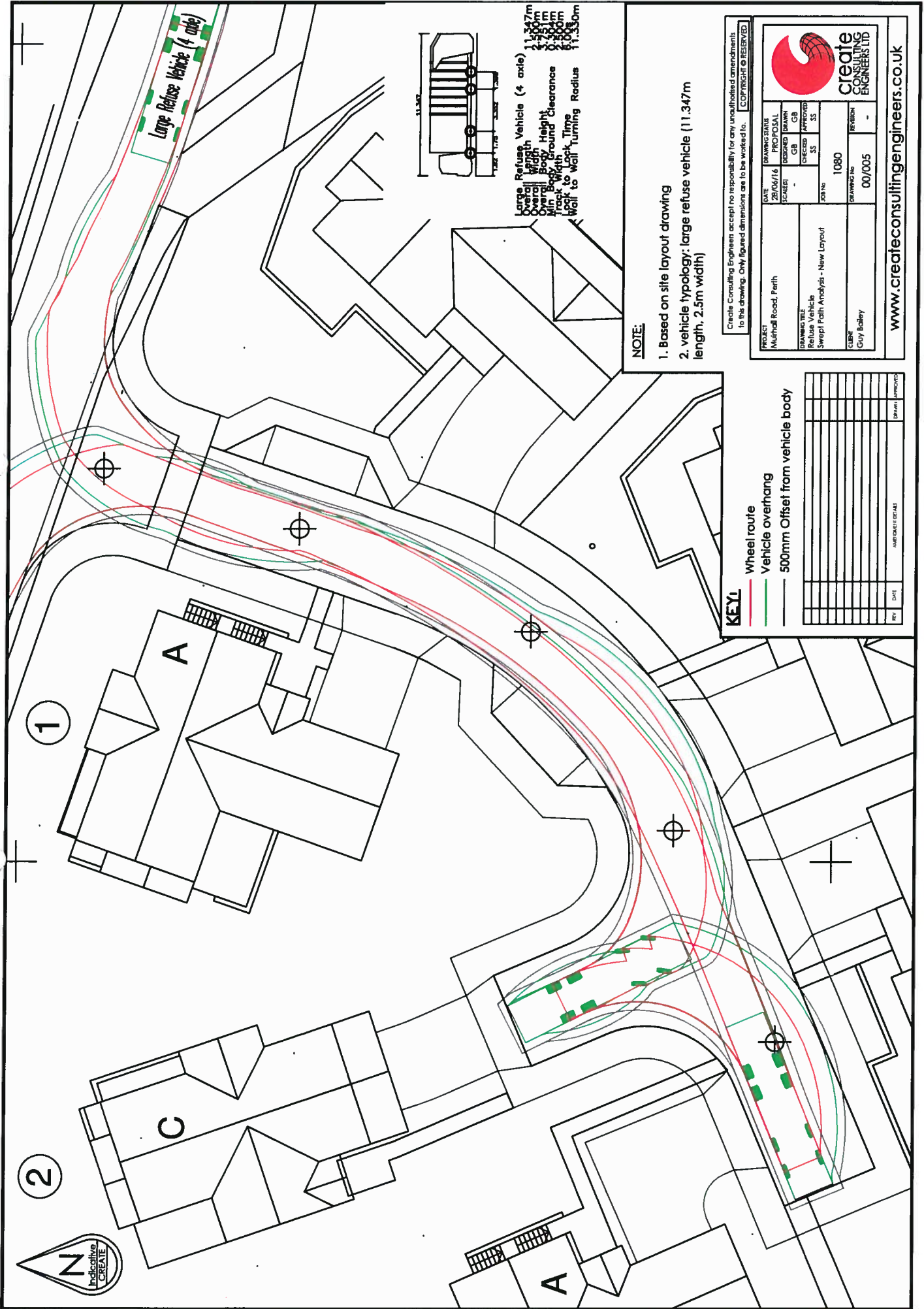


## APPENDIX C

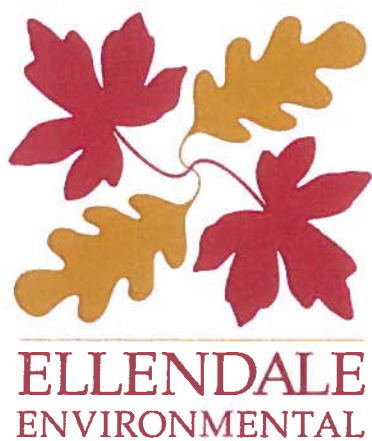




## APPENDIX D







Muirhall Road, Kinnoull , Perth

Bat Survey

For G. E. Bailey, Goldcrest Partners LLP

22<sup>nd</sup> September 2016

**Head Office**

115 Wood Lane, Chippenham  
Wiltshire SN15 3EA

**Scottish Office**

17 Duddingston Crescent  
Edinburgh EH15 3AT





## Version

VERSION	DATE	AUTHOR	REVIEWED	APPROVED
CIC v1.0	22/09/16	Stewart Parsons	Christopher Parsons	22/09/16

## Disclaimer

Copyright © Ellendale Environmental Limited. All Rights reserved.

This report has been produced by Ellendale Environmental Limited within the terms and conditions of the contract with the client and taking account of the resources devoted to it by agreement with the client. It has been prepared for the sole use of the client and their professional advisors.

Ellendale Environmental Limited accepts no responsibility for any use of or reliance on the contents of this report by any third party.

The report, and the information contained in it, is intended to be valid for a maximum of 12 months from the date of the survey, providing no significant alterations to the site have occurred.



# Contents

1.	Executive Summary .....	4
2.	Introduction.....	5
2.1	Introduction to Project.....	5
2.2	Site Details .....	5
2.3	Bat Conservation .....	6
3.	Methodology .....	8
3.1	Bat Survey Licenses.....	9
3.2	Survey Objectives .....	9
3.3	Field Survey Methodology.....	10
3.4	Constraints.....	11
4.	Results .....	13
4.1	Internal / External Inspection .....	13
4.2	Physical Bat Survey Results .....	15
4.3	Bat Emergence/Re-entry Surveys.....	16
5.	Conclusions .....	18
5.1	Main Recommendations.....	18
5.2	Mitigation Plan .....	<b>Error! Bookmark not defined.</b>



# 1. Executive Summary

Ellendale Environmental was commissioned by G. E. Bailey of Goldcrest Partners LLP, on behalf of his client to undertake a bat survey for a proposed development at Muirhall Road, Kinnoull Perth. The survey was to be of a suitable format to support a planning application for the development of the site.

An Extended Phase 1 survey of the site was undertaken in December 2015 and identified a mature tree that provided **Low** roost suitability for bats. A horse shelter was also identified and did not provide suitable habitat for bats.

A single dawn survey was undertaken for the tree and no bats were observed returning to roost. A single soprano pipistrelle bat *Pipistrellus pygmaeus* was recorded passing north over the site. No other bats were recorded.

A mitigation /compensation scheme is put forward that is proportionate to the nature conservation value of the bat roost present in the building.



## 2. Introduction

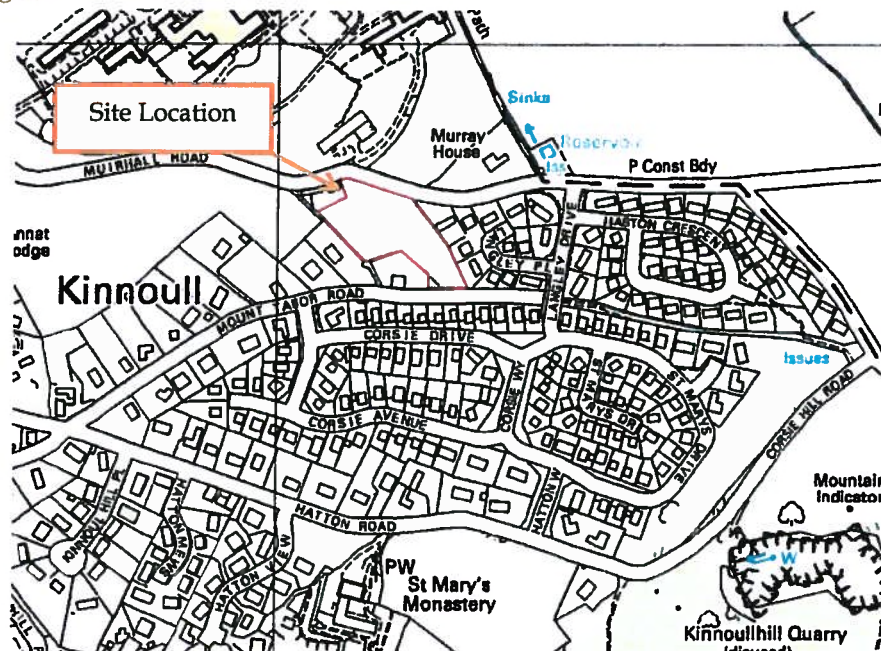
### 2.1 Introduction to Project

Ellendale Environmental was commissioned by G. E. Bailey of Goldcrest Partners LLP, on behalf of his client to undertake a bat survey for a proposed development at Muirhall Road, Kinnoull Perth. The survey was to be of a suitable format to support a planning application for the development of the site.

### 2.2 Site Details

The site is a green field located at Kinnoull, Muirhall Road, Perth OS Grid reference NO 131 238.

Figure 1: Location Plan



Reproduced from Ordnance Survey Mapping Map Explorer OL13 Scale 1:25000 by permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office. © Crown copyright. All rights reserved. Licence number 100054247.



The site is a green field located at Kinnoull, Muirhall Road, Perth and is not currently in any use. The site is dominated by poor semi-improved grassland with tussocky grasses suggesting its wet throughout the year.

A mature ash tree was identified during the Extended Phase 1 Survey that had low roost suitability for bats. Due to the age of the tree it was not possible to fully undertake a survey of the upper parts of the tree and a further presence / likely absence surveys for bats was recommended.

## 2.3 Bat Conservation

### British Bats

There are 17 species of bats resident in Britain. These are from two families: the Rhinolophidae (the two horseshoe bat species) and the 15 species of vesper / evening bats – the Vespertilionidae. All British bats are insectivorous and locate their prey using ultrasonic calls through a biological system known as echolocation.

During summer months, female bats form nursery colonies in trees and buildings, where they raise infants. In the winter, males and females hibernate in trees, buildings and underground structures.

### Conservation Status of British Bats

The general consensus in Britain and Europe is that virtually all bat species are declining and vulnerable. Our understanding of population status is poor, as there is very little historical data for most bat species. Certain species, such as the horseshoe bat, are better understood and have well documented contractions in range and population size.

Given this general picture of decline, the UK Government (within the UK Biodiversity Action Plan) has designated five species of bats as priority species (these being greater and lesser horseshoe bats,



barbastelle, Bechstein's and pipistrelle). These plans provide an action pathway whereby the maintenance and restoration of former population levels are envisaged.

### Legal Status of British Bats

Given the above position all British bats, as well as their breeding sites and resting-places, enjoy national and international protection.

All bat species in the UK are fully protected under the Wildlife and Countryside Act 1981 (as amended) through inclusion in Schedule 5. All bats are also listed on Annex IV (and some on Annex II) of the EC Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (The Habitats Directive 1992) giving further European protection. Habitats Directive is translated into Scots law under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in Scotland), often referred to as the Habitats Regulations, with these species being classified as European protected species. Taken together, the Act and the Conservation (Natural Habitats &c.) Regulations 1994 (as amended)\* make it an offence to;

- ☞ Intentionally or deliberately kill, injure or capture (take) bats;
- ☞ Deliberately disturb bats (whether in a roost or not);
- ☞ Damage, destroy or obstruct access to bat roosts;
- ☞ Possess or transport a bat or any part of a bat, unless acquired legally; and
- ☞ Sell, barter or exchange bats, or parts of bats.

The legislation, although not strictly affording protection to foraging grounds, does protect bat roost sites. Bat roosts are protected at all times of the year whether or not bats are present. Any disturbance of a bat roost due to development must be licensed.

*\*the Regulations that deliver the UK's commitment to the Habitats Directive*





### 3. Methodology

A daytime physical survey of the tree was undertaken in December 2015. One dawn surveys has been undertaken in September 2016 during the active period for bats, March to late October.

Survey work carried out in relation to a proposed development needs to be conducted under a scientific / conservation licence issued by, in this case, Scottish Natural Heritage (SNH). The work is normally conducted by an environmental consultant on the behalf of the developer and the consultant will advise on the necessary course of further action with respect to licences, mitigation and compensation measures. A number of recognised survey techniques are available to the consultant.

- ☛ Natural England has published guidelines (A.J. Mitchell-Jones [2004], Bat Mitigation Guidelines, English Nature. ISBN 1 85716 781 3) which provide generic technical advice on bat mitigation.
- ☛ Hundt L (2012). Bat Surveys for Professional Ecologists: Good Practice Guideline, 3rd Edition, Bat Conservation Trust, London. ISBN-13: 978-1-872745-96-1

For development proposals requiring planning permission the developer must:

- ☛ Demonstrate that adequate surveys have been undertaken to establish the presence or absence of bats, to predict the potential impact on them, their resting sites or breeding roosts.
- ☛ If bats or their roosts are discovered bring proposals forward that will integrated provision for bats into any design that will compensate and mitigate for any impact during development.



- ☛ Provide sufficient survey information that will support a licence application under the Habitats directive should bats be discovered.

Where bat species are using a site, it will be necessary to mitigate the impacts of the development upon the population(s). These would include measures that remove or reduce any damaging effects on the animals or their roosts. In most cases a package of compensation measures will be required to accommodate any loss of breeding or resting-places, and the timing of works will need to be synchronised with the life-cycles of the effected species.

This collective package of mitigation and compensation measures should allow the conservation status of the animals to be at least maintained by the development. With careful thought, the conservation status may even be enhanced by development. This is usually most easily achieved by early ecological input into the design of the project.

In the case of sites where bats are present, a Development Licence from SNH will be required to conduct works affecting bats.

### 3.1 Bat Survey Licenses

Stewart Parsons, Director of Ellendale Environmental, holds a current bat survey license with SNH, Bat Roost License Number: 36487, valid from 21<sup>st</sup> July 2014 to 20<sup>th</sup> July 2019. Stewart has over 15 years' professional experience of working with bat species across the UK.

### 3.2 Survey Objectives

On the basis of the brief provided by the client, Ellendale Environmental has conducted survey work to fulfil the following needs;

- ☛ Obtain baseline information on the habitat features suitable for bat species;



- ☞ Determine the presence / likely absence of bat species within the proposed development site and any activity at or near the site; and
- ☞ Determine the type, extent and pattern of detected usage.

In practice this has been achieved by a physical inspection of the tree and horse shelter – a search for live animals and / or other signs indicating their current or previous presence. One dawn / activity bat survey has been undertaken. A mini time-expansion bat detector (Pettersson D 240x) linked to a portable “Edirol” digital recorder (Edirol R-09HR) was used.

### 3.3 Field Survey Methodology

The following methodology was used:

1] A physical internal / external site inspection of the tree and horse shelter was undertaken on Friday 18<sup>th</sup> December 2015. Weather was not a limiting factor in the surveys. The conditions are summarised in Table 1 below.

*Table 1: Survey Weather Conditions*

SURVEY DATE	TEMPERATURE (°C)	WIND SPEED (MPH)	CLOUD COVER / PRECIPITATION
18/12/15	12.5	Ave 3.6 Max 6.3	100% cloud cover, overcast, warm with a light breeze.

All suitable features were assessed externally and internally. A telescopic surveyor’s ladder was used to gain access to various points and a CLU-10 searchlight was used to search dark areas. A Visual Optics VO36-10ww Endoscope was utilised to assist inspection of internal spaces.

The physical search included a search for live animals and a search for other signs that give an indication of past or present occupancy.



In the case of bats, typical indicators include droppings (which are characteristic and can often be speciated), signs of staining, characteristic odours, and accumulations of prey items.

2] One dawn re-entry survey was undertaken on the 19<sup>th</sup> September 2016. The survey commenced 90 minutes before sunrise (sunrise was at approximately 06:54).

Dawn surveys are suitable when surveying trees as bats can be observed swarming around the tree before returning to roost. It can be difficult identify bats emerging from a tree at dusk due to the lowering light levels through the survey and clutter such as the leaves.

Although the survey timings are applicable for most of the UK, they vary according to the geographic location of the site. Optimal timing may also vary from year to year depending on the onset of each season. Outdoor surveys are weather-dependent, and should be undertaken only in suitable weather conditions.

Weather was not a limiting factor in the surveys. The conditions are summarised in Table 2 below.

*Table 2: Survey weather conditions*

SURVEY DATE	TEMPERATURE (°C)	WIND SPEED (MPH)	CLOUD COVER / PRECIPITATION	NUMBER OF SURVAYORS
11/05/16	Start 11.4 End 10.2	Ave 0.0 Max 0.0	10% cloud cover, dry and still.	1

### 3.4 Constraints

The surveys were not restricted and full access was granted to the site. A full physical survey of the tree could not be conducted due to safety concerns about the structure and stability of the branches. Despite this a high power torch was used to observe the branches where possible.



The survey was carried out at an optimal time of year for bat activity and in suitable weather conditions.

Whilst no biological survey can guarantee that all cues and signs of protected or notable species will be recorded, Ellendale Environmental are confident that all key fauna present in the Survey Area during the survey times were noted.



## 4. Results

### 4.1 Internal / External Inspection

The site is located to the north of Kinnoull and is a green field site and is currently not in any use. The site is bordered to the north by Muirhall Road and three residential properties located at the northwest corner of the site. Residential properties and gardens are located along the east and west boundaries of the site. To the north is Mount Tabor Road beyond which are residential properties.

*Picture 1: showing a view of the site looking north*



A mature ash tree is present located on the west of the site. The ash contains several large hollows, dead and split limbs and provides many ecological niches for protected species.





*Picture 2: showing the ash tree*



A horse shelter is present at the north of the site that is in a poor condition. The shelter has a wooden frame and is covered by corrugated metal sheets. The shelter is open fronted to allow animals access and shows signs of wear around the edges where water damage is present. The timbers used for the frame show signs of rot.



*Picture 3: showing a rear view of the horse shelter*



#### 4.2 Physical Bat Survey Results

The mature ash tree is assessed as providing low roost suitability. Dead limbs and splits on the upper branches may provide suitable crevices where bats can roost. These could not be fully surveyed due to the structure and age of the tree. A hollow was also noted in the base of the tree that was dry and could indicate that internally a hollow is present where bats can roost. Further hollows and cavities were noted on the main trunk of the tree.

No evidence of bats was found during the survey of the accessible part of the tree.



*Picture 5: showing the hollow at the base of the ash tree*



The horse shelter does not provide suitable roosting habitat for bats and no evidence of bats was found during the survey. The wooden timbers were found to be wet and in a poor condition and would not be suitable for roosting bats. The shelter is open-fronted and therefore open to the wind that would reduce the temperature in the shelter. Bats prefer to roost in places where there is a constant temperature and are dry.

#### 4.3 Bat Emergence/Re-entry Surveys

The dawn/activity survey was conducted in September. The weather conditions were not limiting and are characterised by steady temperatures above 10 °C and light winds.

##### *Dawn Survey 19/09/16*

Bat activity was recorded at 06:17 when a soprano pipistrelle was recorded passing over the site flying north.



*Table 5: Bat activity survey results*

TIME	OBSERVATIONS
06:17	A soprano pipistrelle recoded passing north over the site.

No other bat species were recorded during the survey.





## 5. Conclusions

The internal and external bat inspection of the horse shelter was not constrained and full access was gained to the internal spaces of the structure for the physical survey. The tree could only be surveyed from the ground level due to the age of the tree and concerns for its structure if it was climbed. The dawn /activity survey was conducted in September which is in the optimum survey window for bats.

The horse shelter was assessed as being unsuitable for roosting bats and no evidence of bats was found.

The tree provided low roost suitability for bats species however no evidence of bats was found during the physical survey. Slits and cracks in the dead upper limbs could not be inspected through climbing and an activity survey was undertaken. During the dawn survey no bats were observed or recorded foraging around the tree or returning to roost. A crow was identified in the tree during the survey.

A single soprano pipistrelle bat was recorded flying over the site heading north during the survey. No other bats were recorded.

### 5.1 Main Recommendations

The tree and horse shelter present on the site are not considered to be bat roosts. Some minor recommendations are put forward to increase the ecological suitability of the site post development.

The following recommendations are made;

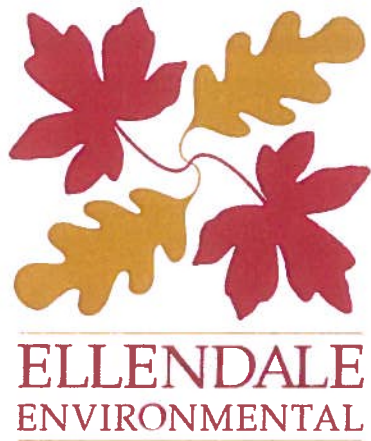
- ☛ Bat boxes could be placed around the developed site to increase the roosting opportunities for bat species within the site.



- ☛ Lighting should be limited to the interior of the site with no lighting on the boundaries of the site. This will create dark corridors that bats and other species can use for foraging and commuting.
- ☛ Any planting of the site should be undertaken using native species that are known to be good for insects. This will increase the amount of insects available to foraging bat species.







**Kinnoull, Perth**  
**Extended Phase 1 Habitat Survey**  
*For Cnoclee Ltd*

21<sup>st</sup> January 2016

**Head Office**  
115 Wood Lane, Chippenham  
Wiltshire SN15 3EA

**Scottish Office**  
17 Duddingston Crescent  
Edinburgh EH15 3AT





## Version

VERSION	DATE	AUTHOR	REVIEWED	APPROVED
CIC v1.0	06/01/2016	Stewart Parsons	Christopher Parsons	07/01/2016
CIC v1.1	21/01/2016	Stewart Parsons	Christopher Parsons	21/01/2016
CIC v1.2	23/01/2016	Stewart Parsons	Christopher Parsons	23/01/2016

### Disclaimer

Copyright © Ellendale Environmental Limited. All Rights reserved.

This report has been produced by Ellendale Environmental Limited within the terms and conditions of the contract with the client and taking account of the resources devoted to it by agreement with the client. It has been prepared for the sole use of the client and their professional advisors.

Ellendale Environmental Limited accepts no responsibility for any use of or reliance on the contents of this report by any third party.

The report, and the information contained in it, is intended to be valid for a maximum of 12 months from the date of the survey, providing no significant alterations to the site have occurred.



# Contents

1.	Executive Summary .....	4
2.	Introduction.....	5
2.1	Commission.....	5
2.2	Site Details .....	5
2.3	Survey Objectives .....	6
3.	Methodology .....	7
3.1	Phase 1 Habitat Survey .....	7
3.2	Preliminary Protected Species Survey.....	7
3.3	Survey Area.....	7
3.4	Survey Limitations .....	8
4.	Results .....	9
4.1	Ellendale Environmental .....	9
4.2	Extended Phase 1 Survey .....	9
4.3	Preliminary Protected Species Survey.....	12
5.	Conclusions .....	14
5.1	Conclusion .....	14
5.2	Main Recommendations.....	14
6.	Target Notes .....	16
6.1	Botanical Target Notes (TN) .....	16
6.2	Animal Target Notes.....	16
7.	Appendix 1 - Extended Phase 1 Map.....	18



# 1. Executive Summary

Ellendale Environmental Limited was commissioned by Chris Meek of Cnoclee Ltd on behalf of his client to undertake an Extended Phase 1 Habitat Survey and preliminary protected species survey for a site at Kinnoull, Perth. The site is located to the north of Kinnoull a residential area of Perth, Scotland, approximately half a mile east of the center of Perth.

To fulfil the brief, an Extended Phase 1 Habitat Survey was conducted for the site following the Phase 1 survey methodology (JNCC, 2010) to list the plant species associated with each habitat. A preliminary protected species walkover for the site was also conducted.

The site is a green field located at Kinnoull, Muirhall Road, Perth OS Grid reference NO 131 238 is not currently in any use. The site is dominated by poor semi-improved grassland with tussocky grasses suggesting its wet throughout the year. Species rich hedgerows with mature trees are present outside of the site boundary that provide suitable habitat for nesting birds.

Further presence / likely absence surveys for bats are recommended for a mature ash tree present within the site. Dead limbs, spilt and cavities were observed that provide suitable roosting opportunities for bats.

Some recommendations are made within this report for modest post-construction ecological enhancements at the development site that are proportionate with the low level of environmental impact from the development. These measures aim to increase the diversity of species present on the site after the completion of any future development works.



## 2. Introduction

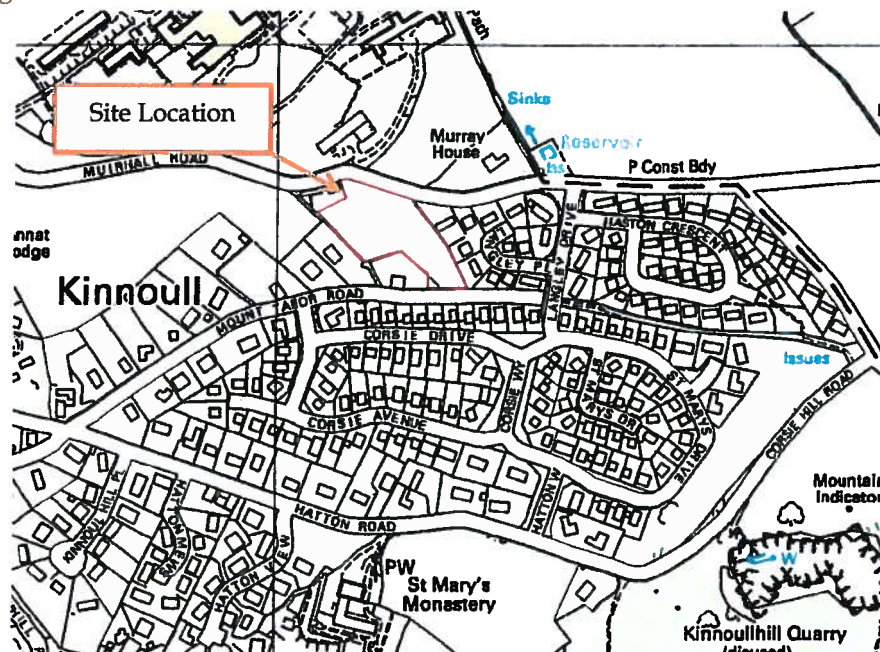
### 2.1 Commission

Ellendale Environmental Limited was commissioned by Chris Meek of Cnoclee Ltd on behalf of his client to undertake an Extended Phase 1 Habitat Survey and preliminary protected species survey for a site at Kinnoull, Perth. The site is located to the north of Kinnoull a residential area of Perth, Scotland, approximately half a mile east of the center of Perth.

### 2.2 Site Details

The site is a green field located at Kinnoull, Muirhall Road, Perth OS Grid reference NO 131 238.

*Figure 1: Location Plan*



Reproduced from Ordnance Survey Mapping Map Explorer OL13 Scale 1:25000 by permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office. © Crown copyright. All rights reserved. Licence number 100054247.





### 2.3 Survey Objectives

On the basis of the brief provided by the client, Ellendale Environmental conducted an ecological survey to fulfil the following needs:

- ☞ Obtain baseline information on the current habitats and ecological features in and around the site;
- ☞ Identify any further specialist surveys that may be required;
- ☞ Identify the presence or potential presence of any protected species whose disturbance may require consent under the Wildlife and Countryside Act, 1981 (as amended); and
- ☞ Identify any species or habitats which may require special mitigation during the development of the site.



## 3. Methodology

### 3.1 Phase 1 Habitat Survey

An Extended Phase 1 habitat survey of the site was undertaken and the habitats present on the site were mapped following the Phase 1 survey methodology (JNCC, 2010), listing the plant species associated with each habitat. This methodology was an extended Phase 1 habitat survey, whereby all habitats were surveyed and recorded onto a base plan and any habitats that were considered to be of potential interest to nature conservation, were recorded through the use of target notes to annotate a Phase 1 habitat map.

The presence of any invasive weeds, such as Japanese Knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens glandulifera*) or giant hogweed (*Heracleum mantegazzianum*) was also recorded through the use of target notes.

### 3.2 Preliminary Protected Species Survey

The site boundary and immediate vicinity of the site was examined for signs of protected species, particularly bat and nesting birds, as it was considered that the sites have the greatest potential to support these species or groups of animals.

The presence/potential presence of protected or notable species of conservation concern was recorded using target notes, following the Institute of Ecological and Environmental Management guidance (IEEM, 2012).

### 3.3 Survey Area

The survey covered the site and areas within 30m (where accessible) of the site boundary, to identify any evidence of badger activity, including signs of foraging (snuffle holes), hair, scratching posts, latrines, footprints and sett entrances.



The survey was undertaken in accordance with Harris et al (1989) entitled 'Surveying Badgers', as recommended by the Chartered Institute of Ecology and Environmental Management (CIEEM).

### 3.4 Survey Limitations

The aim of this survey was not to record every species present on the site, as one survey acts as a snap-shot, recording only those species which are present at the time or whose presence can be indicated through the occurrence of field signs, such as feeding remains, droppings or places used for shelter or foraging.

Evidence collected has been used to draw conclusions about the flora and fauna within the boundary of the site and to provide an assessment of their ecological and nature conservation value. Where it is suspected that species of nature conservation importance have the potential to be present, further more detailed surveys have been advised.

Weather was not a limiting factor to the surveys. The prevailing conditions at the time of the survey are summarised in Table 1 below.

*Table 1: Survey Weather Conditions*

SURVEY DATE	TEMPERATURE (°C)	WIND SPEED (MPH)	CLOUD COVER / PRECIPITATION
18/12/15	12.5	Ave 3.6 Max 6.3	100% cloud cover, overcast, warm with a light breeze.



## 4. Results

### 4.1 Ellendale Environmental

Stewart Parsons, Director of Ellendale Environment Limited, who is a chartered member of CIEEM, undertook the survey. Stewart has over 15 years' professional experience of ecological surveys across the UK.

### 4.2 Extended Phase 1 Survey

The site is located to the north of Kinnoull and is a green field site and is currently not in any use. The site is bordered to the north by Muirhall Road and three residential properties located at the northwest corner of the site. Residential properties and gardens are located along the east and west boundaries of the site. To the north is Mount Tabor Road beyond which are residential properties.

*Picture 1: showing a view of the site looking north*





The site is dominated by poor semi-improved grassland that is not currently in any use having previously been used as a pony paddock. It is understood that the site has not been used for any purpose by the present owners for at least the past 6 years.

The site is wet throughout with species present including creeping buttercup *Ranunculus repens*, white clover *Trifolium repens* with dock *Rumex obtusifolius* and nettle *Urtica dioica* present around the boundaries of the site. Grasses form tussock in places and include perennial rye *Lolium perenne*, Tufted Hair-grass *Deschampsia cespitosa* and cock's-foot *Dactylis glomerata*.

A barbed wire fence line is present around the boundaries of the site beyond which are hedgerows that make up the boundaries of the adjacent residential gardens. The hedgerows are species rich comprising more than 5 woody species

Picture 2: showing a view of the hedgerows







Species present in the hedgerows include dog-rose *Rosa canina*, holly *Ilex aquifolium*, ash *Fraxinus excelsior*, hawthorn *Crataegus monogyna*, leylandii *Cupressocyparis leylandii*, yew *Taxus baccata*, beech *Fagus sylvatica* and honeysuckle *Lonicera periclymenum*. Ground flora includes bramble *Rubus fruticosus*, nettle and foxglove *Digitalis purpurea*. The hedgerows are not managed and several large mature trees are present including beech, ash and leylandii.

An area of hard standing is present in the southwest corner of the site and is presumed to be used for car parking. Species present around the boundaries of the site include snowberry *Symphoricarpos albus*, a mature cherry tree *Prunus avium* L, dogwood *Cornus sanguinea*, beech, hawthorn and dog-rose. Several garden plants are present among the ground flora including mint *Lamiaceae* sp and strawberry *Fragaria ananassa* with additional species including foxglove, nettle and bramble.

Picture 3: showing a view of the hard standing







A mature ash tree is present located on the west of the site. The ash contains several large hollows, dead and split limbs and provides many ecological niches for protected species.

*Picture 4: showing the ash tree*



#### 4.3 Preliminary Protected Species Survey

Grassland within the site provides few suitable opportunities for protected species. Grazing of the site during the summer months is likely to control the height of the grass and restrict the suitability for invertebrates. Few flowering plants were observed in the sward that would support invertebrate species.



The hedgerows and mature ash tree provide suitable habitat for nesting birds. Several species of passerine birds were observed including blackbird *Turdus merula*, chaffinch *Fringilla coelebs*, wood pigeon *Columba palumbus*, blue tit *Cyanistes caeruleus*, house sparrow *Passer domesticus* and treecreeper *Certhia familiaris*.

The mature ash provides suitable habitat to support roosting bats. Dead limbs and splits on the branches provide suitable crevices where bats can roost. A hollow was also noted in the base of the tree that was dry and could indicate that internally a hollow is present where bats can roost. Further hollows and cavities were noted on the main trunk of the tree.

Picture 5: showing the hollow at the base of the ash tree



No other evidence of protected species was identified.



## 5. Conclusions

### 5.1 Conclusion

The site consists of a green field that has not current use. The ground was wet during the survey and species present indicate that the ground is wet through much of the year. The grassland within the site provides few opportunities for protected species and is unlikely to support a diverse range of invertebrates due to the grazing pressure.

Hedgerows along the boundaries of the site are species rich and provide suitable opportunities for nesting and foraging bird species. The hedgerows should be maintained and enhanced where possible by the proposed development.

A mature ash tree within the site provides suitable roosting opportunities for bat species. It is unlikely that the tree provides all year roosting however spring and summer roosting is possible. Further surveys of the tree should be undertaken.

### 5.2 Main Recommendations

The following recommendations are made;

- ☛ Bat activity surveys of the tree should be undertaken during the bat surveys season May - September. Surveys should be undertaken in suitable weather conditions, i.e. above 10 degrees Celsius, low wind with no rain. Surveys should include a dusk and/or dawn survey for bats. Should bats be identified further surveys will be required following the BCT bats survey Guidelines 2011.
- ☛ Should clearance / management of the hedgerow and ash tree be required, it is recommended that these are undertaken outside of the bird breeding season, i.e. March to July, as all nesting birds are protected under the Wildlife and Countryside Act 1981 (as



amended). If this is not possible, a walkover survey by an ecologist will be required in order to determine whether or not any nesting birds are present. If nesting birds are found, these areas of the site will need to be protected from disturbance until the young have fledged naturally. The use of exclusion methods, such as ticker tape, should be deployed to dissuade birds from nesting in the trees. Such methods should be set up outside of the bird breeding season and under instruction from a suitably qualified ecologist to ensure no birds are present at the time.

- ☛ Bird nesting boxes, both small hole and open fronted, should be placed within the site if possible to create nesting opportunities for small bird species.
- ☛ Bat boxes should be placed around the site boundaries if possible to create roosting opportunities for bat species.



## 6. Target Notes

### 6.1 Botanical Target Notes (TN)

**TN1** – Species poor grassland with species present including creeping buttercup, white clover with dock and nettle present around the boundaries of the site. Grasses form tussock in places and include perennial rye, Tufted Hair-grass and cock's-foot.

**TN2** – A species rich hedgerow with species including holly, ash, leylandii, hawthorn, dog-rose, bramble and nettle. Mature trees are present within the hedgerow.

**TN3** – Hedgerow with species including mature breech, cherry and bramble.

**TN4** – Hedgerow with species including breech, cherry, yew, foxglove and bramble.

**TN5** – An area of hard standing is present in the southwest corner of the site and is used for car parking. Species present around the boundaries of the site include snowberry, a mature cherry tree, dogwood, beech, hawthorn and dog-rose. Several garden plants are present among the ground flora including mint and strawberry with additional species including foxglove, nettle and bramble.

**TN6** – A beech hedgerow.

**TN7** – A species rich hedgerow with species including hawthorn, beech, holly, broom, honeysuckle and bramble.

### 6.2 Animal Target Notes

**AN1** – Suitable habitat for nesting birds.

**AN2** – Suitable habitat for nesting birds.



AN3 – Suitable habitat for nesting birds.

AN4 – Suitable habitat for nesting birds.

AN5 – Suitable habitat for nesting birds.

AN6 – A mature ash tree providing suitable habitat for roosting bats. Dead limbs and splits were observed in the upper branches and a cavity was noted in the base of the tree.





## 7. Appendix 1 – Extended Phase 1 Map



ELLEENDALE  
ENVIRONMENTAL

Drawing Title  
Kinnoull Hill, Perth  
Extended Phase 1 Map & Target Notes

Client  
Chris Meek, Cnoclee

Date  
06/01/2016  
Drawn By  
SP

Project Number  
EEL050  
Issue  
V1.0

#### Animal Target Notes

AN

Target Notes

TN

Woodland and Scrub

Broadleaf Tree

Scattered Scrub

Boundaries

Fence

Species Rich Hedgeow

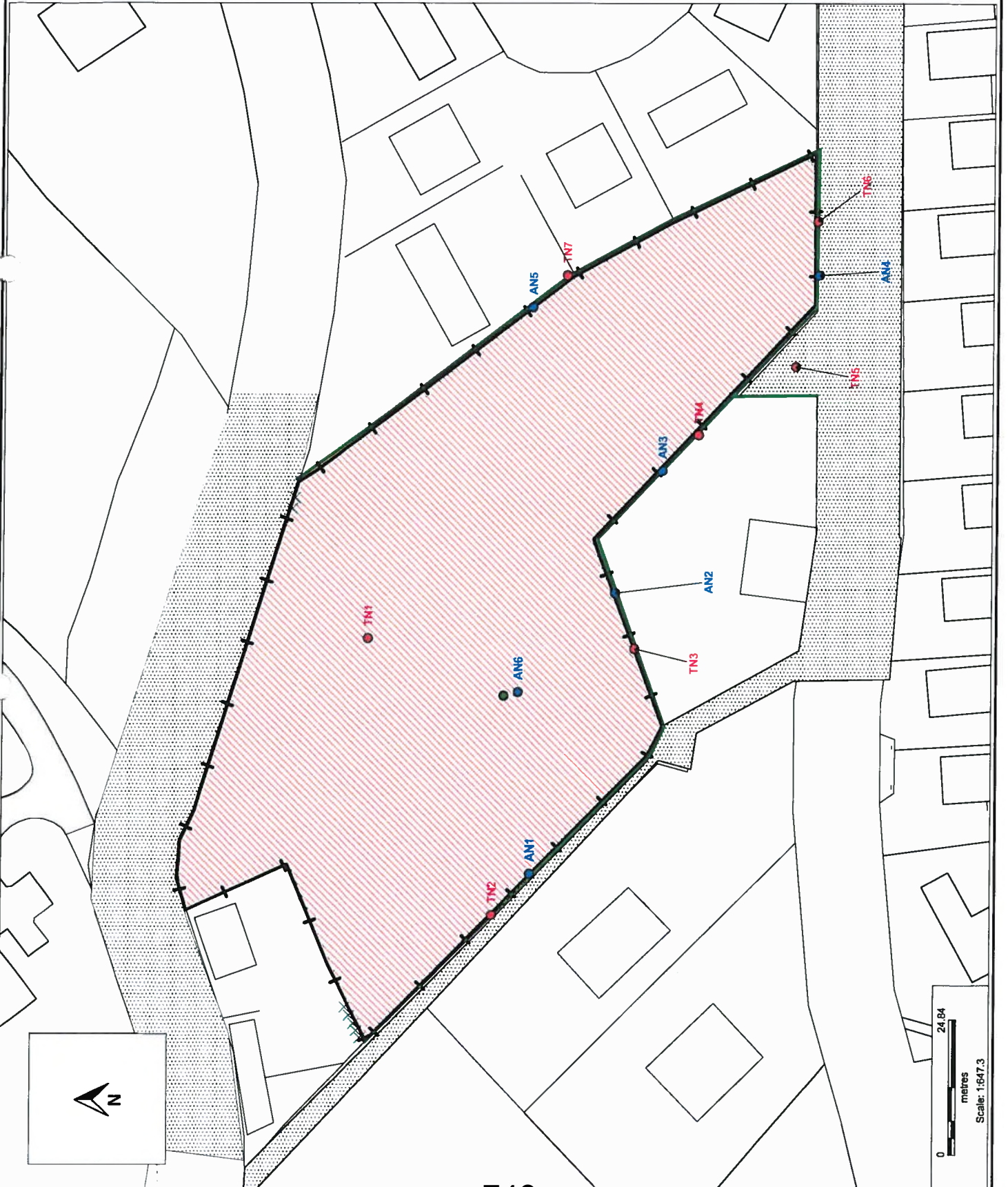
Native With Trees

Miscellaneous

Hard Standing

Grassland

Unimproved Acid Grassland





18th November 2016

Allen Gordon & Co  
16 King Street  
Perth  
PH2 8JA



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

Development Operations  
Free phone Number - 0800 389 0379  
E-Mail - [developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

For the attention of Gordon Davie

Dear Sir

**Perth, Muirhill Road  
Development Enquiry Application  
Your Ref:  
Our Ref: 736925**

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

Thank you for your PDE Form regarding the above proposed development. Following an assessment of our assets I can now confirm that at this present time:

**Water:** There is sufficient capacity in the Perth Water Treatment Works and also the local network to service the demands from your development.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head in the public main. Any property which cannot be adequately serviced using this pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws.

**Wastewater:** There is sufficient capacity in the Perth Waste Water Treatment Works and the local network to service the demands from your development.

Please note capacity is approved for a foul only connection to the existing network. Surface water should discharge to the culverted watercourse to the north of the site on Muirhall Road.

Scottish Water supports the principal of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage design. It is important to note that Scottish Water will not adopt surface water drainage systems that require the flows to be pumped.

It is important to note that Scottish Water is unable to reserve capacity and connections to the water & wastewater networks can only be granted on a first come first served basis. For this reason we may have to review our ability to serve the development on receipt of an application to connect.

You will be required to seek technical approval for your water & wastewater infrastructure from our technical design team. The relevant application/connection forms are available on our website at [www.scottishwater.co.uk](http://www.scottishwater.co.uk) , please complete them and return to the above address together with all relevant documentation. You will also find many useful guides on Scottish Water processes including a step by step guide to filling out the necessary forms.

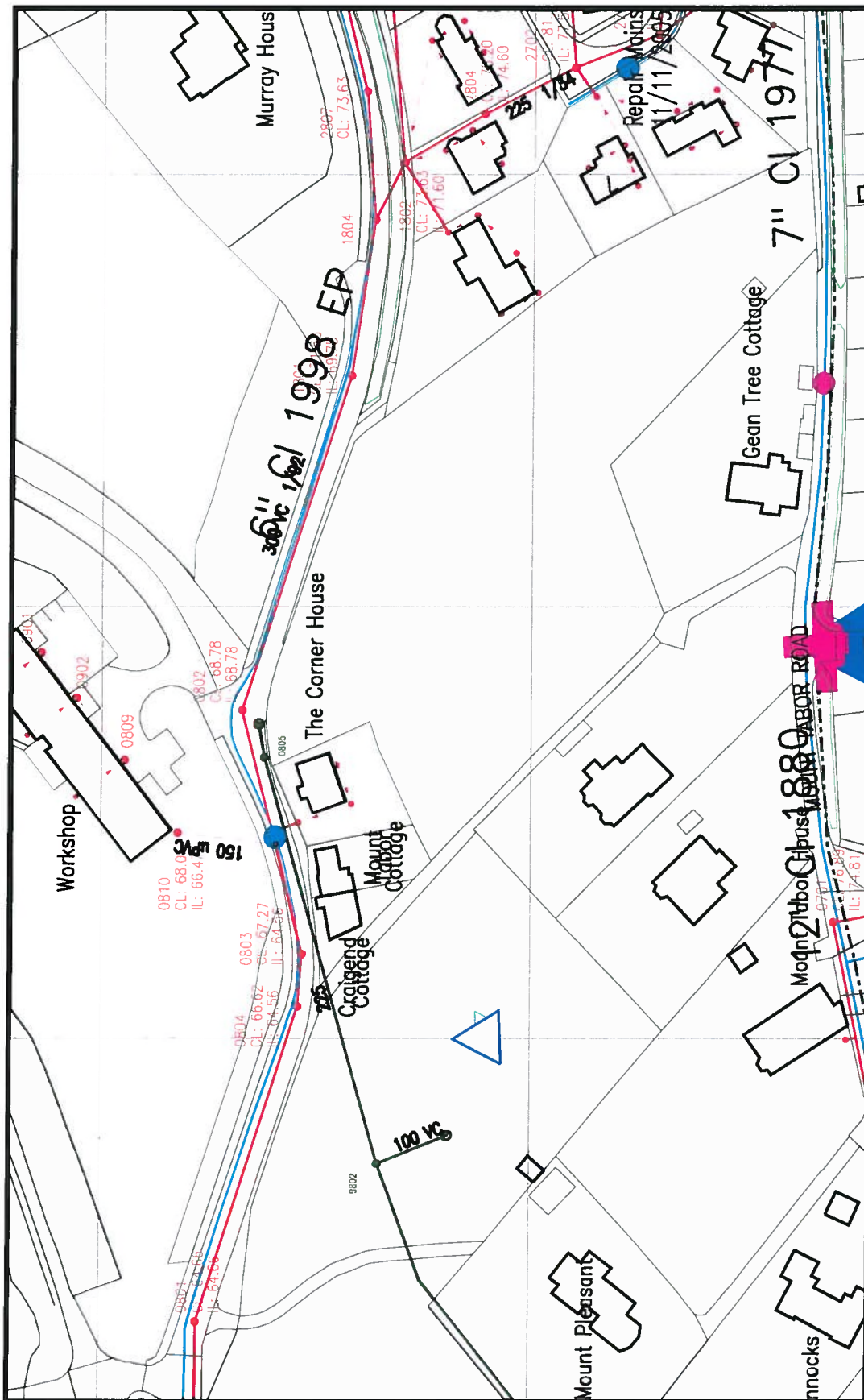
If you require any further information regarding this matter please contact Development Operations on 0800 389 0379 or email: [developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

Yours sincerely


**Euan Cameron**







Warning! Damaging a Large diameter Trunk main (12" / 300mm and above) can result in loss of life and major Water Supply and Water Quality problems. If you are planning any excavation work in the vicinity of any large diameter mains shown on our maps, you MUST contact Scottish Water to arrange a site visit on 0800 077 8778 WELL IN ADVANCE OF THE WORKS.

 <p>Scottish Water Trusted to serve Scotland Castle House, 8 Castle Drive, Dunfermline, KY11 6AZ Tel No: 0800 0778 8778</p>	<p>(c) Crown copyright and database rights 2016 Ordnance Survey 100025460. You are permitted to use this data in the public domain for non-commercial purposes only. You are not permitted to copy, store, transmit, or otherwise make available this data. You are not permitted to copy, store, transmit, or otherwise make available this data in any form.</p>	<p>313111,723815 Contents of plot menu line title_line_2</p>	<p>Scale: 1:1579</p>	<p>Date Plotted: 26/10/2016</p>	<p>Plotted by: graham</p>
--	--	--	----------------------	---------------------------------	---------------------------









REV A: 28/07/14 RJ  
Title Box note regarding the scaling of drawings  
REVISIONS

Do not scale for construction purposes. All dimensions  
to be checked on site prior to commencement of work

**Jewitt and Wilkie**  
architects

38 New City Road  
Glasgow - G4 9JT  
0141 352 6929  
info@jwarchitect.co.uk  
www.jwarchitect.co.uk

OR TITLE

**Muirhall Road**  
**Mount Tabor Road,**  
**Kinnoull Hill, Perth**  
for  
**Goldcrest Partners**

DRAWING TITLE

**Location Plan**

**A3**

SCALE 1:1250 DATE  
DRAWN BY: CHECKED BY:  
DRAWING NO. REV:

**3192/P/100-A**





SCHEDULE	Plot Area	House Type	House Types / Gross Internal Floor Areas	Footprint
PLOT 1	855 sq.m.	A	<b>Type A: 5 Bedroom</b> ground floor: 126 sq.m. first floor: 111 sq.m. plus 36 sq.m. garage Total GIFA: 236 sq.m. plus 36 sq.m. garage	188 sq.m.
PLOT 2	812 sq.m.	C	<b>Type B: 5 Bedroom</b> ground floor: 104 sq.m. plus 36 sq.m. garage first floor: 132 sq.m.	185 sq.m.
PLOT 3	921 sq.m.	A	<b>Type C: 4 Bedroom</b> upper floor: 37 sq.m. ground floor: 80 sq.m. plus 36 sq.m. garage lower floor: 98 sq.m. Total GIFA: 215 sq.m. plus 36 sq.m. garage	161 sq.m.
PLOT 4	828 sq.m.	B		
PLOT 5	1002 sq.m.	B		
PLOT 6	1,010 sq.m.	B		

Housing Site Area: 6,100m<sup>2</sup> / 1.50 acres  
 Orchard Site Area: 2,555m<sup>2</sup> / 0.63 acres  
**TOTAL SITE AREA: 8,655m<sup>2</sup> / 2.13 acres**  
 Residential Built Area 1,092m<sup>2</sup> / 0.27 acres  
 Open Space Area 7,563m<sup>2</sup> / 1.87 acres  
 Built area represents 1/8<sup>th</sup> of the site area



REV E: 30/11/16 RJ  
 General layout adjustments: Built Area note added  
 REV D: 14/11/16 RJ  
 House footprint and Total Site areas shown.  
 REV C: 14/11/16 RJ  
 Houses on plots no 2 and no 3 reoriented.  
 Dimensions shown from Plot no. 3 to existing house.  
 Service strip and filtration trench zones shown.  
 REV B: 20/07/16 RJ  
 Title box note regarding the scaling of drawings  
 revised.  
 REV A: 12/07/16 RJ  
 Access road shown at 4m wide: road extended to  
 accommodate services access as per Council  
 Guidelines.

**Jewitt and Wilkie**  
 architects

38 New City Road  
 Glasgow G4 9JT  
 0141 552 6929  
 info@jwarchitects.co.uk  
 www.jwarchitects.co.uk

JOB TITLE

**Muirhall Road**  
**Mount Tabor Road,**  
**Kinnoull Hill, Perth**  
 for  
**Goldcrest Partners**

DRAWING TITLE

**Site Layout**

A3

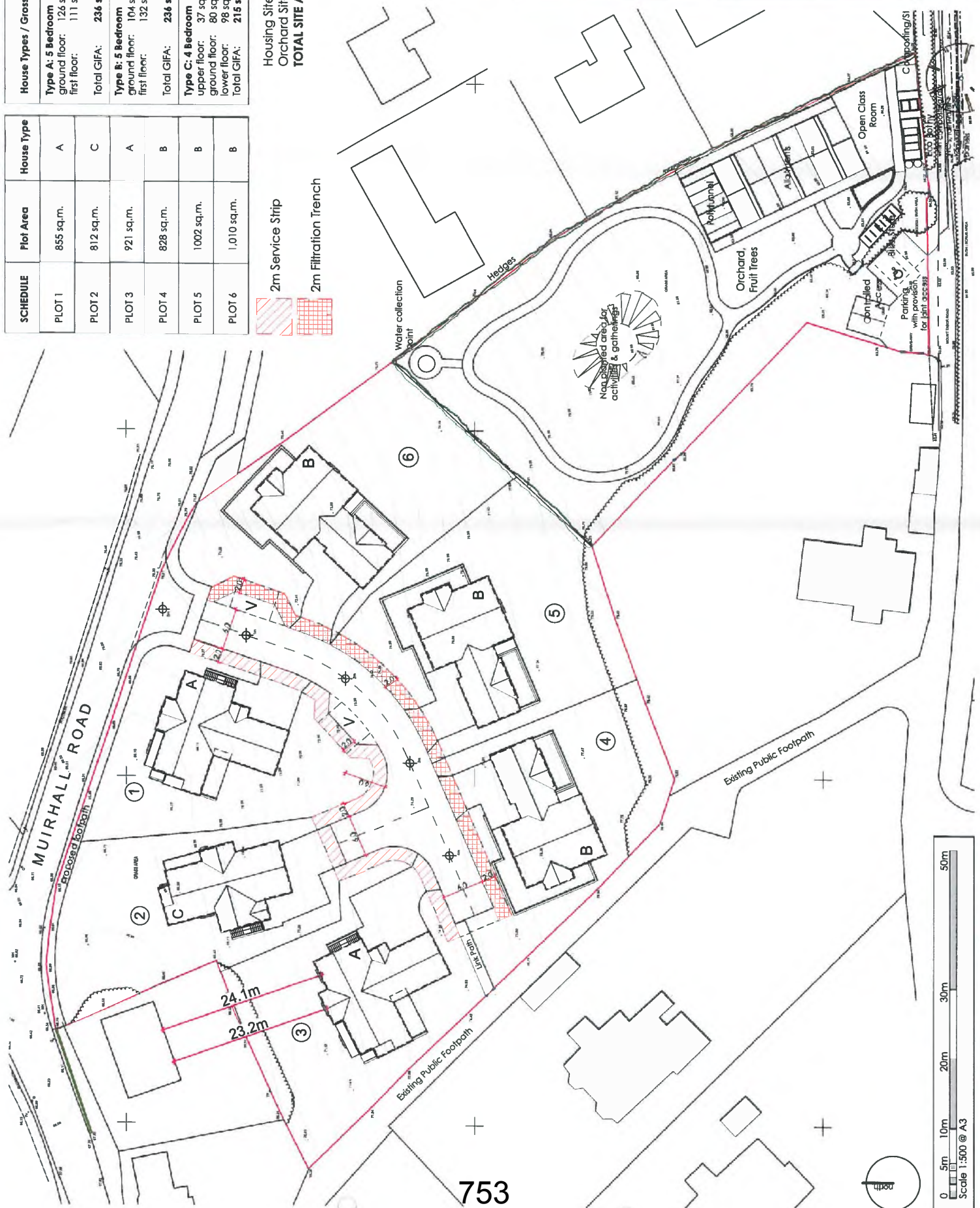
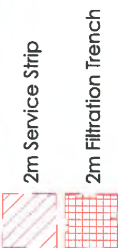
SCALE: 1:500  
 DATE:  
 DRAWN BY:  
 CHECKED BY:  
 REV:  
 DRAWING NO:

**3192/P/200-D**



SCHEDULE	Plot Area	House Type	House Types / Gross Internal Floor Areas	Footprint
PLOT 1	855 sq.m.	A	<b>Type A: 5 Bedroom</b> ground floor: 126 sq.m. first floor: 111 sq.m. plus 36 sq.m. garage Total GIFA: 236 sq.m. plus 36 sq.m. garage	188 sq.m
PLOT 2	812 sq.m.	C	<b>Type B: 5 Bedroom</b> ground floor: 104 sq.m. plus 36 sq.m. garage first floor: 132 sq.m. Total GIFA: 236 sq.m. plus 36 sq.m. garage	185 sq.m
PLOT 3	921 sq.m.	A	<b>Type C: 4 Bedroom</b> upper floor: 37 sq.m. ground floor: 80 sq.m. plus 36 sq.m. garage lower floor: 98 sq.m. Total GIFA: 215 sq.m. plus 36 sq.m. garage	161 sq.m
PLOT 4	828 sq.m.	B		
PLOT 5	1002 sq.m.	B		
PLOT 6	1,010 sq.m.	B		

Housing Site Area: 6,100m<sup>2</sup> / 1.50 acres  
 Orchard Site Area: 2,555m<sup>2</sup> / 0.63 acres  
**TOTAL SITE AREA: 8,655m<sup>2</sup> / 2.13 acres**



**REV -**  
 REVISIONS

Do not scale for construction purposes. All dimensions to be checked on site prior to construction of works.

**Jewitt and Wilkie**  
 architects

36 New City Road  
 Glasgow - G4 9JT  
 0141 352 6729  
 info@jewittandwilkie.co.uk  
 www.jewittandwilkie.co.uk

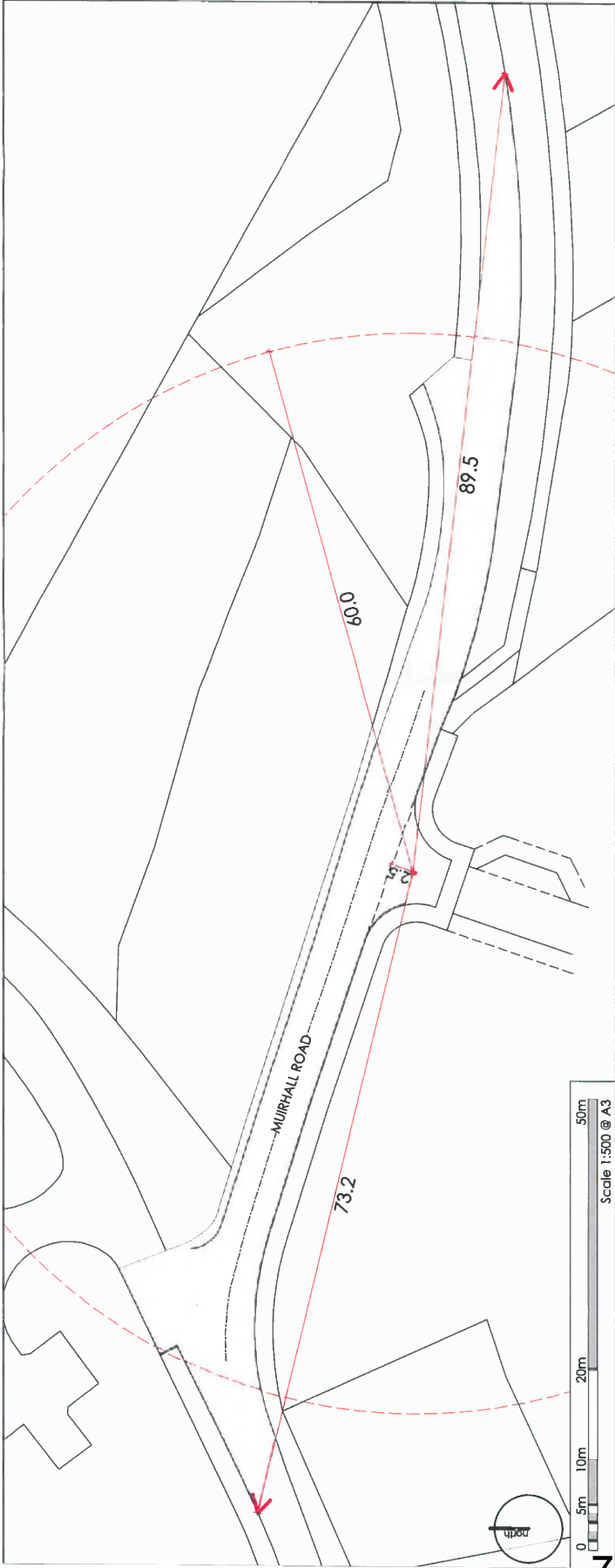
**JOB TITLE**  
**Muirhall Road**  
**Mount Tabor Road,**  
**Kinnoull Hill, Perth**  
 for  
**Goldcrest Partners**

**DRAWING TITLE**  
**Site Layout showing**  
**Services**

**A3**  
 SCALE: 1:500  
 DATE: DEC 2016  
 DRAWN BY: RJ  
 CHECKED BY: JJ  
 REV:

**3192/P/201-**





754

REV A: 28/05/17 RJ -  
Scale bar and north point shown. Title box note  
regarding the scaling of drawings revised.  
REV A: 17/05/17 RJ -  
DITTO DITTO 27/05/17 12/05/17

REVISIONS

Do not scale for construction purposes. All dimensions  
to be checked on site prior to commencement of work.

**Jewitt and Wilkie**  
architects

38 New City Road  
Glasgow G4 9JT  
0141 352 6929  
info@jwarchitects.co.uk  
www.jwarchitects.co.uk

JOB TITLE

**Muirhall Road  
Mount Tabor Road,  
Kinnoull Hill, Perth  
for  
Goldcrest Partners**

DRAWING TITLE

**Visibility Splays**

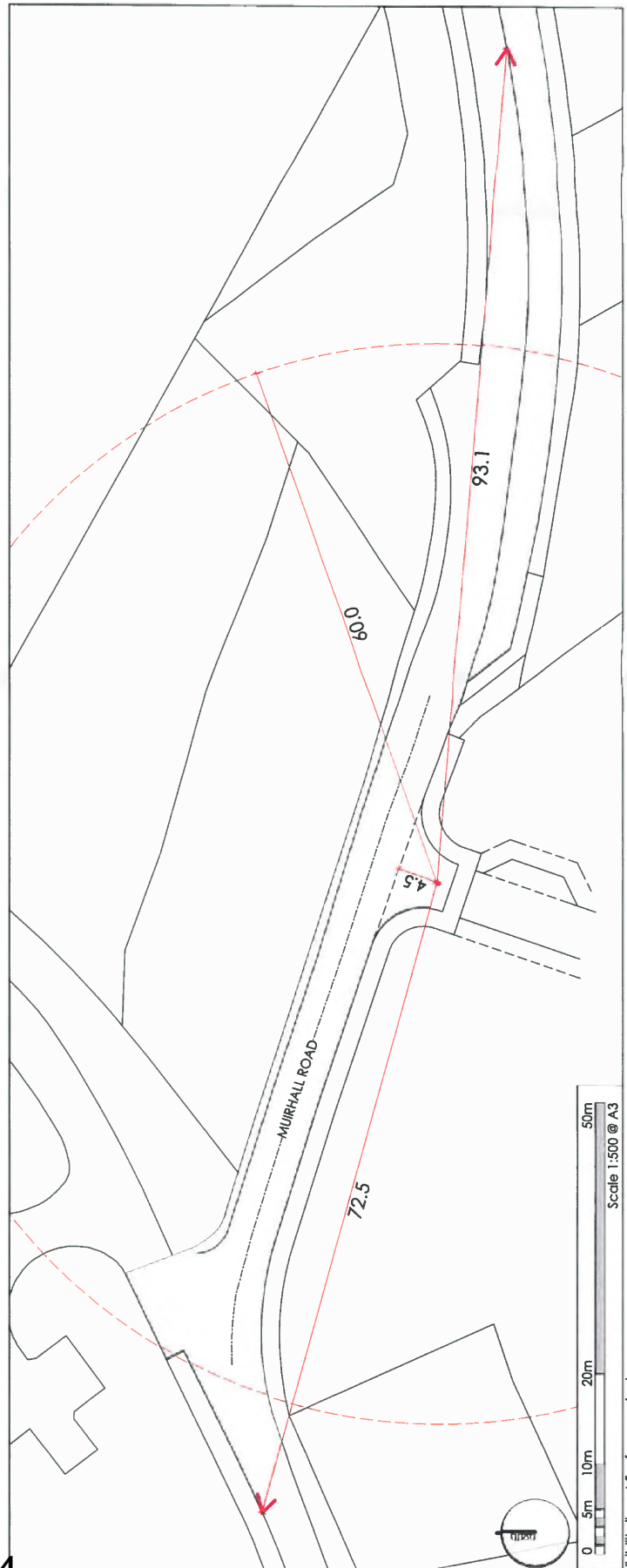
**A3**

SCALE: 1:500 DATE: MAY 2016

DRAWN BY: RJ CHECKED BY: JJ

DRAWING NO: REV:

**3192/P/202-**



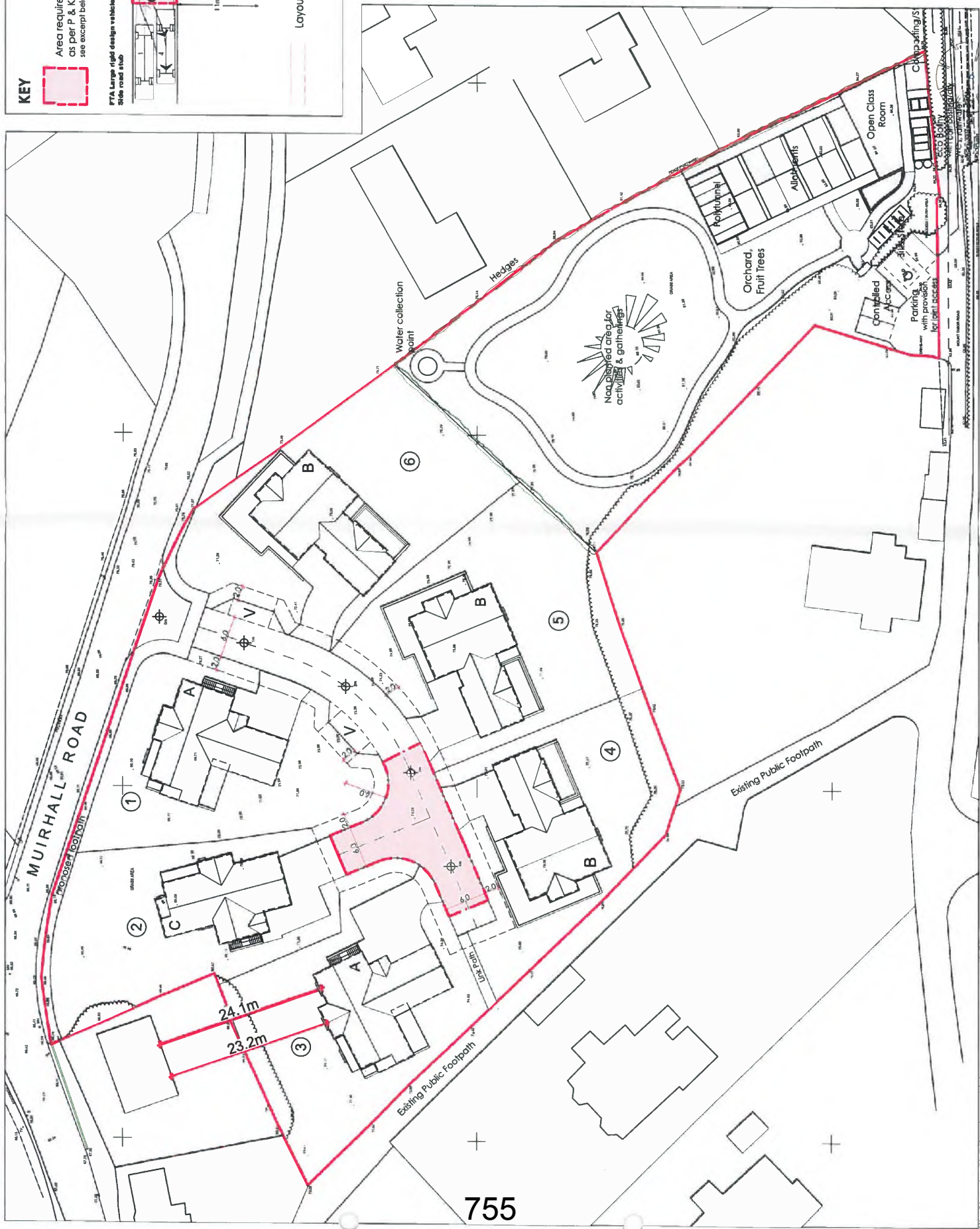
Visibility lines 4.5m from road edge

KEY

Area required for service vehicles as per P & K Council Consultation see excerpt below:

PTA Large rigid design vehicle

Layout as per original Planning Submission



755

Site Plan showing Service Vehicle Access

REV A: 20/07/14 RJ

Title Box note regarding the scaling of drawings revised.

REVISIONS

Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work

Jewitt and Wilkie

architects

38 New City Road

Glasgow - G4 9JT

0141 332 6727

info@jwarchitects.co.uk

www.jwarchitects.co.uk

38 TITLE

Muirhall Road

Mount Tabor Road,

Kinnoull Hill, Perth

for

Goldcrest Partners

DRAWING TITLE

Site Plan with Service

Vehicle Access

A3

SCALE: 1:500

DATE: MAY 2016

DRAWN BY: RJ

CHECKED BY: JJ

DRAWING NO:

REV:

3192/P/203-



Open Area

Residential Built Area

Housing Site Area: 6,100m<sup>2</sup> / 1.50 acres  
 Orchard Site Area: 2,555m<sup>2</sup> / 0.63 acres

**TOTAL SITE AREA: 8,655m<sup>2</sup> / 2.13 acres**

Residential Built Area 1,092m<sup>2</sup> / 0.27 acres  
 Open Space Area 7,563m<sup>2</sup> / 1.87 acres

Built area represents 12.4% of site area



REV  
 RETISING

Do not scale for construction purposes. All dimensions  
 to be checked on site prior to commencement of work.

**Jewitt and Wilkie**  
 architects

38 New City Road  
 Glasgow - G4 9JT  
 0141 352 6929  
 info@jewarchitect.co.uk  
 www.jewarchitect.co.uk

JOB TITLE

**Muirhall Road**  
**Mount Tabor Road,**  
**Kinnoull Hill, Perth**  
 for  
**Goldcrest Partners**

DRAWING TITLE

**Site Layout showing Open  
 Space**

**A3**

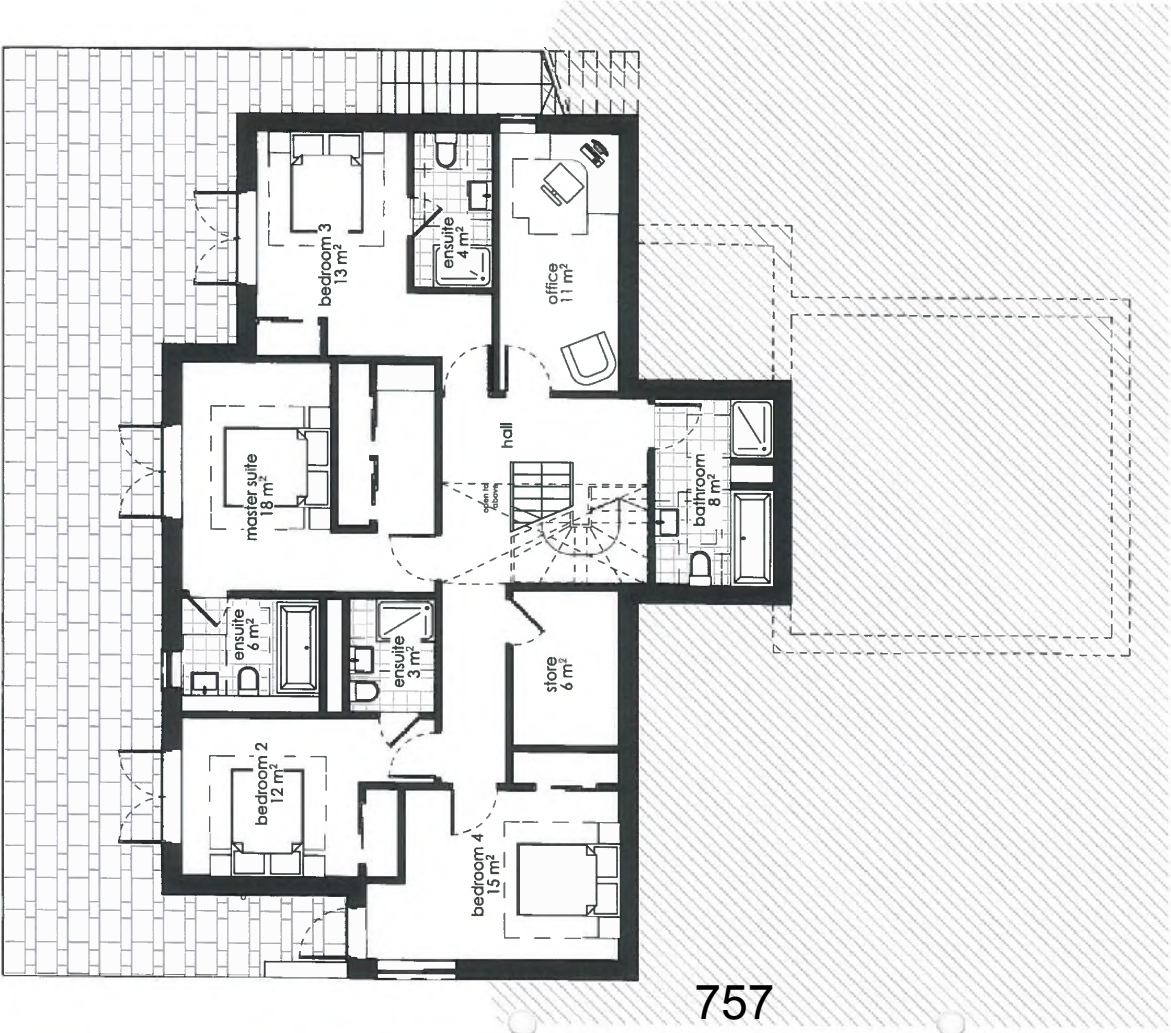
SCALE 1:500 DATE MAY 2016

DRAWN BY: RJ CHECKED BY: JJ

DRAWING NO: REV:

**3192/P/204-**

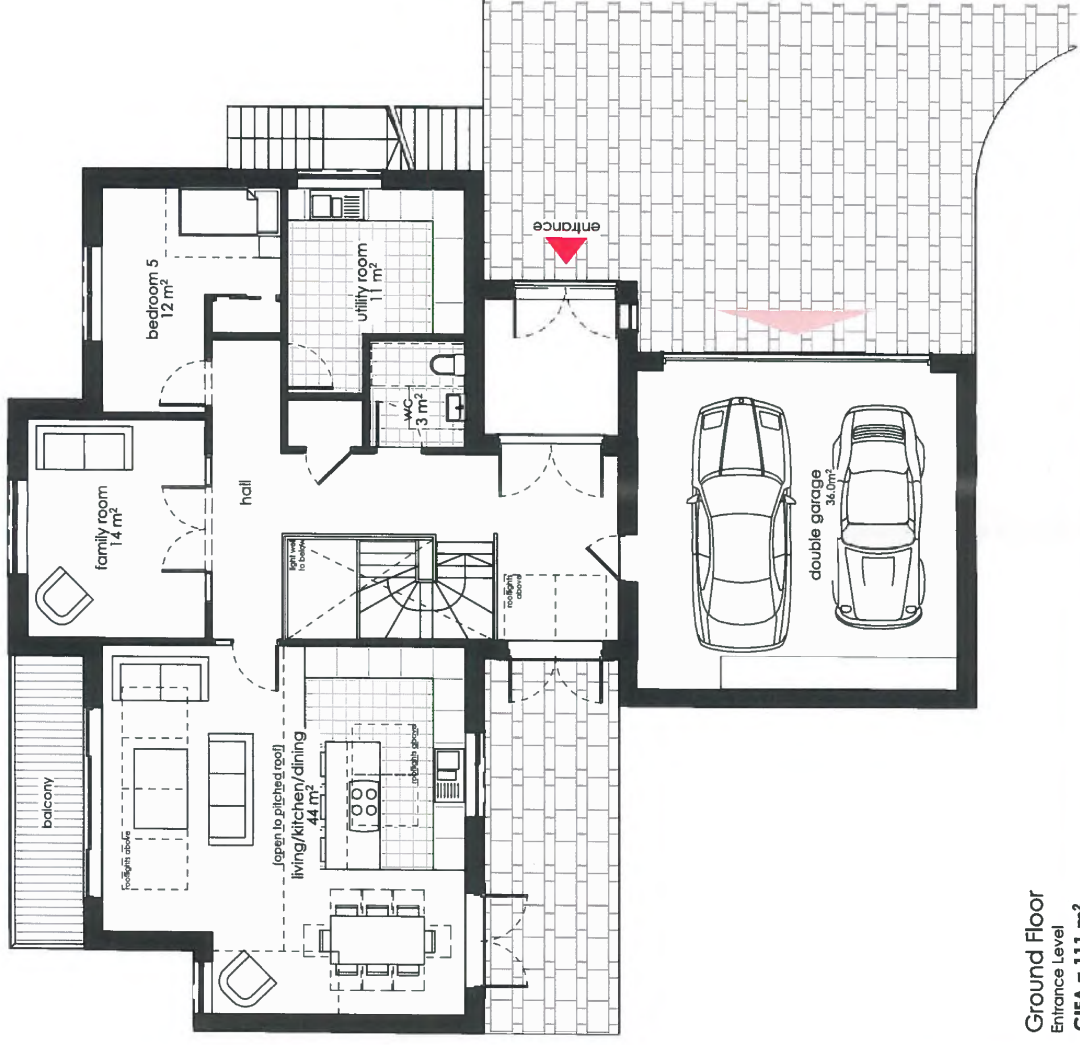
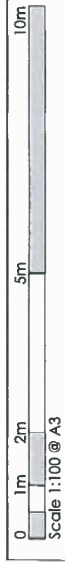




Lower Ground Floor  
GIFA = 126 m²

5 Bedroom house  
GIFA = 236 sqm / 2,540 sqft  
+ double garage 36 sqm / 388 sqft

REV A: 28/07/14  
Title Bar note regarding the scaling of drawings revised.



Ground Floor  
Entrance Level  
GIFA = 111 m²

Villa Type A Plans

A3

Muirhall Road  
Mount Tabor Road, Kinnoull Hill, Perth  
Goldcrest Partners

Jewitt and Wilkie  
architects

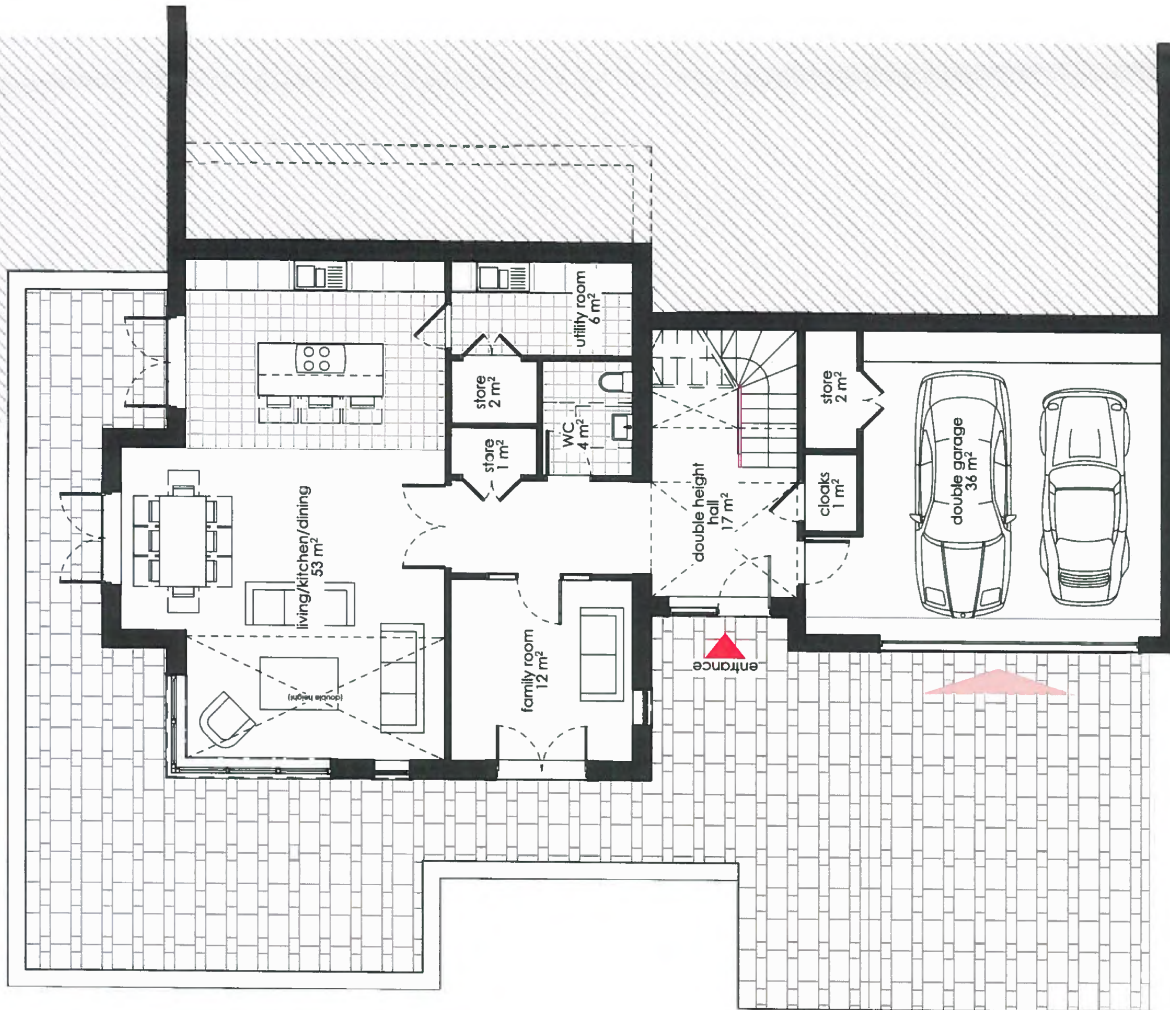
38 New City Road  
Glasgow - G4 9JT  
0141 352 6929  
info@jwaarchitects.co.uk  
www.jwaarchitects.co.uk

3192/P/300-A

Do not scale for construction purposes. All drawings to be checked on the plot to complement in work

SCALE: 1:100  
DATE:  
DRAWN BY:  
CHECKED BY:  
DRAWING NO:  
REV:

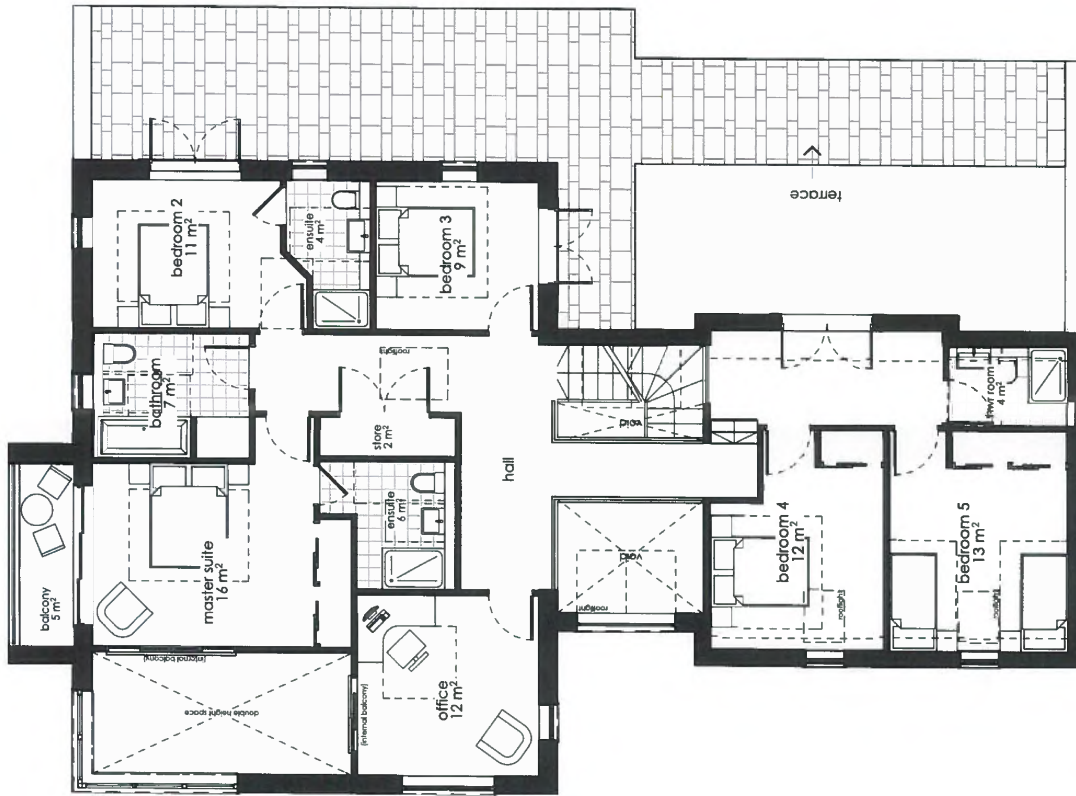




Ground Floor  
Entrance Level  
GIFA = 104 m²

5 Bedroom house

GIFA = 236 sqm / 2,540 sqft  
+ double garage 36 sqm / 388 sqft



Upper Floor  
GIFA = 132 m²

**Jewitt and Wilkie**  
architects

**Villa Type B Plans**

**Mulholland Road**  
**Mount Tabor Road, Kinnoull Hill, Perth**  
for  
**Goldcrest Partners**

Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.

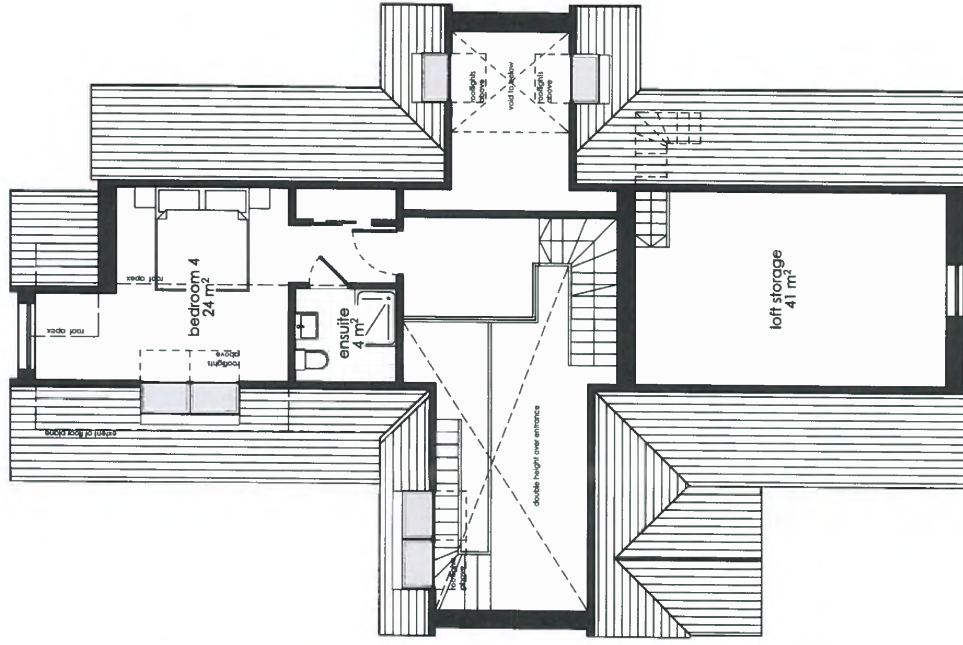
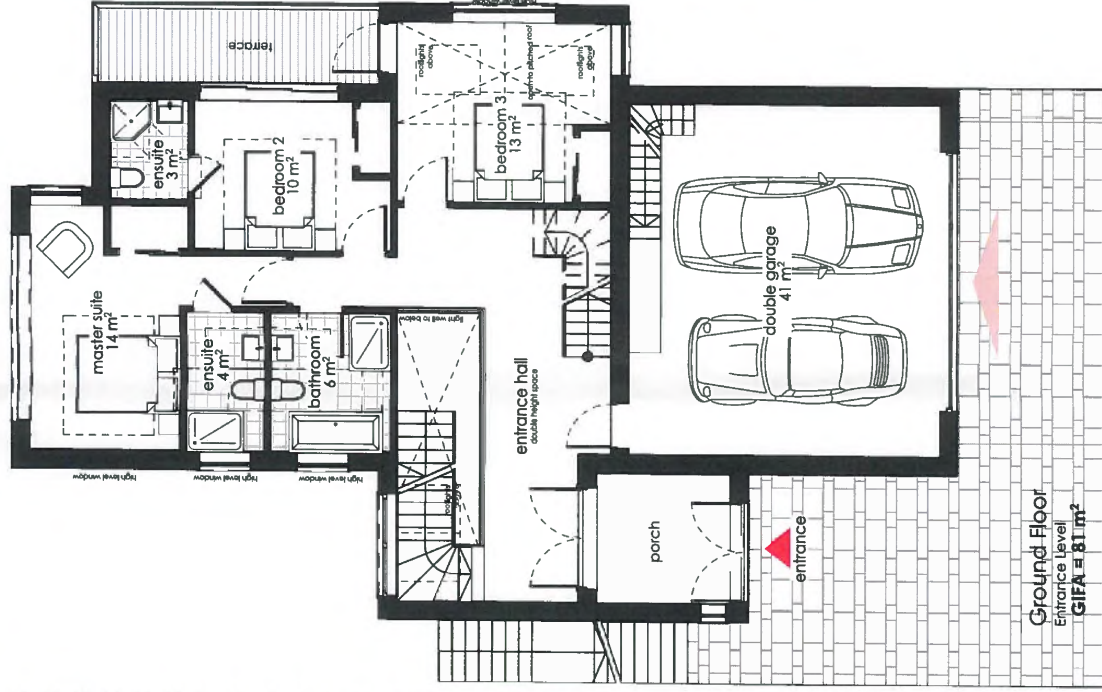
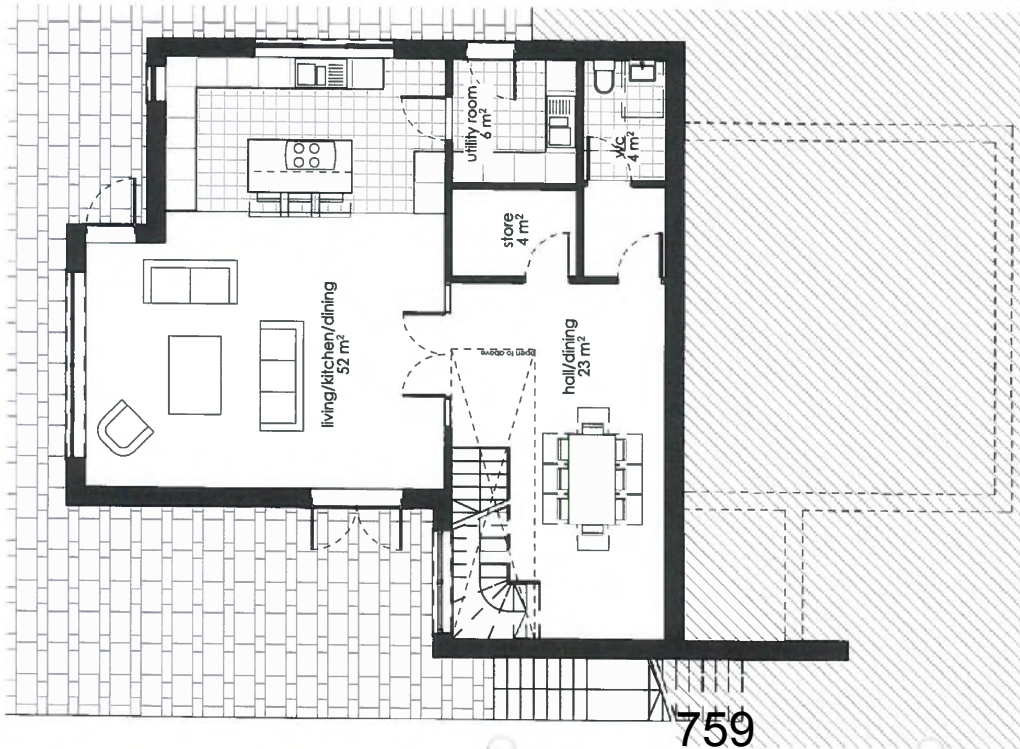
SCALE: 1:100 DATE: \_\_\_\_\_

DRAWN BY: \_\_\_\_\_ CHECKED BY: \_\_\_\_\_

DRAWING NO: 3192/P/310-A

38 New City Road  
Glasgow G4 7JH  
0141 332 6729  
info@jwaarchitects.co.uk  
www.jwaarchitects.co.uk





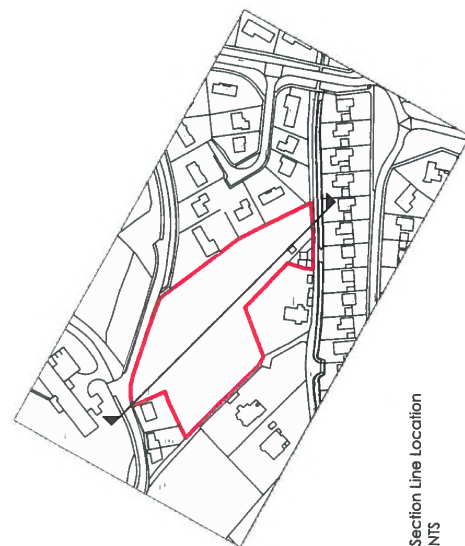
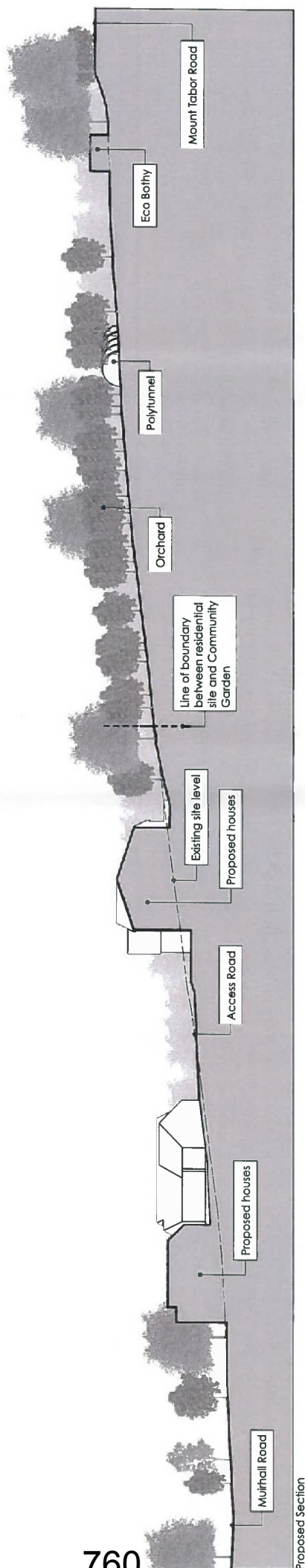
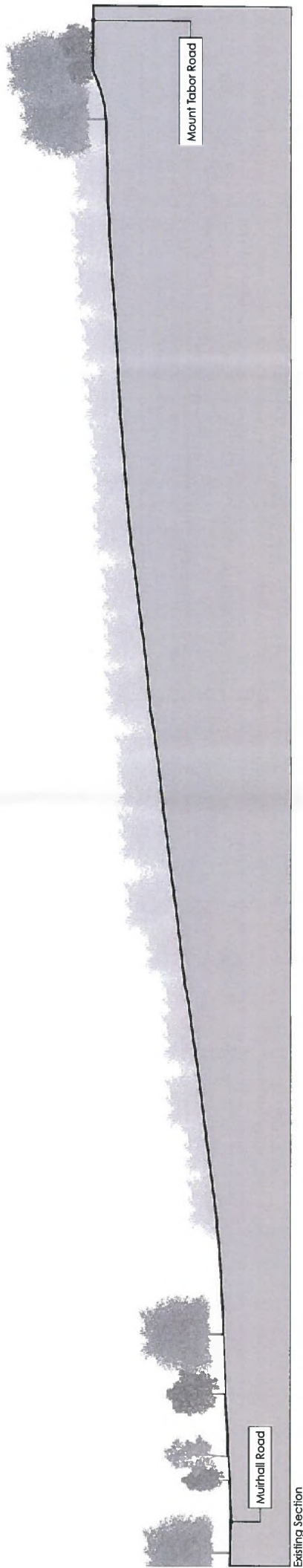
Lower Ground Floor  
GIFA = 100 m²

Upper Floor  
(Roof Space)  
GIFA = 37 m²

4 Bedroom house  
GIFA = 215 sqm / 2,314 sqft  
+ double garage 36 sqm / 388 sqft  
+ storage over garage 41 sqm / 441 sqft

Villa Type C Plans

DRAWING TITLE	A3	JOB TITLE	Muirhall Road Mount Tabor Road, Kinnoull Hill, Perth for Goldcrest Partners	Jewitt and Wilkie architects	Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.	SCALE: 1:100	DATE	CHECKED BY:	REV:	3192/P/320-A
						DRAWING NO:	DRAWN BY:			
						38 New City Road Glasgow G4 9JT 0141 352 6929 info@jwarchitects.co.uk www.jwarchitects.co.uk				



760

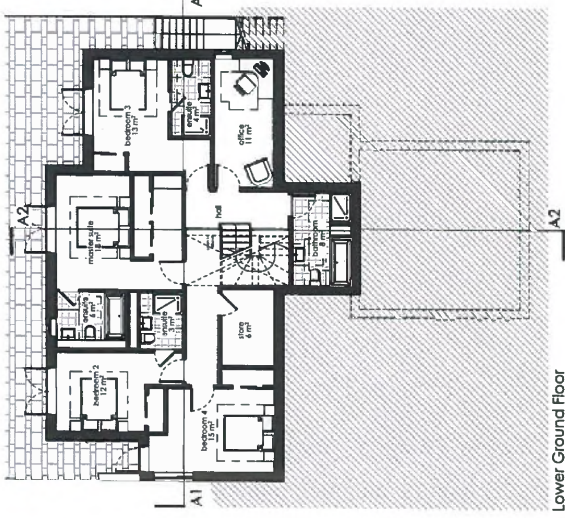
<b>Jewitt and Wilkie</b> architects		REV A: 28/07/16 RJ <small>Title Box notes regarding the scaling of drawings are as follows:</small>	
Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.		SCALE: 1:500    DATE: MAY 2016	
DRAWING NO:		CHECKED BY: JJ	
38 New City Road Glasgow - G4 9JT 0141 352 6729 info@jwarchitects.co.uk www.jwarchitects.co.uk		REV:	
<b>3192/P/400-A</b>			
<b>Site Sections</b>		<b>A3</b>	
JOB TITLE			
<b>Muirhall Road</b> <b>Mount Tabor Road, Kinnoull Hill, Perth</b> for <b>Goldcrest Partners</b>			



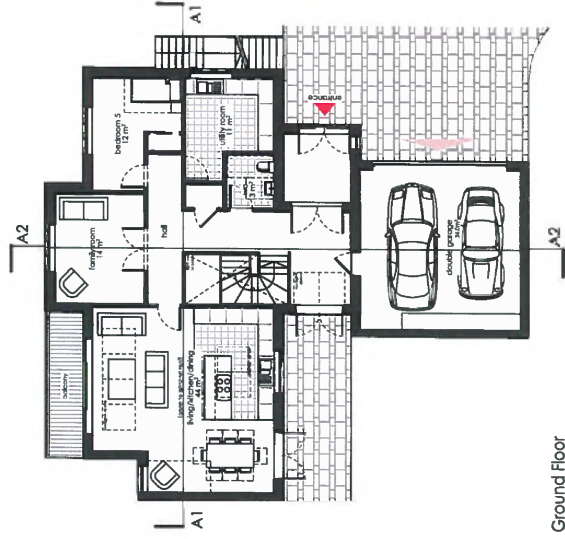


Section A1

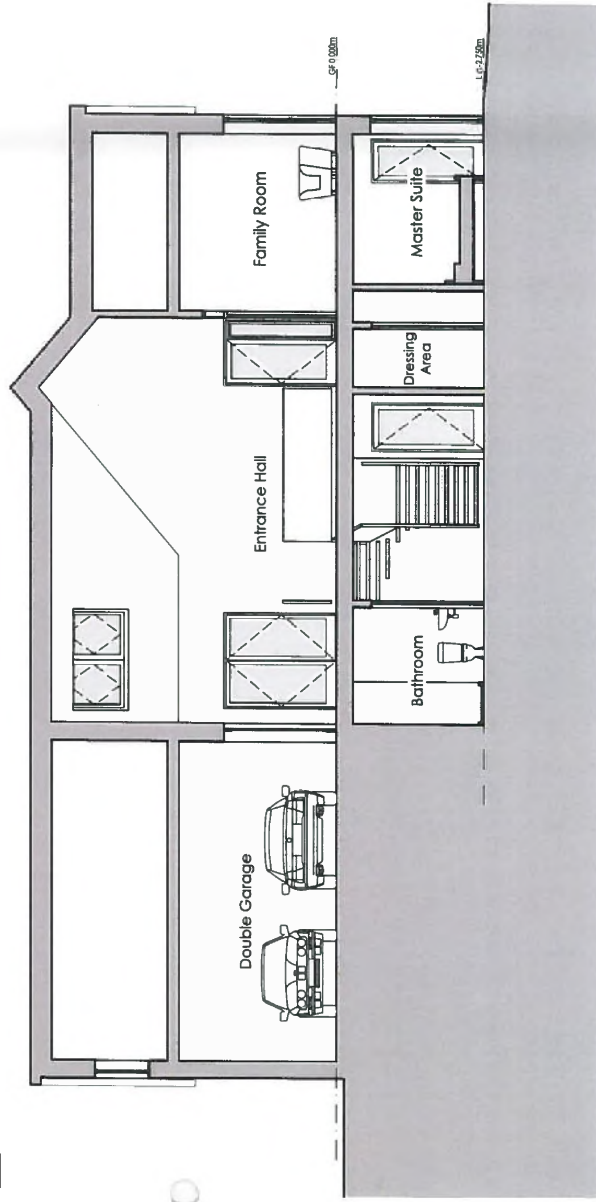
761



Plans  
showing section lines



Ground Floor



Section A2

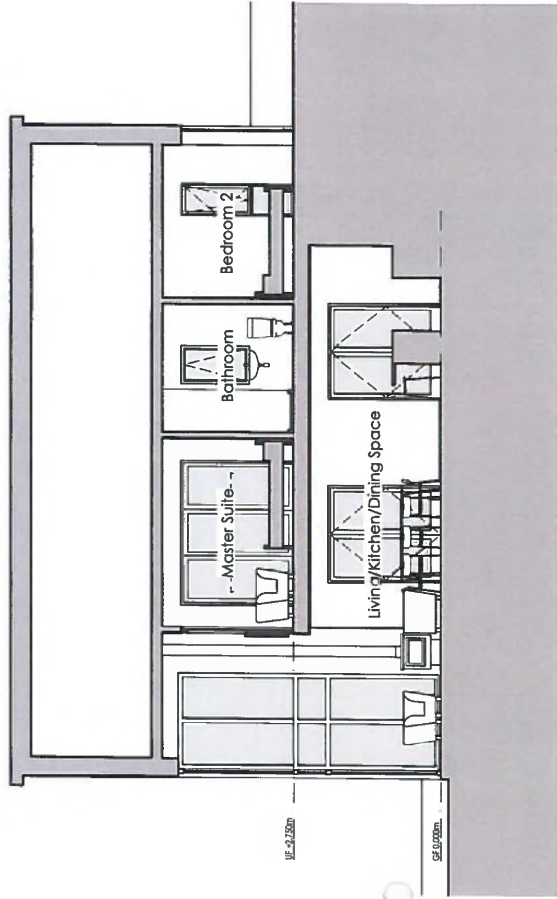
<p>REVISIONS</p> <p>See not made for construction purposes. All drawings to be checked on site prior to commencement of work.</p> <p><b>Jewitt and Wilkie architects</b></p> <p>38 New City Road Glasgow G4 7JT 0141 332 4829 info@jwarchitects.co.uk www.jwarchitects.co.uk</p> <p>TITLE</p> <p><b>Muirhall Road Mount Tabor Road, Kinnoull Hill, Perth for Goldcrest Partners</b></p> <p>DRAWING TITLE</p> <p><b>Villa Type A Sections</b></p> <p><b>A3</b></p>	<p>SCALE: 1:100, 1:200 DATE:</p> <p>DRAWN BY: CHECKED BY:</p> <p>DRAWING NO: REV:</p> <p><b>3192/P/401-A</b></p>
---	--

REV A: 28/07/14 RJ

Title Box note regarding the scaling of drawings revised.

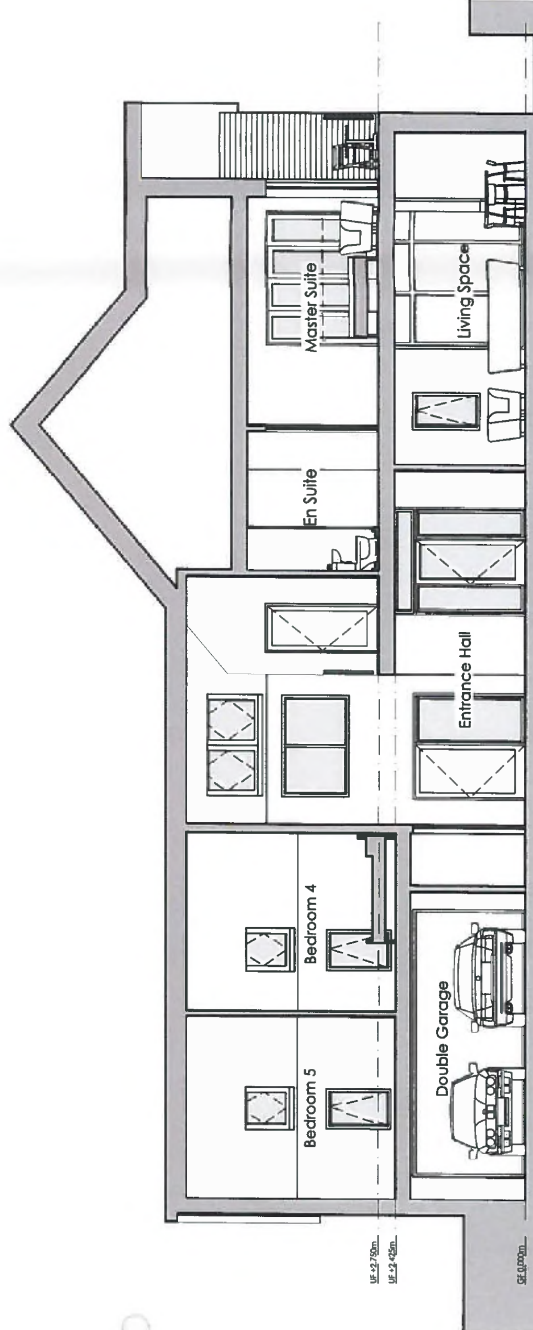
0 1m 2m 5m 10m

Scale 1:100 @ A3

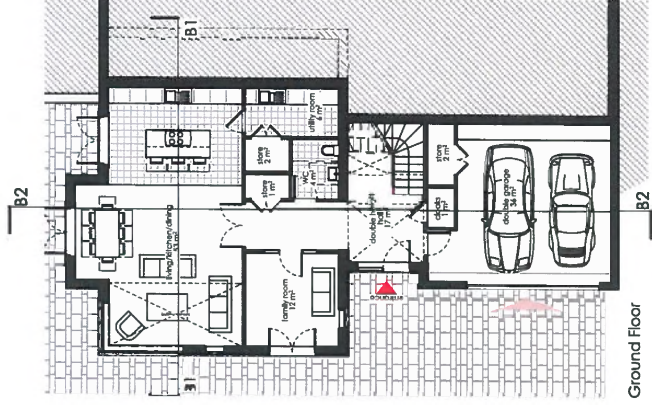


Section B1

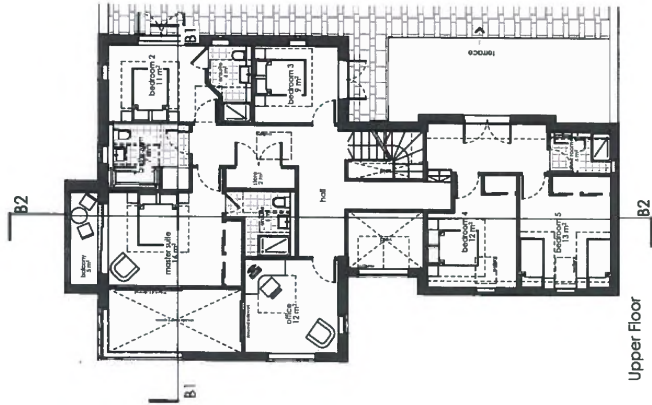
162



Section B2



Ground Floor

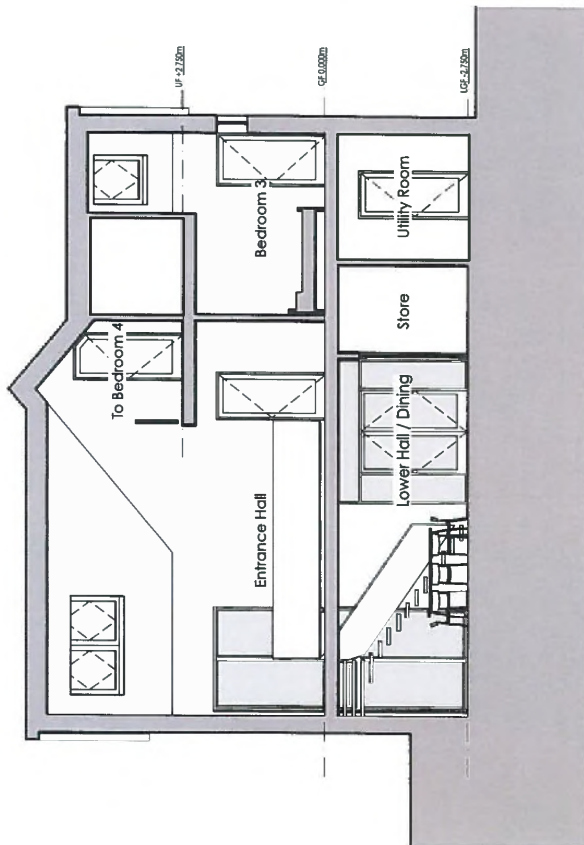


Upper Floor

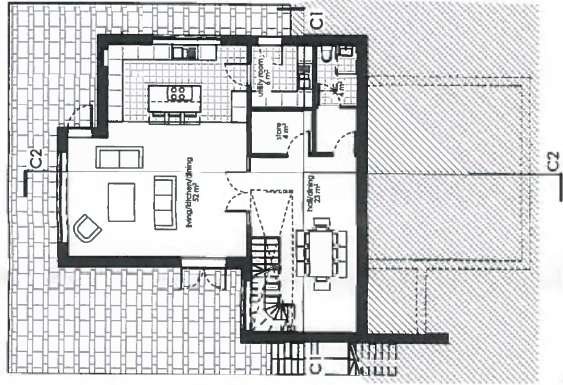
Plans showing section lines

<p>REVISIONS</p> <p>Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.</p> <p><b>Jewitt and Wilkie</b> architects</p> <p>38 New City Road Glasgow, G4 9JT 0141 352 4927 info@jwarchitects.co.uk www.jwarchitects.co.uk</p>	<p>COR TITLE</p> <p><b>Muirhall Road</b> <b>Mount Tabor Road,</b> <b>Kinnoull Hill, Perth</b> for <b>Goldcrest Partners</b></p>	<p>38AVING TITLE</p> <p><b>Villa Type B Sections</b></p> <p><b>A3</b></p>
<p>SCALE: 1:200, 1:100</p> <p>DATE:</p> <p>DRAWN BY:</p> <p>CHECKED BY:</p> <p>DRAWING NO:</p> <p>REV:</p>	<p>REV A: 28/07/14 BJ</p> <p>Title Box note regarding the scaling of drawings: revised.</p>	
<p>1m 2m 5m 10m</p> <p>Scale 1:100 @ A3</p>		

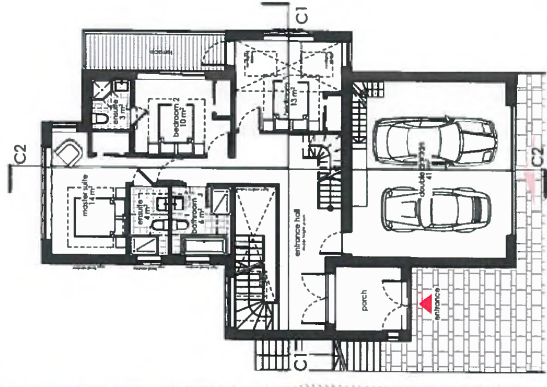




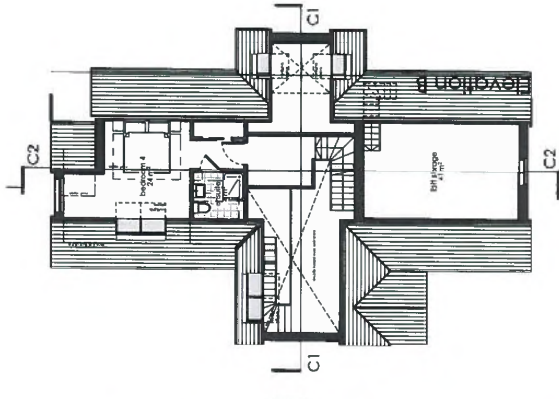
Section C1



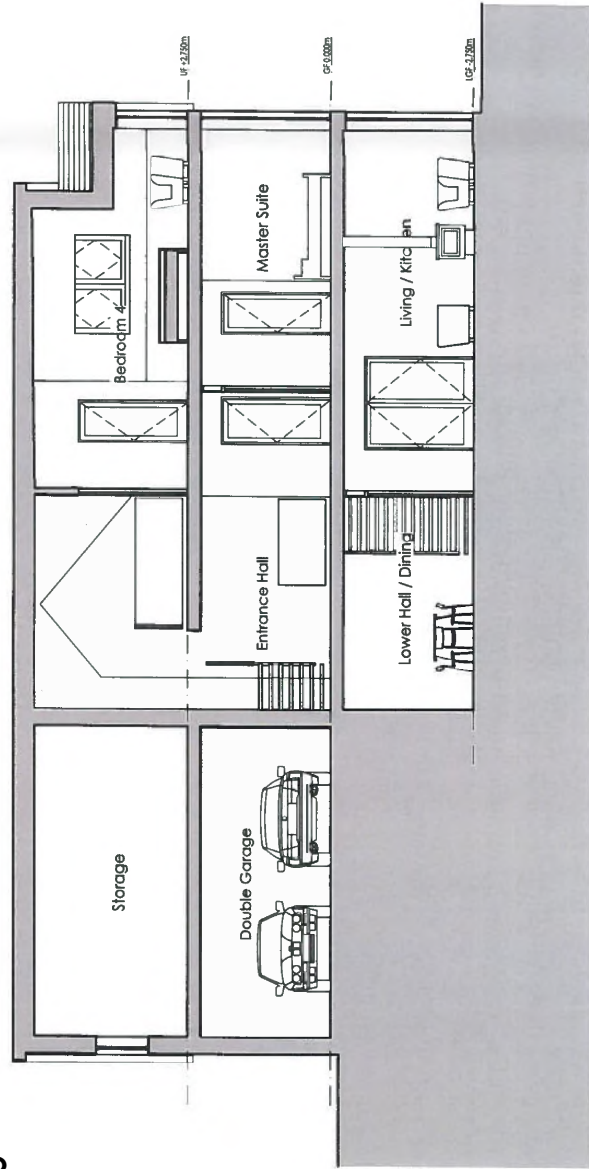
Lower Ground Floor  
Plans  
showing section lines



Ground Floor



Upper Floor



Section C2

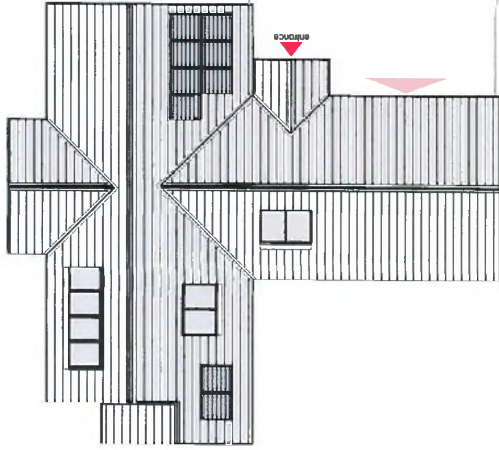
<b>REVISIONS</b>  Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.  <b>Jewitt and Wilkie architects</b>  38 New City Road Glasgow - G4 9JT 0141 352 8929 info@jowarchitects.co.uk www.jowarchitects.co.uk	<b>JOB TITLE</b>  <b>Muirhall Road</b> <b>Mount Tabor Road,</b> <b>Kinnoull Hill, Perth</b> for <b>Goldcrest Partners</b>	<b>DRAWING TITLE</b>  <b>Villa Type C Sections</b>	<b>A3</b>
<b>SCALE:</b> 1:100, 1:200  <b>DRAWN BY:</b>  <b>DRAWING NO:</b>	<b>DATE:</b>  <b>CHECKED BY:</b>  <b>REV:</b>	<b>3192/P/420-A</b>	

REV A: 28/07/18 RJ  
Title Box note regarding the scaling of drawings revised.



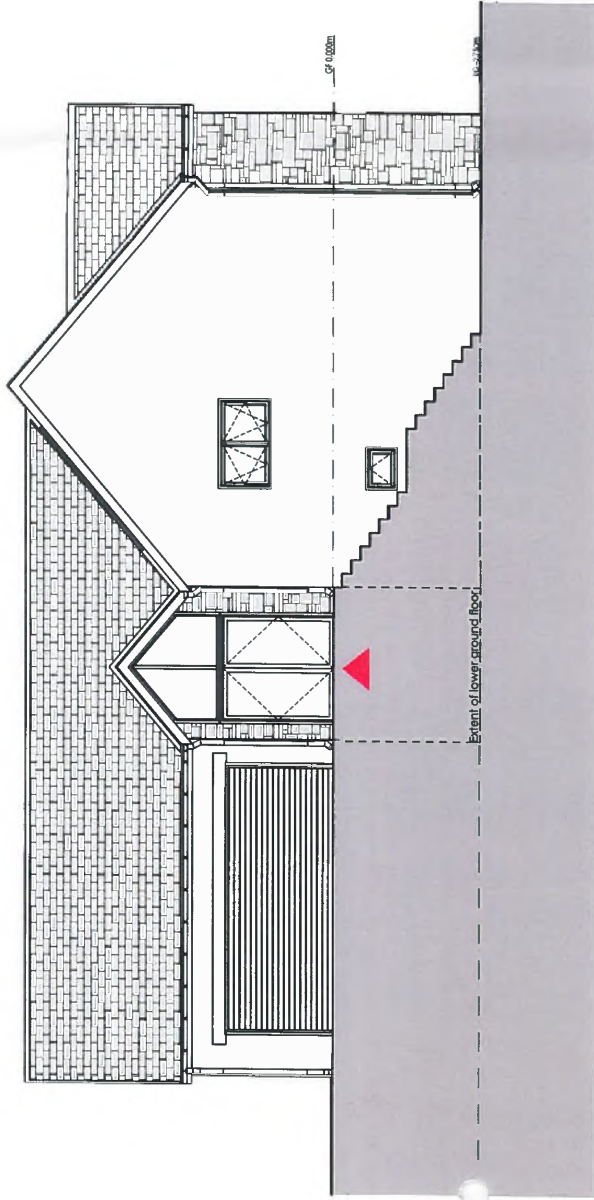


Elevation B



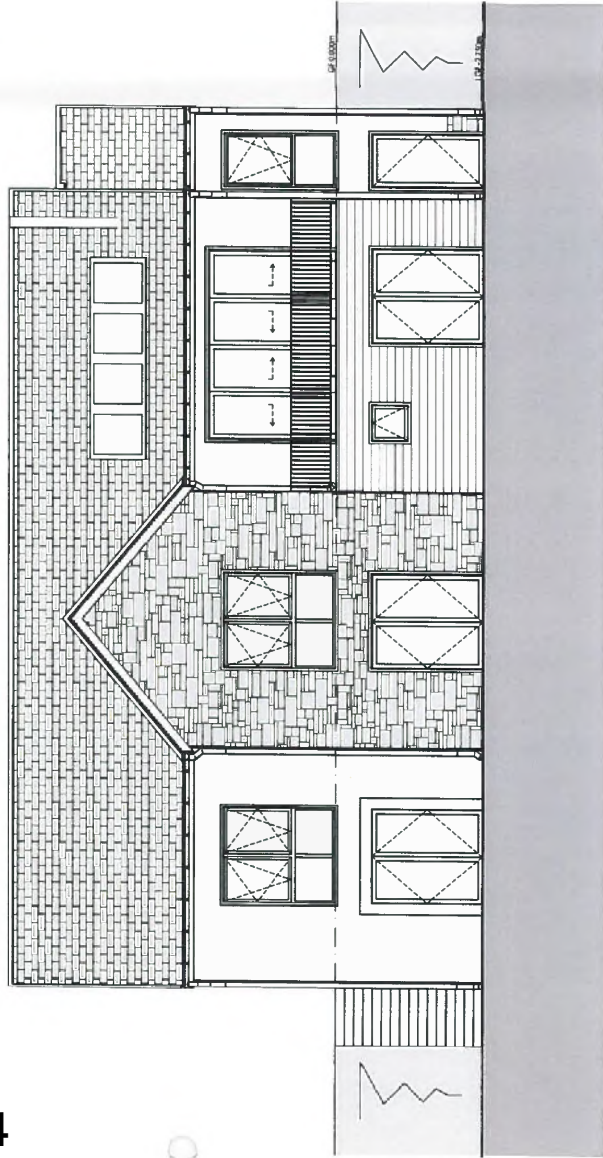
Elevation A

Roof Plan  
showing elevation lines



Elevation A  
showing entrance

764

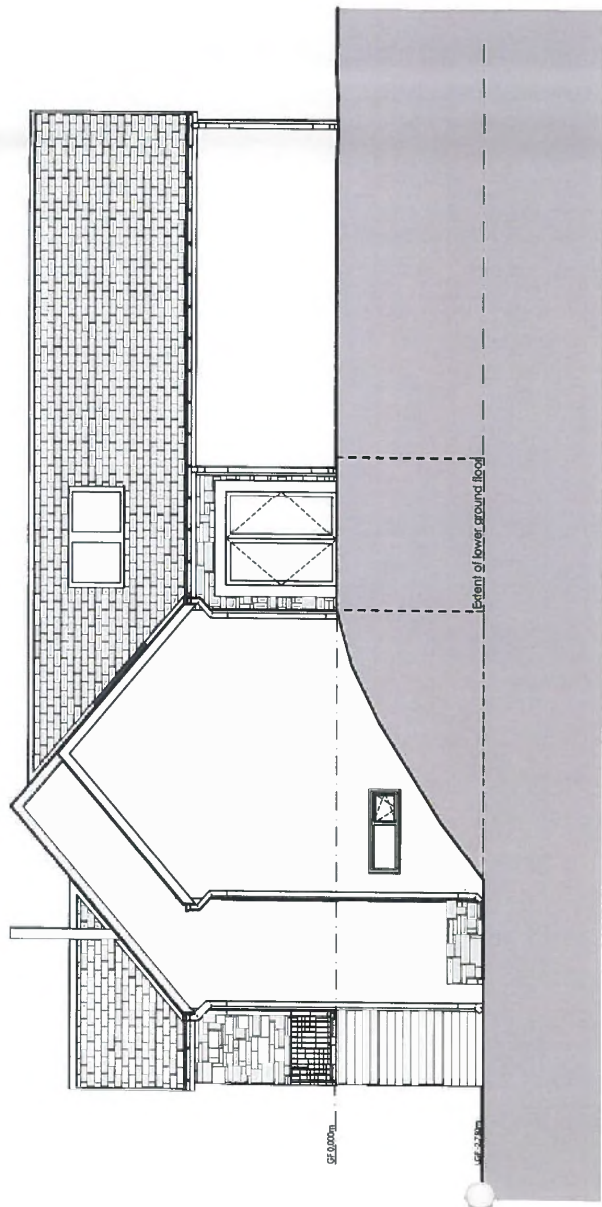


Elevation B

REVISIONS	Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.		<b>Jewitt and Wilkie</b> architects 38 New City Road Glasgow G4 7JT 0141 352 4929 info@jwarchitects.co.uk www.jwarchitects.co.uk
JOB TITLE	<b>Mulhail Road</b> <b>Mount Tabor Road,</b> <b>Kinnoull Hill, Perth</b> for <b>Goldcrest Partners</b>		
DRAWING TITLE	<b>Villa Type A Elevations 01</b>		
SCALE:	1:100, 1:200	DATE:	<b>A3</b>
DRAWN BY:		CHECKED BY:	
DRAWING NO:		REV:	
			<b>3192/P/500-B</b>

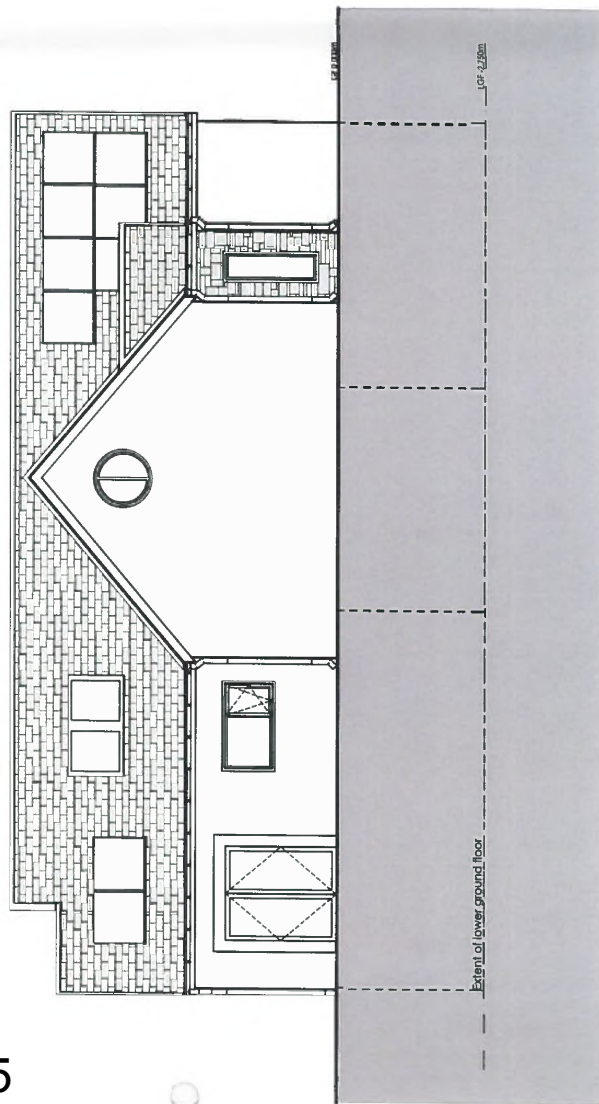
REV B: 28/07/14 RJ  
Title Box note regarding the scaling of drawings revised.  
Rev A: 11/04/14 RJ  
Finished floor levels shown.



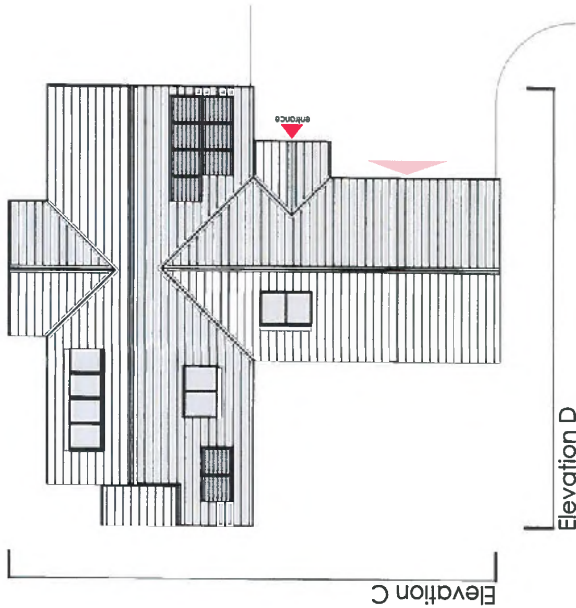


Elevation C

765



Elevation D



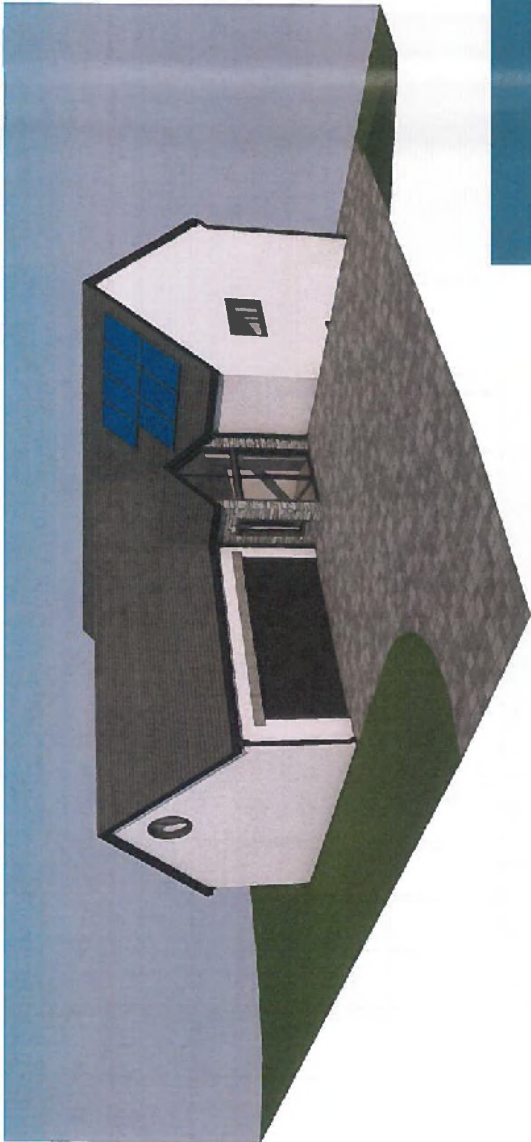
Elevation D

Roof Plan  
showing elevation lines

<p>REVISIONS</p> <p>Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.</p> <p><b>Jewitt and Wilkie architects</b></p> <p>38 New City Road Glasgow G4 7JT 0141 332 0723 info@jwarchitect.co.uk www.jwarchitect.co.uk</p>	<p>JOB TITLE</p> <p><b>Muirhall Road</b> <b>Mount Tabor Road,</b> <b>Kinnoull Hill, Perth</b> for <b>Goldcrest Partners</b></p>	<p>DRAWING TITLE</p> <p><b>Villa Type A Elevations 02</b></p>	<p><b>A3</b></p>
<p>SCALE: 1:100, 1:200</p>	<p>DATE:</p>	<p>DRAWN BY:</p>	<p>CHECKED BY:</p>
<p>DRAWING NO:</p>	<p>REV:</p>	<p><b>3192/P/501-B</b></p>	

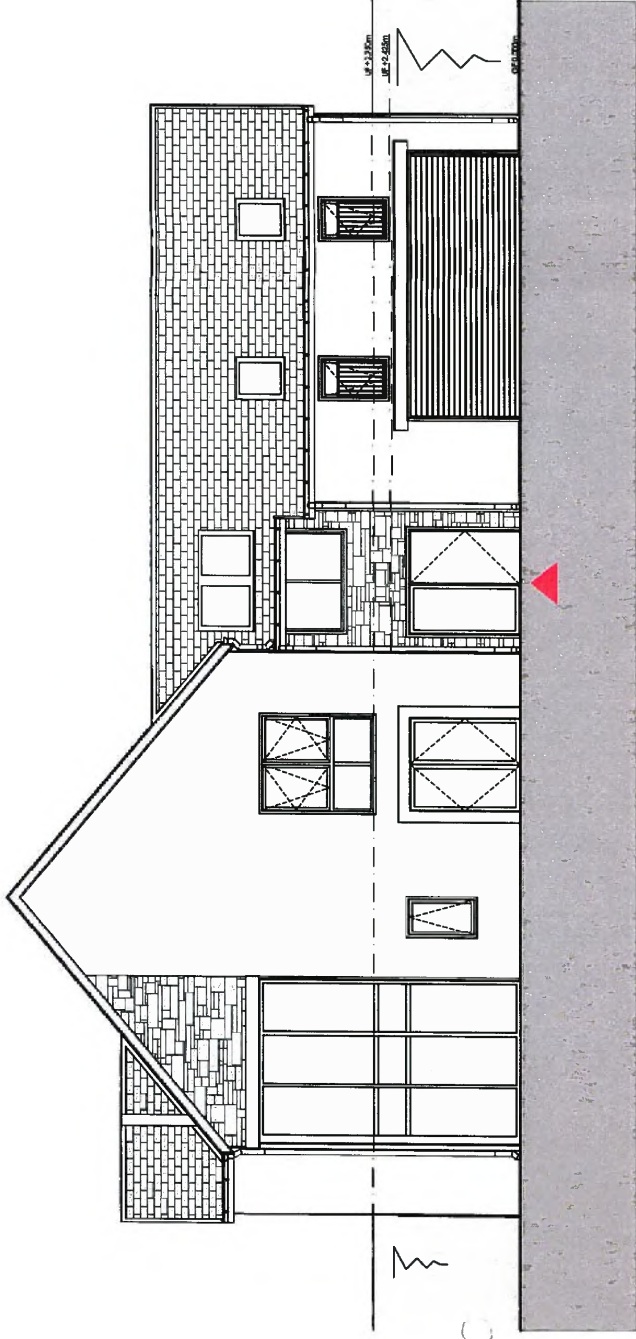
REV B: 28/07/16 BJ  
Title Box note regarding the scaling of documents:  
For A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, A21, A22, A23, A24, A25, A26, A27, A28, A29, A30, A31, A32, A33, A34, A35, A36, A37, A38, A39, A40, A41, A42, A43, A44, A45, A46, A47, A48, A49, A50, A51, A52, A53, A54, A55, A56, A57, A58, A59, A60, A61, A62, A63, A64, A65, A66, A67, A68, A69, A70, A71, A72, A73, A74, A75, A76, A77, A78, A79, A80, A81, A82, A83, A84, A85, A86, A87, A88, A89, A90, A91, A92, A93, A94, A95, A96, A97, A98, A99, A100, A101, A102, A103, A104, A105, A106, A107, A108, A109, A110, A111, A112, A113, A114, A115, A116, A117, A118, A119, A120, A121, A122, A123, A124, A125, A126, A127, A128, A129, A130, A131, A132, A133, A134, A135, A136, A137, A138, A139, A140, A141, A142, A143, A144, A145, A146, A147, A148, A149, A150, A151, A152, A153, A154, A155, A156, A157, A158, A159, A160, A161, A162, A163, A164, A165, A166, A167, A168, A169, A170, A171, A172, A173, A174, A175, A176, A177, A178, A179, A180, A181, A182, A183, A184, A185, A186, A187, A188, A189, A190, A191, A192, A193, A194, A195, A196, A197, A198, A199, A200, A201, A202, A203, A204, A205, A206, A207, A208, A209, A210, A211, A212, A213, A214, A215, A216, A217, A218, A219, A220, A221, A222, A223, A224, A225, A226, A227, A228, A229, A230, A231, A232, A233, A234, A235, A236, A237, A238, A239, A240, A241, A242, A243, A244, A245, A246, A247, A248, A249, A250, A251, A252, A253, A254, A255, A256, A257, A258, A259, A260, A261, A262, A263, A264, A265, A266, A267, A268, A269, A270, A271, A272, A273, A274, A275, A276, A277, A278, A279, A280, A281, A282, A283, A284, A285, A286, A287, A288, A289, A290, A291, A292, A293, A294, A295, A296, A297, A298, A299, A300, A301, A302, A303, A304, A305, A306, A307, A308, A309, A310, A311, A312, A313, A314, A315, A316, A317, A318, A319, A320, A321, A322, A323, A324, A325, A326, A327, A328, A329, A330, A331, A332, A333, A334, A335, A336, A337, A338, A339, A340, A341, A342, A343, A344, A345, A346, A347, A348, A349, A350, A351, A352, A353, A354, A355, A356, A357, A358, A359, A360, A361, A362, A363, A364, A365, A366, A367, A368, A369, A370, A371, A372, A373, A374, A375, A376, A377, A378, A379, A380, A381, A382, A383, A384, A385, A386, A387, A388, A389, A390, A391, A392, A393, A394, A395, A396, A397, A398, A399, A400, A401, A402, A403, A404, A405, A406, A407, A408, A409, A410, A411, A412, A413, A414, A415, A416, A417, A418, A419, A420, A421, A422, A423, A424, A425, A426, A427, A428, A429, A430, A431, A432, A433, A434, A435, A436, A437, A438, A439, A440, A441, A442, A443, A444, A445, A446, A447, A448, A449, A450, A451, A452, A453, A454, A455, A456, A457, A458, A459, A460, A461, A462, A463, A464, A465, A466, A467, A468, A469, A470, A471, A472, A473, A474, A475, A476, A477, A478, A479, A480, A481, A482, A483, A484, A485, A486, A487, A488, A489, A490, A491, A492, A493, A494, A495, A496, A497, A498, A499, A500, A501, A502, A503, A504, A505, A506, A507, A508, A509, A510, A511, A512, A513, A514, A515, A516, A517, A518, A519, A520, A521, A522, A523, A524, A525, A526, A527, A528, A529, A530, A531, A532, A533, A534, A535, A536, A537, A538, A539, A540, A541, A542, A543, A544, A545, A546, A547, A548, A549, A550, A551, A552, A553, A554, A555, A556, A557, A558, A559, A560, A561, A562, A563, A564, A565, A566, A567, A568, A569, A570, A571, A572, A573, A574, A575, A576, A577, A578, A579, A580, A581, A582, A583, A584, A585, A586, A587, A588, A589, A590, A591, A592, A593, A594, A595, A596, A597, A598, A599, A600, A601, A602, A603, A604, A605, A606, A607, A608, A609, A610, A611, A612, A613, A614, A615, A616, A617, A618, A619, A620, A621, A622, A623, A624, A625, A626, A627, A628, A629, A630, A631, A632, A633, A634, A635, A636, A637, A638, A639, A640, A641, A642, A643, A644, A645, A646, A647, A648, A649, A650, A651, A652, A653, A654, A655, A656, A657, A658, A659, A660, A661, A662, A663, A664, A665, A666, A667, A668, A669, A670, A671, A672, A673, A674, A675, A676, A677, A678, A679, A680, A681, A682, A683, A684, A685, A686, A687, A688, A689, A690, A691, A692, A693, A694, A695, A696, A697, A698, A699, A700, A701, A702, A703, A704, A705, A706, A707, A708, A709, A710, A711, A712, A713, A714, A715, A716, A717, A718, A719, A720, A721, A722, A723, A724, A725, A726, A727, A728, A729, A730, A731, A732, A733, A734, A735, A736, A737, A738, A739, A740, A741, A742, A743, A744, A745, A746, A747, A748, A749, A750, A751, A752, A753, A754, A755, A756, A757, A758, A759, A760, A761, A762, A763, A764, A765, A766, A767, A768, A769, A770, A771, A772, A773, A774, A775, A776, A777, A778, A779, A780, A781, A782, A783, A784, A785, A786, A787, A788, A789, A790, A791, A792, A793, A794, A795, A796, A797, A798, A799, A800, A801, A802, A803, A804, A805, A806, A807, A808, A809, A810, A811, A812, A813, A814, A815, A816, A817, A818, A819, A820, A821, A822, A823, A824, A825, A826, A827, A828, A829, A830, A831, A832, A833, A834, A835, A836, A837, A838, A839, A840, A841, A842, A843, A844, A845, A846, A847, A848, A849, A850, A851, A852, A853, A854, A855, A856, A857, A858, A859, A860, A861, A862, A863, A864, A865, A866, A867, A868, A869, A870, A871, A872, A873, A874, A875, A876, A877, A878, A879, A880, A881, A882, A883, A884, A885, A886, A887, A888, A889, A890, A891, A892, A893, A894, A895, A896, A897, A898, A899, A900, A901, A902, A903, A904, A905, A906, A907, A908, A909, A910, A911, A912, A913, A914, A915, A916, A917, A918, A919, A920, A921, A922, A923, A924, A925, A926, A927, A928, A929, A930, A931, A932, A933, A934, A935, A936, A937, A938, A939, A940, A941, A942, A943, A944, A945, A946, A947, A948, A949, A950, A951, A952, A953, A954, A955, A956, A957, A958, A959, A960, A961, A962, A963, A964, A965, A966, A967, A968, A969, A970, A971, A972, A973, A974, A975, A976, A977, A978, A979, A980, A981, A982, A983, A984, A985, A986, A987, A988, A989, A990, A991, A992, A993, A994, A995, A996, A997, A998, A999, A1000, A1001, A1002, A1003, A1004, A1005, A1006, A1007, A1008, A1009, A1010, A1011, A1012, A1013, A1014, A1015, A1016, A1017, A1018, A1019, A1020, A1021, A1022, A1023, A1024, A1025, A1026, A1027, A1028, A1029, A1030, A1031, A1032, A1033, A1034, A1035, A1036, A1037, A1038, A1039, A1040, A1041, A1042, A1043, A1044, A1045, A1046, A1047, A1048, A1049, A1050, A1051, A1052, A1053, A1054, A1055, A1056, A1057, A1058, A1059, A1060, A1061, A1062, A1063, A1064, A1065, A1066, A1067, A1068, A1069, A1070, A1071, A1072, A1073, A1074, A1075, A1076, A1077, A1078, A1079, A1080, A1081, A1082, A1083, A1084, A1085, A1086, A1087, A1088, A1089, A1090, A1091, A1092, A1093, A1094, A1095, A1096, A1097, A1098, A1099, A1100, A1101, A1102, A1103, A1104, A1105, A1106, A1107, A1108, A1109, A1110, A1111, A1112, A1113, A1114, A1115, A1116, A1117, A1118, A1119, A1120, A1121, A1122, A1123, A1124, A1125, A1126, A1127, A1128, A1129, A1130, A1131, A1132, A1133, A1134, A1135, A1136, A1137, A1138, A1139, A1140, A1141, A1142, A1143, A1144, A1145, A1146, A1147, A1148, A1149, A1150, A1151, A1152, A1153, A1154, A1155, A1156, A1157, A1158, A1159, A1160, A1161, A1162, A1163, A1164, A1165, A1166, A1167, A1168, A1169, A1170, A1171, A1172, A1173, A1174, A1175, A1176, A1177, A1178, A1179, A1180, A1181, A1182, A1183, A1184, A1185, A1186, A1187, A1188, A1189, A1190, A1191, A1192, A1193, A1194, A1195, A1196, A1197, A1198, A1199, A1200, A1201, A1202, A1203, A1204, A1205, A1206, A1207, A1208, A1209, A1210, A1211, A1212, A1213, A1214, A1215, A1216, A1217, A1218, A1219, A1220, A1221, A1222, A1223, A1224, A1225, A1226, A1227, A1228, A1229, A1230, A1231, A1232, A1233, A1234, A1235, A1236, A1237, A1238, A1239, A1240, A1241, A1242, A1243, A1244, A1245, A1246, A1247, A1248, A1249, A1250, A1251, A1252, A1253, A1254, A1255, A1256, A1257, A1258, A1259, A1260, A1261, A1262, A1263, A1264, A1265, A1266, A1267, A1268, A1269, A1270, A1271, A1272, A1273, A1274, A1275, A1276, A1277, A1278, A1279, A1280, A1281, A1282, A1283, A1284, A1285, A1286, A1287, A1288, A1289, A1290, A1291, A1292, A1293, A1294, A1295, A1296, A1297, A1298, A1299, A1300, A1301, A1302, A1303, A1304, A1305, A1306, A1307, A1308, A1309, A1310, A1311, A1312, A1313, A1314, A1315, A1316, A1317, A1318, A1319, A1320, A1321, A1322, A1323, A1324, A1325, A1326, A1327, A1328, A1329, A1330, A1331, A1332, A1333, A1334, A1335, A1336, A1337, A1338, A1339, A1340, A1341, A1342, A1343, A1344, A1345, A1346, A1347, A1348, A1349, A1350, A1351, A1352, A1353, A1354, A1355, A1356, A1357, A1358, A1359, A1360, A1361, A1362, A1363, A1364, A1365, A1366, A1367, A1368, A1369, A1370, A1371, A1372, A1373, A1374, A1375, A1376, A1377, A1378, A1379, A1380, A1381, A1382, A1383, A1384, A1385, A1386, A1387, A1388, A1389, A1390, A1391, A1392, A1393, A1394, A1395, A1396, A1397, A1398, A1399, A1400, A1401, A1402, A1403, A1404, A1405, A1406, A1407, A1408, A1409, A1410, A1411, A1412, A1413, A1414, A1415, A1416, A1417, A1418, A1419, A1420, A1421, A1422, A1423, A1424, A1425, A1426, A1427, A1428, A1429, A1430, A1431, A1432, A1433, A1434, A1435, A1436, A1437, A1438, A1439, A1440, A1441, A1442, A1443, A1444, A1445, A1446, A1447, A1448, A1449, A1450, A1451, A1452, A1453, A1454, A1455, A1456, A1457, A1458, A1459, A1460, A1461, A1462, A1463, A1464, A1465, A1466, A1467, A1468, A1469, A1470, A1471, A1472, A1473, A1474, A1475, A1476, A1477, A1478, A1479, A1480, A1481, A1482, A1483, A1484, A1485, A1486, A1487, A1488, A1489, A1490, A1491, A1492, A1493, A1494, A1495, A1496, A1497, A1498, A1499, A1500, A1501, A1502, A1503, A1504, A1505, A1506, A1507, A1508, A1509, A1510, A1511, A1512, A1513, A1514, A1515, A1516, A1517, A1518, A1519, A1520, A1521, A1522, A1523, A1524, A1525, A1526, A1527, A1528, A1529, A1530, A1531, A1532, A1533, A1534, A1535, A1536, A1537, A1538, A1539, A1540, A1541, A1542, A1543, A1544, A1545, A1546, A1547, A1548, A1549, A1550, A1551, A1552, A1553, A1554, A1555, A1556, A1557, A1558, A1559, A1560, A1561, A1562, A1563, A1564, A1565, A1566, A1567, A1568, A1569, A1570, A1571, A1572, A1573, A1574, A1575, A1576, A1577, A1578, A1579, A1580, A1581, A1582, A1583, A1584, A1585, A1586, A1587, A1588, A1589, A1590, A1591, A1592, A1593, A1594, A1595, A1596, A1597, A1598, A1599, A1600, A1601, A1602, A1603, A1604, A1605, A1606, A1607, A1608, A1609, A1610, A1611, A1612, A1613, A1614, A1615, A1616, A1617, A1618, A1619, A1620, A1621, A1622, A1623, A1624, A1625, A1626, A1627, A1628, A1629, A1630, A1631, A1632, A1633, A1634, A1635, A1636, A1637, A1638, A1639, A1640, A1641, A1642, A1643, A1644, A1645, A1646, A1647, A1648, A1649, A1650, A1651, A1652, A1653, A1654, A1655, A1656, A1657, A1658, A1659, A1660, A1661, A1662, A1663, A1664, A1665, A1666, A1667, A1668, A1669, A1670, A1671, A1672, A1673, A1674, A1675, A1676, A1677, A1678, A1679, A1680, A1681, A1682, A1683, A1684, A1685, A1686, A1687, A1688, A1689, A1690, A1691, A1692, A1693, A1694, A1695, A1696, A1697, A1698, A1699, A1700, A1701, A1702, A1703, A1704, A1705, A1706, A1707, A1708, A1709, A1710, A1711, A1712, A1713, A1714, A1715, A1716, A1717, A1718, A1719, A1720, A1721, A1722, A1723, A1724, A1725, A1726, A1727, A1728, A1729, A1730, A1731, A1732, A1733, A1734, A1735, A1736, A1737, A1738, A1739, A1740, A1741, A1742, A1743, A1744, A1745, A1746, A1747, A1748, A1749, A1750, A1751, A1752, A1753, A1754, A1755, A1756, A1757, A1758, A1759, A1760, A1761, A1762, A1763, A1764, A1765, A1766, A1767, A1768, A1769, A1770, A1771, A1772, A1773, A1774, A1775, A1776, A1777, A1778, A1779, A1780, A1781, A1782, A1783, A1784, A1785, A1786, A1787, A1788, A1789, A1790, A1791, A1792, A1793, A1794, A1795, A1796, A1797, A1798, A1799, A1800, A1801, A1802, A1803, A1804, A1805, A1806, A1807, A1808, A1809, A1810, A1811, A1812, A1813, A1814, A1815, A1816, A1817, A1818, A1819, A1820, A1821, A1822, A1823, A1824, A1825, A1826, A1827, A1828, A1829, A1830, A1831, A1832, A1833, A1834, A1835, A1836, A1837, A1838, A1839, A1840, A1841, A1842, A1843, A1844, A1845, A1846, A1847, A1848, A1849, A1850, A1851, A1852, A1853, A1854, A1855, A1856, A1857, A1858, A1859, A1860, A1861, A1862, A1863, A1864, A1865, A1866, A1867, A1868, A1869, A1870, A1871, A1872, A1873, A1874, A1875, A1876, A1877, A1878, A1879, A1880, A1881, A1882, A1883, A1884, A1885, A1886, A1887, A1888, A1889, A1890, A1891, A1892, A1893, A1894, A1895, A1896, A1897, A1898, A1899, A1900, A1901, A1902, A1903, A1904, A1905, A1906, A1907, A1908, A1909, A1910, A1911, A1912, A1913, A1914, A1915, A1916, A1917, A1918, A1919, A1920, A1921, A1922, A1923, A1924, A1925, A1926, A1927, A1928, A1929, A1930, A1931, A1932, A1933, A1934, A1935, A1936, A1937, A1938, A1939, A1940, A1941, A1942, A1943, A1944, A1945, A1946, A1947, A1948, A1949, A1950, A1951, A1952, A1953, A1954, A1955, A1956, A1957, A1958, A1959, A1960, A1961, A1962, A1963, A1964, A1965, A1966, A1967, A1968, A1969, A1970, A1971, A1972, A1973, A1974, A1975, A1976, A1977, A1978, A1979, A1980, A1981, A1982, A1983, A1984, A1985, A1986, A1987, A1988, A1989, A1990, A1991, A1992, A1993, A1994, A1995, A1996, A1997, A1998, A1999, A2000, A2001, A2002, A2003, A2004, A2005, A2006, A2007, A2008, A2009, A2010, A2011, A2012, A2013, A2014, A2015, A2016, A2017, A2018, A2019, A2020, A2021, A2022, A2023, A2024, A2025, A2026, A2027, A2028, A2029, A2030, A2031, A2032, A2033, A2034, A2035, A2036, A2037, A2038, A2039, A2040, A2041, A2042, A2043, A2044, A2045, A2046, A2047, A2048, A2049, A2050, A2051, A2052, A2053, A2054, A2055, A2056, A2057, A2058, A2059, A2060, A2061, A2062, A2063, A2064, A2065, A2066,





REV A: 28/07/16 RJ  
Title Box not for reproduction without permission of drawing is revised.

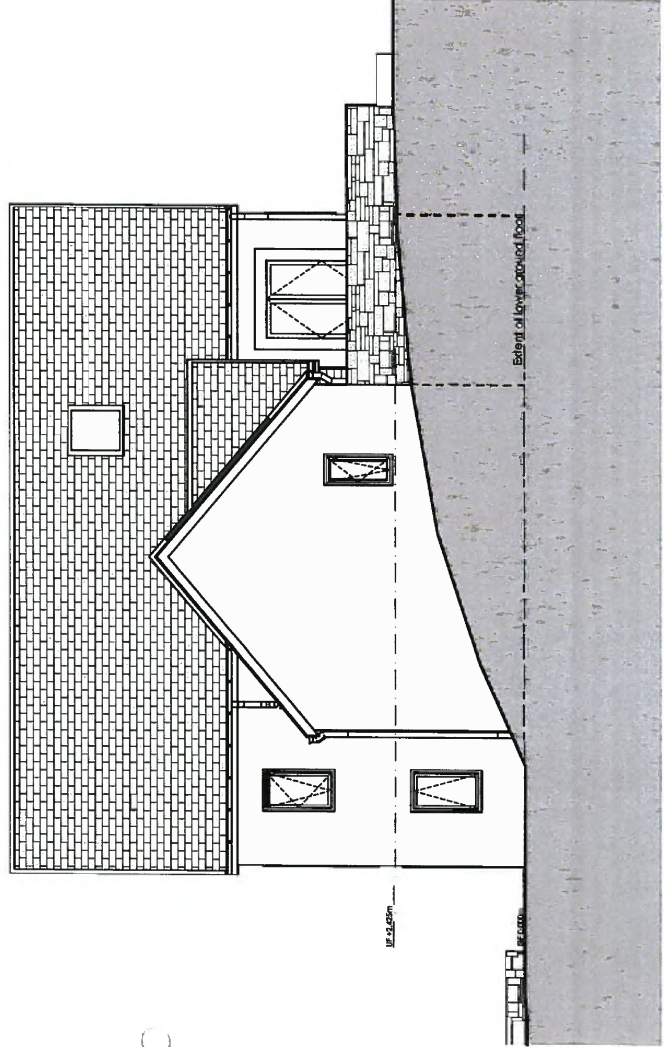
DRAWING TITLE		Jewitt and Wilkie architects		REV: 3192/P/502-A	
Villa Type A 3D Views		38 New City Road Glasgow - G4 9JT 0141 352 6979 info@jwaarchitects.co.uk www.jwaarchitects.co.uk		DRAWING NO:	
JOB TITLE		A3		CHECKED BY:	
Muirhall Road Mount Tabor Road, Kinnoull Hill, Perth for Goldcrest Partners		SCALE: N.T.S.		DATE:	
		DRAWN BY:		REV:	



Elevation A  
showing entrance



Elevation B  
Roof Plan  
showing elevation lines



Elevation B

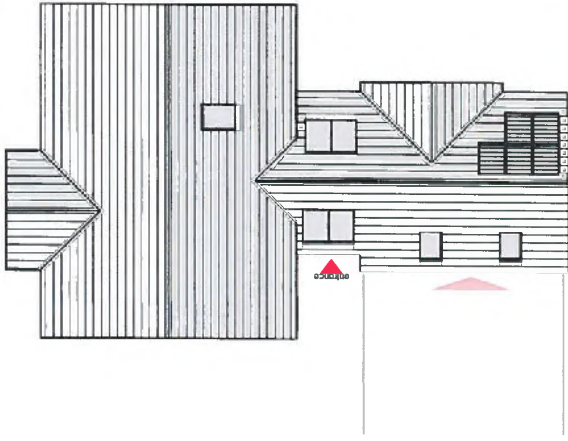
REVISIONS	See not scale for construction purposes. All dimensions to be checked on site prior to construction.
<b>Jewitt and Wilkie</b> architects 38 New City Road Glasgow - G4 9JT 0141 352 6729 info@jwarchitects.co.uk www.jwarchitects.co.uk	
JOB TITLE	Muirhall Road Mount Tabor Road, Kinnoull Hill, Perth for Goldcrest Partners
DRAWING TITLE	Villa Type B Elevations 01
SCALE	1:100, 1:200
DATE	
DRAWN BY:	
CHECKED BY:	
DRAWING NO:	3192/P/510-B
REV:	
A3	

REV B: 28/07/16 MJ  
Title box note regarding the scaling of drawings revised.  
REV A: 11/04/16 MJ  
Finished floor levels shown.





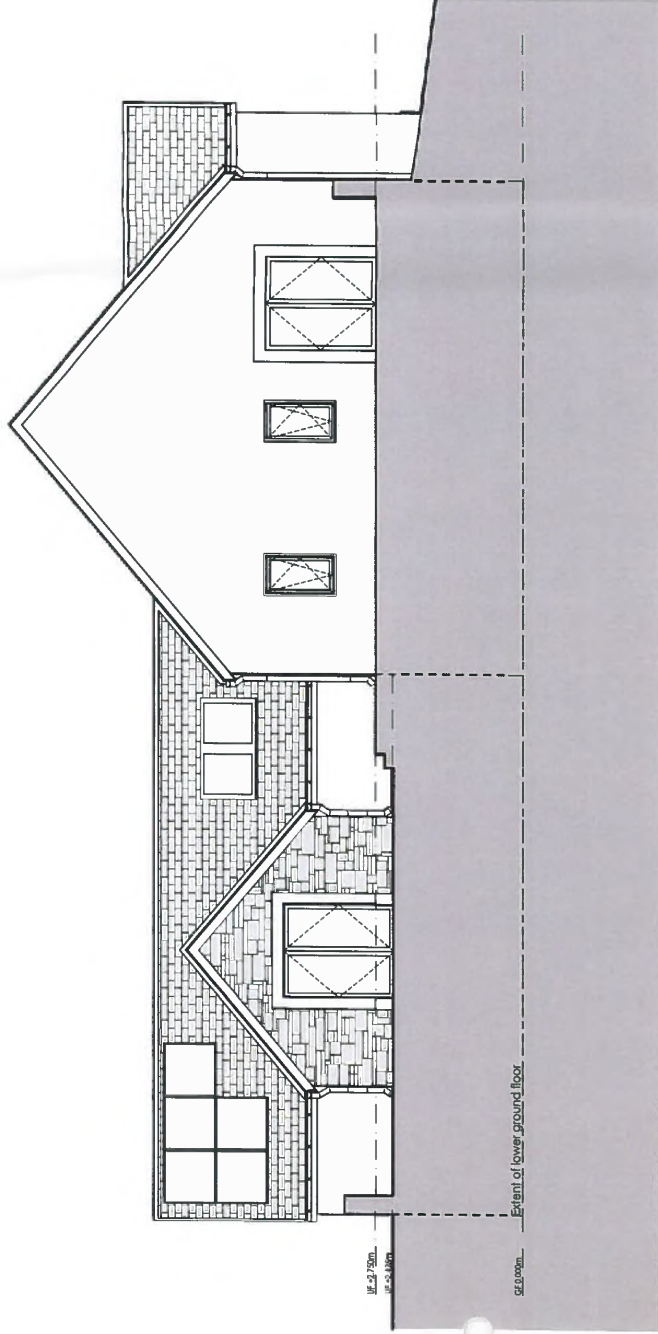
Elevation D



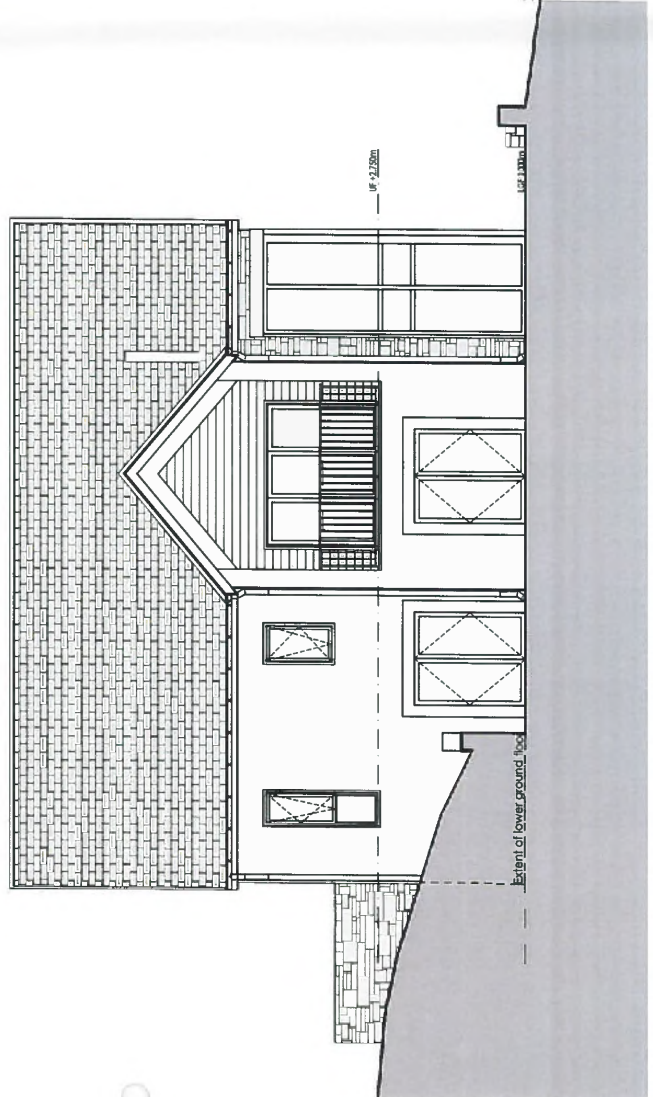
Roof Plan  
showing elevation lines

REVISIONS	Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.
<b>Jewitt and Wilkie</b> architects	
38 New City Road Glasgow - G4 9JT 0141 352 6529 info@jwarchitects.co.uk www.jwarchitects.co.uk	
JOB TITLE	Mulhail Road Mount Tabor Road, Kinnoull Hill, Perth for Goldcrest Partners
DRAWING TITLE	Villa Type B Elevations 02
SCALE	1:100, 1:200
DATE	
DRAWN BY:	CHECKED BY:
DRAWING NO:	REV:
<b>3192/P/511-B</b>	
<b>A3</b>	

REV B: 28/07/16 RJ  
Title box note regarding the scaling of drawings revised.  
Rev A: 11/04/16 RJ  
Finished floor levels shown.

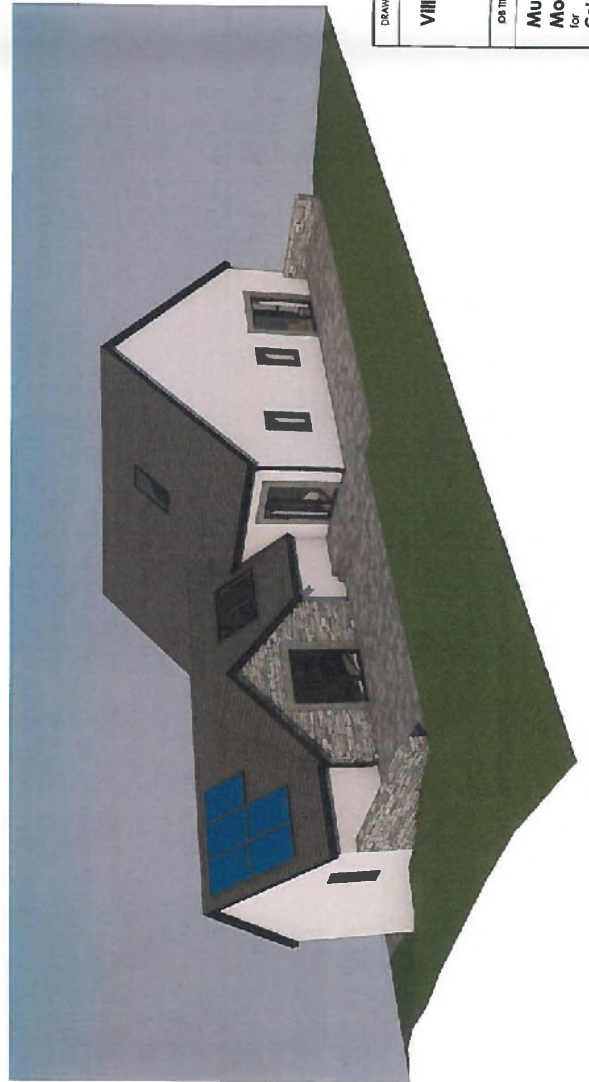


Elevation C



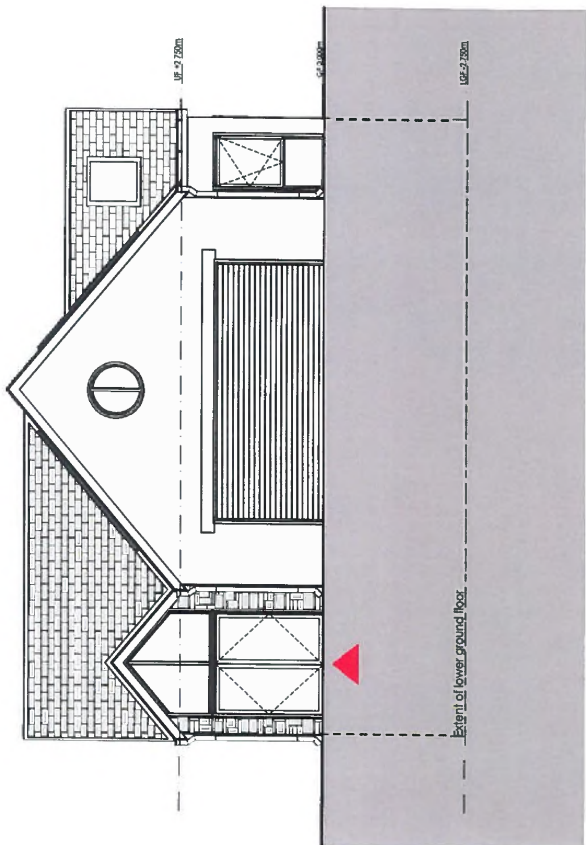
Elevation D





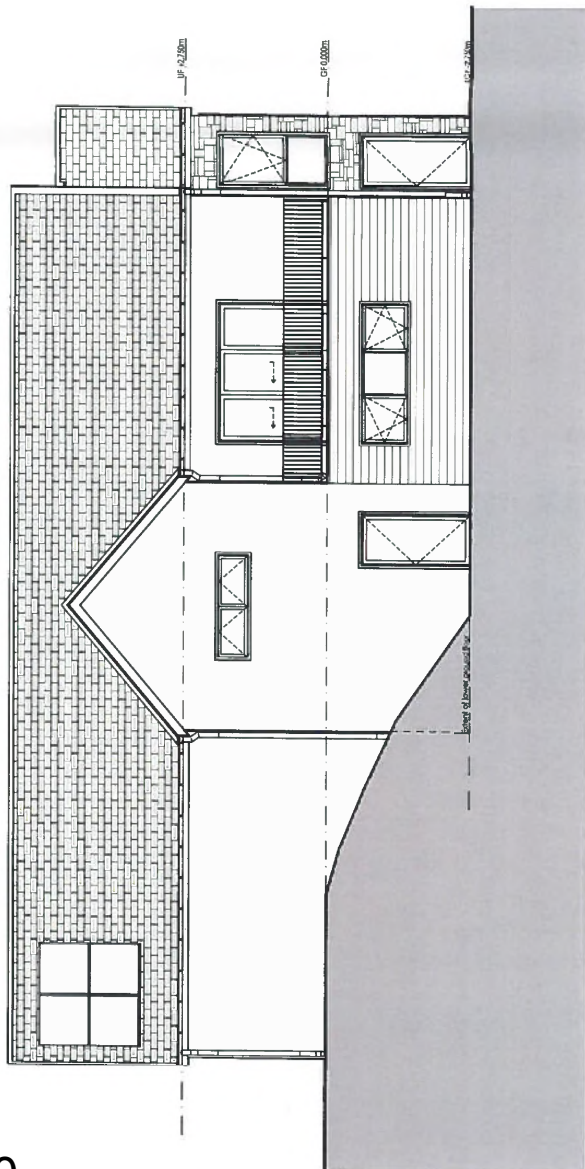
REV A: 28/07/16 BJ  
Title Box style (re-arranged) the 3rd and 4th columns as follows

DRAWING TITLE		A3	
Villa Type B 3D Views			
OR TITLE			
Muirhall Road Mount Tabor Road, Kinnoull Hill, Perth for Goldcrest Partners			
Jewitt and Wilkie architects		38 New City Road Glasgow - G4 9JT 0141 352 6929 info@jwaarchitect.co.uk www.jwaarchitect.co.uk	
Do not scale for publication purposes. All dimensions to be checked on site prior to commencement of work.		SCALE: N.T.S. DATE: _____ DRAWN BY: _____ CHECKED BY: _____ REV: _____ DRAWING NO: 3192/P/512-A	

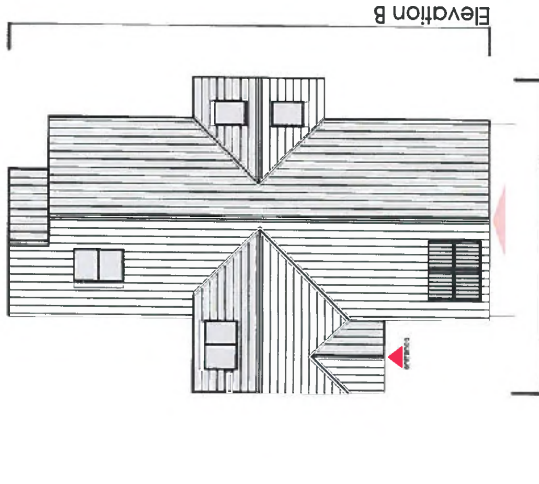


Elevation A  
showing entrance

770



Elevation B



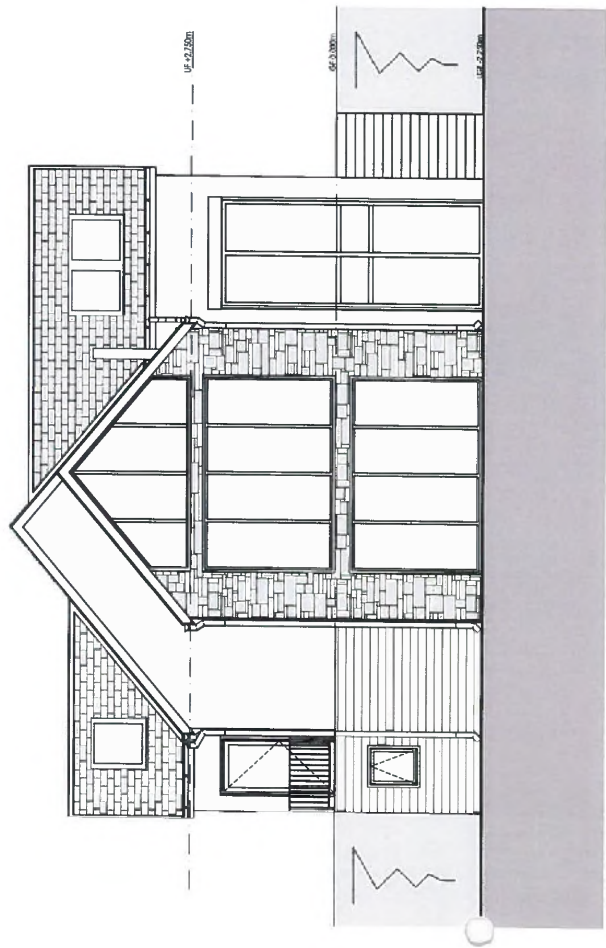
Elevation A  
Roof Plan  
showing elevation lines

<b>REVISIONS</b> <small>Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.</small>	<b>Jewitt and Wilkie</b> <b>architects</b> 38 New City Road Glasgow G4 7JT 0141 552 4929 info@jwarchitects.co.uk www.jwarchitects.co.uk	
	<b>JOB TITLE</b> <b>Muirhall Road</b> <b>Mount Tabor Road,</b> <b>Kinnoull Hill, Perth</b> for <b>Goldcrest Farmers</b>	
<b>DRAWING TITLE</b> <b>Villa Type C Elevations 01</b>		<b>A3</b>
<b>SCALE</b> 1:100, 1:200 <b>DATE</b> <b>DRAWN BY:</b> <b>CHECKED BY:</b> <b>REV:</b>		<b>3192/P/520-B</b>

REV A: 28/07/16 RJ  
 Title Box note regarding the scaling of drawings revised.  
 Rev A: 11.04.16 RJ  
 Finished floor levels shown.

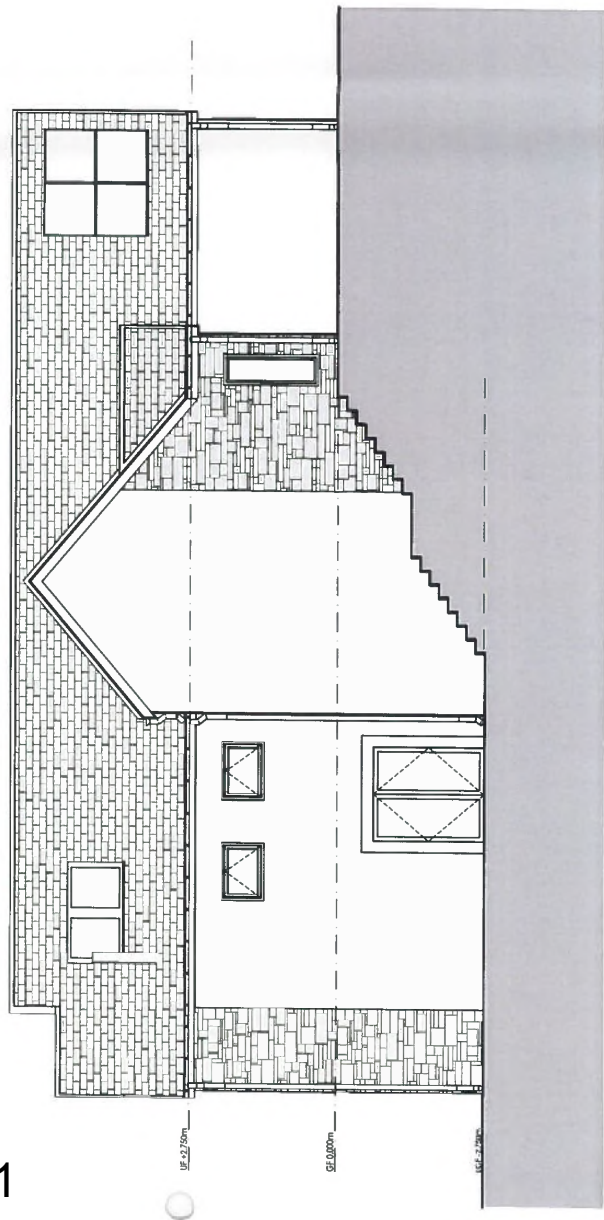






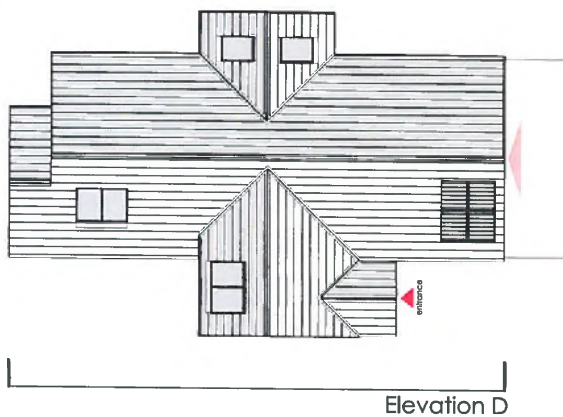
Elevation C

771



Elevation D

Elevation C



Roof Plan  
showing elevation lines

Rev A: 11.04.16 RJ  
Finished floor levels shown.

REVISIONS

Do not scale for construction purposes. All dimensions to be checked on site prior to construction.

**Jewitt and Wilkie**  
architects

36 New City Road  
Glasgow - G4 9JT  
0141 352 6929  
info@jowarchitect.co.uk  
www.jowarchitect.co.uk

JOB TITLE

**Muirhall Road**  
**Mount Tabor Road,**  
**Kinnoull Hill, Perth**  
for  
**Goldcrest Partners**

DRAWING TITLE

**Villa Type C Elevations 02**

**A3**

SCALE: 1:100, 1:200 DATE:

DRAWN BY: CHECKED BY:

DRAWING NO: REV:

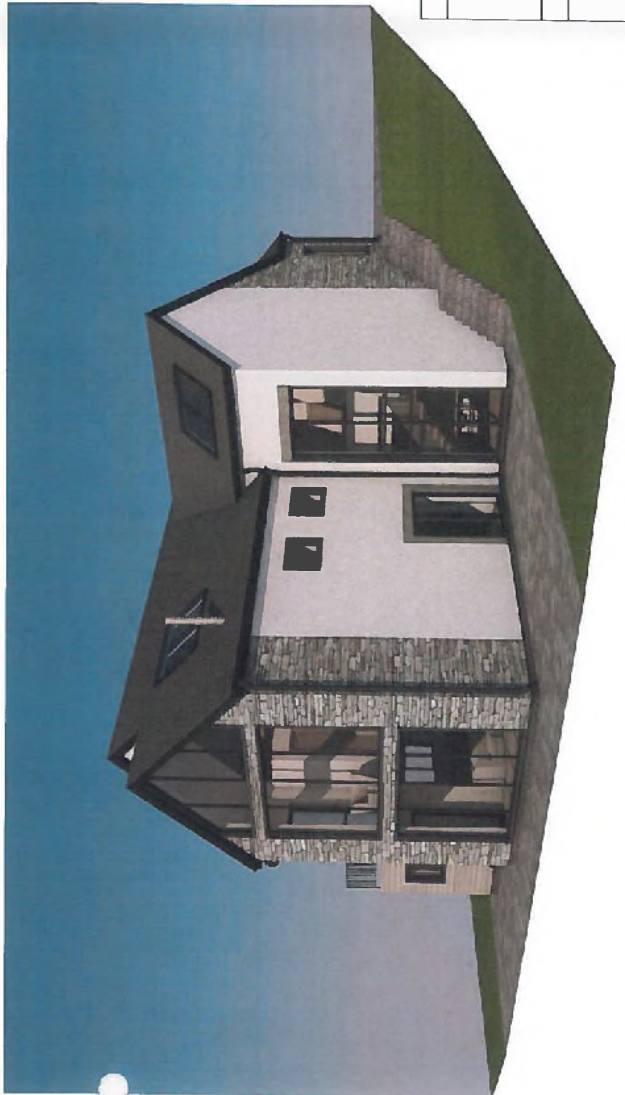
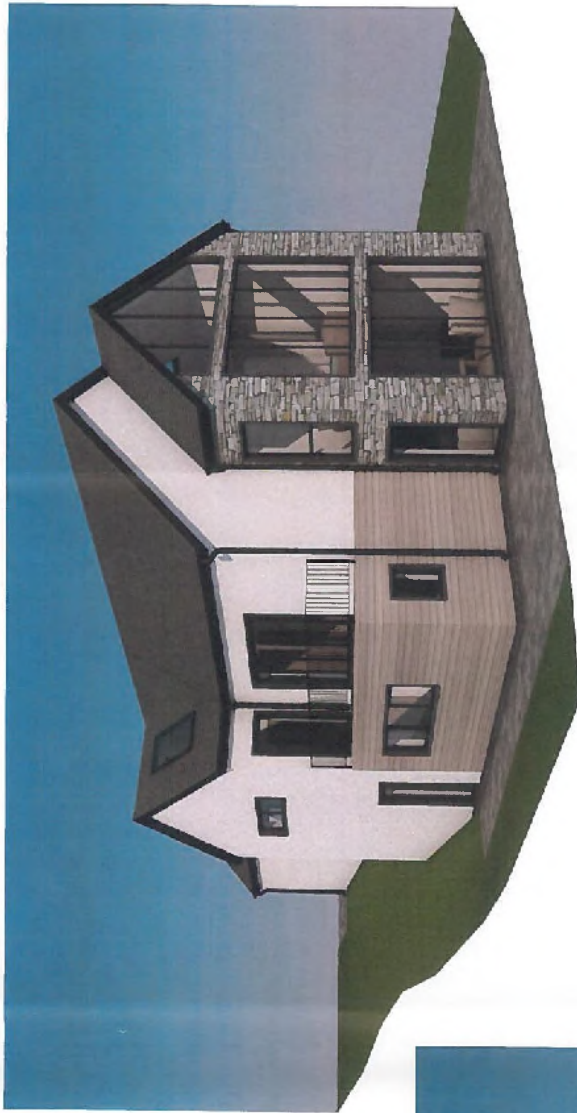
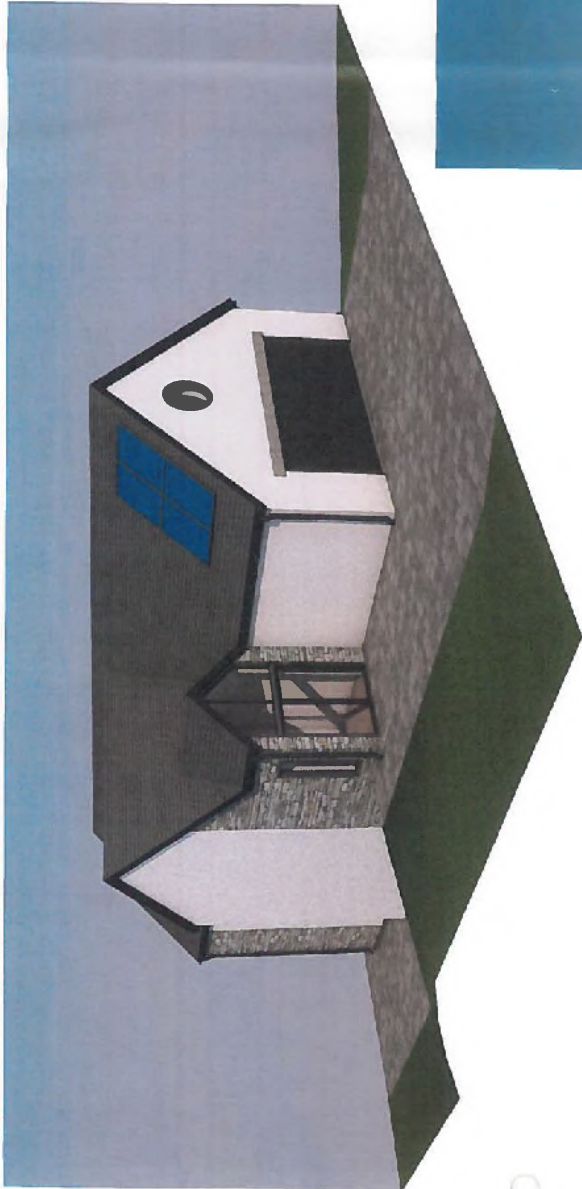
**3192/P/521-B**

REV B: 28/07/16 RJ  
Title Box note regarding the scaling of drawings revised.

Rev A: 11.04.16 RJ

Finished floor levels shown.





REV: A-20/07/14 RJ  
Title Box not at recording this section of 3D architectural

DRAWING TITLE		A3	
Villa Type C 3D Views			
JOB TITLE			
Muirhall Road Mount Tabor Road, Kinnoull Hill, Perth for Goldcrest Partners			
Jewitt and Wilkie architects			
38 New City Road Glasgow - G4 9JT 0141 352 6929 info@jwarchitects.co.uk www.jwarchitects.co.uk			
Do not scale for printing purposes. All dimensions to be confirmed on site prior to construction.			
SCALE:	N.T.S.	DATE:	
DRAWN BY:		CHECKED BY:	
DRAWING NO:		REV:	
3192/P/522-A			





Aerial View of Proposed Site

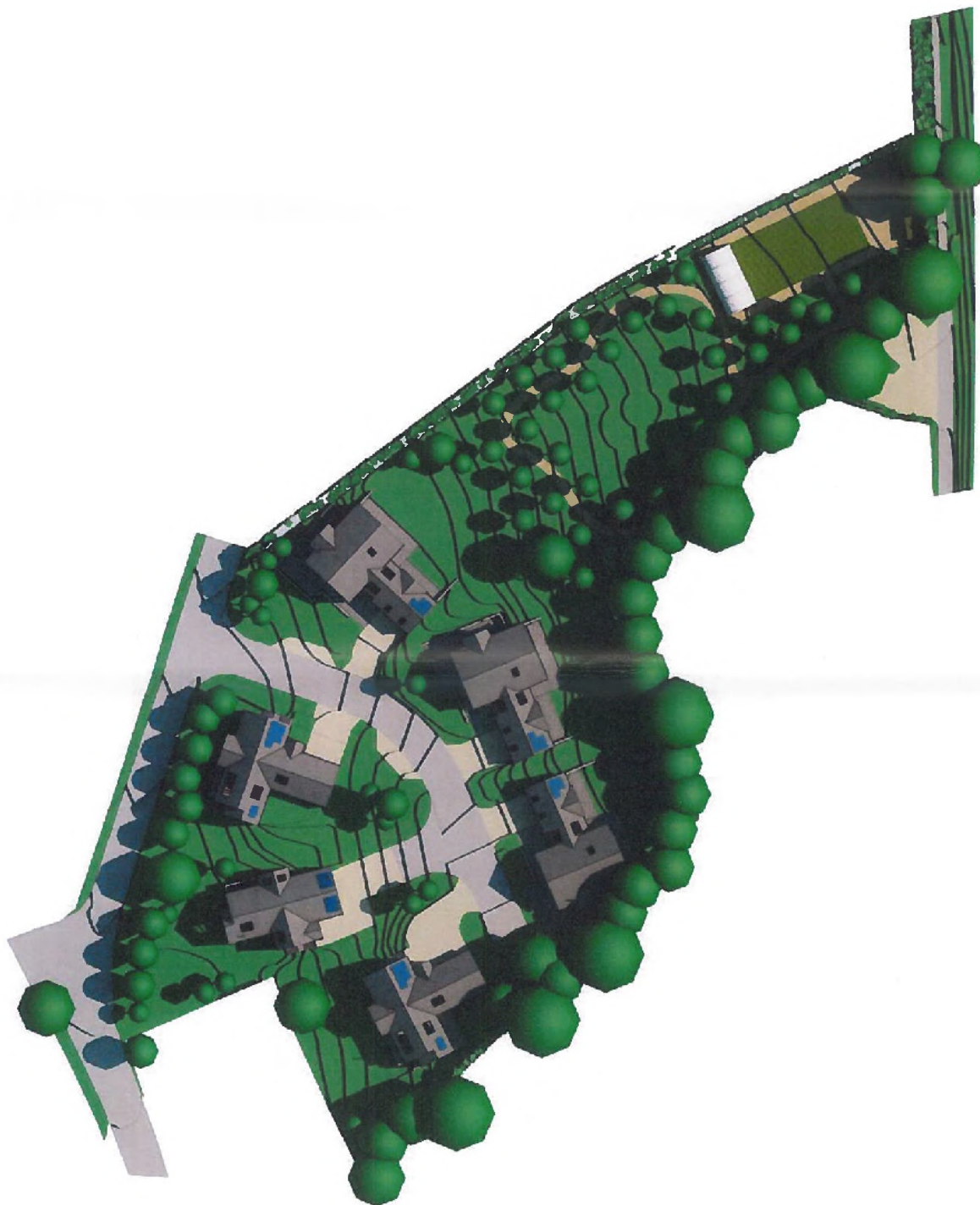


Proposed Site viewed from North to South

REVISIONS  Do not scale for construction purposes. All dimensions to be checked on site prior to commencement of work.	<b>Jewitt and Wilkie</b> architects  38 New City Road Glasgow - G4 9JT 0141 332 6929 info@jwaarchitects.co.uk www.jwaarchitects.co.uk
JOB TITLE	<b>Mulholland Road</b> <b>Mount Tabor Road,</b> <b>Kinnoull Hill, Perth</b> for <b>Goldcrest Partners</b>
DRAWING TITLE	
<b>3D Site Overview</b>	
<b>A3</b>	
SCALE:	DATE: MAY 2016
DRAWN BY: RJ	CHECKED BY: JJ
DRAWING NO:	REV:
<b>3192/P/530-B</b>	

Title Box note regarding the scaling of drawings revised, REV B: 06/12/16 RJ  
 Title Box note regarding the scaling of drawings revised, REV A: 28/07/16 RJ  
 Title Box note regarding the scaling of drawings revised

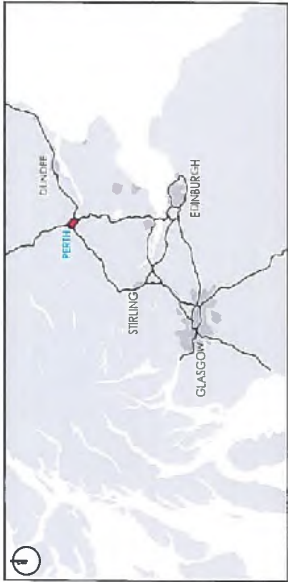




## Kinnoull / Muirhall Road

Proposed Sir Patrick Geddes Community Gardens and 6No. Detached Houses  
at Muirhall Road / Mount Tabor Road, Kinnoull, Perth, Scotland

<b>00 CONTENTS</b>	<b>01</b>
<b>01 PROJECT OVERVIEW</b>	<b>02</b>
<b>02 SITE DESCRIPTION</b>	<b>03</b>
<b>03 SITE HISTORY</b>	<b>04</b>
<b>04 SITE CONTEXT</b>	<b>05</b>
<b>05 PROPOSED DEVELOPMENT</b>	<b>06</b>
<b>06 DESIGN PRINCIPLES</b>	<b>12</b>
<b>07 COMMUNITY &amp; STAKEHOLDER ENGAGEMENT</b>	<b>13</b>
<b>08 ACCESS STATEMENT</b>	<b>14</b>
<b>09 SITE ASSESSMENTS / SURVEYS</b>	<b>18</b>
<b>10 PLANNING POLICIES &amp; GUIDANCE</b>	<b>20</b>
<b>11 FIGURE GROUND DIAGRAM</b>	<b>22</b>
<b>12 OPEN SPACE</b>	<b>23</b>
<b>13 DESKTOP SITE REPORT</b>	<b>24</b>
<b>14 SCOTTISH WATER</b>	<b>25</b>
<b>15 SUMMARY CONCLUSION</b>	<b>27</b>
<b>16 NOTES</b>	<b>28</b>



SCOTTISH CONTEXT



CITY CONTEXT



PROPOSED LAYOUT

## PROPOSAL SUMMARY

The proposals are to develop 6No. detached houses on the site accessed from Muirhall Road and Mount Tabor Road in the Kinnoull area of Perth. The development includes bespoke and split-level 4 and 5 bedroom houses situated upon a north facing slope and the provision of a Community Garden incorporating a fruit orchard, allotments, bathy/secure shed and education facilities to enable local schoolchildren to access the site. The design approach is to be sympathetic to the local area in terms of density, scale and massing, providing a unique proposal that contributes to the local environment of Perth and Kinnoull.

Given the proximity of a cottage where Sir Patrick Geddes, a pioneer of modern town planning once lived, it was considered appropriate to call the southern portion of the site "The Sir Patrick Geddes Garden".



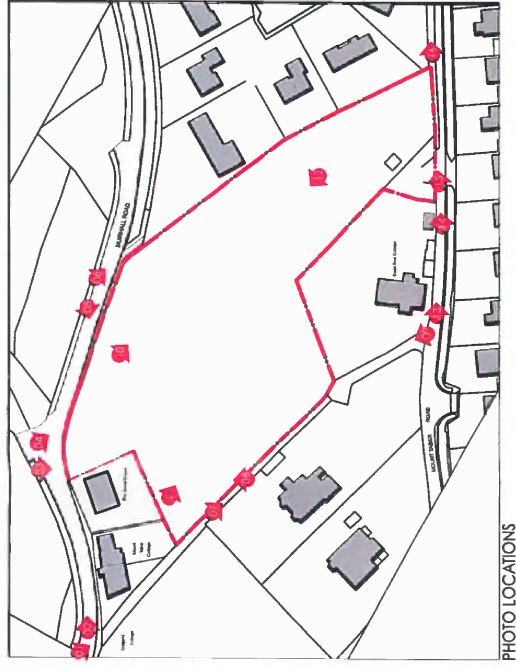


PHOTO LOCATIONS

## SITE DESCRIPTION

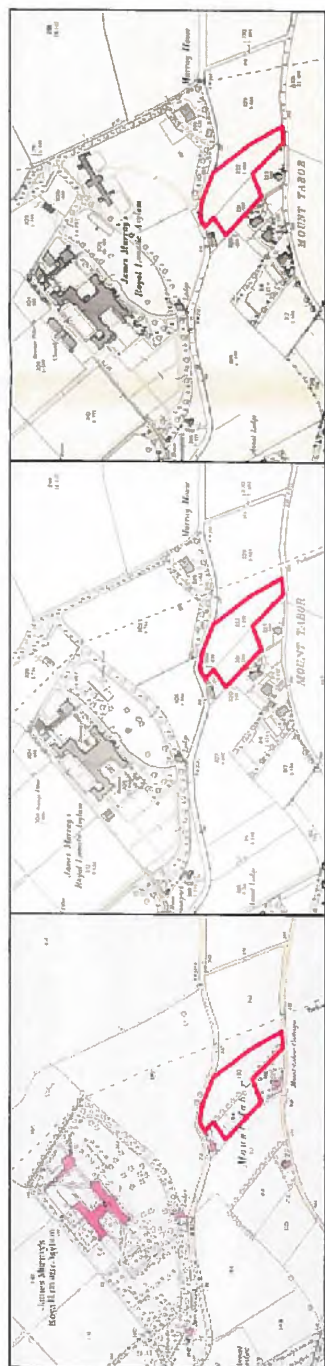
These photographs give an indication of the character of the site and a general impression of the surroundings.

The site is formed by a pocket of open land of area 0.7655 hectares, (2.13acres) and rises from north to south between Muirhall Road and Mount Tabor Road a total of 14m. To the eastern boundary are two storey modern houses accessed from Langley Place, to the west of the site are two and three storey traditional villas and mature trees. To the north of the site are two modern houses and beyond Muirhall Road are the grounds of the former Murray Royal Hospital site, which has since been closed and currently lies vacant. To the south of the site, beyond Mount Tabor Road are modern detached two storey houses accessed from Corsié Drive.

The land has had no identifiable use for the past 5 years, either for individuals or the Community.

Muirhall Road provides an east-west link from Perth to the rural countryside, whilst Mount Tabor Road forms a cul-de-sac access to existing houses and a pedestrian link back to Muirhall Road.





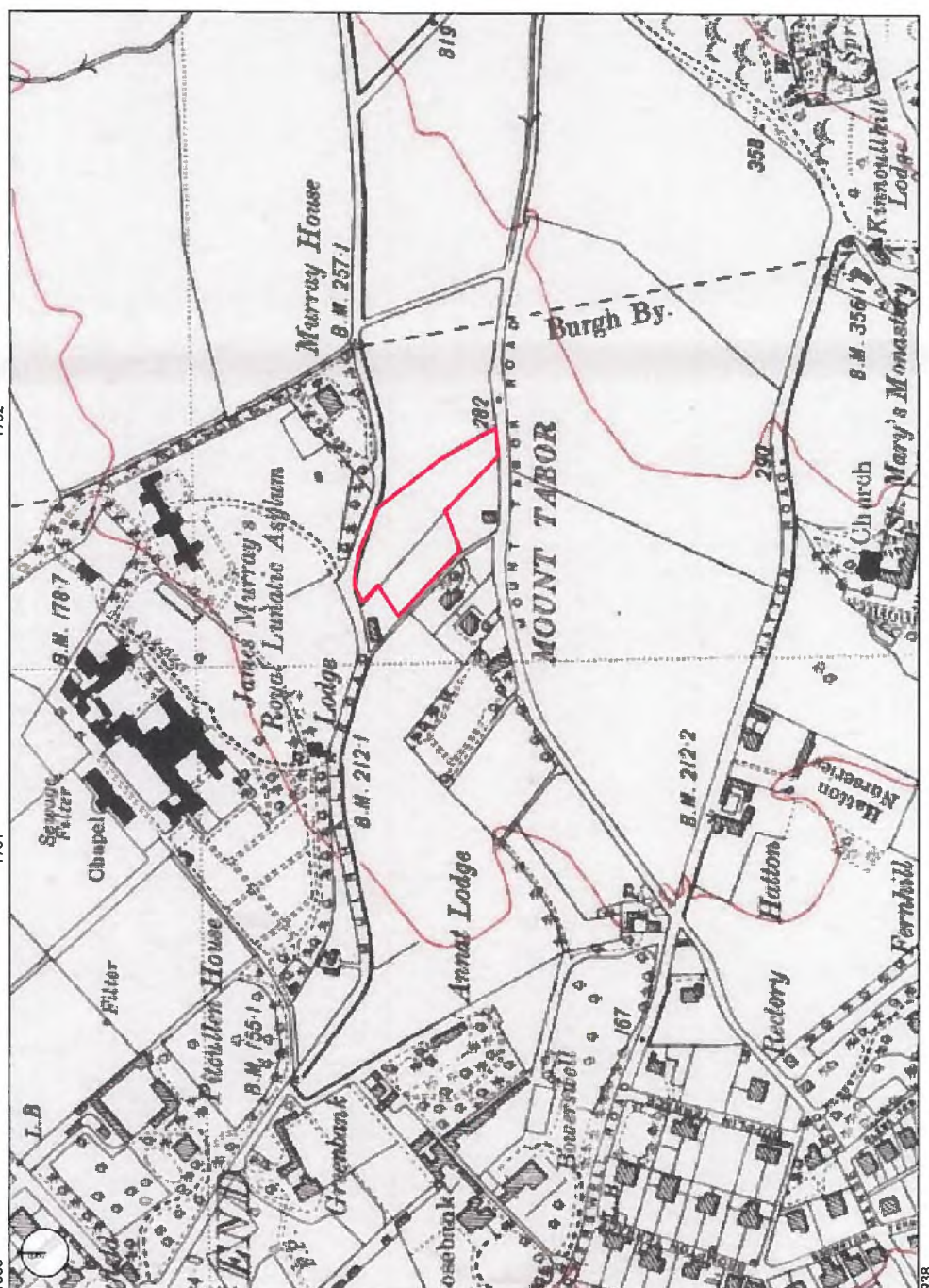
## SITE HISTORY

A review of historical Ordnance Survey maps for the period 1866 to the present was undertaken. The earliest available historical mapping showed that the site formed part of a larger open area with Muirhall Road and Murray Royal Hospital located to the North.

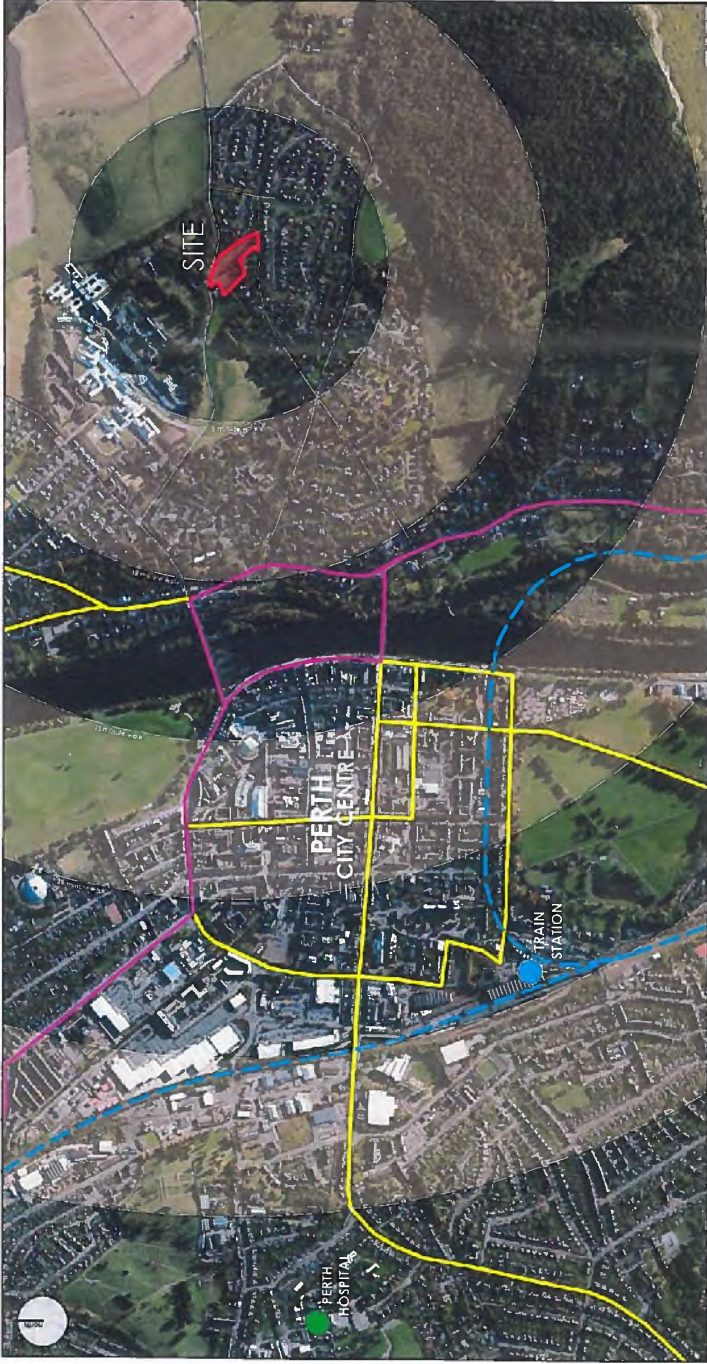
By 1964 the area surrounding the site had been developed into residential housing but the site area itself remained untouched. According to available information there have been no further significant changes on the site.

A summary of relevant information with respect to the site is shown in chronological order in below.

Source	Scale	Site	Surroundings
1866	1:1,356	The earliest available mapping shows the site as part of a larger open area.	A residential property is shown on the northern boundary of the site with Muirhall Road and James Murrays Royal Lunatic Asylum shown to the North. Open areas are identified to the east, west and south, occasional residential properties are also noted.
1901	1:2,500	There have been no changes to land use on the site. Further field boundaries are shown.	There has been little change in the immediate surroundings.
1932	1:2,500	There have been no changes to land use on the site.	The only change to the immediate surroundings of the site is the erection of residential dwellings to the west.
1959	1:10,560	There have been no changes to land use on the site.	There have been no changes to land uses in the immediate surroundings of the site.
1965	1:2,500	There have been no changes to land use on the site.	There have been no changes to land uses in the immediate surroundings of the site.
1982	1:10,000	There have been no changes to land use on the site.	The only change to the immediate surroundings of the site is the erection of residential dwellings to the south and east.
1994	1:10,000	There have been no changes to land use on the site.	The only change to the immediate surroundings of the site is the erection of residential dwellings to the south and east.







CITY CONTEXT



LOCAL CONTEXT

EXAMPLES OF NEIGHBOURING HOUSES



## SITE CONTEXT

The site lies to the east of the River Tay and is 1 kilometre directly from the centre of Perth. Muirhall Road provides a direct link from the site, approximately 700m from the A85/A93, providing links across both West Bridge Street to the A80 north/south trunk road and the M90 and A90 routes to both Edinburgh and Dundee. To the east and south of the site are links to open countryside and a network of public footpaths, bridle paths and cycletracks.

The main train station in Perth is approximately 2 kilometres to the west and provides direct trains to Glasgow, Edinburgh and Inverness. A bus station is located adjacent to the train station on Leonard Street and offers the same connections.

Perth is served by good public amenities with the main hospital, the Royal located to the west of the city centre and has excellent shopping centres and provision of supermarkets.

The nearest Primary and Secondary schools are Kinnoull Primary and Perth Academy.





PATRICK GEDDES (1886)



MEMORIAL PLAQUE



GEANT TREE COTTAGE  
Childhood home of Patrick Geddes

## PROPOSED DEVELOPMENT

### The Sir Patrick Geddes Gardens and Orchard

Local research has revealed that there were previously a number of orchards on Kinnoull Hill, with many still present as late as the 1950's. There are still the odd remnant of these orchards, however, very few remain in their entirety today. It is the project's intention to re-establish an orchard in the community garden, which will include varieties of trees originally grown on Kinnoull Hill. Community engagement has confirmed the requirement for allotments, with lengthy waiting lists as well as the appeal of safe and sheltered open space.

During the research into the site it was discovered that Sir Patrick Geddes (1854 – 1932), one of the fathers of the city and regional planning movement spent 17 years of his youth (1857 to 1874) in the cottage on Mount Tabor Road. It was felt fitting that the proposed gardens and orchard to be provided for the enjoyment of the local community should be named in honour of Geddes, hence the "Sir Patrick Geddes Gardens".



## PROPOSED DEVELOPMENT

The Sir Patrick Geddes Gardens and Orchard

The layout and design of the orchard and garden to the south has been carefully considered to maximize the benefits to all ages and abilities of the community. A small parking area has been proposed to allow car and minibus access, however, most access is encouraged by foot, or cycle through the connecting path network. Secure cycle storage is proposed and the site is protected with an animal grid and perimeter fencing. Within the Gardens there is a "Bothy" providing secure storage for all relevant equipment to be used within the garden and it is intended to harvest rainwater from a planted roof, with solar panels to provide a small degree of electric power. Adjacent to the Bothy are self-composting dry toilets, with a vegetable/organic waste compost area and open space to act as a meeting point for visitors. This then leads to a series of allotments, a herb garden, an area covered by a poly-tunnel and beyond this a circular perimeter route through a fruit tree orchard. Whilst the site slopes down to the north by a total of 6-8m, a small area has been leveled to enable the erection of a tented structure to provide a focal point and cover for activities and gatherings, such as; bonfire nights, fetes, charity fund raising events, BBQ's and garden parties.

At the lowest point of the Gardens a water collection point has been located, fed by land drainage and fitted with a manual pump to provide irrigation to the Gardens in the summer. This collection point is located below the surface of the site and has controlled access only, whilst it also has an overflow to the local storm water drainage system to prevent localized flooding in a deluge. Within the Gardens is a perimeter compacted gravel footpath, capable of accommodating assisted wheelchair access. Hedge screening will be used along the northern and eastern boundaries of the Gardens to create privacy to the residents of the proposed new housing at lower level.

The proposed community garden would offer:

- o A place the community can come together for social engagements.
- o A safe and secure area in which children can learn and play.
- o A garden that produces fruit and vegetables for individual and community growing and consumption.
- o Shelter from the elements – in the eco booth.
- o Establishment of an orchard in an area which has significant orchard heritage.
- o A dog-free environment - ensuring children can run and play freely throughout the garden without the concern of stepping in dog dirt.

is also envisaged that the proposed garden could link up with and form a green network with other open space offerings in the area including; the Norie-Millar Park, Rodney Gardens, Bellwood Riverside Park and the Millennium Park along with the walled garden at Murray Royal Hospital,

In many respects, the proposed garden will be similar to the South Perth Community Garden, which is located off Glen Garry Road in Craigie. The proposed garden would also be open to local schools, groups and organisations.

the extensive network of public footpaths and pavements which surround the garden, make it very accessible and easy to reach on foot and there are also bus stops located nearby.

As part of the development, the developers would create/install the community garden infrastructure and structures at their own expense. They would then lease the land for £1 per year to the Garden Committee, which would comprise: local residents and representatives from schools, groups and organisations

The developers will create / install the community garden infrastructure and structures at their own expense. The garden will be jointly owned by the 6 householders who will each pay an annual levy of £300, index linked but offset by savings to be achieved through efficiencies in design for minimal energy use. Additional receipts will be derived from the allotment tenants such that annual maintenance will be self funded whether it is carried out by the community or of necessity, by a contractor. The Community Capacity department has offered to help establish the garden and set up the management committee which will comprise representatives of the community as well as the owners.



WOODLANDS COMMUNITY GARDEN, GLASGOW

NORTH PERTH COMMUNITY GARDEN

## SOUTH PERTH COMMUNITY GARDEN







SCHEDULE	Plot Area	House Type	House Types / Gross Internal Floor Areas	Footprint
PLOT 1	855 sq.m.	A	<b>Type A: 5 Bedroom</b> ground floor: 126 sq.m. first floor: 111 sq.m. plus 36 sq.m. garage Total GIFA: 236 sq.m. plus 36 sq.m. garage	188 sq.m.
PLOT 2	812 sq.m.	C	<b>Type B: 5 Bedroom</b> ground floor: 104 sq.m. plus 36 sq.m. garage first floor: 132 sq.m.	185 sq.m.
PLOT 3	921 sq.m.	A	<b>Type C: 4 Bedroom</b> upper floor: 37 sq.m. ground floor: 80 sq.m. plus 36 sq.m. garage lower floor: 98 sq.m. Total GIFA: 215 sq.m. plus 36 sq.m. garage	161 sq.m.
PLOT 4	828 sq.m.	B		
PLOT 5	1002 sq.m.	B		
PLOT 6	1,010 sq.m.	B		

Housing Site Area: 6,100m<sup>2</sup> / 1.50 acres  
 Orchard Site Area: 2,555m<sup>2</sup> / 0.63 acres  
**TOTAL SITE AREA: 8,655m<sup>2</sup> / 2.13 acres**

Residential Built Area 1,092m<sup>2</sup> / 0.27 acres  
 Open Space Area 7,563m<sup>2</sup> / 1.87 acres  
 Built area represents 1/8<sup>th</sup> of the site area

## PROPOSED DEVELOPMENT

### Proposed Houses

6No. detached houses are to be accessed from a new road forming a junction to Muirhall Road with full forward compliance in line with Perth & Kinross Highways Design Guidance forward visibility requirements. The road will have a gradient of 1 in 15 to accommodate the requirement of the maximum slope for fully accessible access. It is proposed to construct a footpath to extend the existing pavement to the east of Muirhall Road and take it to the existing property to the north west of the site where good forward visibility would allow the pedestrian to safely cross the road to the existing footpath.

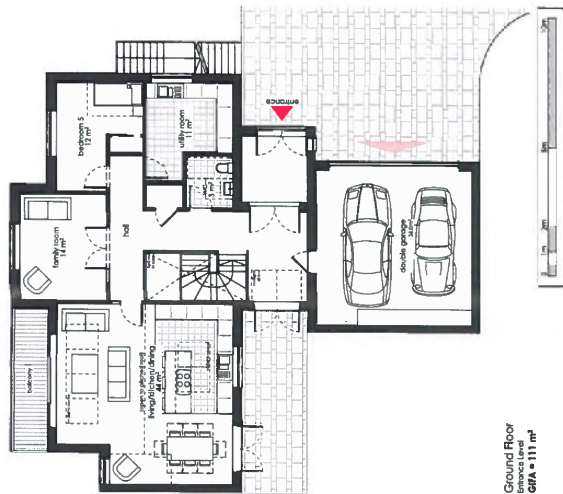
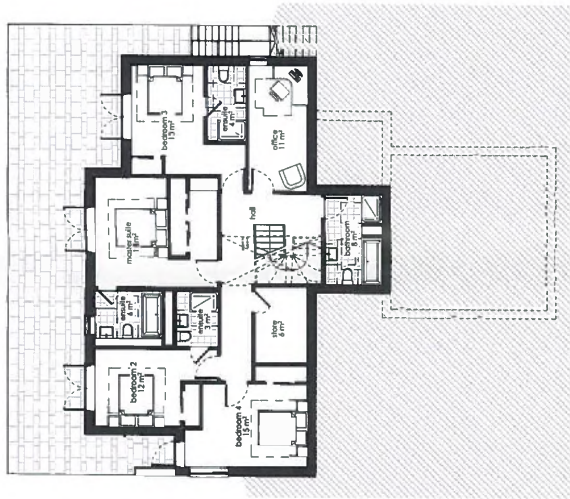
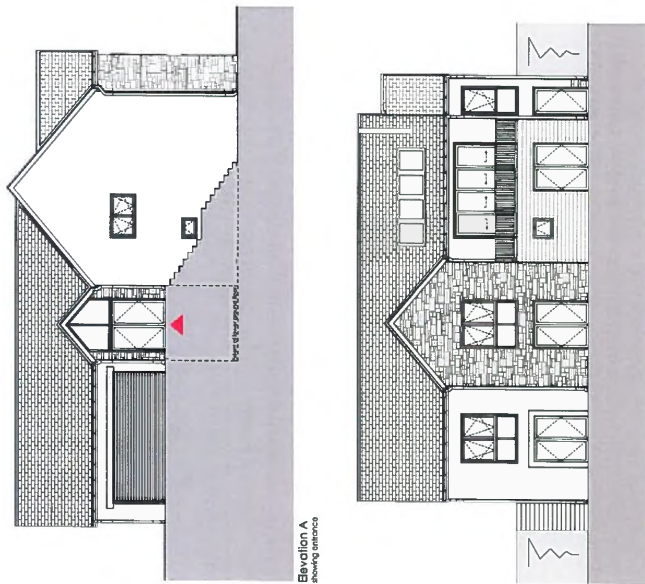
Comments received from P&K Waste Management have been subsequently been accommodated within the road geometry to provide updated refuse vehicle turning space, in excess of the standard P&K Roads' standard requirements.

A western link to the existing public footpath linking Mount Tabor Road and Muirhall Road has been provided to increase the accessibility and pedestrian safety for the residents of the area. The new road, constructed of permeable block pavours is proposed as a "soft" shared surface with grassed service strips to reduce the impact of the hardstanding to the development, with integral tree planting to reflect, compliment and enhance the suburban character of the area.

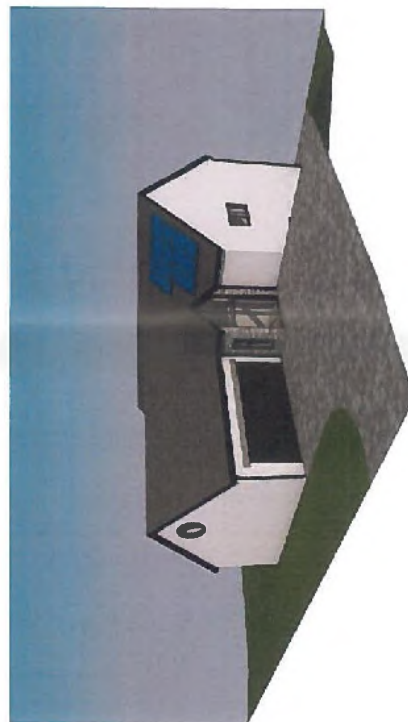
Using the site gradient, the proposed houses have been designed to hug the contours and minimise the impact in terms of earthworks and re-profiling. The plans are split level with a combination of upper and lower level access positions, with windows arranged to avoid overlooking of both each other and the adjoining houses.

Great care has been taken to fully integrate the houses within the scale and character of the site and a conscious decision to use traditional and natural materials within contemporary forms in a high quality architectural solution.

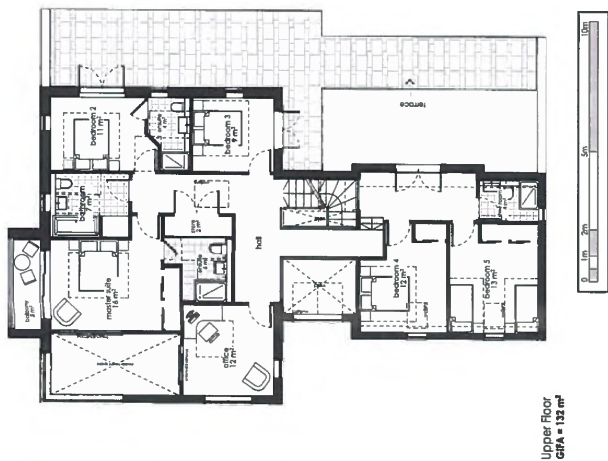
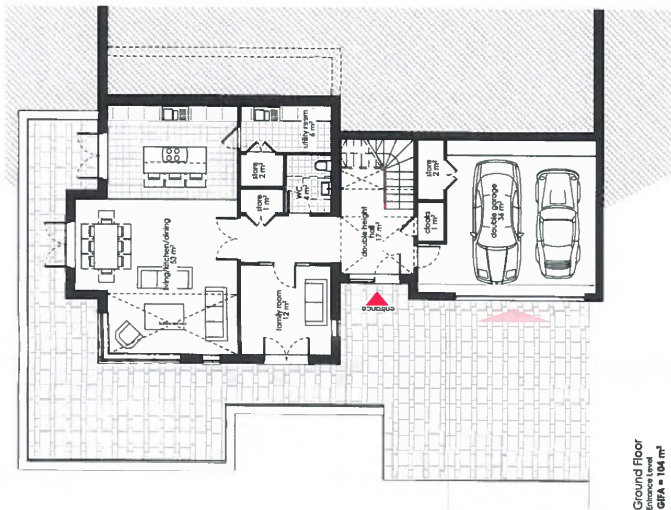
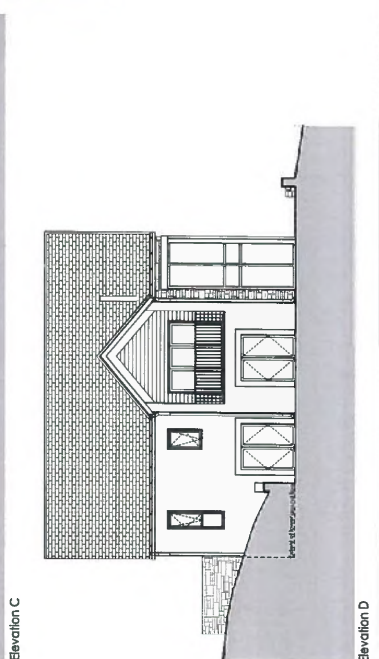
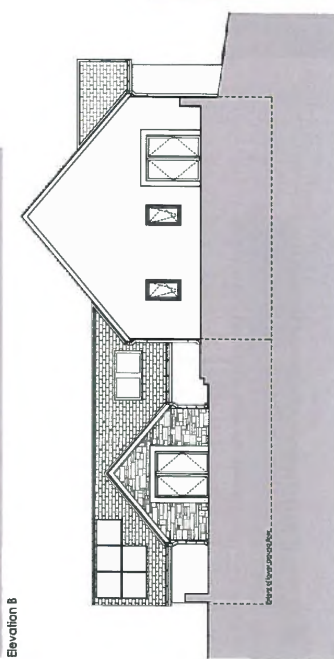




783

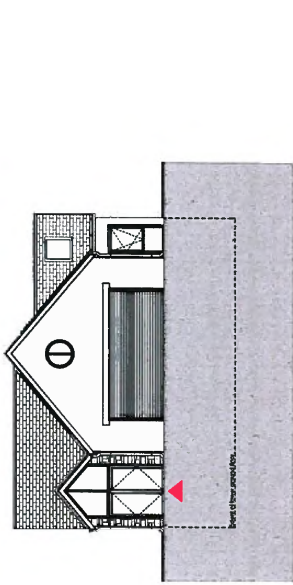


5 Bedroom house  
GIFA = 236 sqm / 2,540 sqft  
+ double garage 36 sqm / 388 sqft

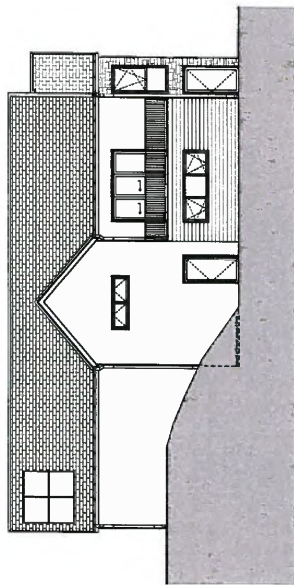


5 Bedroom house  
GIFA = 236 sqm / 2,540 sqft  
= double garage 36 sqm / 388 sqft

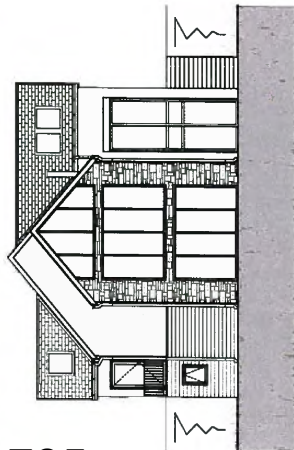




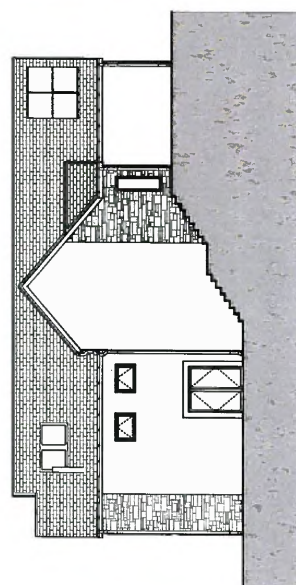
Elevation A  
Front elevation



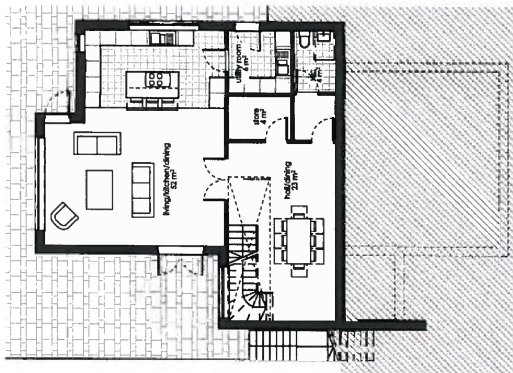
Elevation B



Elevation C



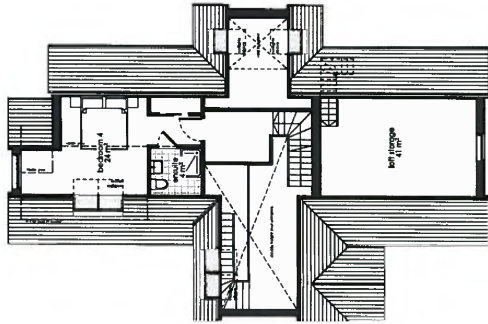
Elevation D



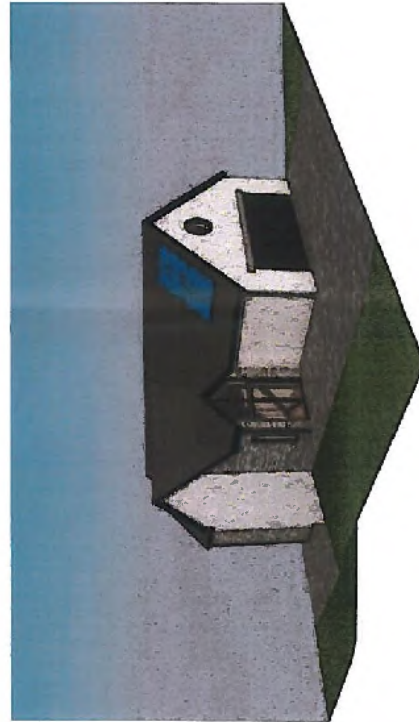
Lower Ground Floor  
GFA = 100 m<sup>2</sup>



Ground Floor  
GFA = 215 m<sup>2</sup>



Upper Floor  
Bedroom  
GFA = 27 m<sup>2</sup>



**4 Bedroom house**  
**GFA = 215 sqm / 2,314 sqft**  
 + double garage 38 sqm / 388 sqft  
 + storage over garage 41 sqm / 441 sqft





TIMBER CLADDING FOR ECO BOTHY

REUSED SHIPPING CONTAINERS

GREEN ROOFS



HIGH LEVEL ENTRANCE

SPLIT LEVEL SITE

STONE AND ROUGHCAST



ROUGHCAST AND SLATE

STONE AND TIMBER

TIMBER CLADDING



ROOFLIGHTS

OPEN LIVING

LIGHT AND SPACE

## DESIGN PRINCIPLES

The vision for the site is for a high quality development appropriate for its context, which facilitates a sustainable environment of richness and variety and consists of a legible and robust design, incorporating the communities' requirements at its heart. Key to this are the incorporation of the six qualities of successful places advised by Designing Places:

### Distinct identity

Safe and pleasant.

Easy to move around – especially on foot.

A sense of welcome – especially for visitors.

Easily adaptable – over time and through changing circumstances.

Sustainable – likely impact upon the social, economic and environmental conditions, in particular on promoting greener lifestyles, mixed uses, biodiversity, transport and water quality

The proposals have been generated through a detailed analysis comprising of access, approach, orientation, linkage, landscaping, climate, overlooking and context.

The greatest influence upon the design proposals is that of the site slope and the 14m level difference between Mount Tabor Road and Muirhall Road calling for houses that work with, rather than against the existing topography.

The design called for generous plot sizes, bespoke house types to accommodate the contours and the aspect, whilst to provide a high quality architectural style that acknowledged the scale and character of the surrounding area. There are a mixture of modern and traditional houses within the immediate locale, ranging from single to three storey, stone, brick and render for the walls with slate and concrete tiles for the roofs.

By choosing a contemporary forms with traditional materials and reflecting the local vernacular, this was felt to be the most appropriate design solution, which would also tie together the eclectic surrounding forms and styles.

Within the Gardens, the only structures proposed are the Bothy, the WC's and the poly-tunnel, therefore it was felt appropriate to use low maintenance and sustainable timber cladding to reflect a sustainable material to a recycled former shipping container and utilize an artistic pattern to appeal to the community users, without creating an ostentatious in inappropriate visual form. A hooped poly-tunnel is a hooped poly-tunnel wherever it is located, however, this would be screened from the adjacent houses by fruit trees and hedges serving as a sheltered environment to grow specialist and less robust plant species.

Comments were received during the Planning Application process regarding the impact the proposals would have on the listed property to the west of the site. As this boundary is formed by a high stone boundary wall and a dense band of mature conifers, screening to the listed property is provided throughout the year and therefore little to any overlooking is possible from, or to the adjoining land. It must be concluded that the impact is minimal.

### Sustainability

The principles of sustainability have been considered as an inherent part of the design process; building in harmony with the site including optimising orientation, fostering and maintaining biodiversity; treating and conserving water on site in line with best practice and guidance on sustainable drainage; reducing consumption of energy; recycling of construction materials and minimising the use of non-renewable resources; facilitating accessibility and adaptability; and providing for waste recycling. The buildings themselves will be constructed to very high energy efficiency ratings both in terms of excellent insulating values to minimise heat loss as well as efficient heating systems to minimise running costs and designed to reduce maintenance. The houses will be designed to meet or exceed the building control energy requirements.





## COMMUNITY & STAKEHOLDER ENGAGEMENT

Scottish Planning Policy states that 'Planning authorities and developers should ensure that appropriate and proportionate steps are taken to engage with communities during the preparation of development plans, when development proposals are being formed and when applications for planning permission are made'. Further and more in-depth advice is given in Planning Advice 3/2010: Community Engagement and was followed.

Extensive community and stakeholder engagement has been undertaken with community groups, Council representatives and organisations, to gauge the demand for and response to the proposed development. The feedback has been positive and generally, there has been considerable support and enthusiasm for the proposed development.

The applicants have met with the following parties:

1. Catriona Davis & Lisa Sneddon (Tay Landscape Partnership)
  - in respect of the re-establishment of the orchards.
2. Jennifer Sorrie (Kinnoull Primary School Head Teacher)
  - in respect of the use of the garden by Kinnoull Primary School.
3. Terry Myres (Friends of the Millennium Park)
  - in respect of the proposed community garden and the Millennium Park complementing one another and possibly operating in partnership.
4. Gill Motion (P&K Council Community Capacity Worker)
  - in respect of South Perth Community Garden and the administration, logistics and costs of setting up a community garden.
5. Jenny Williams (P&K Council Green Space Officer)
  - in respect of the proposed garden and the demand for allotments.

In addition to the above, the developers have also attended a Bridgend, Kinnoull & Gannochy Community Council Meeting (18<sup>th</sup> of February 2016), presented their proposal and listened to the Committee members and other attendee's comments and feedback.

The applicants have also discussed the 6 houses and community garden with a number of surrounding residents to gauge their thoughts.

Through the community engagement process, it was discovered that;

- Large parts of Kinnoull Hill were covered by orchards.
- There is only one allotment in Perth on the east side of the River Tay and that is at Murray Royal Hospital in the walled garden, however, it is predominantly used by the Murray Royal Patients.
- At the Moncrieff Island allotment, there is a 4 year waiting list (best case) to get an allotment plot.
- There is no shelter/shed in the Millennium Park (as no structures are allowed). A shelter/shed and dry toilet could potentially be used by Millennium Park volunteers.
- There is support for a green/open space partnership or network with other open spaces on Kinnoull Hill, Bridgend and Gannochy.
- There is a demand for individual bespoke contemporary houses in Kinnoull Hill. A number of potential purchasers have already approached us.

The feedback, suggestions and comments have to a large degree dictated and shaped the form, content, design and layout of the proposed development.





## ACCESS STATEMENT

### Site Requirements

In response to the Development Procedure Regulations 2008, accessibility has been put into the heart of this design process. The principles set out in PAN 78 Inclusive Design to create environments that can be used by everyone, regardless of age, gender or disability were fundamental to the approach taken. The requirements of the Disability Discrimination Act (DDA) 2005 and the statutory regulations of the Scottish Building Standards will be fully considered and addressed within the proposal.

Whilst the site must be fully accessible to all persons, great care has been taken to ensure that full disabled access is maintained throughout, either for the ambulant, or fully disabled in terms of surfaces, gradients and widths of routes. Further measures have been accommodated to assist persons with a range of sensory impairments, including audio and visual aids within the Gardens, as required. Contrasting materials, handrails where required and the inclusion of planting to appeal to the sense of smell and touch will form part of the all-inclusive environment.

A dedicated disabled parking space will be provided at the Garden entrance from Mount Tabor Road, whilst footpath links will be extended at Muirhall Road.

The Residential site will be connected to the existing public access path that runs along the west of the site with a path located between plots 3 and 4.

A direct link between the Residential site and the Community Gardens was considered, however due to the levels on the site this would require stepped access, and no longer be considered as barrier free. It would create potential overlooking and security issues.







## SITE ACCESS

During the public consultation process, local concerns were raised regarding the impact of the development upon the traffic flow of Muirhall Road, with questions raised about the position of the proposed site entrance. As this was a material consideration, although not one requested by P&K Council Roads, a full Traffic Study and Transport Report was carried out by the applicant.

The process involved a study of the flow of traffic, the frequency and direction of traffic, followed by a detailed analysis of the findings and recommendations. The Study revealed that Muirhall Road has no history as an accident black spot, or has any notoriety as a place for speeding traffic. Some modification was carried out to the proposals, including the extension of the footpath along the northern boundary to give a more practical crossing point with better forward visibility, whilst the internal roads geometry was altered to suit the enhanced requirements for larger refuse vehicles. Suggestions were made to provide a link between the proposed houses and the Gardens, however, it was felt that this may lead to unauthorised parking in the new development, whilst the gradient across the land was too steep for disabled access.

## Considerations

Two main locations for the Site access were considered. Both off these were off Muirhall Road, with one to the West and one to the East.

The diagrams opposite show visibility lines from the two access locations.

## West

Having the access located to the West results in visibility lines which are below the minimum acceptable guidelines.

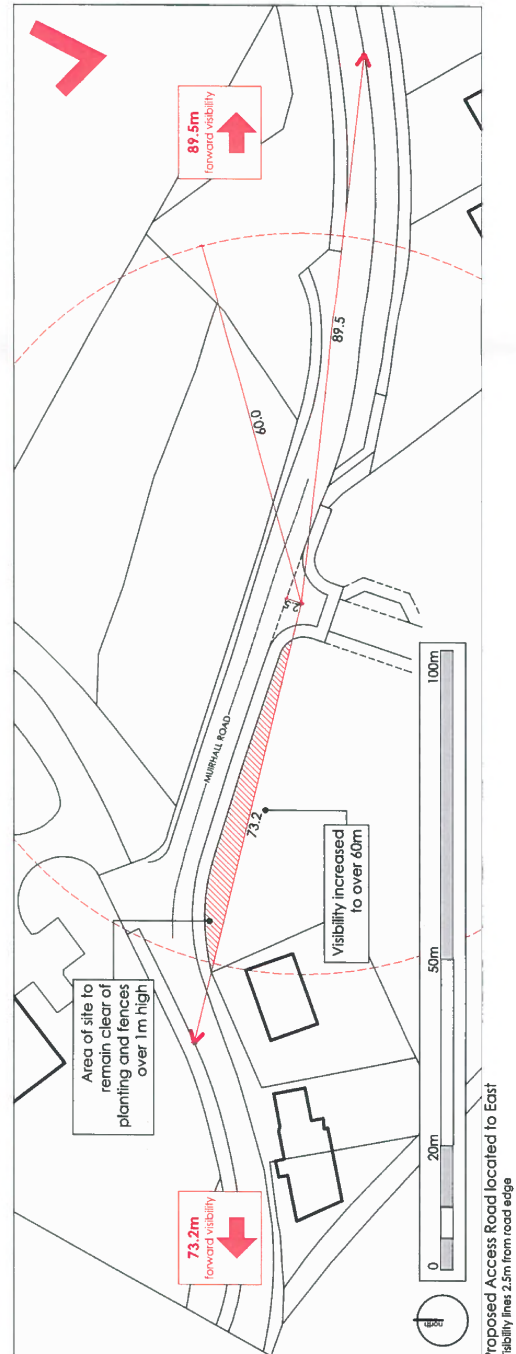
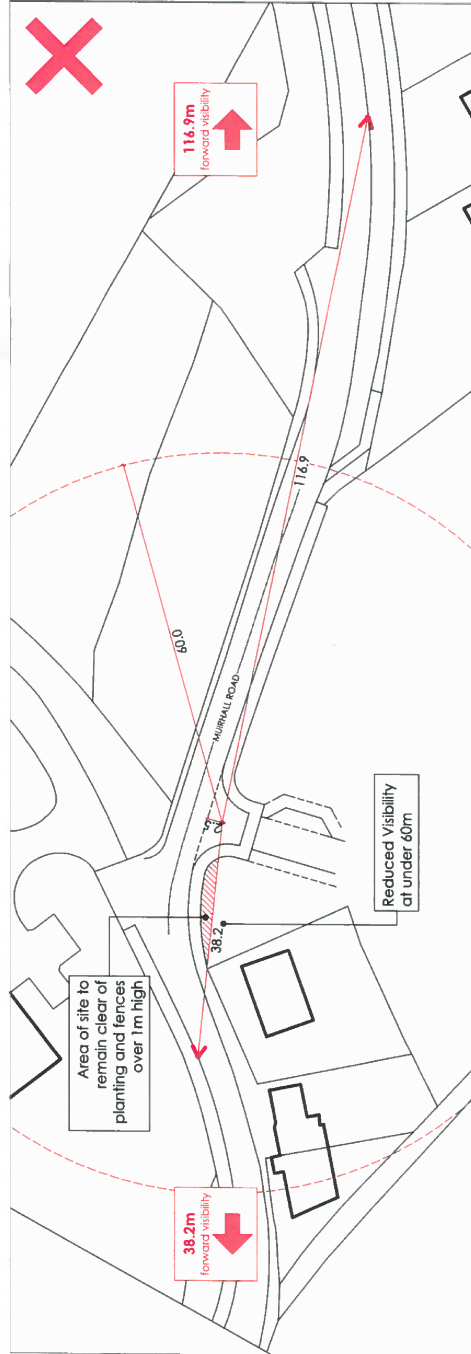
Due to the topography of the site, an access located to the West would also require that the access road rise in excess of the acceptable gradients for Roads.

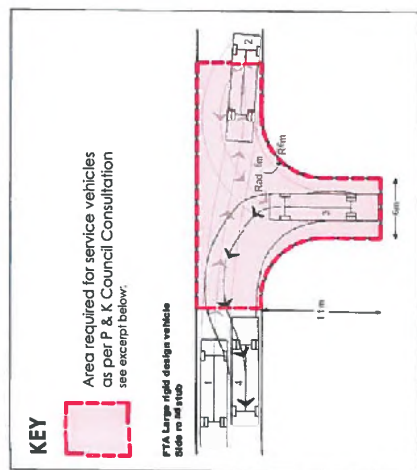
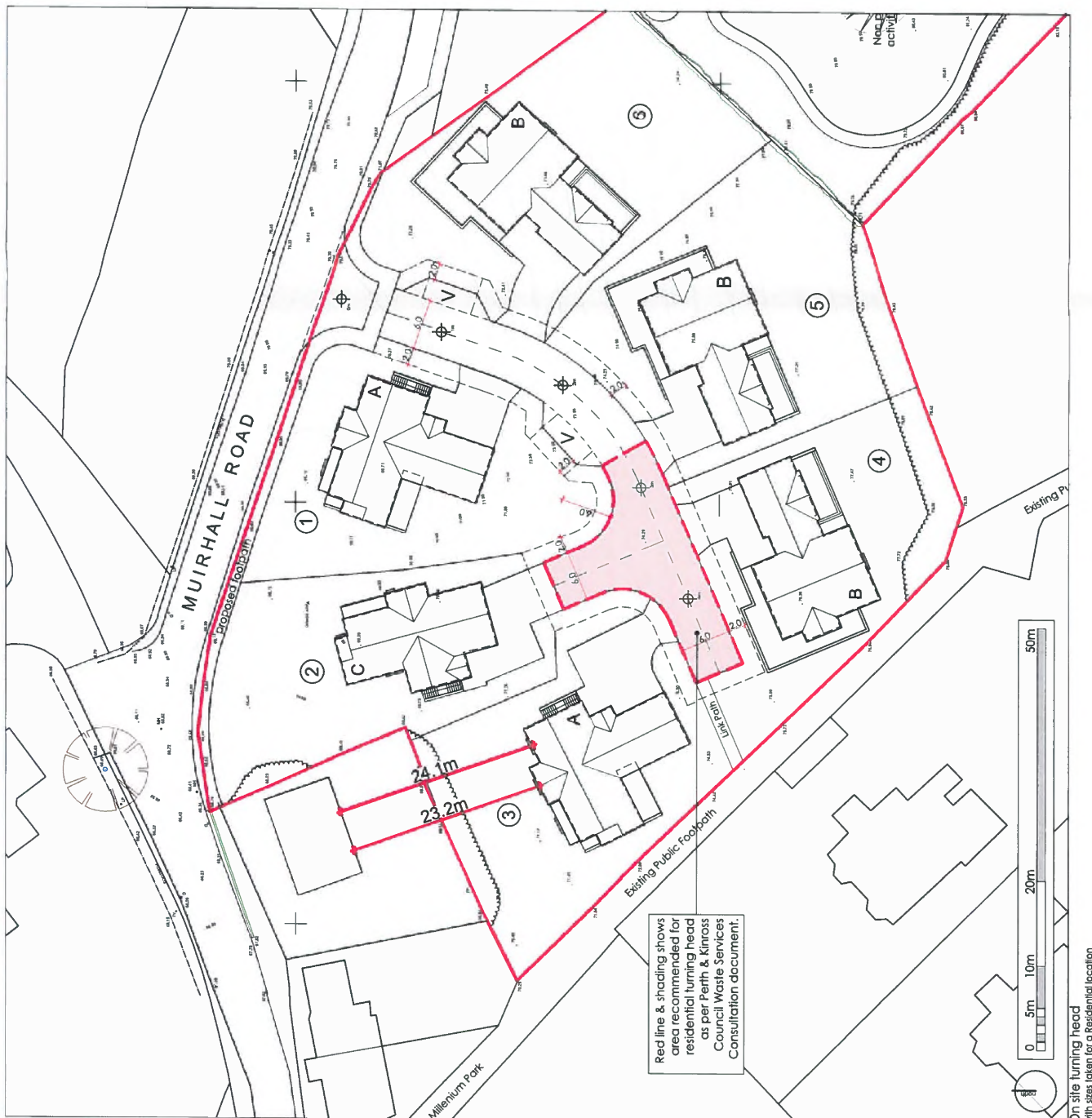
## East

By locating the site access to the East, the road will achieve the best visibility lines, whilst allowing the access to rise up the site at an acceptable gradient.

## Conclusion

By having the access road located to the East of the site, the new access point will be pulled away from the tighter bend on Muirhall Road (to the West), increase the visibility lines whilst also meeting the guidelines for roads gradients.





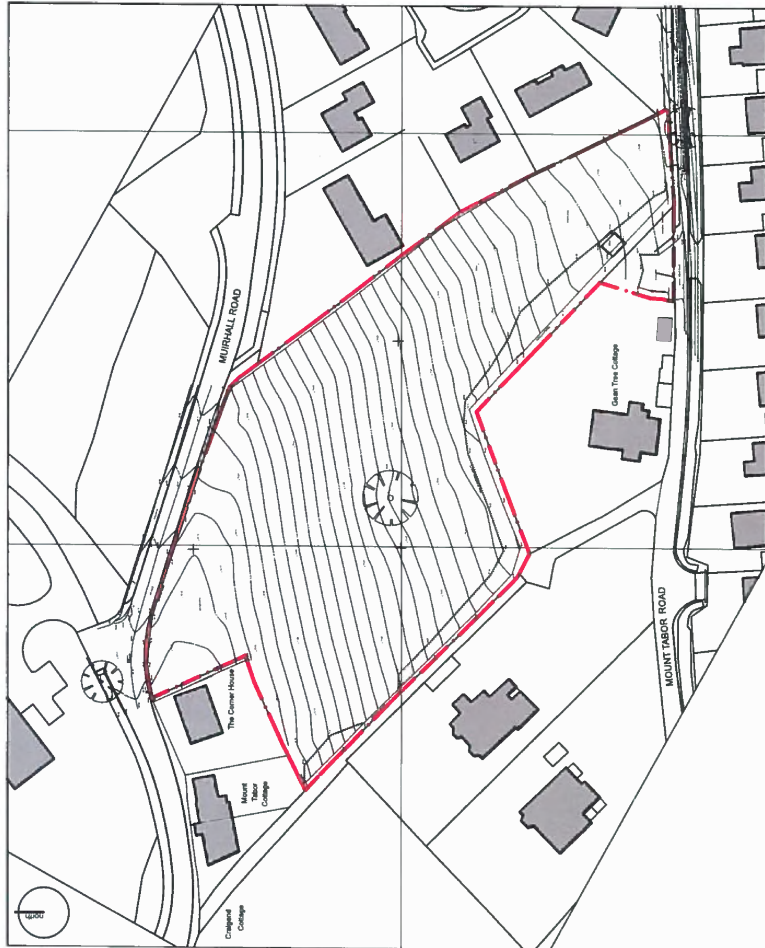
## ACCESS ON SITE

### Manoeuvring Space

A turning head has been provided on the site in line with the diagram as shown in the Perth and Kinross Council Waste Services Consultation document.

This will ensure vehicles accessing the site have full access, with the ability to turn on the road, without having to use driveways.





OS PLAN with TOPOGRAPHICAL SURVEY



EXISTING SITE LOOKING FROM NORTH TO SOUTH



PROPOSED SITE LOOKING FROM NORTH TO SOUTH

## SITE ASSESSMENT

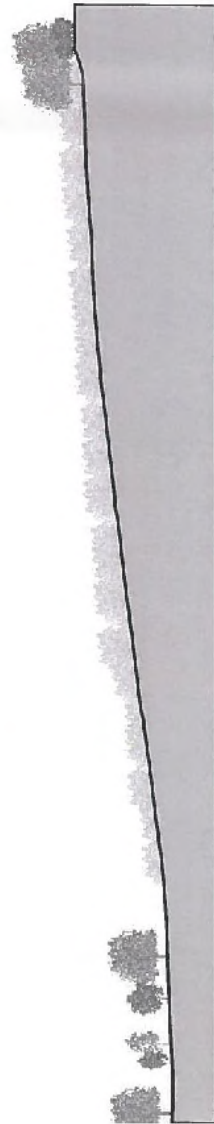
Analysis was carried out to study the site, it's surrounding area, footpaths, desire routes, topography, the constraints of existing and proposed infrastructure and used to determine the influence of these factors on the potential layout solutions.

Whilst acknowledging that the unused field is of little agricultural or biodiversity value, the applicant felt it important to employ the services of a recognised Ecologist to carry out a professional assessment of the subjects. The Extended Phase 1 Habitat Survey by Ellendale ecologists has been attached to the appendix to this report, highlighting some potential for bats using the elm tree carcass for roosts and identifying the perimeter hedgerows as having value for nesting birds. The Stage 2 report clearly shows that neither the tree nor the horse shelter are considered to be bat roosts. The report recommends the provision of bat boxes to increase roosting opportunities. Bat boxes, along with other recommendations in terms of lighting and planting of native species of trees and shrubs will be adopted, particularly in the proposed community garden.

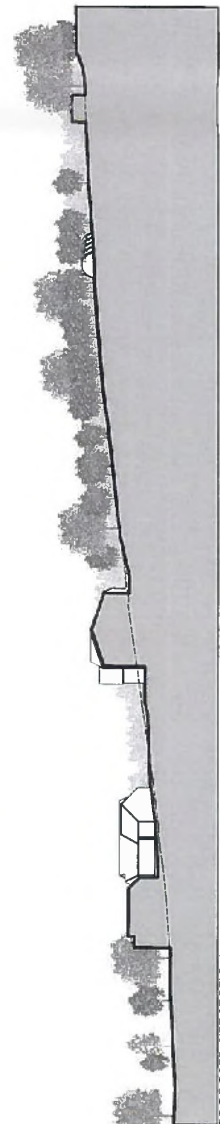
Suggestions for an Air Quality Report was not followed up as the applicant deemed the surrounding landscape and roads to have minimal impact upon the proposed development site. This also applied to the impact the site would have upon utilities such as foul & surface water drainage, gas, water, electricity and telecommunications.

With respect to drainage, the site is not highlighted on the SEPA Flood Map to be at risk from river, or surface water flooding and any 1 in 200 year rainfall overland flood routes would be accommodated by a swale leading to filtration trenches. In the event that attenuation is required for surface water from roofs, storage can be provided with hydrabrack control to discharge into the combined local sewer.

The most obvious feature about the site is that of the topography, the surrounding trees and the relationship to the adjoining properties. The following sequence of illustrations show an ordnance survey, a dimensioned topographic survey, longitudinal site sections, whilst the 3-D views show the site "stripped" with context, existing landscape, proposed landscape and proposed built massing.



EXISTING SITE SECTION



PROPOSED SITE SECTION





## NEIGHBOURS

### Consideration of Site Layout and House Design

The location and the amenity of the existing neighbouring houses on Muirhall Road have been considered in the layout of the site.

Plots 2 and 3 are closest to these neighbours, and care has been taken to position the houses such as the existing houses are not directly affected.

### PLOT 2

The design of House Type C, which is specific to Plot 2, has been influenced by the neighbour on Muirhall Road to the North West of the Plot. Unlike the other two house types which have their main access and feature windows along the main elevations, House Type C has been designed to create views down through the length house and not the sides. Windows on the sides of this house type are limited to secondary spaces or are high level to negate direct views into neighbouring properties. The house has also been rotated on the site slightly away from the closest neighbour.

### PLOT 3

Whilst the house type used here is a typical Type A, used elsewhere on the site, the house has been positioned to ensure minimum standards for overlooking are met. For New Build developments we would ensure an 18m clear distance between elevations. We have provided a minimum distance of 23m between the rear of our Plot 3 house and the rear of the neighbouring house on Muirhall Road. To enforce this we have also rotated the house on Plot 3 so that it does not lie on the same orientation as this neighbour.



## PLANNING OVERVIEW, POLICIES & GUIDANCE

Having reviewed the Development Plan and National Planning Policies & Guidance, it is apparent that there is Policy, Guidance and circumstantial support and justification for the proposal to build 6 houses and establish a community garden at the proposed location.

The proposed site lies within the Perth settlement boundary and is presently zoned as 'Open Space' in the Council's adopted Local Development Plan (LDP).

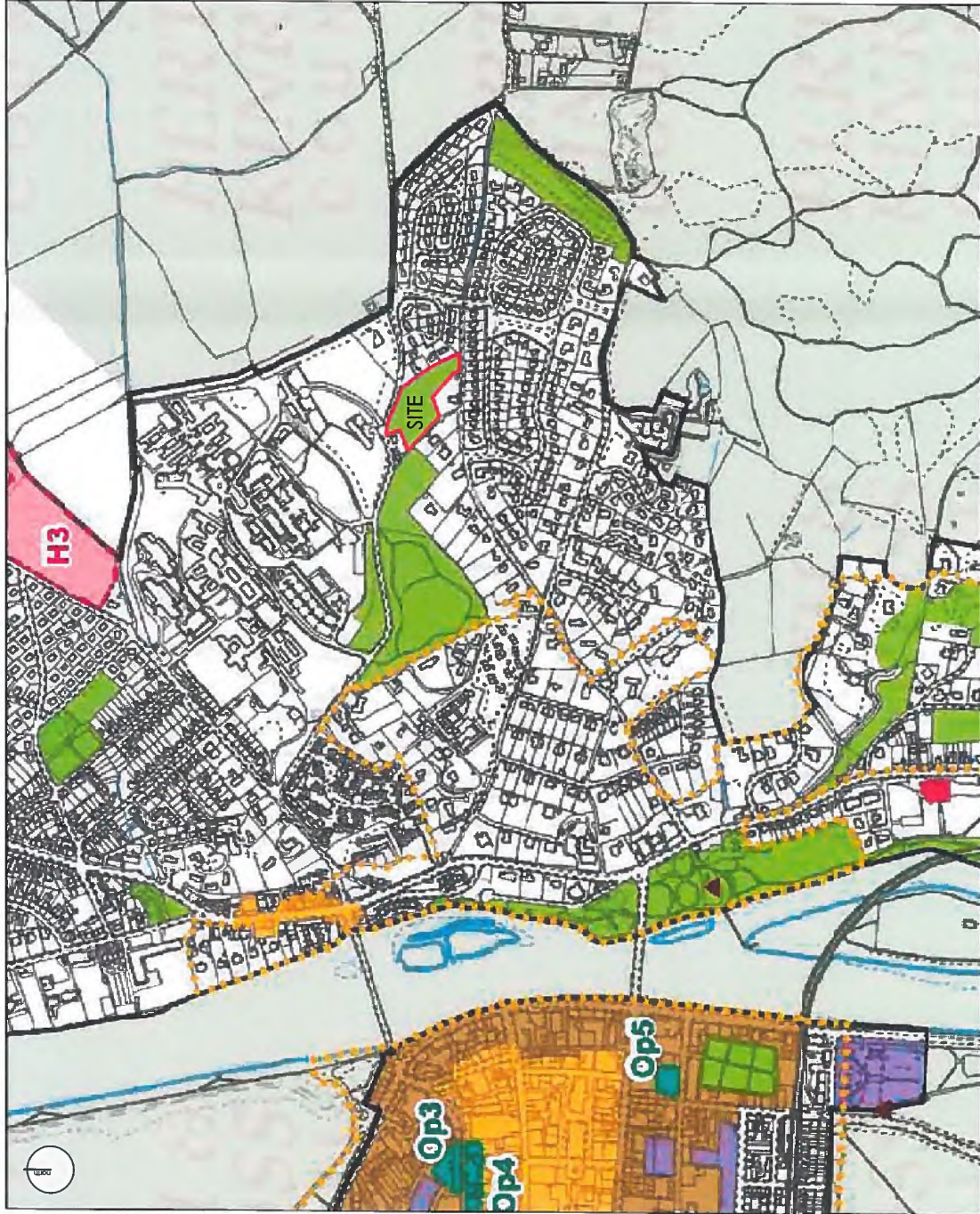
As illustrated (in the map to the left), there are currently no housing sites zoned or identified in the adopted LDP for residential development on Kinnoull Hill. Additionally, the comprehensive greenbelt which surrounds the Kinnoull Hill area along with few 'windfall' development opportunities means that the supply of housing in the Kinnoull area will be very limited over the duration of the LDP.

Scottish Planning Policy states that 'Planning should direct the right development to the right place'.....and to do this decisions should be guided by planning principle such as; 'using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores'.(Section 40).

The requirement for locating housing within city settlements and the Council's adoption of a flexible approach is further acknowledged in National Planning Framework 3, which; 'aims to facilitate new housing development', particularly in areas within our cities network where there is continuing pressure for growth.....and Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development'.

Whilst the proposed site has a large number of planning attributes, we acknowledge that it is presently zoned as Open Space, as such in most cases, development is not acceptable.

However, it is clear that this site has been incorrectly zoned for 'Open Space' in the LDP - having 'rolled over' the designation/zoning from previous Local Plans. It is not until recently that the landowners have engaged in the Local Development Plan Process. They were also not consulted with or consented to the existing and previous zonings. A representation has been made in response to the publishing of the LDP 2 Main Issues Report - requesting the 'Open Space' zoning be relinquished. Ironically, we understand that site was previously earmarked by the Council for housing in the Local Plan circa 20 years ago, but was never developed.



EXCERPT OF PERTH SETTLEMENT MAP  
from Perth & Kinross Council Local Development Plan



Scottish Planning Policy notes that in Development Planning, Development Plans should: 'positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time'. The requirement for the Council to avoid continuing to 'roll over' previous Local Plan/LDP designations without due consideration has been made it clear in the LDP Representation.

The LDP identifies Sports Pitches, Parks and Open Space, 'as areas of land which have value to the community for either recreational or amenity purposes'. The site can be more accurately described as a disused and overgrown paddock or small field. It is not used or frequented by the community or general public. It is also of limited amenity value to the area, particularly as it is located adjacent to the very extensive Millennium Park and the settlement edge, beyond which are rolling fields. There is also an existing public footpath which runs along and beyond the western boundary of the site connecting Muirhall Road to Mount Tabor Road. Therefore, the site/field is not used as a thoroughfare. The site also does not form an amenity setting for any of the surrounding houses. It is certainly not 'a value to the community for recreational or amenity purposes'.

Policy RD1: Residential Areas, in the Council's LDP states that: 'Small areas of private and public open space will be retained where they are of recreational or amenity value'. As intimated above, it is contested that the site is neither of recreational or amenity value.

Regardless of the apparent incorrect zoning of the site in the LDP, there is still considerable scope to facilitate the proposed development within the current zoning. Policy CFI: Open Space Retention and Provision, states that development proposals which result in loss of these areas will not be permitted, except in certain circumstances, including the provision of a better quality facility within the same site which is convenient for its users. Having extensively consulted with the Community and relevant Stakeholders and Council Representatives, the large majority have expressed their support for the Community Garden aspect of the proposed development. Furthermore, the aforementioned parties have actively engaged with the developers and collaboratively designed and influenced the content and layout of the community garden.

The proposed development will result in a minimal loss of green space, with the area of building resulting in only 1/8th of the total area of the site. The community garden extends to 0.63 acres, or 30% of the overall site area. It is however argued that the active community use of a greatly improved/upgraded open space facility will be a significant improvement to the current status where the site has no value for recreational or amenity purposes.

RD1 in the LDP states that: general encouragement will be given to proposals that infill residential development at a density which represents the most efficient use of the site while respecting its environs (sub section 'a') and 'Proposals for improvements to community and educational facilities' (sub section 'e').

The Spatial Strategy sets out in the Council's adopted LDP (which has been guided by the approved TAY Plan 2012), directs the majority of growth to the identified tiered settlements. Accordingly, housing development is principally channelled towards Perth and then filtered/tiered down to smaller settlements within Perth & Kinross. Again, this further supports the proposal for six houses within Perth's Settlement boundary.

It is well documented that Perth is a very desirable city to live in and demand for housing is subsequently high, yet the supply of new houses is comparatively low. National Planning Framework 3 acknowledges this and reiterates the importance of maintaining a generous supply of housing. 'In some parts of the cities network, population decline is expected, whilst in other places there is projected growth. Some cities have greater pressure for additional housing development. In some, regeneration remains a priority. But throughout, there will be a need to ensure a generous supply of housing land in sustainable places where people want to live, providing enough homes and supporting economic growth' (2.18).

The proposal has a considerable number of planning attributes, including:

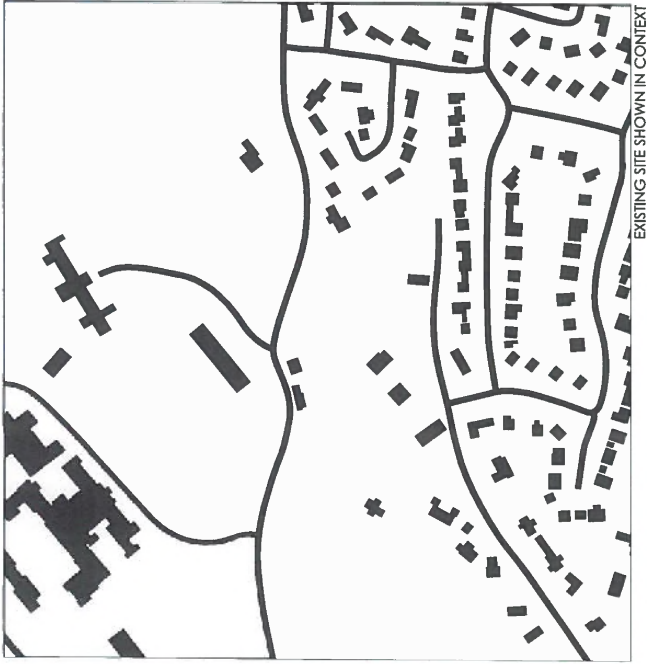
1. There is a demand for both the community garden and the houses at the proposed location.
2. The proposal would result in a net benefit to the area with the provision of a community garden.
3. The site is within Perth's settlement boundary.
4. The site is surrounded by a robust and natural landscape framework.
5. The proposed small number of detached and bespoke houses would have a minimal impact on the amenity of the surrounding houses and would be in keeping with the semi-rural character of the area.
6. The well designed houses and the community garden would complement the area, involving only the partial loss of green space.
7. The proposed community garden would form an important addition to the green spaces in the Kinnoull, Bridgend and Gannochy area and offer something different.
8. The site is not in or adjacent to an environmentally and/or landscape sensitive area (e.g. Green Belt or AGLV).
9. It would also not have a negative impact on any important historical or heritage buildings.
10. The site is within walking distance of the city centre, train station and bus station and there are bus stops nearby, thus reducing the use of cars and carbon emissions.

The reality is that without the housing, the community garden would very unlikely be created. Not only do the houses cross-fund the creation of the garden, the roof tax which would be imposed on them (which would be a legal obligation in the title deeds), would ensure that the garden would be maintained in perpetuity. Accordingly, the housing aspect of the development affectively 'enables' the community garden aspect to be created.

Section 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.

It is interpreted that the proposal does indeed comply with the Development Plan. If however, the Council interpret otherwise, it is considered that taking all of the facts and circumstances into consideration along with National Planning Policy, the proposal would not be a significant departure from the Development Plan, would not directly affect the core objectives and the vision or wider special strategy of the Development Plan and other Material Considerations would justify granting planning consent.

SPP introduces a presumption in favour of development that contributes to sustainable development as a Policy Principle, whereby, 'The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term' (section 28).



## FIGURE GROUND DIAGRAM

### Open Space

The massing and spread of the new build elements are of a similar scale to the surrounding buildings, ensuring proposals continue the historic development pattern and creates a natural next phase in the development of the area.

The Figure Ground Diagram also shows that the development doesn't remove all the open space as a large portion of the site remains undeveloped.

These themes are discussed in more detail within the Planning Consultant's Addendum document (see Supporting Statement for Felsham PD).



	Open Area
	Residential Built Area
Housing Site Area:	6,100m <sup>2</sup> / 1.50 acres
Orchard Site Area:	2,555m <sup>2</sup> / 0.63 acres
<b>TOTAL SITE AREA:</b>	<b>8,655m<sup>2</sup> / 2.13 acres</b>
Residential Built Area	1,092m <sup>2</sup> / 0.27 acres
Open Space Area	7,563m <sup>2</sup> / 1.87 acres
Built area represents 1/8 <sup>th</sup> or 12.6% of site area	

## OPEN SPACE

### Built v Opens Space

The simplified site plan shows the minimal space which will add to the built environment of the site.

The 'built' area within our proposal amounts to a minimal area of 12.6% or 1/8<sup>th</sup> of the total site.



### Site Conceptual Model

In accordance with existing legislation and available guidance, a Tier 1 Quantitative Risk Assessment has been undertaken for the site. The assessment has been based on preferential risks to future site residents, future site users, construction workers undertaking the proposed development, local residents, and members of the general public and the water environment.

This part of the investigation and assessment process has been completed prior to any intrusive investigation and is used to identify potential sources of contamination in order to target the intrusive investigation towards confirming or discounting certain risks.

The findings of the assessment are discussed in the following section.

### Qualitative Risk Assessment

The qualitative risk assessment criteria for each element (source, pathway, receptor) and the likelihood of an event occurring have been assessed as low, low to moderate, moderate, moderate to high or high based on the following system:

Low	Based on available information there are unlikely to be significant contaminated land liabilities associated with site.
Low to Moderate	Based on available information there are unlikely to be significant contaminated land liabilities associated with the site with regard to the proposed redevelopment. However, minor issues may require further consideration.
Moderate	Based on available information some potential contaminated land liabilities are likely to affect the site as a result of historical and / or current activities. Redevelopment of the site will likely require further investigation.
Moderate to High	Based on available information some potentially significant contaminated land liabilities have been identified at the site that requires further assessment including intrusive ground investigations.
High	Based on available information significant potential contaminated land liabilities have been identified at the site. Further assessment including intrusive ground investigation will be required to determine to level of risk and associated liability.

### Potential Sources of Contamination

Potential contaminative land uses associated with the site are considered to be low due to the fact that the site has never had any previous uses and has always been open ground.

Potential contaminative land uses associated with the surrounding area are considered to be low due to the fact that the surrounding area has only been used for residential housing, Murray Royal Hospital is located to the north but is considered unlikely to have impacted on the site due to topography and the location of the buildings on the site.

The current site levels were considered to be consistent with the surrounding land with no evidence of infilling or raised site levels.

### Potential Pathways

With respect to the proposed residential and leisure (community garden) activities there are a number of potential pathways by which site contaminant could pose a risk to receptor (future site users, site staff, and members of the general public and the water environment). These include:

- **Dermal Contact:** Potential may exist for dermal contact with any contaminated soils if present.
- **Inhalation:** Potential may exist for inhalation of elevated levels of soil gas and/or hydrocarbon vapours if present. Potential may also exist for inhalation of contaminated dust from air-borne contaminated soil surface and organic vapours if present.
- **Ingestion:** Potential may exist for the ingestion of contaminated soil, dust or soil by site staff and participants if present.
- **Soil Leaching:** The potential may exist for leaching of contaminants from contaminated soil to groundwater via surface water infiltration through the site if present.
- **Groundwater / Leachate Migration:** The potential may exist for contaminants to migrate laterally / vertically within leachate or groundwater to surface waters and deeper groundwater aquifers if present.

### Potential Receptors

Receptors, which may be affected by contamination via the pathways previously described, are:

- **Human Health:** Future site users, site staff, and the general public.
- **Water Environment:** On-site and off-site surface and ground water including man made water features.

### Preliminary Conceptual Site Model (CSM)

Potential sources of contamination and pathways by which there may be potential pollutant linkage by which receptors could be at risk are listed in further detail in the following table.

A risk rating (Low, Low to Moderate, Moderate, Moderate to High or High) for each of these is also given.

### Contamination Assessment Summary

Receptor	Potential Sources	Pathways	Risk	Justification / Mitigation
Human Health  Site Users & General Public	Disturbed / Made Ground & Groundwater	Dermal Contact, Inhalation of Dust and vapours and Ingestion of contaminated soil	Low	The potential risk for natural soils and shallow groundwater on the site to be contaminated by inorganic and organic contaminants and capable of generating significant levels of gas/soil vapours is considered to be Low.
	Water Environment			
Groundwater / Surface Water	Disturbed / Made Ground & soil leachates	Soil leaching & groundwater flow	Low	The nearest water course (to the east) is unlikely to be affected by the site due to the lack of anticipated contaminated soils on the site. Likewise, shallow groundwater is unlikely to be at risk from soils on the site.

18th November 2016

Allen Gordon & Co  
10 King Street  
Perth  
PH2 8JA



Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Glasgow  
G33 8FB

Development Operations  
Free phone Number - 0800 389 0379  
E-Mail - [developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

For the attention of Gordon Davie

Dear Sir

Perth, Muirhill Road  
Development Enquiry Application  
Your Ref:  
Our Ref: 736925

Please quote our reference in all future correspondence

Thank you for your PDE Form regarding the above proposed development. Following an assessment of our assets I can now confirm that at this present time:

**Water:** There is sufficient capacity in the Perth Water Treatment Works and also the local network to service the demands from your development.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head in the public main. Any property which cannot be adequately serviced using this pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws.

**Wastewater:** There is sufficient capacity in the Perth Waste Water Treatment Works and the local network to service the demands from your development.

Please note capacity is approved for a foul only connection to the existing network. Surface water should discharge to the culverted watercourse to the north of the site on Muirhill Road.

Scottish Water supports the principal of a sustainable urban drainage system (SUDS) and the developer should consider utilising this in the surface water drainage design. It is important to note that Scottish Water will not adopt surface water drainage systems that require the flows to be pumped.

It is important to note that Scottish Water is unable to reserve capacity and connections to the water & wastewater networks can only be granted on a first come first served basis. For this reason we may have to review our ability to serve the development on receipt of an application to connect.

You will be required to seek technical approval for your water & wastewater infrastructure from our technical design team. The relevant application/connection forms are available on our website at [www.scottishwater.co.uk](http://www.scottishwater.co.uk) - please complete them and return to the above address together with all relevant documentation. You will also find many useful guides on Scottish Water processes including a step by step guide to filling out the necessary forms.

If you require any further information regarding this matter please contact Development Operations on 0800 389 0379 or email: [developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

Yours sincerely

Euan Cameron  
[Euan.Cameron@scottishwater.co.uk](mailto:Euan.Cameron@scottishwater.co.uk)

## SCOTTISH WATER

### PDE Form response

See adjacent Scottish Water correspondence date 18th November 2016 for the full details of their comments, however in summary they confirm the following:

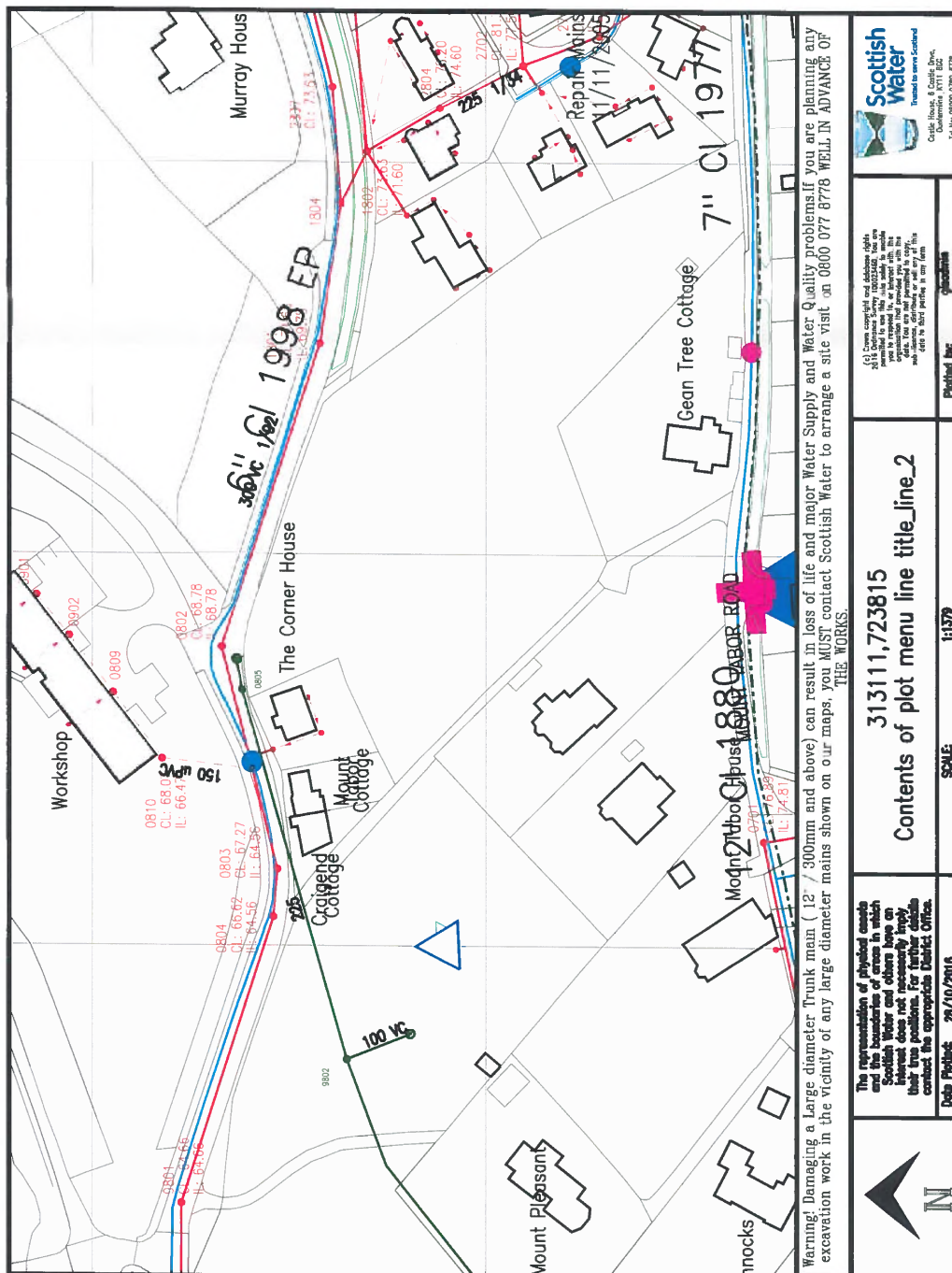
#### Water

There is sufficient capacity in the Perth Water Treatment Works and also the local network to service the demands for the development.

#### Wastewater

There is sufficient capacity in the Perth Water Treatment Works and the local network to service the demands from this development.  
Note: Capacity is approved for a foul only connection to the existing network. Surface water should discharge to the culverted watercourse to the North of the site on Muirhill Road.

See diagram on next page as provided by Scottish Water showing the existing network.



SCOTTISH WATER

Existing Network

See adjacent diagram as provided by Scottish Water showing the existing network.



(c) Crown copyright and database rights. This map is reproduced by permission of the Controller of Her Majesty's Stationery Office. It is not to be used for any purpose other than that for which it was prepared. It is not to be used for any purpose other than that for which it was prepared. It is not to be used for any purpose other than that for which it was prepared.

313111.723815  
Contents of plot menu line title\_line\_2

The representation of physical assets and the boundaries of areas in which Scottish Water and others have an interest is not to be used for any purpose other than that for which it was prepared. For further details contact the appropriate District Office.

Date Printed: 28/10/2016  
Scale: 1:1279  
Plotted by: [signature]





801

## SUMMARY CONCLUSION

Through careful site analysis, a sensitive design response and incorporation of local requirements a proposal of 6 detached houses and community orchard and gardens has been proposed for the site at Muirhall Road/Mount Tabor Road in the Kinnoull area of Perth.

Community consultation revealed that the proposed gardens would be an extremely welcomed public asset and would serve a wide range of users from children to active, disabled and elderly persons, providing significant educational, emotional and health benefits proven to have been created in similar projects. The Gardens would be very carefully managed and have a sustainable financial future, with a series of credible local organisations and stakeholders pledging to maintain the facility.

The proposed houses have been designed in such a way to complement the scale and character of the area using traditional materials in appropriate contemporary forms and avoiding a standard housebuilder's predictable generic response. By arranging the houses as shown and providing additional public footpaths and links to surrounding areas we believe this is a wholly sustainable development that both enhances and connects the surrounding area.

During the original Planning Process it was evident that design factors had not been fully established within the pre-application process and the Applicant felt that this warranted further detailed studies. For this reason the Planning Application was withdrawn and further studies such as a Traffic Report, Ecological follow up report, adjustments to the design to accommodate larger refuse vehicles and minor detailed changes were subsequently carried out. It is felt that the design proposals have accommodated any concerns that have been raised through the original process.

We therefore believe from the detailed study and consultation with key community groups and stakeholders that any perceived harm associated with the development of 6No. houses is wholly outweighed by the community benefits through the creation of the Sir Patrick Geddes Gardens and Orchard.



Revisions to original document

19/05/2016

- Page 07 - Yellow line shown to highlight the existing public path running alongside the site.
- Page 08 - Yellow line shown to highlight the existing public path running alongside the site.
- Page 14 - Yellow line shown to highlight the existing public path; text revised.
- Page 15 - Yellow line revised.
- Page 16 - New page added showing the Access Road considerations.
- Page 17 - New page added showing vehicle turning space on site.
- Other - Subsequent page numbers revised to suit.

21/07/16

- General - Site Plans updated to show current layout with 6m access road.
- Page 06 - Text added.
- Page 07 - Text added.
- Page 08 - Text added.
- Page 12 - Text added.
- Page 16 - Text added.
- Page 17 - P&K Council Waste Services Access diagram added.
- Page 18 - Text added.
- Page 20 - Text added.
- Page 22 - Text added.

06/12/2016

- General - Site Plans updated to show current layout with current site layout.
- Page 08 - Site Areas noted.
- Page 18 - Proposed Site 3D View revised to current proposal; text revised.
- Page 10 - Text revised.
- Page 19 - Page added with Site Assessments / Neighbours.
- Page 22 - Page added with Figure Ground diagram.
- Page 23 - Page added with Open Space diagram.
- Page 25 - Page added with Scottish Water correspondence.
- Page 26 - Page added with Scottish Water Site Diagram .
- Page 27 - Proposed Site 3D View revised to current proposal.

[REDACTED]

---

**From:** Jon [REDACTED]  
**Sent:** 31 January 2017 12:03  
**To:** [REDACTED]  
**Cc:** [REDACTED] Guy Bailey; Philip Neaves; Stuart Anderson; Rhona  
**Subject:** Muirhall Road/Mount Tabor Road, Perth - Application Reference 16/02094/FLL  
**Attachments:** 3192-170131.pdf

Dear David,

My client has instructed me to submit this letter requesting that the above application be referred to your Planning Committee and not to be determined under your delegated powers. I have highlighted the criteria in which my client has requested this process.

A hard copy of this letter will be issued in today's post.

Please feel free to contact me should you wish to discuss this matter further.

Kind regards,

Jon.

Jewitt and Wilkie  
architects



38 New City Road  
Glasgow G4 9JT  
0141 352 6929  
[www.jawarchitects.co.uk](http://www.jawarchitects.co.uk)

**JONATHAN JEWITT**  
**B.A(Hons), B.Arch(Hons)**

**DIRECTOR**

Jewitt & Wilkie Limited  
Registered in Scotland 229 423  
Registered Office: Caledonia House  
89 Seaward Street, Glasgow G41 1HJ

**The Director of Planning  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD**

For the Attention of Mr. David Niven – Senior Planning Officer

31<sup>st</sup> January 2017.

Dear Sirs,

**Proposed Residential Development of 6No. Detached Houses and Community Gardens  
at Land Adjacent to Muirhall Road and Mount Tabor Road, Kinnoull Hill, Perth by  
Goldcrest Partners LLP.  
Application Reference for Full Planning Permission – Ref 16/02094/FLL.**

We have reviewed the content of 13 of the 14 objections, which have been received in respect of our application (one we cannot find) and attach a summary.

The application was submitted to 9 consultees and there have been 6 responses. Regrettably none of these responses have been filed to enable their content to be seen on the on line planning system. Our previous application on this site attracted no objection from consultees, including transport planning and given the comparatively short space of time between the applications, this situation is unlikely to have changed  
The two main issues in the objections relate to the following:

**1). Road safety on Muirhall Road.**

We have submitted our own independent report on traffic and transportation and the access meets the required criteria, including sight lines. Perhaps this is an opportunity for the provision of traffic calming measures as a condition of any consent, for the benefit of the community if the potential danger is as serious as indicated. Our consultants checked records and found there to be little in the way of reported incidents.

At a meeting with Bridgend and Gannochy Community Council in February 2016, the applicants were informed that whilst traffic issues at Bridgend and within the local network were of a serious nature, it was not the Community Council's policy to object to developments of less than 10 units, the inference being that the effect of minor development would have little impact on a problem which already existed and in respect of which there are known trunk road plans to alleviate the congestion.

**2). Open space (referred to as Green Space in some of the objections).**

The current designation was imposed on the site in 1995. Since that time the Millennium Park, an area in excess of 20 acres has been gifted to Perth on the condition that it should not be developed. This site bounds the application site at one point. Perhaps the open space designation on the application site is not now as important as it was in 1995, and that the

partial loss of open space should be viewed in the context of both the Millennium Park and the site application areas as they are contiguous, and total more than 23 acres.

NHS Tayside embarked on a public process regarding the potential future uses for the former Royal Murray hospital site through charette consultation, from which it is clear that there will be areas of open space within this 20 acre site regardless of future use.

The field is in private ownership at present with no authorised public access. It is accepted that there will be loss of visual amenity in the event of the development being approved, but the applicants have proposed the community garden to encourage public access in exchange for the partial loss of open space. The proposed built area of 0.27 acres represents only 12.7% of the total site area of 2.13 acres.

In the early stages of the proposal, the applicants' consultant met with Jenny Williams, Perth & Kinross' Green-space Officer who considered that the proposal held great merit. Gill Motion, Senior Community Capacity Worker at P&K Council felt likewise and based on her experience in South Perth was keen to have an involvement in setting up the garden on the basis that the funding and operation put forward by the applicants was clearly appropriate and workable.

Given that our client has clearly resolved three of the four reasons for the rejection of a previous application on the site (viz. detailed drainage proposals for foul and surface water, Stage 2 bat survey and amendment of location of houses within the site to comply with overlooking requirements) we consider that this application addresses the remaining issue of the loss of open space sufficiently at least for the matter to be heard at Committee in the event of the Planning Officer being minded to recommend for refusal .

On the basis of the above information, our client has respectfully requested your confirmation that this process will be followed.

Yours faithfully,

**Jonathan Jewitt**  
**Director**  
**for Jewitt and Wilkie Architects.**

Encl.

cc. Goldcrest Partners LLP.





**The Director of Planning  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD**

13<sup>th</sup> December 2016.

Dear Sirs,

**Erection of 6no dwelling houses, formation of community garden and associated works Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth  
Application Reference – 16/02094/FLL**

Further to your letter dated 12<sup>th</sup> December 2016, received by email, please find the following in support of the noted application, using your numbering;

1. We now attach revised drawing 3192/P/201-A, which shows the drainage details for each plot.
2. We confirm that roof plans for each house type were included in the original submitted drawing pack. They can be found on the following drawings; 3192/P/501, 510 and 520.
3. A scale bar has now been shown on drawing 3192/P/203-A.

We trust you will find the attached in order and that it will be sufficient to allow you to validate the application, however should you wish to discuss any item further, please do not hesitate to contact the office.

Yours faithfully,

**Rhona Johnston**  
for  
**Jewitt and Wilkie Architects.**

Encl.

3192-31-161213-RJ-L03.docx



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	16/02094/FLL	
Ward No	N12- Perth City Centre	
Due Determination Date	12.02.2017	
Case Officer	David Niven	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of 6no dwellinghouses, formation of community garden and associated works

**LOCATION:** Land 70 Metres North Of Gean Tree Cottage Muirhall 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.

**DATE OF SITE VISIT:** 12 January 2017

#### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application relates to a paddock of rough grassland on Muirhall Road near the grounds of Murray Royal Hospital. The site extends to approximately 2.13 acres and has a relatively steep slope which gradually rises over 16 metres in height from north to south. The land appears to have been most recently used as a horse paddock given the presence of a small field shelter in the south eastern area of the site but it appears to have been left unattended for some time. The site is bound to the north by Muirhall Road, to the east by the 1970s/80s housing on Langley Place, to the south lies the Category B Listed Gean Tree Cottage and Mount Tabor Road, and to the west the site is bound by a public footpath which provides access from Mount Tabor Road down to Muirhall Road. Within the site stands one large mature tree which is located within the centre of the site and a woodland belt runs the length of the south western boundary.

A pre-application enquiry was submitted in 2015 seeking to investigate the potential for residential development on this area of land but the applicant was advised that the site is identified for retention in the Local Plan for open space and that the Council would not support any proposals for residential development on the site. Nevertheless application was then submitted in April 2016 for the erection of 6 dwellinghouses within the site along with a small community allotment / garden within the southern-most area of the site adjacent to Gean Cottage (Ref: 16/01326/FLL). This application received a number of objections and was to be recommended for refusal but the applicant opted to withdraw the application in order to re-submit at a later date with additional information.

A subsequent application was then resubmitted for the same proposals in July 2016 (Ref: 16/01326/FLL). The only notable changes related to minor amendments to the layout in order to address concerns in relation to access for both pedestrians and refuse collection. The applicant also supplied additional supporting information to address the concerns raised in relation road traffic safety, access, biodiversity, air quality and drainage. This application was refused under delegated powers in September 2016 primarily on the basis that the site is designated as open space in the LDP but also due to concerns in relation to residential amenity, lack of information relating to foul and surface water drainage and potential impact on bats.

Full planning permission is again being sought for the same development comprising of 6 detached dwellinghouses accessed from Muirhall Road along with the creation of a small community allotment / garden within the southern-most area of the site. The proposed housing will utilise the larger northern area of the sloping site, equating to around 70% of the total site area. The proposed residential element will comprise of three different house types which are all substantial two storey detached units of modern appearance built into the slope of the site. The finishing materials are detailed as white render, stone cladding, slate roof tiles and grey windows and doors.

In addition to the residential element of the development the proposals also include a community garden area which includes a number small allotments, an eco-pod, compostable toilet facilities and a small community garden area. It is suggested in the supporting information that this communal garden area and allotments would be maintained through funds collected from the 6 proposed units. The proposed community garden will be accessed from Mount Tabor Road.

## **SITE HISTORY**

16/00608/FLL Erection of 6no. dwellinghouses and formation of community garden with associated facilities 27 May 2016 Application Withdrawn

16/01326/FLL Erection of 6no dwellinghouses, formation of community garden and associated works 27 September 2016 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 15/00275/PREAPP

Applicant was advised that the site is identified for retention in the Local Plan for open space under Policy CF1A and that the Council would not support any proposals for residential development on the site.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

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

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

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

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

The principal policies are, in summary:

**Policy PM1A - Placemaking**

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

**Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

**Policy PM3 - Infrastructure Contributions**

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

**Policy RD1 - Residential Areas**

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

**Policy CF1A - Open Space Retention and Provision**

Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

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

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

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

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

**Policy NE3 – Biodiversity**

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning

permission will not be granted for development likely to have an adverse on protected species.

## **OTHER POLICIES**

Developer Contributions and Affordable Housing Guidance 2016

Perth & Kinross Council 'Developers Guidance note on Flooding & Drainage' (June 2014)

## **CONSULTATION RESPONSES**

### **Internal:**

Local Flood Prevention Authority

Maintain objection to proposals on the grounds of lack of sufficient information regarding drainage and surface water run off control.

Community Greenspace

Raise concerns regarding the need and the long term viability of the community garden.

Transport Planning

No objection

Environmental Health

No concerns in relation to air quality

Contributions Officer

Developer contributions are required for affordable housing, education and transport infrastructure – see report below for details.

Development Planning

The proposed development represents a departure from the Perth and Kinross Local Development Plan, and Policy CF1: Open Space Retention and Provision.

Community Waste Advisor - Environment Service

No comments received but previously advised no objection subject to space for refuse vehicles turning within the site.

Biodiversity Officer

No objection subject to a condition relating to the recommendations of Bat Survey.

### **External:**

Scottish Water



No comments received but note supporting letter from SW submitted by the applicant identifying that there is capacity in the public networks in terms of both water supply and sewage infrastructure.

Bridgend Gannochy And Kinnoull Community Council

Object to the proposed development on a number of grounds including the following: loss of open space; impact on air quality; lack of local infrastructure capacity; impact on road safety, and, lack of demand for community garden.

Perth - Ms Liz Tilston

No comments received.

## REPRESENTATIONS

The following points were raised in the 14 valid letters of representation have been received from local residents and the Community Council:

- Loss of open space
- Contrary to local plan policy
- Increased surface water run-off
- Traffic and pedestrian safety
- Impact on air quality / increased air pollution
- Impact on biodiversity
- Lack of requirement for proposed allotments and community garden
- Concerns in relation to long term maintenance of community garden
- Poor access to proposed community garden
- Allotments too small
- Potential smells for composting toilet in community garden
- Impact on listed Gean Cottage
- Impact on neighbouring residential amenity

The above points are addressed in the report below.

It is also noted that concerns have been expressed regarding construction traffic and the lack of an Environmental Impact Assessment (EIA). For clarification, the traffic associated with the construction phase is not considered to be a material consideration in this instance. In regards to EIA regulations, the proposed development falls well below the threshold of EIA development both in terms of its scale and likely impact on the environment.

## 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	Design and Access Statement

Access Statement	submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Transport Statement, Bat Survey and Phase 1 Habitat Survey submitted

## **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**

Under the recently adopted Local Development Plan (LDP) 2014 the site lies within the Kinnoull Hill area of Perth and is identified as an existing area of green open space where Policy CF1 'Open Space Retention and Provision' is applicable. As this area of ground is an existing area of open space the relevant section of the policy is CF1A which states that development proposals resulting in the loss of an area identified as existing open space will not be permitted, unless one or more of the criteria can be satisfied.

Given that the existing area of open space is not principally recreational but amenity open space it is considered that criteria b) 'The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource' is the most relevant in the consideration of this proposed development.

In this instance the proposal seeks to develop housing on around 70% of the site which would effectively destroy any sense of open space and have a significant adverse impact on the character of this area and on the connectivity of the network of open spaces and trees from the River Tay to Kinnoull Hill. It is noted that the applicant has attempted to retain an element of the open space within the site by providing a community garden/allotments but this will essentially be a small pocket of open space which will be surrounded by development and therefore will not in any way compensate for the loss of the vast majority of the open space.

As such it is considered that the proposed development fails to satisfy any of the accepted criteria under Policy CF1A, including criteria b).

The applicants assertion that this area of green space has been incorrectly zoned and has simply 'rolled over' from previous local plans is entirely incorrect and fails to understand the significant of the site in terms of the wider

network of open space in the Kinnoull Hill area. It is important to highlight that for over 20 years the Council has identified this area of ground as an important area of open space within the Kinnoull Hill area and consistently sought to protect the site against development. This is evident in that the Council successfully resisted the removal of the open space allocation of this site for housing during the examination of the current LDP (2014), a position which was supported by the Report who concluded "There is no persuasive evidence to support the allocation of this sensitive site for housing within the plan." Furthermore, the Council are again seeking to retain the open space designation for this site in the Proposed Plan of LDP2.

It is also noted that the applicant's supporting statement has submitted that the Development Plan provisions are outweighed by a housing land supply issue in the Perth area. However the current review of the LDP assessed the housing land supply and found that in the Perth Housing Market Area there is "enough housing land available over the lifetime of LDP2 and beyond to be able to respond to a continuing improvement in the market." In the Perth Housing Market Area it was assessed that from 2015 to 2028 the Housing Land Requirement was 6,584 and the current Housing Land Supply in the existing LDP was significantly more at 8,815. The 2016 Housing Land Audit also shows that there is a surplus in the 5 year effective housing land supply of +1,154. There has been significant progress on our strategic development areas, with significant permissions for Almond Valley and Bertha Park granted this year, and as such the Council would dispute that there is a housing land supply issue. It is acknowledged that there is a housing market issue which will take a number of years to return to pre financial crisis levels but approving planning applications which are contrary to the strategy of the LDP would not help alleviate a market issue, and it would just lead to less suitable development in an area which is protected as green open space.

It is therefore considered that the approval of this application would set an unacceptable precedent, undermining the objectives of this policy and encourage further piecemeal development which would overtime erode the sense of open space within this area of Kinnoull Hill.

### **Design and Layout**

Whilst the applicant has undertaken some very minor alterations to the plans, the overall design and layout of the development remains almost largely indiscernible from the previously refused application.

Whilst each of the proposed plots are relatively sizable, the number of units is still considered to be excessive. This is particularly the case in relation to Plot 2 which despite some slight changes to its alignment and plot boundaries still appears to be wedged between Plots 1 and 3. The applicants supporting statement has focused on the existing house to the North West on Muirhall Road, siting that the orientation of the housing and window to boundaries distances minimises any potential overlooking. However they have failed to address any of the concerns in terms of the amenity of the plots within the development itself. The large east facing second floor balcony on Plot 2 will

look directly onto the garden ground of Plot 1. The same is also the case with the east facing balcony on Plot 5 which is within 9m of the boundary and will look directly onto the rear garden and patio area of Plot 6.

Another significant concern relates to the highly engineered appearance of the development. The steep slope of the site will require an extensive amount of reengineering of the ground levels and the introduction of large retaining structures across the site. The applicant has attempted to soften the appearance of the development by appearing to reduce the amount of paved surface area, particularly in relation to Plots 4, 5 and 6 but there still appears to be a substantial raised terrace surrounding the plots. I am therefore still of the view that the reengineering of the site and the associated retaining structures could appear quite incongruous and visually unappealing, particularly given the prominent nature of the site.

### **Visual Amenity / Impact on setting of Listed Building**

As outlined above the proposed development will result in the loss of an important area of existing open space which forms not only an important feature in the character of the local landscape but is also important to the setting of the historically and culturally significant listed Gean Cottage.

It is considered that this area of open space contributes to the network of open space which leads up out of Perth onto Kinnoull Hill and Sidlaws and contributes significantly to the character of the area. The site also lies immediately to the north and east of Gean Cottage which is B listed and the childhood home of Sir Patrick Geddes.

It is therefore considered that the development of the site would impact on the semi-rural nature of this part of Perth and would remove the remaining context for Gean Cottage.

### **Residential Amenity**

As outlined above the proposed layout of the development raises concerns in relation to the amenity of both the proposed houses and the neighbouring properties to the east and west of the site.

In terms of the proposed development itself, a number of the proposed houses have first floor windows and balconies within 9m of the boundaries which will directly overlook the private amenity space. For instance Plot 5 has a large first floor window with a balcony which will directly overlook the rear garden of Plot 6 and Plot 2 also features a large balcony which is within 3m of the boundary with Plot 1.

Furthermore the proximity of both Plots 4 and 6 to the boundaries of the neighbouring properties to the east and west also raises concerns in relation to overlooking of the existing neighbouring rear gardens.



As such it is considered that the proposed development would have an adverse impact on the residential amenity of the area and is therefore contrary to Policy RD1 of the LDP.

### **Community Garden / Allotments**

As noted above the applicant has attempted to compensate for the loss of open space by providing a small community garden which includes allotments. It is suggested in the supporting statement that this will be accessible to the local community and maintained through a roof tax on the 6 proposed houses.

In my view the proposed community garden and allotment area is too small and poorly located to realistically be a viable space for the local community. The wider area is quite well catered for in respect to public recreational space with areas such as the Millennium Park and Kinnoull Hill Woodland Park providing large publicly maintained spaces for local residents. The proposed means of maintaining the community garden through charges levied on the proposed new houses also raises some concerns in relation to the long term maintenance of the site.

Community Greenspace has also advised that that they too have concerns regarding the proposed development and the long term viability of the community garden. In their view the at just 25sqm the allotment sizes are assessed as being very small, with the normal standard recognised size for one allotment plot being 250sqm. They have also highlighted that there are also other sites within Perth with very small waiting lists. The model used in Perth and Kinross is a self-managed allotment site through a community allotment association who lease the land. (CG supports the formation of some allotment associations). If a Garden Committee does not form or does not last there is a chance that the garden will not be adequately maintained and could become unsightly.

They also note that 'The garden will be jointly owned by the 6 householders who will each pay an annual levy of £300'. This in their view would appear to be inappropriate for a community garden and would be likely to lead to it being considered as private ground.

### **Roads and Access**

A number of concerns have been raised in relation increased traffic on Muirhall Road and the potential impact on road safety. In this regard the Council's Transport Planner has been re-consulted and he has again advised that the proposed development is acceptable from both a traffic and road safety perspective subject to standard conditions and an informative note regarding the requirement for Roads Construction Consent (RCC).

### **Drainage and Flooding**

The Flood Prevention Team has again been consulted and whilst they note the inclusion of sewage connections and a filter trench on the updated plans, they have maintained their objection to the proposals.

The previous refusal identified the need for further information in the form of a Drainage Impact Assessment in order to provide further detail on the "water collection point" and how this will function including construction, maintenance, prevention of overflow and an indication of how seepage downhill would be prevented. The applicant has provided some additional information but it is not sufficient to address the concerns previously raised in relation to surface water drainage.

Page 18 of the Design and Access Statement indicates the possibility of a swale leading to the filter trenches yet there is no indication of where this swale would be on site or how it would be designed/constructed.

In addition, page 18 of the Design and Access Statement also states "In the event that attenuation is required.....storage can be provided with hydrobrake control..." however the applicant should know if attenuation will be required and include the necessary design information and calculations.

As such, despite being highlighted during the refusal of the previous application, the applicant has not provided sufficient information in the form of a Drainage Impact Assessment. Therefore the proposed development remains contrary to Policy EP3C of the LDP.

### **Biodiversity – Impact on Bats**

During the assessment of the previous application concerns were raised in relation to the potential for bat roosts within the large decaying mature ash tree located within the site. In order to address this concern the applicant has undertaken and submitted a Bat Survey which concludes that whilst there may be some bat roost potential within the hollows of the tree the likely hood of there being bats present is low. They also did not find any evidence of bats within the tree although the assessment was limited in terms of its scope due the structure and age of the trees.

The Biodiversity Officer has assessed the survey and considers its findings acceptable subject to a condition which requires the recommendations of the report to be undertaken.

### **Impact of Air Quality**

It is noted that concerns have again been expressed regarding the potential increase in air pollution.

In this regard the Environmental Health Team has been re-consulted and they have reiterated their previous advise that that whilst the site is in the Air Quality Management Area, the proposed development is unlikely to lead to a significant degradation of air quality. This is due to the fact that the increase in

traffic is unlikely to increase by an average of 100 trips per day due to this development. This is the level laid out in the guidance document 'Land-Use Planning & Development Control: Planning For Air Quality', which is the criteria used for other applications in this area.

### **Developer Contributions**

- **Affordable Housing**

The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.

The proposal is for 6 units. The Affordable Housing requirement is 1.5 units. ( $6 \times 0.25$ ).

Due to the scale of the proposal a commuted sum payment in lieu of on-site provision may be appropriate. The commuted sum level for the Perth Housing Market Area is £26,500 per unit.

The Affordable Housing commuted sum requirement is £39,750 ( $1.5 \times £26,500$ )

- **Primary Education**

The Council's 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 Kinnoull Primary School.

Contributions towards primary education are not required from affordable units. The education contribution will therefore be calculated on 4.5 units ( $6 - 1.5$ ).

The primary education contribution is therefore calculated at £29,070 ( $4.5 \times £6,460$ )

- **Transport Infrastructure**

The Council's 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.

This proposal is within the Full Transport Infrastructure Area.

The total contribution requirement is £18,633.

### **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 does not comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014, specifically in regards to *Policy CF1(A): Open Space Retention and Provision*. It is also considered that the proposals fail to comply with *Policies PM1(A), EP3(C) and RD1* of the local plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

**Refuse the application**

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

1 The proposal is contrary to policy CF1A of the Local Development Plan 2014 as the proposed development site would result in the loss of an area of land that is identified for retention as open space and if approved would set a precedent, undermining the objectives of Local Plan and leading to the further erosion of the open space in the area.

2 The proposal is contrary to policy PM1A of the Local Development Plan 2014 as the proposed development will result in the loss of open space which would impact on the character of the surrounding area.



3 The proposal is contrary to policy EP3C of the Local Development Plan 2014 as the proposed development lacks any detailed information in relation to proposed drainage arrangements for surface water.

4 The proposal is contrary to policy RD1 of the Local Development Plan 2014 as the proposed development is not compatible with the amenity and character of an area by virtue of the amount over overlooking both in respect to the proposed plots and the neighbouring properties to the east and west of the site.

### **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**

16/02094/1

16/02094/2

16/02094/3

16/02094/4

16/02094/5

16/02094/6

16/02094/7

16/02094/8

16/02094/9

16/02094/10

16/02094/11

16/02094/12

16/02094/13

16/02094/14

16/02094/15

16/02094/16

16/02094/17

16/02094/18

16/02094/19

16/02094/20

16/02094/21

16/02094/22

16/02094/23

16/02094/24

**Date of Report 08.02.2017**



## PERTH AND KINROSS COUNCIL

Project No.	3192
File Ref.	3-1
Date Received	10 FEB 2017

RJ-  
JT-

Goldcrest Partners LLP  
c/o Jewitt & Wilkie Limited  
38 New City Road  
Glasgow  
Scotland  
G4 9JT

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 08.02.2017

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 16/02094/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 13th December 2016 for permission for **Erection of 6no dwellinghouses, formation of community garden and associated works Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth** for the reasons undernoted.

Interim Head of Planning

#### Reasons for Refusal

- 1 The proposal is contrary to policy CF1A of the Local Development Plan 2014 as the proposed development site would result in the loss of an area of land that is identified for retention as open space and if approved would set a precedent, undermining the objectives of Local Plan and leading to the further erosion of the open space in the area.
- 2 The proposal is contrary to policy PM1A of the Local Development Plan 2014 as the proposed development will result in the loss of open space which would impact on the character of the surrounding area.
- 3 The proposal is contrary to policy EP3C of the Local Development Plan 2014 as the proposed development lacks any detailed information in relation to proposed drainage arrangements for surface water.



- 4 The proposal is contrary to policy RD1 of the Local Development Plan 2014 as the proposed development is not compatible with the amenity and character of an area by virtue of the amount over overlooking both in respect to the proposed plots and the neighbouring properties to the east and west of the site.

### **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**

16/02094/1  
16/02094/2  
16/02094/3  
16/02094/4  
16/02094/5  
16/02094/6  
16/02094/7  
16/02094/8  
16/02094/9  
16/02094/10  
16/02094/11  
16/02094/12  
16/02094/13  
16/02094/14  
16/02094/15  
16/02094/16

16/02094/17

16/02094/18

16/02094/19

16/02094/20

16/02094/21

16/02094/22

16/02094/23

16/02094/24

## **NOTES**

1. If the applicant is aggrieved by the decision to refuse planning permission or an application for approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to:

The Secretary  
Local Review Body  
Perth and Kinross Council  
Committee Services  
Council Building  
2 High Street  
Perth  
PH1 5PH

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

The 'Notice of Review' form together with guidance notes for completion can be obtained from Perth & Kinross Council website [www.pkc.gov.uk](http://www.pkc.gov.uk)

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

The foregoing notes are explanatory only and reference must be made to the Town and Country Planning (Scotland) Acts and the appropriate Regulations or Orders for their full context.

**TCP/11/16(470)**

**Planning Application – 16/02094/FLL – Erection of 6 dwellinghouses, formation of community garden and associated works on land 70 metres North of Gean Tree Cottage, Muirhall Road, Perth**

**PLANNING DECISION NOTICE** *(included in applicants submission, see pages 825-828)*

**REPORT OF HANDLING** *(included in applicants submission, see pages 809-823)*

**REFERENCE DOCUMENTS** *(included in applicants submission, see pages 750-802)*





**TCP/11/16(470)**

**Planning Application – 16/02094/FLL – Erection of 6  
dwellinghouses, formation of community garden and  
associated works on land 70 metres North of Gean Tree  
Cottage, Muirhall Road, Perth**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	16/02094/FLL	<b>Comments provided by</b>	E McMillan
<b>Service/Section</b>	TES - Flooding	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of 6no dwellinghouses, formation of community garden and associated works		
<b>Address of site</b>	Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth for Goldcrest Partners LLP		
<b>Comments on the proposal</b>	<p>I maintain my previous objection to this application on the grounds of a lack of information.</p> <p>Although sewage connections and a filter trench have been indicated on drawing 3192/P/201-A further detail on the "water collection point" was requested and how this will function including construction, maintenance, prevention of overflow and an indication of how seepage downhill would be prevented.</p> <p>Page 18 of the Design and Access Statement indicates the possibility of a swale leading to the filter trenches yet there is no indication of where this swale would be on site or how it would be designed/constructed.</p> <p>In addition, page 18 of the Design and Access Statement states "In the event that attenuation is required.....storage can be provided with hydrobrake control..." however the applicant should know if attenuation will be required and include the necessary design information and calculations.</p> <p>A Drainage Impact Assessment was previously requested which should cover the points addressed above however this information has not been provided.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments</b>	16/12/16		



returned	
----------	--

# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 16/02094/FLL

Our ref LRE

Date 20 December 2016

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK16/02094/FLL RE: Erection of 6no dwellinghouses, formation of community garden and associated works land 70metres North of Gean Tree Cottage Muirhall Road Perth for Goldcrest Partners LLP**

I refer to your letter dated 15 December 2016 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –20/12/16)

### **Recommendation**

**I have no adverse comments in relation to this application.**

### **Comments**

Previous application 16/00608 /FLL was withdrawn and 16/01326/FLL was refused as it was not in accordance with the Decelopment Plan, both were for the erection of six dwellinghouses, this Service had no adverse comment in memorandum dated 22 August 2016.

This application is also for the provision for six dwellinghouses at the same application site for the previous aforementioned applications. Therefore I reiterate the comments made in previous memo dated 22 August 2016.

The application site is within Perth's Air Quality Management Area; however it is unlikely to lead to a significant degradation of air quality. This is due to the fact that the increase in traffic is unlikely to increase by an average of 100 per day due to this development. This is the level laid out in the guidance document 'Land-Use Planning & Development Control: Planning for Air Quality', 2015(v1.1), which is the criteria used for other applications in this area.

Plan/drawing No.3192/P/410-A Villa Type B Sections submitted with this application indicated what looked like a wood burning stove within the living space, the agent Jewitt and Wilkie stated in email correspondence dated 20 December 2016 *'the sections and 3D views are indicative only and we have no instructions from our client that they intend to provide wood burning stoves in the future'*

Therefore I have no adverse comments to make with regards to air quality in relation to this application.



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

<b>Planning Application ref.</b>	16/02094/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of 6no. dwellinghouses and community garden with associated facilities		
<b>Address of site</b>	Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth for Goldcrest Partners LLP		
<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>Affordable Housing</b></p> <p>With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.</p> <p>The proposal is for 6 units. The Affordable Housing requirement is 1.5units. (6 x 0.25).</p> <p>Due to the scale of the proposal a commuted sum payment in lieu of on-site provision may be appropriate. The commuted sum level for the Perth Housing Market Area is £26,500 per unit.</p> <p>The Affordable Housing commuted sum requirement is £39,750 (1.5 x £26,500)</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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p>		



	<p>This proposal is within the catchment of Kinnoull Primary School.</p> <p>Contributions towards primary education are not required from affordable units. The education contribution will therefore be calculated on 4.5 units (6 – 1.5).</p> <p>The primary education contribution is £29,070 (4.5 x £6,460)</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>This proposal is within the Full Transport Infrastructure Area.</p> <p>The total contribution requirement is £18,633.  4.5 x £3,549 = £15,970.50  1.5 x £1,775 = £2,662.50</p>
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Affordable Housing: £39,750  Education: £29,070  Transport Infrastructure: £18,633</p> <p><b><u>Total: £87,453</u></b></p> <p><b>Phasing</b></p> <p>It is advised that the preferred method of payment would be upfront of release of planning permission.</p> <p>Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement.</p> <p>If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days after occupation.</p> <p>Payment for each open market unit will be <b>£14,575.50</b> (£87,453/ 6 = £14,575.50).</p>
<b>Recommended informative(s) for applicant</b>	<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 be remitted.</p>

### **Scheduled within a legal agreement**

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.

**NB:** 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.

### **Other methods of payment**

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 of the Planning Decision Notice.

### **Remittance by Cheque**

The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.

Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:

Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH15GD

### **Bank Transfers**

All Bank Transfers should use the following account details;

**Sort Code:** 834700

**Account Number:** 11571138

Affordable Housing

For Affordable Housing contributions please quote the following ledger code:  
1-30-0060-0000-859136

Education Contributions

For Education contributions please quote the following ledger code:  
1-30-0060-0001-859136

Transport Infrastructure

For Transport infrastructure contributions please quote the following ledger code:

	<p>1-30-0060-0003-859136</p> <p>Direct Debit 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><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 December 2016

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

<b>Planning Application ref.</b>	16/02094/FLL	<b>Comments provided by</b>	Katie Briggs
<b>Service/Section</b>	TES / Forward Planning	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Erection of 6no. dwellinghouses and community garden with associated facilities Land		
<b>Address of site</b>	Land 70 Metres North Of Gean Tree Cottage, Muirhall Road, Perth		
<b>Comments on the proposal</b>	<p><b>Perth and Kinross Local Development Plan adopted 2014</b></p> <p>Other policies are applicable to the assessment of this proposal; however the site lies within an area identified as public open space and therefore policy CF1: Open Space Retention and Provision is crucial to its assessment. Also being a sensitive site that could impact on the amenity and character of the area consideration against the criteria of Policy PM1 is also very important.</p> <p><b>Examination of the Perth and Kinross Local Development Plan adopted 2014</b></p> <p>At the Examination of the Local Development Plan the site was put forward for 5 homes. The Council resisted the removal of the open space allocation of this site for housing. The Council considered that the site met the criteria of SPP for open space and had been identified as such for over 20 years. It was considered this this open space contributes to the network of open space which leads up out of Perth onto Kinnoull hill and Sidlaws and that it is visible and contributes significantly to the character of the area. Also the site lies immediately to the north and east of Gean Cottage which is B listed and the childhood home of Sir Patrick Geddes. The Council therefore considered that the development of the site for five houses would impact on the semi-rural nature of this part of Perth and would remove the remaining context for Gean Cottage.</p> <p>The Reporter agreed with the Council and concluded “There is no persuasive evidence to support the allocation of this sensitive site for housing within the plan. Any proposal for the development of this small plot of greenfield land can be readily considered at the development management stage within the framework provided by the policies of the Proposed Plan.”</p> <p><b>Local Development Plan review</b></p> <p>This site was again submitted to the Call for Sites process of the current Local Development Plan review and was assessed through the Strategic Environment Assessment (SEA). The initial officer comments which sum up the overall assessment of the proposal is as follows “It is open space within the well-established Kinnoull residential area. It is a sensitive site due to impact its development would have on the open space network, semi-rural character of the area and impact on the setting of the B listed Gean cottage. There is still no compelling need for this site and it should not be supported.” The full <a href="#">SEA site assessment</a> of the proposal is available on the website.</p>		



There has also been a submission made by the applicant Keir Doe to the Local Development Plan Main Issues Report consultation again proposing the removal of the Open Space allocation. This proposal will be considered when preparing the Proposed Plan of LDP2.

**Comments**

Whilst this site is again being considered through the LDP review process, this proposal can be considered against the policies of the current LDP. This was alluded to by the Reporter when considering this same issue through Examination of the now adopted Local Development Plan.

It should be considered whether the proposal meets one of the criteria of the open space retention policy CF1. Development proposals will not be permitted by this policy unless one or more of the criteria apply. Given the existing open space is not principally recreational but amenity open space it falls to be considered against criteria b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.

It is considered that the proposal for 6 houses served from Muirhall road will have an impact on the character of this area and on the connectivity of the network of open spaces and trees from the River Tay to Kinnoull Hill. Whilst the Council cannot control the way this land is maintained as open space it can seek to control its landuse, and the retention of significant open space here helps retain the character and amenity. Whilst the public do not have access to the land, it provides public amenity and character, contributing to the semi-rural nature of this part of Perth. Part b of CF1 identifies that open space can be a recreational or amenity resource. It is also noted that the size of the community garden/allotments is 30% of the site. Referring to criteria (b) the proposed development is not on a minor part of the site and as already mentioned it will have some negative impacts on the amenity of this area and on the network of open spaces.

It is noted that the detail of this proposal does reduce the potential impact on the setting of the B listed Gean cottage by proposing that a sensitive part of the site (land to the east of Gean cottage), is retained as open space. It is further noted that it attempts to provide some wider public benefit and increase to the recreational use of the remaining open space by re-establishing an orchard in a community garden, providing allotments, and an eco bothy. It is understood that there is some demand for allotments but the demand for the community garden proposal is less clear as is the long term viability of the proposed maintenance arrangements. There is a need to demonstrate there is clear community support for this proposal and to ensure that it will be maintained and managed by the community in the longer term. I do not feel this has been demonstrated in this application.

The proposal would represent a departure from the Perth and Kinross Local Development Plan, and policy CF1: Open Space Retention and Provision. The

	<p>applicant considers that the Development Plan provisions are outweighed by a housing land supply issue in the Perth area. However the current review of the LDP assessed the housing land supply and found that in the Perth Housing Market Area there is “enough housing land available over the lifetime of LDP2 and beyond to be able to respond to a continuing improvement in the market.” In the Perth Housing Market Area it was assessed that from 2015 to 2028 the Housing Land Requirement was 6,584 and the current Housing Land Supply in the existing LDP was significantly more at 8,815. The 2016 Housing Land Audit also shows that there is a surplus in the 5 year effective housing land supply of +1,154. There has been significant progress on our strategic development areas, with significant permissions for Almond Valley and Bertha Park granted this year, and I dispute that there is a housing land supply issue. There is a housing market issue which will take a number of years to return to pre financial crisis levels (but it is improving). Approving planning applications which are contrary to the strategy of the LDP would not help alleviate a market issue, and it would just lead to less suitable development.</p>
<b>Recommended planning condition(s)</b>	
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	23 December 2016



# Comments for Planning Application 16/02094/FLL

## Application Summary

Application Number: 16/02094/FLL

Address: Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth

Proposal: Erection of 6no dwellinghouses, formation of community garden and associated works

Case Officer: David Niven

## Customer Details

Name: Mr Colin Styles

Address: 4 Haston Crescent, Perth PH2 7XD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Loss Of Open Space
- Road Safety Concerns
- Traffic Congestion

Comment: Previous planning applications have been refused and I am unaware of any material changes

The site is designated as open space in the Councils LDP

The application consists of two areas

### 1) Housing

Access is from Muirhall Road, this area is dangerous with three known accidents, two of which were adjacent to the development and one further down at the Millennium Park

Speeding traffic comes down Muirhall Road from the Deuchney Wood area

If planning permission was granted there is NO parking areas for construction equipment or vehicles when the last properties are built as Muirhall Road is narrow and has double yellow lines and is close to the S bend

The developer quotes a bus stop and shelter lies to the west of the site, there is no shelter and to go to the bus stop people would have to cross the road walk down then recross back to the bus stop all within the dangerous S bend



## 2) Community Gardens

Access will be from Mount Tabor Lane, which is a core path

At a Community Council meeting on 18th February 2016 the developer stated that the proposed gardens/allotments would be extremely welcomed by the public, this was not the view expressed by the public present

People in the area have large enough gardens to maintain and would not want to participate

Anyone interested would be from outwith the area and have to travel using public or private transport

The local bus service is intermittent and very unreliable with NO Sunday service

The access to the gardens is via Mount Tabor Road which has no pavements then into the Mount Tabor Lane which is a core path and unsuitable for any increase in motor traffic

The developer stated that the purchaser of the properties would have to pay £300 per annum roof tax to pay for the upkeep of the community gardens and allotments, I don't think this would be legally enforceable and cause the area to deteriorate

Traffic would be increased in the already congested Lochie Brae /Bridgend areas

Furthermore a brownfield site (Old Murray Royal Hospital ) across the road will be built on at some time

I therefore request this planning application be refused

# Comments for Planning Application 16/02094/FLL

## Application Summary

Application Number: 16/02094/FLL

Address: Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth

Proposal: Erection of 6no dwellinghouses, formation of community garden and associated works

Case Officer: David Niven

## Customer Details

Name: Mr Nicholas Murrell

Address: 9 Haston Crescent, Perth PH2 7XD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Inappropriate Land Use
- Lack or loss Of Car parking
- Out of Character with the Area
- Road Safety Concerns

Comment:In addition fully endorse the objections raised by Mr Colin Styles.

Mr N.J.Murrell

9 Haston Crescent

Kinnoull

Perth

PH2 7XD



# Comments for Planning Application 16/02094/FLL

## Application Summary

Application Number: 16/02094/FLL

Address: Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth

Proposal: Erection of 6no dwellinghouses, formation of community garden and associated works

Case Officer: David Niven

## Customer Details

Name: Mr Charles Woodhead

Address: Flat 4, Corsiehill House, Corsiehill, Perth PH2 7BN

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Loss Of Open Space
- Road Safety Concerns

Comment: I wish to object to this planning application for the same reasons that I objected to the previous application.

In addition I would note that :

Whilst the field may be private land my understanding of the Scottish outdoor access code is that all members of the public have the right to access this field so long as they do so responsibly.

Not with-standing the above I would point out that even if I do not enter the field I gain a positive amenity value by there being an open space in this area as I walk, cycle or drive past it.

I note the agents comments about alternative agricultural uses to which the field could be put (pigs ). In my opinion having livestock in this field is something that should be encouraged. In the recent past I have enjoyed seeing horses in this field along with cows in the field opposite the Millennium Park.

Regards





**Tracy McManamon**

**From:** e-mail [REDACTED]  
**Sent:** 10 January 2017 11:36  
**To:** Development Management - Generic Email Account  
**Subject:** Planning application 16/02094FLL

I objected to the original application 16/00608/FLL.

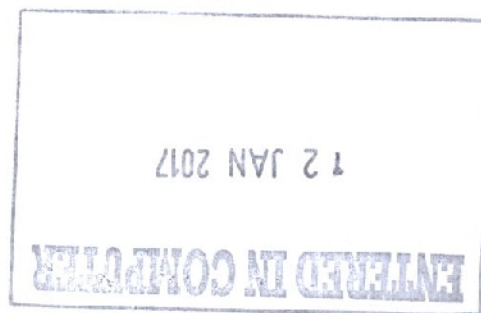
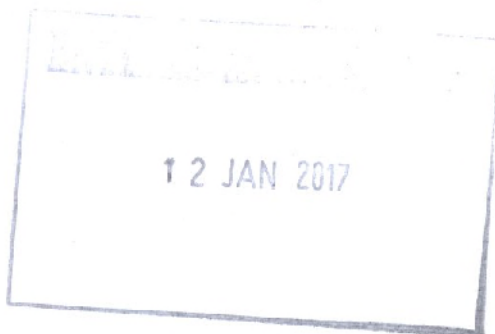
My first concern was over the effect on road traffic on Muirhall Road. I still maintain that objection. There have been many more accidents there than have been reported; 'Quite a few have been witnessed from my kitchen window. Were this development to go ahead I am sure I would see more.

I also queried the proposed community garden and associated facilities asking if the community had been consulted and expressed a desire for this. Who would be responsible for the ongoing funding, maintenance and management of this area? It is not hard to imagine the public nuisance and eyesore this area could become and to have a composting toilet place in such close proximity to modern residences is crazy. Neither is it hard to imagine what Sir Patrick Geddes would have thought of having his memory perpetuated in this way. Please spare him that! During the many years this field was owned by Harry Todd of Gean Tree Cottage it was managed and maintained impeccably with much consideration given to his neighbours and the wider community. It was a pleasure to be one of his neighbours.

Properly managed this area is of great benefit to the area, surely the main reason why it has been identified as an area to be retained as open space.

I see no reason why the original decision to reject this development should be changed.

Douglas Grieve, 6 Langley Place, Perth.





DN

**Tracy McManamon**

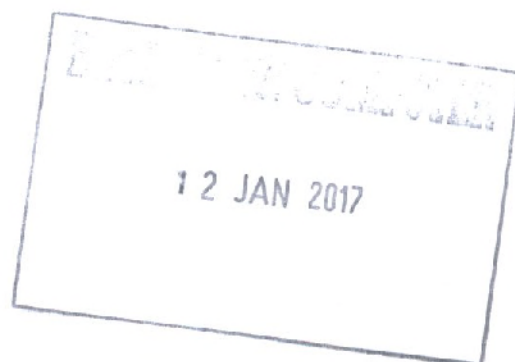
---

**From:** Julia Paterson [REDACTED]  
**Sent:** 10 January 2017 13:42  
**To:** Development Management - Generic Email Account  
**Subject:** Re: Planning application

Planning application 16/02094/FLL.

I wish to protest at the proposal for new houses to be constructed in the field on Muirhall road. At the moment the traffic going down Loch Brae often has to wait up to three traffic light changes before one can proceed across the Bridge into Perth - we have to contend with the traffic coming in from Scone etc. and we do not need anymore traffic coming down the hill from this new development! Also if planning permission is given to build these new houses CAN THE SCHOOL COPE WITH MORE PUPILS?

Julia Paterson, Flat 1 Corsiehill House. PH2 7BN







# Comments for Planning Application 16/02094/FLL

## Application Summary

Application Number: 16/02094/FLL

Address: Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth

Proposal: Erection of 6no dwellinghouses, formation of community garden and associated works

Case Officer: David Niven

## Customer Details

Name: Mr John Rivett

Address: 37 Haston Crescent, Perth PH2 7XD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Road Safety Concerns

Comment: Road Traffic

Muirhall Road has become a very dangerous route within Kinnoull area. Since the relocation of the Murray Royal Hospital entrance the volume of traffic has increased and with the constant congestion at Bridgend has become a serious rat run with motorists trying to 'beat' the lights and there is much speeding.

The proposed site is between two sharp corners and unfortunately motorists cut these corners to maintain a straight line. There is limited Police intervention for speeding on Muirhall Road but Police Scotland have occasional 'speed traps' stationed at the old Murray Royal entrance.

There have been recent accidents on this road which has resulted in damage to fences, a wall and metal fence all of which border Muirhall Road.

Mount Tabor Lane is also mentioned as access to proposed allotments. This is a very narrow and well used lane for children walking to Kinnoull Primary School and for active Pensioners and other members of the public walking into town. There are no pavements and increased traffic will result in increased danger.

There seems to be limited area for construction traffic, site buildings and equipment to be confined

within the construction site. As any site work progress there does not appear to be enough to provide a turning circle for the construction vehicles. Previous developments within this area has resulted in parking on unsuitable roads adjacent to the construction sites and much heavy vehicle traffic.

### Splay

The splay shown on the plan is very vulnerable to the growth of vegetation. If the owner /occupier of The Corner House allows the tree in his front garden to grow further, or chooses to plant more trees or shrubs, especially more Leylandii, along the fence lines, the splay view to the west could be restricted to 60m. or less.

Trees shown in the site layout will further obstruct the splay view to the west.

### Brownfield Site Opposite Field

The brownfield site at Murray Royal Hospital stands vacant at present and is up for sale. This is where any development should be considered, rather than at the Paddock field, which is open space.

### Allotments

According to the National Allotment Society, which represents 125,000 allotment holders, the standard size plot is 250 square metres. The allotments shown on the site layout seem to be about 15 square metres. Hardly enough to make any trip worthwhile, especially if there is a shed (4 square metres) and a water barrel (1 square metre) on the plot.

If allotments are in such high demand, the whole field could be given over to allotments.

### Other environmental issues

Users who walk in Mount Tabor Lane will often observe bats flying around and these will be disturbed during any prolonged construction work. Red squirrels are making a comeback to this area of Kinnoull and are seen around the Langley Road area where the lane begins.

Any increase in traffic, 6 houses could result in between 6 & 20 vehicles, depending on the occupancy of these proposed houses, will have an impact on the already poor air quality around Bridgend further endangering the children en route to Kinnoull School and the many members of the public that choose to walk to cross Perth Bridge to go into Perth centre.

On the current PKC LDP the proposed site is designated as open green ground.



RECEIVED

10 JAN 2017

Helen Whittet

16/02094/PL

**Planning Application Reference 16/00608/FLL**

1 message

Helen Whittet

Wed, Apr 27, 2016 at 4:35 PM

To: DevelopmentManagement@pkc.gov.uk

According to the Local Plan, this proposed development would be built on what is an important "Green Space" area of Perth. There is no shortage of housing potential which could be catered for in this area, e.g. Murray Royal Hospital and Gannochy.

This field is an area of important pasture and represents a transition between the city of Perth and the countryside. The building of six houses would therefore affect not just those persons whose houses overlook the field at present but the whole ethos and community of the area.

A further important objection to the plan is that of safety. According to the proposed application a new road would be built on the corner of Muirhall Road through the proposed new houses. Traffic can be heavy at certain times of the day and, in my opinion, could be very dangerous—an accident waiting to happen.

From

Helen Whittet  
9, Langley Place  
Perth  
PH2 7XB

ENTERED IN COMPUTER

11 JAN 2017





From MRS A MACKAY

THE CORNER HOUSE

MURRAY RD

PERTH PH2 7BJ

RECEIVED

11 JAN 2017

Re- 16/02094/FLL

Planning.



I write to object to the proposed development  
Planning Ref. 16/02094/FLL



I object on a number of grounds:

- Previous Planning Applications

Previous planning applications have been rejected. There has been no material changes to the locus in the intervening years.

- Local Development Plan.

This site is designated as 'Open Space' in the LDP. Therefore to benefit the local community natural plantation and wildlife which it does in its present state.

The Environmental report lists many species of wildlife / flora visible to the community. It also states the Ash Tree 'provides many ecological riches for protected species' and 'provides suitable habitat to support roosting bats'.

objection from Annacker

The report states the field has not been in use for at least 6 yrs. There has been horses in this field in 2013 and 2014.

#### - Vehicle Access / Traffic

Access to the site from Muirhall Rd is on an extremely dangerous bend.

The data does not truly reflect what is happening on this road.

Recovery vehicles have been required to accidents on both sides of the proposed entrance and in close proximity. Gardens have been damaged and walks re-built on both sides of the proposed entrance.

There have been many near misses witnessed on this road involving all types of vehicles, cyclists and pedestrians - Vehicles are regularly seen speeding, in the middle of the road even on the bends and manking the kerbs.

The extra traffic from the proposed site will increase the volume of traffic at Bridgend and through Langley Drive 'rat run'.



## - Community Garden

The Community Garden does not appear to be welcomed by the community.

Access via Mount Taber Lane is limited and is not suitable for an increase in traffic / pedestrian

As the developers wish this to be the main access to the community area - As stated in their Access statement a link between the new residential site and community gardens could create potential overlooking and security issues!

I have concerns over the maintenance and long-term development of the area with the information provided.

Kinnault School children rarely visit Millennium Park or local areas and have recently developed their own grounds.

## - Site Access.

As an owner of a property in close proximity to the proposed development

my privacy will be greatly impacted.

I believe the development will 'Shadow' my property denying natural sunlight to my



family and myself.

Another major concern is the restricted vision pedestrians and vehicle users will have when using the driveway and paths of the properties next to the field on Muirhall Rd. No details addressing this short or long term are seen in the application.

Vision could be greatly impaired or totally blocked for some distance with hedges, trees, sheds, garden equipment etc.

The documentation states that the application has been discussed with a group of surrounding residents to gauge their thoughts.

I do not know of anyone in the immediate proximity to the proposed development being contacted or of any positive feedback for this proposed development.

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

<b>Planning Application ref.</b>	16/02094/FLL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of 6no dwellinghouses, formation of community garden and associated works		
<b>Address of site</b>	Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I do not object to the proposed development provided the condition indicated below is applied.		
<b>Recommended planning condition(s)</b>	<p>AR00 Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.</p> <p>RAR04 Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>		
<b>Recommended informative(s) for applicant</b>	<p>The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p> <p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.</p>		
<b>Date comments returned</b>	11 January 2017		



DN.

**Tracy McManamon**

---

**From:** BGK CC [REDACTED]  
**Sent:** 13 January 2017 12:04  
**To:** Development Management - Generic Email Account  
**Subject:** Comments for Planning Application 16/02094/FLL  
**Attachments:** Paddock 3 OBJECTIONS.doc

Good morning

Bridgend, Gannochy and Kinnoull Community Council would like to submit the following (attached) objection to Planning Application 16/02094/FLL

Regards

Jack Rivett  
Chairman BGK CC





Bridgend, Gannochy and Kinnoull Community Council objects to planning application 16/02094/FLL on the following grounds:

#### Heritage

The field in which it is proposed to build houses has value as the last vestige of open ground surrounding the cottage (Gean Tree) in which Sir Patrick Geddes spent his formative years. To build yet more houses adjacent to the cottage would undermine its historical and cultural value. Building the houses would also run counter to Sir Patrick's principles which recognise the value of open space and the detrimental effects of piecemeal suburban sprawl.

There is a large, mature tree in the middle of the field. If it is to be removed then its destruction would be ironic given that the agent previously made extensive references to Sir Patrick Geddes the botanist and even wanted to name the garden after him.

Perth aims to be City of Culture and to project itself as a green city, so it is important to retain what little remains of the immediate environs that so inspired Sir Patrick Geddes. To obliterate these environs would be to show contempt for the memory of Sir Patrick.

#### Open Space and Landscape

The field is currently zoned within the LDP as Open Space and as such it provides value for the community by offering a soft, semi-natural landscape.

From Dundee Road to Kinnoull Hill Woodland Park, along the entire length of the Geddes Way, this field provides the public with its only open view to the north, Logiealmond and beyond – a view such as Geddes himself would have known, and a unique feature that our City of Culture would want to protect. As Sir Patrick Geddes himself said: "by leaves we live". And he of course meant more than just eating.

The proposal claims that the field could be put to agricultural use. This is true, but the use to which it could be put is very limited due to the field's size, topography and northerly aspect. Realistically, the field is only capable of providing pasture for livestock, as has been shown over many years.

In the Kinnoull Extended Phase 1 Habitat survey report provided by the agent, it is claimed that the field "is not currently in any use having previously been used as a pony paddock. It is understood that the site has not been used for any purpose by the present owners for at least the past six years." This statement provides an incomplete picture. While the field may not have been used by the owners themselves, it has in fact been used to keep ponies for the past six years.

The current state of the field is the result of very poor management. With proper management the field can be returned to good condition and serve the community as a valued open space.

The Kinnoull area has already suffered loss of a valued field as a result of enabling development at St Mary's Monastery. That field, now Willowgate Drive, was within an area zoned as an Area of Great Landscape Value and was developed contrary to the aims of the existing Development Plan and the proposed Local Development Plan at the time. It would be wholly inappropriate to inflict further loss of valued landscape on the area.

Kinnoull Hill is a better place for having the green space of the paddock. It offers cultural (and thereby social), historical and environmental value.

#### Brownfield Site

Only a few metres away from the field, across Muirhall Road, there is a large brownfield site, which is in the process of being sold and has reached the 'preferred bidder' stage.



There is no compelling reason to destroy yet another open green space. Development of the brownfield site will have a major impact on the area and the green field will help to counterbalance the effects.

Retaining the green field would demonstrate that the LDP is a clear, coherent plan in which the community can have confidence.

#### Infrastructure

Any additional housing in the area only exacerbates the existing traffic congestion and impacts on already straining local infrastructure and schooling.

Incremental increases in house building in the area have already contributed to yet more traffic congestion. This has been made worse by failure to fully implement the NHS travel plan at Murray Royal Hospital.

#### Road Safety

The Transport Statement in the proposal relies on Crashmap data for 2012-2014 to assess the accident rate on Muirhall Road. However, this data fails to take account of the community's recent experience. There have in fact been at least three serious accidents on Muirhall Road near the field in the past two years. In one incident, a car travelling west all but entered Mount Tabor Cottage through the front door. On another occasion, a car travelling east smashed a hole in the wall a few metres before the entrance to Murray House. That the occupants of the vehicles, and indeed the houses, were not seriously hurt was extremely fortunate; others might not be so lucky. The occurrence of these accidents can be verified by local residents, the local Councillor and no doubt some insurance companies.

The proposal has failed to take account of the above facts and thus contains a seriously flawed estimation of the dangers presented by the winding section of Muirhall Road in question.

In addition to the above facts it should be noted that:

- 1) the splay shown on the plan is very vulnerable to the growth of vegetation. If the owner/occupier of The Corner House allows the tree in his front garden to grow further, or chooses to plant more trees or shrubs, especially more Leylandii, along the fence lines, the splay view to the west could be restricted to 60m. or less.
- 2) trees/shrubs/garden furniture/people in the gardens of the proposed houses will further obstruct the splay view to the west.
- 3) the splay assumes that everyone obeys the speed limit of 30mph, it is therefore critical that no-one exceeds the 30mph limit. Experience shows that the 30mph limit is exceeded and it would therefore be irresponsible not to make allowance for this.
- 4) many vehicles travelling east clip the bend at Mount Tabor Cottage to follow a more natural curve.

#### Travel

*Car:* Car travel gets high priority in the proposal. Every house is provided with a driveway and a garage of 36 sq.m. Visitor parking is also provided in anticipation of further car use.

*Bus:* The Summary of Stagecoach bus service number 11 ( Table 3.1) in the application is grossly misleading. It claims that from Monday to Friday there is a peak time frequency of approx. every 30 mins and an off-peak frequency which is hourly. On Saturdays, it is claimed, there is a peak time frequency of approx. every 45 mins and an off-peak frequency which is hourly. However, the number 11 bus service timetable shows that there is no peak time or off-peak time, there is essentially an hourly service.



The Number 11 bus departure times from South Street, as shown on the Stagecoach website are:  
Monday-Friday: 7.05 7.58 9.00 9.40 10.40 11.40 12.40 13.40 15.05 16.30 17.30  
Saturday: 8.17 9.00 9.40 10.40 11.40 12.40 13.40 14.40 15.40 16.30 17.30

It is important to note that the bus service ends at 5.30 p.m. and there is no service at all on Sunday. That means there is no bus service just when people who work all day would want to attend their so-called allotments. If they are to get there with their equipment and materials e.g rotavator, sack of potatoes, manure, pesticides, etc., they will need a car. There are 12 allotments, and therefore there could be 12 cars needing to be parked, but there are only 2 parking spaces available.

Another problem with the number 11 bus service is the unreliability of it. The service is not only infrequent and inconvenient, it is also liable to cancellation without notice. As recently as 23 December 2016, the 11.40am service was cancelled leaving 14 passengers stranded. Until such long-standing problems are resolved the service cannot be considered reliable.

### *Foot/Cycling*

The very steep hill at Lochie Brae is a deterrent to walking and cycling in the area, particularly for older people or people who are infirm or have physical disability.

It is claimed in the proposal that access from the Langley Drive bus stop to the proposed garden area is achieved via a footpath. Perth & Kinross Council, however, gave notice in 2015 that they have abandoned responsibility for maintaining this section of path. In 2016, the path became so overgrown that it was virtually impassible, and it was largely through the sterling efforts of one member of the community that it was cleared. This section of path was never upgraded as a core path, and currently it consists of broken tarmac, mud and surface water.

### Amenity

The location already benefits from proximity to Kinnoull Hill Woodland Park, the Millennium Park, The Walled Garden and countryside walks.

The application mentions the engagement of the local school. Health and safety issues would make this impracticable; having children walk up Mount Tabor Road, which has no pavements, to a community garden when they already have so many other facilities available would not be a viable option.

The lane extending from Mt Tabor Road to Langley Drive also has no footway. Increased traffic in the lane would therefore create problems and safety issues for all pedestrians, particularly for young children and wheelchair users.

### Project execution

The proposal indicates that the entire area is to be developed. However, unless a significant percentage of the plot is left undeveloped to accommodate facilities such as :

- site offices
- site toilets
- heavy plant
- turning circles (for delivery lorries etc.)
- parking for the build team and their contractors
- etc.

there will be no place for construction and supply vehicles other than the kerb-side of Muirhall Road – especially when the last houses nearest the road are being constructed. The Willowgate Drive and St Mary's Monastery developments are testimony to that. Such a situation on Muirhall Road is simply not tolerable.



### Health

Research shows that there is no safe limit to the level of air pollution produced by vehicles, particularly NOx and fine particulates, so every vehicle will have some impact. Currently, air pollution levels at sites within Bridgend are above legal limits. Further air pollution should only be permitted if there is an overwhelmingly compelling reason. The proposal does not offer an overwhelmingly compelling reason.

### Housing Mix

The proposed cluster of houses is not of similar mix to houses in the area which includes several lower level house types.

### Allotments

According to the National Allotment Society, which represents 125,000 allotment holders, the standard size plot is 250 square metres. The allotments shown in the application are 15 square metres. Hardly enough to make any trip worthwhile, especially if there is a shed (4 square metres) and a water barrel (1 square metre) on the plot.

It is very likely that the allotments and polytunnel will require more water than the natural environment and water collection point can support. Potatoes and leafy vegetables for example could require substantial irrigation. Thus, the already very questionable benefits are likely to prove unsustainable for practical reasons and have the potential to become serious liabilities.

### Further Community Garden Problems

It is difficult to avoid the impression that the "community garden" is nothing more than an ill-conceived attempt to present 'green' credentials while setting about the destruction of an open space. There is no demand for token gestures such as the tiny allotments, the 'orchard' consisting of only 5 trees, the open-air classroom remote from the local school, and the grossly inadequate parking. Furthermore, the proposal is fraught with management problems. The "roof tax", for example, is fanciful rather than sustainable. Who is going to enforce it? what are the sanctions for non-payment? what happens if a householder becomes unemployed, chronically ill or unable to work? Access from Langley Drive may not exist for much longer as the path is rapidly becoming overgrown following Perth & Kinross Council's decision to stop maintaining the path. The applicant might well need to significantly increase the "roof tax" on his clients in order to maintain the access.

### Bat Habitat

The Kinnoull Extended Phase 1 Survey Report and the Bat Report give conflicting and inconclusive opinions about bat roosting. The Kinnoull Extended Phase 1 Survey Report states: "The mature ash provides suitable habitat to support roosting bats." The Bat Report broadly confirms this opinion, stating: "The ash contains several large hollows dead and split limbs and provided many ecological niches for protected species." The Bat Report then goes on to say "The mature ash tree is assessed as providing low roost suitability", but crucially adds "A full survey wasn't possible due to the structure and age of the tree" and "only the accessible part of the tree was surveyed." Bat activity was recorded in the report.





# Comments for Planning Application 16/02094/FLL

## Application Summary

Application Number: 16/02094/FLL

Address: Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth

Proposal: Erection of 6no dwellinghouses, formation of community garden and associated works

Case Officer: David Niven

## Customer Details

Name: Mr David Nicoll

Address: 35 Haston Crescent, Perth PH2 7XD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Road Safety Concerns
- Traffic Congestion

Comment: This area has bad access from Mount Tabor road as there is no footpath, this road is used by many children walking to school.

more houses will create more traffic trying to cross an already congested Bridgend junction and cause more air pollution



# Comments for Planning Application 16/02094/FLL

## Application Summary

Application Number: 16/02094/FLL

Address: Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth

Proposal: Erection of 6no dwellinghouses, formation of community garden and associated works

Case Officer: David Niven

## Customer Details

Name: Dr Matthew Dale

Address: 8 Langley Place, Perth PH2 7XB

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Over Intensive Development
- Over Looking
- Road Safety Concerns

Comment:Re: Planning Application Ref: 16/02094/FLL

Dr Matthew F.B. Dale of 8 Langley Place objects to the proposal as follows:

I am somewhat disappointed in the general tenor of this application re FelshamPD but understand that this is not the appropriate place to comment on professional approach.

I wish to object as follows:

-The area is designated as open space in Perth city plan & is an important asset to the area's character and to the surrounding community, forming an important green bridge from countryside to the parks lower down in the area, it is used by red squirrels which have been observed on this route. The local plan identifies areas for housing - for over 4000 houses over the next seven years in Perth and its immediate surroundings to meet demand. With the number of houses in the city plan already proposed for the Murray Royal site opposite this makes the retention and protection of what little open space remains in the Kinnoull area even more important.

-The site has been assessed regarding biodiversity- an 'extended phase 1 habitat survey'. I conducted research at the Hutton research institute at Dundee for over 35 years, it is clear that long established grassland and importantly hedgerows can maintain a significant and diverse biosphere. While identifying some important factors, the report is somewhat short of detail and



represents an all too brief visit 'snapshot' within a longer 12 month cycle of the biosphere during which different species will be more prominent than others at different times of the calendar. There are many different bird species which currently are to be found in the field, most will disappear with this proposal. The site has a number of bumble bees through the season, with species such as *Bombus soroeensis* described as scarce and in decline. Hedgehogs (*Erinaceus europaeus*) are now classified as a Priority Species in the UK Biodiversity Action Plan have certainly been observed within this open space. Tiger worms will undoubtedly be in the soils in the field, these consume dead plant material on the soil surface. They eat it and recharge the soil with nutrients and minerals. Across Scotland, these worms are found in leaf litter, dead and rotting vegetation and compost heaps. The significant decline of tiger worms in Scotland and UK is important as worms are important for agricultural productivity. Numbers are declining due to modern farming methods and pesticide use. The native earthworm population is also declining due to the introduction of the New Zealand flatworm which eats them, the field, having not been in intensive agriculture in recent times will have acted as a good biosphere for such species, there is no soil audit or of the insect biodiversity. Sparrowhawks are known to hunt in the area of the field.

- The 'extended phase 1 habitat survey' points to the value of the surrounding hawthorn hedges, I cannot discern from the plans the status there, but concur with the importance of these hedges and that from looking at our deeds they appear to be a 'mutual boundary'.

- Furthermore, there has been no attempt re an Environmental Impact Assessment. Regarding the Muirburn Code, the EIA regulations restrict 'intensive' operations on uncultivated or semi-natural land, or large-scale restructuring projects on agricultural land, where the result would have a 'significant' impact on the environment. Full details of the EIA regulations can be found on the Scottish Government website. These , I am sure the planning department will be aware of, refer to 'Rough grazing or other semi-natural areas' as land containing semi-natural vegetation including heathland, heather moorland, bog, unimproved grassland and rough grassland which is used or suitable for grazing.

- The agents comments regarding alternative agricultural uses to which the field could be put (e.g. pigs ) are largely irrelevant. I have a strong agricultural background and indeed livestock would be appropriate. Horses along with cows and sheep have previously been grazed in the field.

- I would also add that one or two 'bat boxes' cannot in any way compensate for the loss of such habitat and the important insect life on which the bats depend. A brief perfunctory one visit assessment of the site seems wellshort of the mark, as we see bats feeding in the area - obviously relying on the open space and the range of insects generated by the area.

- The increased traffic in the top lane is not a good proposal as this is pedestrian access, furthermore I query if the proposed parking is owned rather by the Gean Cottage property?

- the 6 houses proposed, of themselves, are reasonably sympathetic to the site, though incongruous with the 2 cottages already there. I believe the proposed properties will be significantly overlook these with considerable loss of privacy.

- Regarding traffic. Traffic would be increased in the already congested Lochie Brae /Bridgend areas which has poor air quality at peak congestion. This development will exacerbate a problem area at a time when the authority is required to reduce pollution levels. Regarding road safety and access, the road at this point is on a bend with limited sighting and is not a good and safe position

to increase slow and turning /manouvering vehicles.

- My concerns re the run off water from the area if built - that the run off in times of heavy rain will exacerbate flooding in Bridge End downhill from the site, appear to have been addressed in part, though SEPA and Perth planning department officials will be better placed to assess this.

-The loss of the existing view would adversely affect the residential amenity of my property - from a mature grass field with a range of biodiverse species to a sterile area with a cheap polytunnel and 'toilet'.

- The proposed community garden can only be viewed as a disaster in waiting , will be visually poor and clearly not compatible with the area.. Despite developer's claims, there has NOT been any perceived demand for these in the local area Indeed I would see it as a poor low rent suggestion if not bribe! As mentioned elsewhere, at a Community Council meeting on 18th February 2016 the developer stated the proposed gardens/allotments would be extremely welcomed by the public, this was not the view expressed by the public present. The garden/ allotment described in the development is out of character of the neighbourhood housing, with all the individual houses in the extended surrounding having large individual gardens. The proposal suggests that the community garden would complement the area, involving only the partial loss of green space - this is a total misrepresentation. Fact is that there would be a loss of green space / open space and almost total loss from a quite biodiverse area to a relatively sterile one.

-The school, if needing garden facilities, would be better placed looking to Branklyn gardens or the walled garden at the Murray Royal site - both well placed for teaching and with facilities - including toilets - and would not incur added burdens on an already stretched P&K Education budget or class teaching times. The garden here is designed to fail and will be an eyesore and poorly maintained within 5 to 7 years. Having worked in a research institute using glasshouse/polytunnels, these are temporary structures and require a lot of maintenance and can quickly have a shabby appearance, and also attract vandalism. There is no apparent supply of water - any plants in such proposed covered areas will not survive. Again, 'designed' to fail.

- I strongly object regarding odours and health risks resulting from the proposed use. The 'composting WC / toilet facilities' which present a real nuisance, in terms of nuisance and smell, both in terms of aesthetics and public health risks. I strongly object to this. I have used such toilets in the national parks in the US, in Australia and here in the national parks in Scotland. ALL have been disgusting and situated miles from habitation, not within residential areas and certainly not within 20 or so metres of a house or kitchen. They are unhygienic - particularly in hot weather, offensive and would increase a rodent problem - rats are known to be in the area and have been observed in recent months, a dangerous mix. Such crude facilities with raw human excrement have no place in the middle of a built up area on health and hygiene basis alone.

From planning documents it is clear that at the core of our planning system is the need to protect and enhance the built environment where people live, work and spend their leisure time. In Perth and Kinross the majority of people live in clearly defined residential areas either in the city, towns or surrounding villages. The protection and enhancement of these areas is an important objective and one of the broad principles outlined in SPP. 3.5. There is an important need to protect and enhance environmental and landscape quality by ensuring that inappropriate developments do not compromise what makes Perth and Kinross, including the Kinnoull area, such an attractive place

to live, work and visit.

- Finally, I wish to object on the grounds that this area is designated as open space. This proposed development will have a significant negative effect on the little green open space remaining in the Kinnoull area, the biodiversity over many species and the accompanying environmental benefits that are a huge part of the character of the area and of huge benefit to the residents. If the city plans are to mean anything and the residents are to have confidence in the planning procedures, then such open space must be protected along with its biodiversity.

Thank you. Best regards, Dr M F B Dale

RECEIVED

16 JAN 2017

SCANNED

CUSTOMER SERVICE  
POINT

13 JAN 2017

RECEIVED

7 Langley Place

PERTH

PH2 7XB

15<sup>th</sup> January 2017

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

Dear Sir

**PLANNING APPLICATION 16/02094/FLL**

ENTERED IN COMPUTER

16 JAN 2017

We acknowledge receipt of your revised Planning Application 16/02094/FLL for the formation of six dwelling houses and a Community Garden on land off the Muirhall Road and that written comments are invited from the owners of affected properties. We objected to the previous application [our letter 24<sup>th</sup> August 2016] and as there are only detail changes in the current application we feel our previous comments are equally applicable to the current proposal. We therefore attach a copy of of this letter in support of our objection to the current proposal.

While the current proposal still maintains the "Green Area" as previously envisaged no change has been made to the previous proposal as to the method of operation of this area. The levy proposed on the house owners is scarcely adequate and its legality has been questioned. We agree with the Community Council's original verdict that the operation of such a site would be difficult if not impossible and the site would ultimately fall into disuse.

A further basic difficulty with the site would appear to be the construction area available for the operation as a building site coupled with the proximity of the Muirhall Road creating traffic difficulties. There is no access from the upper area for construction and all material etc would require to be brought in over the Muirhall Road. Site storage would be difficult. This could be a possible hazard to the traffic on Muirhall Road.

We therefore wish to object to this application. We see no reason to alter the original designation of this ground made in the Perth Area Local Plan 1995.

Yours faithfully

Henry Macdonald

Marion Macdonald





**From:** [REDACTED]  
**Sent:** 16 January 2017 12:15  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application Ref. 16/02094/FLL

Development Quality Manager,  
Dear Sir/Madam,

I was under the impression that this application, or rather two identical applications had been submitted during 2016 and the second of these was refused in October or thereabouts. My two previous letters of objection are no doubt on file, and I can only reiterate as follows- 1. Previous applications over the years, have all quite correctly been

refused, and no circumstantial changes have occurred to the situation.

2. Access problems still exist. Mount Tabor Rd. would be totally unsuitable during construction, and indeed afterwards with additional traffic.

Muirhall Rd. has three bad bends which during construction would cause extreme danger.

3. Although only a relatively small development of 6 dwellings, it should not be considered until the promised cross Tay bridge is a fact. Bridgend simply cannot cope with the extra traffic, particularly the heavy construction vehicles initially.

These are my main reasons for again objecting to this application.

Yours faithfully,

WTB Watson,

Mount Tabor,

Mount Tabor Road,

Perth. PH2 7DE.





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

<b>Planning Application ref.</b>	16/02094/fll	<b>Comments provided by</b>	Jane Pritchard
<b>Service/Section</b>	Community Greenspace	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of 6no dwellinghouses, formation of community garden and associated works		
<b>Address of site</b>	Land 70 Metres North Of Gean Tree Cottage Muirhall Road Perth		
<b>Comments on the proposal</b>	<p>CG has concerns regarding this proposal and regarding the long term viability of the community garden. We note that it is intended that a Garden Committee will be responsible for future management and long term maintenance will be by those using the garden. The allotment sizes are very small, the standard recognised size for one allotment plot is 250 square meters. There are other sites within Perth with very small waiting lists. The model we use in Perth and Kinross is a self-managed allotment site through a community allotment association who lease the land. (CG supports the formation of some allotment associations). If a Garden Committee does not form or does not last there is a chance that the garden will not be adequately maintained and could become unsightly.</p> <p>We also note that 'The garden will be jointly owned by the 6 householders who will each pay an annual levy of £300'. This would appear to be inappropriate for a community garden and would be likely to lead to it being considered as private ground.</p> <p>If the proposal goes ahead the path link to core path KINL/4 should be created to a standard suitable for bicycles so should be surfaced on a firm base and be at least 2.5 wide. Improvement to the core path would also be appropriate.</p> <p>There is an old ash tree within the site which exhibits crown dieback and basal decay. The tree displays features suitable for bats however we note no bats were recorded within the bat survey. If the tree were to be retained it would need to be pruned to be made safe if houses are to be built in close proximity. It should also be noted that the tree is vulnerable to Ash dieback disease a fatal disease of ash trees which has been recorded at nearby Kinnoull and Deuchny Hill.</p>		
<b>Recommended planning condition(s)</b>	Paths should be to all ability standard being a minimum of 2.5m wide with a sealed surface. A contribution to the upgrade of core path KINL/4 giving access to the site should be secured.		
<b>Date comments returned</b>	17/1/17		





Gean Tree Cottage  
Mount Tabor Road  
Perth  
PH2 7DE

RECEIVED

04 JAN 2017

19<sup>th</sup> December 2016

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



Dear Sir

Planning Application number 16/02094/FLL

Further to your most recent letter of 15<sup>th</sup> December 2016, and as owner of the above address, I am lodging my objections to the proposed development as outlined in the above application. This is the THIRD such letter relating to the same proposed development and this constant interference is tiresome. Surely a rejection on an application is just that and thereafter minor changes to the same plan are just wasting every ones time.

My objections to this development remain the same as my previous letters and are as follows:

- The area proposed for development has been allocated as open space. It is a wild habitat very much in keeping with the ethos of Sir Patrick Geddes whose listed cottage I now live in. It is home to a variety of wildlife including bats, roe deer, insects, foxes buzzards and more. To lose this beautiful ecological area for the sake of housing is appalling, particularly in light of its history and connection to one of Perth's great "Sons" - Sir Patrick Geddes who lived here and whose family owned this field.
- The space surrounding the Murray Royal lies dormant with vandalised buildings and rubbish building up. Surely a much better housing allocation than this historical field
- The road access to the housing area off Muirhall Road is a cause for concern. Traffic travels fast up this very windy road and there is not a good line of sight. It is dangerous and accidents will inevitably occur. With pavement on one side only it is also a danger for pedestrians.
- Access up Mount Tabor Road for more cars is unrealistic and dangerous. It is a single lane with no opportunity to widen. The lane further up the hill as well as this part of Mount Tabor Road is used daily for walkers and cyclists. Small children walk down here on their way to primary school. There is no pavement and this development and access will create a high chance of serious accidents if more traffic is allowed.
- The amenity space with allotments and 'open class room', bike storage etc is a waste of what is already an important ecological environment. Nobody will look after this area and it will become vandalised in the same way Murray Royal has become.

- Houses in this area of Perth are fortunate to have their own gardens and easy access to both the excellent Kinoull Hill with its open classrooms and bothy as well as the Millenium Park. Anyone using the allotments would likely come by car – both an environmental contradiction and nonsense as well as dangerous to pedestrian and cyclists.
- The proposed parking for the allotment development is unsuitable. Vehicles reversing on to the lane blocking access and causing pollution in this small area are unacceptable. The cars reversing on to the lane are very dangerous for the children. I have shared parking on this small area and sharing it with many others is not part of the property deeds. It is not public parking.

Yours faithfully

A large black rectangular redaction box covering the signature of Susan M Bourne.

Susan M Bourne

## CHX Planning Local Review Body - Generic Email Account

---

**From:** BGK CC [REDACTED]  
**Sent:** 19 April 2017 15:22  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(470)

Dear Ms Taylor,

Further to the objections we raised during the consultation period for planning application ref.16/02094/FLL, Bridgend, Gannochy and Kinnoull Community Council (BGKCC) would like to draw the attention of the Local Review Body to the following points.

1. the Murray Royal redundant properties and ground opposite the Paddock Field have been sold by NHS Tayside to a property developer.

2. Mr Jewitt of Jewitt and Wilkie Architects in his 'Further Supporting Statement' dated 31st January, 2017 (after the consultation period had closed) made several false claims.

Mr Jewitt claims that the applicants were informed at a meeting in February 2016 that "it was not the Community Council's policy to object to developments of less than 10 units". This statement is untrue.

Mr Jewitt claims that the Millenium Park "has been gifted to Perth on the condition that it should not be developed." This is untrue.

Mr Jewitt also claims that the Millenium Park "bounds the application site at one point" and they are "contiguous". This is untrue.

Mr Jewitt claims that NHS Tayside "embarked on . . . a charrette consultation". This is untrue. There was a public consultation but the outcomes were merely notional, so there is no guarantee of open space in "the Royal Murray (sic) hospital site" as claimed by Mr Jewitt.

Mr Jewitt claims that the proposed built area is 0.27 acres. This is disingenuous. The area taken for each house together with driveways, roads, etc. would amount to much more than 0.27 acres.

We respectfully ask the Local Review Body to take the above information into account as well as our previous points.

Yours sincerely,  
Jack Rivett  
Chairman BGK CC





## **CHX Planning Local Review Body - Generic Email Account**

---

**From:** John Rivett [REDACTED]  
**Sent:** 19 April 2017 15:24  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(470)

Dear Ms Taylor

Thank you for the information you sent to me regarding this Planning Application.

Only additional points I would like to be considered are already in the case for refusal -

This site is not included in the LDP for housing

Green Field site should be preserved.

Regards

Jack Rivett

This message is sent from Jack Rivett and if you are not recipient please delete and accept my apologies



## **CHX Planning Local Review Body - Generic Email Account**

---

**From:** Alison mackay [REDACTED]  
**Sent:** 25 April 2017 14:18  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** TCP/11/16(470)

In addition to my objection at each planning application stage of the above proposed development I wish to submit the following ;

The Planning Authority has clearly listed several valid points why the application has been refused.

I totally agreed with the reasons and do not see how these can be overturned.

My objection listed the same concerns and more .

The local residents I have spoken to have the same concerns and also agree with the Planning Authority refusing this application .

Regards

A Mackay





## CHX Planning Local Review Body - Generic Email Account

---

**From:** Philip Neaves <philip@felshampd.co.uk>  
**Sent:** 15 May 2017 12:25  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE: TCP/11/16(470)

Paige,

We set out below our response to the comments received from the Community Council and other objectors.

The further comments do not in their entirety relate to the reasons for refusal. The objectors' comments can be summarised as the loss of open space which if approved will set a precedent. This is not the case because it is only partial and a small loss of open space which is balanced by giving access to a community garden.

Other reasons for objection were inadequate drainage proposals. However, this is addressed in the application supporting material. That is very clear that what is required is that surface water drainage will be by gravity to the piped system which runs within Muirhall Road adjacent to the site, via an appropriate SUDS system as stated in the application.

Objectors have stated that the proposal is not in compliance with the character or amenity of the area. A plan was submitted to demonstrate housing density in the area with that of the development proposal being no different, and with the same amount of overlooking, as in other newer developments in the immediate area.

The points made by the chairman of Bridgend and Gannochy Community Council should in our opinion be refuted because it is they which are incorrect and not the statements of Jewitt and Wilkie. We are arguing the case on the basis of its planning merits. Mr Rivett's statements tend in the main to move into areas which have no direct relevance. Jewitt and Wilkie's submissions are factual, based on information provided by the applicants, their lawyers in the case of matters relating to the Millennium Park, their Planning Consultant (Keir Doe) or their architects where appropriate:

1. The fact that the former Murray Royal Hospital has been sold is irrelevant. Any development will be subject to the retention of large areas of open space on this 18 acre site.
2. The applicants stand by their statement in respect of the Community Council's stated position in terms of traffic impact in that at a presentation to the Community Council on 18th February, 2016, where it was confirmed that additional traffic created from developments of 10 units or less would not be of significant consequence to justify objection in this respect by the Community Council.
3. The applicants are advised by their legal agents in respect of the terms under which the Millennium Park was granted, being as stated. Mr Rivett is correct in that the Millennium Park itself does not bound the application site, but open space created as a result of the donation does so.
4. There was public consultation via the charette process in respect of proposed uses for the former hospital site as would be confirmed by the planning department who will in any event ensure the retention of large areas of open space whatever the ultimate use.
5. The built area is as stated by Jewitt and Wilkie. Open space is retained in respect of both private gardens and the community garden.

We trust that these matters will be taken into account by the Local Review Body when determining the application and that it will be noted that the submissions made by the Community Council are disputed by the applicants.

We look forward to hearing from you at your earliest convenience in respect of the date for the LRB hearing.

Please do not hesitate to contact me if there are any matters you wish to discuss.

Kind regards

Philip

**Philip Neaves**

Director

Felsham Planning and Development

1 Western Terrace

Edinburgh

EH12 5QF

+44 131 337 9640

+44 7446 897144

[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)

[www.felshampd.co.uk](http://www.felshampd.co.uk)



VAT Registration No 152 7435 14

Company Registration Number SC267721

The information in this e-mail is confidential and may be legally privileged. It is intended solely for the addressee. Access to this e-mail by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. When addressed to our clients any opinions or advice contained in this e-mail are subject to Felsham Planning and Development terms and conditions of business.