



Perth and Kinross Local Review Body

Council Building
2 High Street
Perth
PH1 5PH

08/01/2024

A hybrid meeting of the **Local Review Body** will be held in **the Council Chamber** on **Monday, 15 January 2024 at 13:00**.

If you have any queries please contact Committee Services on (01738) 475000.

LISA SIMPSON
Clerk to the Local Review Body

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are switched off.

Members

Councillor Bob Brawn (Convener)
Councillor Keith Allan
Bailie Claire McLaren
Bailie Mike Williamson (Reserve)

Advisers

Clerk
Legal Adviser
Planning Adviser

Applicant

Local Review Body

Monday, 15 January 2024

AGENDA

- 1 WELCOME**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE LOCAL REVIEW BODY OF 18 DECEMBER 2023** **1 - 8**
(copy herewith)
- 4 APPLICATIONS FOR CONSIDERATION**
 - (i) LRB-2023-44 - 23/01088/FLL – CHANGE OF USE OF FLAT TO FORM A SHORT-TERM LET ACCOMMODATION UNIT (IN RETROSPECT), 4B BONNETHILL ROAD, PITLOCHRY, PH16 5BS** **9 - 52**
Review Papers Attached (copy herewith)
 - (ii) LRB-2023-45 - 23/00921/FLL – ALTERATIONS TO BOUNDARY WALL TO FORM VEHICULAR ACCESS, FORMATION OF DRIVEWAY, CAR PARKING AND PATHS AT LOWER FLAT, ROSE COTTAGE, ISLA ROAD, PERTH, PH2 7HG** **53 - 156**
Review Papers Attached (copy herewith)
 - (iii) LRB-2023-46 - 23/01362/FLL – CHANGE OF USE OF FLAT TO FORM SHORT-TERM LET ACCOMMODATION UNIT (IN RETROSPECT) AT 2 JUBILEE PLACE, PITLOCHRY, PH16 5GA** **157 - 198**
Review Papers Attached (copy herewith)
 - (iv) LRB-2023-47 - 23/00572/FLL – CHANGE OF USE FROM FLAT TO SHORT-TERM LET ACCOMMODATION UNIT (IN RETROSPECT), 4A BONNETHILL ROAD, PITLOCHRY, PH16 5BS** **199 - 244**
Review Papers Attached (copy herewith)
 - (v) LRB-2023-48 - 23/00924/FLL – PART CHANGE OF USE OF DWELLINGHOUSE TO NURSERY BUSINESS, DALSHIAN HOUSE, CROFTINLOAN, PITLOCHRY, PH16 5TD** **245 - 300**
Review Papers Attached (copy herewith)

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PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Monday 18 December 2023.

Present: Councillors B Brawn, D Illingworth and G Stewart.

In Attendance: R Burton (Planning Adviser), Colin Elliott, (Legal Adviser) and J Guild (Democratic Governance Officer) (all Corporate and Democratic Services).

Also Attending: A Brown and R Ramsay (both Corporate and Democratic Services) and C McLaren (Communities).

1. WELCOME

Councillor Brawn welcomed all present to the meeting.

2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Local Review Body of 16 November 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-38**
Planning Application – 23/00636/FLL – Siting of 3 accommodation units and a laundry/storage unit for use as short-term letting or workers accommodation, and associated works (in retrospect) land 170 metres north east of Keepers Cottage, Amulree, Dunkeld PH8 0EE – Culfargie Estates and Tay and Torridon Estates

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of 3 accommodation units and a laundry/storage unit for use as short-term letting or workers accommodation, and associated works (in retrospect) land 170 metres north east of Keepers Cottage, Amulree, Dunkeld PH8 0EE.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information

was before the Local Review Body to determine the matter without further procedure.

- (ii) The applicant to produce a business plan as per the requirements of Policy 8: Rural Business and Diversification of the Perth and Kinross Local Development Plan 2 (2019), including a monthly breakdown detailing seasonal worker versus tourist use of the accommodation.
- (iii) Development Management to review and comment on the business plan provided.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

**(ii) LRB-2023-39
Planning Application – 23/00532/FLL – Erection of a dwellinghouse and associated works at land north of 31 Main Street, Keltybridge – Mr B Ferguson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse and associated works at land north of 31 Main Street, Keltybridge.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for erection of a dwellinghouse and associated works at land north of 31 Main Street, Keltybridge, be refused for the following reasons:
 - 1. The proposed development will have a detrimental impact on the distinct character and visual amenity of the village. The proposed development is poorly designed, will be detrimental to residential amenity and will not contribute positively to the surrounding built and natural environment. The proposal is not consistent with the six qualities of successful places. The proposal does not satisfy NPF4 Policy 14 Design Quality and Place and LDP2 Policy 1A and 1B(c) Placemaking and related Placemaking Supplementary Guidance (2020).
 - 2. The site is not an allocated housing site in LDP2, it is not in the settlement boundary of Keltybridge and the proposal does not address an identified gap in provision and therefore the proposed development does not satisfy NPF4 Policy 16 Quality Homes and LDP2 Policy 6: Settlement Boundaries.

3. The removal of the majority of trees on the site to enable the development of a dwellinghouse is not sustainable as there is evidence that the site has and is naturalising and is of biodiversity value. The proposal is poorly designed and is not in keeping with the character of the area. The proposal does not satisfy NPF4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings and NPF4 Policy 17a(ii) Rural Homes.
4. The poorly designed proposal on a prominent site in the village will have a detrimental effect on the setting of listed buildings on the east side of Main Street. The proposal does not satisfy NPF4 Policy 7c Historic Assets and Places and LDP2 Policy 27A: Listed Buildings.
5. The loss of trees and habitat to enable the proposed development will have an adverse impact on the natural environment and biodiversity including protected species and lead to the fragmentation of an existing network of green infrastructure. The proposal does not satisfy NPF4 Policy 1: Tackling the Climate and Nature Crisis, NPF4 Policy 2: Climate Mitigation and Adaptation, NPF4 Policy 3: Biodiversity, NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1A: Placemaking, LDP2 Policy 40B: Trees, Woodland and Development, LDP2 Policy 41: Biodiversity and LDP2 Policy 42: Green Infrastructure.

Justification

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

**(iii) LRB-2023-40
Planning Application – 23/00923/FLL – Erection of a dwellinghouse (in principle) land 75 metres north west of Mullmac, Saucher, Kinrossie PH2 6HY – Dunsinnan Farm and Estate**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) land 75 metres north west of Mullmac, Saucher, Kinrossie PH2 6HY.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for erection of a dwellinghouse (in principle) land 75 metres north west of Mullmac, Saucher, Kinrossie PH2 6HY, be refused for the following reasons:
1. The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020 (SG) as, whilst the proposed indicative position of the house is within the existing building group, the proposed convoluted new access into the site is located out with the building group and fails to respect the character and building pattern of the existing well nucleated grouping as required by Category 1 of the SG. The proposal also fails to meet any of the other categories of development outlined in the SG.
 2. The proposal is contrary to Policy 9(b) of the National Planning Framework 4 (NPF4) as the proposal is on a greenfield site and is not explicitly supported by policies of the Perth and Kinross Local Development Plan 2 (2019). The proposal also fails to meet any of the categories of development allowed by Policy 17: Rural Homes of NPF4.
 3. The proposed new access into the site would result in Mullmac and Kanrosmar being sandwiched between two accesses to the detriment of the residential amenity of these properties. The proposal is therefore contrary to Policy 1A of the Perth and Kinross Local Development Plan 2019 (LDP2) and Policy 14(c) of National Planning Framework 4 (NPF4) as the proposal fails to respect the residential amenity of the area.
 4. The proposal is contrary to Policy 1A and 1B(d) of the Perth and Kinross Local Development Plan 2 (2019) and Policy 14(b) of National Planning Framework 4 (NPF4) as the proposed new access fails to contribute positively to the surrounding built and natural environment and fails to reinforce the existing street scene and building pattern of the grouping.

Justification

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

Note

Councillor D Illingworth dissented from the majority opinion. He considered there is only a minor difference from the previously granted permission and considered that the proposal would not be a significant departure from the Development Plan.

(iv) **LRB-2023-41**

Planning Application – 23/00796/FLL – Installation of replacement windows and door at Melville Terrace, Cowgate, Southbank, Errol PH2 7QS – Mr G Duffy

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse installation of replacement windows and door at Melville Terrace, Cowgate, Southbank, Errol PH2 7QS.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for installation of replacement windows and door at Melville Terrace, Cowgate, Southbank, Errol PH2 7QS, be refused for the following reasons:
 - 1. The proposed eastmost window, by virtue of its uPVC frames, the height of the meeting rail, and the addition of horns, is detrimental to the traditional character of the house and is detrimental to the character and appearance of the Errol Conservation Area. Approval would therefore be contrary to Policies 7(d) Historic Assets and Places and 16(g)(i) Quality Homes of the National Planning Framework 4; contrary to Policies 1A & 1B(c) Placemaking and 28A Conservation Areas: New Development of the Perth and Kinross Local Development Plan 2; and contrary to the Perth and Kinross Placemaking Supplementary Guidance 2020.
 - 2. The proposed windows in the bay window, by virtue of their uPVC frames, the opening method and the varying frame widths, are detrimental to the traditional character of the house and are detrimental to the character and appearance of the Errol Conservation Area. Approval would therefore be contrary to Policies 7(d) Historic Assets and Places and 16(g)(i) Quality Homes of the National Planning Framework 4; contrary to Policies 1A & 1B(c) Placemaking and 28A Conservation Areas: New Development of the Perth and Kinross Local Development Plan 2; and contrary to the Perth and Kinross Placemaking Supplementary Guidance 2020.
 - 3. The proposed door, by virtue of its non-traditional design; the uPVC frames, and the extensive use of glazing, is detrimental to the traditional character of the house and is

detrimental to the character and appearance of the Errol Conservation Area.

Approval would therefore be contrary to Policies 7(d) Historic Assets and Places and 16(g)(i) Quality Homes of the National Planning Framework 4; contrary to Policies 1A & 1B(c) Placemaking and 28A Conservation Areas: New Development of the Perth and Kinross Local Development Plan 2; and contrary to the Perth and Kinross Placemaking Supplementary Guidance 2020.

Justification

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

**(v) LRB-2023-42
Planning Application – 23/00075/FLL – Change of use of open space and extension to shop 75-77 Balhousie Street, Perth PH1 5BG – Mr A Hussain**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of open space and extension to shop 75-77 Balhousie Street, Perth PH1 5BG.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for change of use of open space and extension to shop 75-77 Balhousie Street, Perth PH1 5BG, be granted, subject to the imposition of relevant terms, conditions and informatives, including a condition requiring one replacement tree to be planted in the remaining area of open space and a bin shelter to be installed for the premises waste management.

Justification

Although contrary to the Development Plan due to the loss of open space, the proposal would allow for the expansion of an existing retail business within the neighbourhood. The loss of open space would not be significant as it would remain in part.

Note

Councillor G Stewart dissented from the majority opinion. He considered the requirement for open space to outweigh the

requirement for business expansion and therefore would have refused the review application.

(vi) LRB-2023-43
Planning Application – 23/00466/FLL – Siting of a holiday accommodation unit, formation of vehicular access and parking area and associated landscaping, land 30 metres south east of Fairygreen Cottage, Kinrossie – Dunsinnan Farm and Estate

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of a holiday accommodation unit, formation of vehicular access and parking area and associated landscaping, land 30 metres south east of Fairygreen Cottage, Kinrossie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) The applicant to produce a business plan as per the requirements of Policy 8: Rural Business and Diversification of the Perth and Kinross Local Development Plan 2 (2019).
- (iii) Development Management to review and comment on the business plan provided.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

5. APPLICATIONS PREVIOUSLY CONSIDERED

(i) LRB-2023-17
Planning Application – 22/01942/IPL – Residential development (in principle) land 50 metres south of Strawberrybank, Longforgan – Mr K Petrie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse residential development (in principle) land 50 metres south of Strawberrybank, Longforgan.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 3 July 2023, the Local Review Body resolved that insufficient information was before them to determine the application without (i) comment shall be sought from Transport

Planning on the proposed access visibility splay within the review application, with the Applicant having the opportunity to comment in response. With the requested information provided, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter resolved by unanimous decision that:

- (ii) the review application for residential development (in principle) land 50 metres south of Strawberrybank, Longforgan, be granted subject to the imposition of relevant terms, conditions and informatives, including two conditions set by Transport Planning and in relation to Developer Contributions.

Justification

Having obtained the relevant information, Members considered that with the imposition of relevant conditions, the proposal is in accordance with the Development Plan.

LRB-2023-44**23/01088/FLL – Change of use of flat to form a short-term
let accommodation unit (in retrospect), 4b Bonnethill
Road, Pitlochry, PH16 5BS****INDEX**

(a) Papers submitted by the Applicant (***Pages 11-22***)

(b) Decision Notice (***Pages 25-26***)

Report of Handling (***Pages 27-34***)

Reference Documents (***Pages 35-44***)

(c) Representations (***Pages 45-52***)

LRB-2023-44

**23/01088/FLL – Change of use of flat to form a short-term
let accommodation unit (in retrospect), 4b Bonnethill
Road, Pitlochry, PH16 5BS**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

MICHELLE MCMILLAN

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

23/01088/PL

Site address

 FULLAN HOUSE
35 KINNOULL STREET

Description of proposed
development

CHANGE OF USE.

Date of application

12/7/23

Date of decision (if any)

15/8/23

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:

Licence approved.
NO COMPLAINTS.
NO NEIGHBOURS PRIVATE ENTRANCE.

Site inspection

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

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

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

Statement

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

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

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

SEE LETTER from myself
for my notice of review .

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

Yes ☐ No ☐

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

List of documents and evidence

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

ATTACHING LETTERS of support.

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

 31/10/23

I am writing to appeal against the decision made by Mr John Williamson on the 15th August 2023 who rejected my application for planning permission even though my license had been approved on the 1st August 2023 for ,4B Bonnethill Road, PH16 5BS

I have paid for both licenses for 4A Bonnethill Road, PH16 5BS which I also own, this is a one bed apartment and also 4B (studio). These two apartments are in the same building, one above the other, to which have their own entrances. These are the only two apartments in this building.

I therefore cannot understand the reasoning behind rejecting planning permission.

The licenses plus adhering to all the safety measurements, obtaining certificates that have had to be put in place have cost me in the region of £5000 which I stand to lose a huge proportion if I do not get the appeal overturned.

I have successfully managed to obtain and support bookings from staff commuting to the Pitlochry Festival Theatre over the last year with a reasonable mutual rental budget to help the staff and already have confirmed bookings for them for at least a six-month period from March to August 2024. please see attached email. In between supporting tourism and accommodating visitors from all over the globe.

This is also helping to support the local community because obviously they will be spending in the local shops but also supporting the local community entertainment and arts.

I have had many excellent 5-star reviews from the guests, no complaints and also emails of support from the Theatre company stating this has been an ideal property for their staff within an easy commute.

I have ploughed every penny and energy into making this into a sustainable business and provide an income, which this is my only means of financial support. I have also endured immeasurable stress and anxiety following the rejection of the planning permission.

I am more than happy to accommodate a site visit so that the properties can be inspected at any time but also so that the standard can be seen and have been met and implemented.

Yours sincerely
Michelle McMillan

To whom it might concern,

I have stayed in the studio and the small apartment at 4 Bonnethill Rd on a number of occasions. I work at PFT as a designer and I have been very grateful to Michelle as she provides affordable, safe and comfortable accommodation for people such as myself who work at the theatre on a freelance basis. Pitlochry is a real problem for theatre freelancers as accommodation is so expensive. Michelle and her lovely flats have been a huge help to myself and other theatre workers.

I also feel that the studio and the apartment are too small to provide long term accommodation for anyone and therefore are ideal for short term rentals. I really hope for my sake and for my colleagues who also rent from Michelle that you will reconsider and grant her the license she needs and deserves.

Yours sincerely,

Jeanine Byrne
Lighting designer at PFT

Dear Perth and Kincross Council,

I am writing to you in the hopes that you will seriously reconsider your decision to not approve the license for 4a Bonnethill Road. I stayed at Michelle's apartment 4a on Bonnethill Road in Pitlochry for the whole month of February 2023 while I worked at the Pitlochry Festival Theatre on a work placement for my masters course in theatre directing. I'm so grateful to have found 4a/ Pitlochry Escapes as I was not able to find any other accommodation as there were not any other places available for long term which also were in my price range as I could not afford to stay at a hotel for a month. Not only was I lucky to have found that 4a was available and affordable to me but it was one of the most lovely places I've ever stayed and Michelle is an amazing hostess. The apartment is lovely, clean, and spacious and everything is new and decorated so well and comfortable. It truly felt like home away from home. The location was also ideal as a quick 10 minute walk to the theatre, where I worked Monday-Friday from 10-6. The Pitlochry Festival Theatre brings in the majority of tourists and a huge amount of work into Pitlochry and the artists that work there need accommodations to stay in.

Currently there are very few places in Pitlochry that offer affordable accommodation for the people working at the theatre. Michelle has helped fill that need with apartment 4a. It would be a huge disservice to not only tourists coming in who need a place to stay but also artists who are needing to work at the theatre and need short term accommodation if you are to deny Michelle her application. As far as I'm aware the theatre actually brings in the majority of summer tourists into Pitlochry so you will be doing the whole town a huge disservice. Michelle caters for all the artistic staff at Pitlochry Festival Theatre and has done so for the last few years. She works hard with all the artists like myself to accommodate year round to help us find affordable accommodation while we work at the theatre. Apartment 4A is full with theatre staff year round.

Sincerely,


Meggie Greivell

Fwd: Pitlochry Festival Theatre

Pitlochry Escapes [redacted]

Fri 27-Oct-23 2:26 PM

To:Ewan McIlwraith <info@robertsonsofpitlochry.co.uk>

----- Forwarded message -----

From: **Deborah Dickinson** <[redacted]@pitloch-festivaltheatre.com>

Date: Mon, 23 Oct 2023 at 12:41

Subject: RE: Pitlochry Festival Theatre

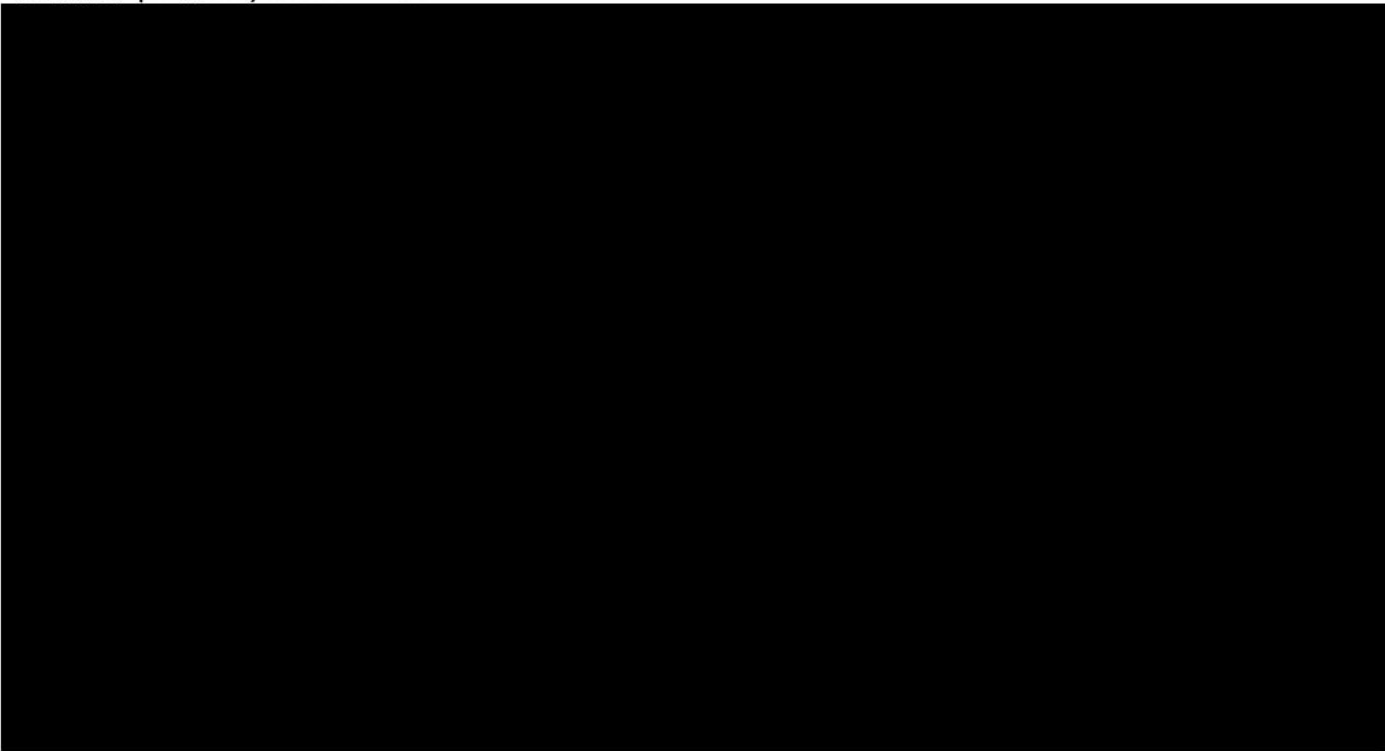
To: [redacted]

TO WHOM IT MAY CONCERN

I confirm that staff from Pitlochry Festival Theatre have been staying at Flat 4B since Michelle at Pitlochry Escapes opened in August 2023 and that staff will be staying there from March to August 2024

Yours sincerely,

Deborah Dickinson
Deborah Dickinson (she/her)
Producer | Pitlochry Festival Theatre



Fwd: LETTER OF SUPPORT

Pitlochry Escapes

Wed 16-Aug-23 10:29 AM

To: Ewan McIlwraith <info@pfitlochryescapes.uk>

----- Forwarded message -----

From: **Elizabeth Newman** <info@pfitlochryescapes.uk>

Date: Tue, 15 Aug 2023 at 08:54

Subject: LETTER OF SUPPORT

To: Pitlochry Escapes <pitlochryescapes@gmail.com>

Dear Michelle,

Please find below a note of support to be included in your response.

All good wishes,

E xxx

Pitlochry Festival Theatre
Port na Craig
Pitlochry
PH16 5DR

To whom it may concern,

We wanted to confirm that 4a Bonneathill Road, Pitlochry Escapes has been a vital resource for the artistic community in Pitlochry who work on longer fixed term and freelance contracts at Pitlochry Festival Theatre.

As you'll be aware, there are few options for artists in the local area and 4a is a welcoming, and comfortable option for those who are fortunate enough to stay there. It has also been a safe space for freelance artists with chronic illnesses who need support dogs as Michelle has been hugely accommodating and supportive. She has also hosted placement students, which has been vitally important for us to fulfil our mission to be a training theatre.

Michelle is repeatedly noted to be a fantastic host by her guests, which is very valuable to those who are away from home for weeks at a time. Pitlochry Escapes is also ideally located for those needing to commute to the theatre, sometimes at unsociable hours after performances or rehearsals, when a short walk is most appreciated.

Michelle works very hard to ensure an excellent quality of accommodation while they work here at the theatre and as such, she is fully booked year-round. If you would like to talk about Pitlochry Escapes and the working relationship with the Theatre, I'd be happy to discuss. I am reachable via email elizabeth.newman@pitlochryfestivaltheatre.com or by phone 07816509116.

Sincerely,

Elizabeth Newman
Artistic Director
Pitlochry Festival Theatre

Elizabeth Newman (she/her)
Artistic Director | Pitlochry Festival Theatre

LRB-2023-44
23/01088/FLL – Change of use of flat to form a short-term
let accommodation unit (in retrospect), 4b Bonnethill
Road, Pitlochry, PH16 5BS

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS



Ms Michelle McMillan
47 River Tilt Caravan Park
Invertilt Road
Blair Atholl
PH18 5TE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **14th August 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01088/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 12th July 2023 for Planning Permission for **Change of use of flat to form a short-term let accommodation unit (in retrospect) 4B Bonnethill Road Pitlochry PH16 5BS**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The change of use is contrary to Policy 30: Tourism (part e) of National Planning Framework 4 (2022) as the proposal involves the loss of a residential unit to short term let accommodation within an area which is subject to a high saturation of holiday accommodation, relative to the potential total housing stock. The loss of such a mainstream housing unit will have a negative impact on the amenity of the area and the loss of the accommodation has not been outweighed by any demonstrable local economic benefit.
2. The proposed change of use by reason of its location will not protect established residential amenity levels, nor contribute positively to the area in which it is located. The proposal is therefore contrary to Policy 14: Design, quality and place (part c), and Policies 1A: Placemaking & 10: City, Town and Neighbourhood Centres of Perth & Kinross Local Development Plan 2 (2019) as well as the associated draft Perth and Kinross Planning Guidance on Short Term Lets (2023).

Justification

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

Notes

1. There are no relevant informatives.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

01

02

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01088/FLL	
Ward No	P4- Highland	
Due Determination Date	11th September 2023	
Draft Report Date	14th August 2023	
Report Issued by	JW	Date 14 August 2023

PROPOSAL: Change of use of flat to form a short-term let accommodation unit (in retrospect)

LOCATION: 4B Bonnethill Road Pitlochry PH16 5BS

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning application relates to an upper floor flat contained to the rear (northeast side) of the above, 2 ½ -storey, imposing corner building, which is prominently situated at the junctions of Bonnethill and Atholl Roads in Pitlochry town centre. The slate and sandstone building is unlisted, but has a good deal of period architectural charm that adds to the character of the Pitlochry Conservation Area in which it is located.

Plans indicate that although the property has a dual aspect to the north (Bonnethill Road) and south (rear of Atholl Road buildings), the access to the upper floors is via a shared staircase which leads onto a private lane that is out with the application site area.

Consent is being sought retrospectively to change the use of the studio apartment unit into a short term let.

An application for a neighbouring 1 bedroom flat at 4A Bonnethill Road was recently refused under delegated powers.

SITE HISTORY

16/01886/FLL Installation of replacement windows 20 January 2017 Application Refused

17/00219/FLL Installation of replacement windows 23 March 2017 Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: 23/00250/LIC

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4 :

Policy 7: Historic Assets and Places

Policy 13: Sustainable Transport

Policy 18: Infrastructure First

Policy 27: City, Town, Local And Commercial Centres

Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 10: City, Town and Neighbourhood Centres

Policy 28A: Conservation Areas: New Development

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

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Short Term Let Draft Planning Guidance](#)
- [Conservation areas](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

CONSULTATION RESPONSES

EXTERNAL

Scottish Water – no objection

INTERNAL

Structures And Flooding – no comments

Environmental Health (Noise Odour) – no objection, advise that license is required

Transportation And Development – no objection

Communities Housing Strategy - Advised that the postcode district level of saturation of potential short-term lets **is above the level at which it may be considered appropriate** to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

REPRESENTATIONS

None received

Additional Statements Received:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas)

(Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

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 and Use

Within the LDP2, the subjects are located within the central core of the Pitlochry Conservation Area where policies 28A and 10 (Town and Neighbourhood Centre) are of note, given the absence of any external alterations or established policy specifically relating to Short Term Lets.

Current policy considerations essentially seek to promote a vibrant town centre and encourage uses commensurate to the location, which are in keeping with the character of the area and do not result in any adverse impacts.

Placemaking considerations (policies 1A and 1B) are relevant in so far as they seek to guide development to the right location to avoid adverse impacts.

Policy 27 City, town, local and commercial centres of NPF4 is also relevant as this supports commercial uses in the area, provided that the use will not be detrimental to residential amenity.

NPF4 specifically endorses a tourism policy (30) which seeks to "encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland". However, Policy 30 goes on to state that:

Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Consultees have advised that the application site is situated within a postcode district (PH16), which has a higher-than-average provision of short term lets, namely 12% above the level at which it may be considered appropriate to introduce a control area, in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

Draft planning guidance on short term lets has recently been produced due to concerns expressed over the impact of STL's on services, local business staffing and expansion as well as housing affordability. The consultative draft acknowledges that while short-term lets can bring economic benefits to the host and local areas, this must be balanced against the impact the loss of that residential property has on the availability of housing for local people, and in particular access to affordable housing.

In respect of criterion (i) of NPF4 Policy 30(e), the proposed use of the property as a short term let would not be significantly different from a flat in terms of its physical appearance, the extent of guest footfall or noise emanating from the property, so long as good management practices are in place.

However, the expected high turnover of guests has the potential to increase disturbance to neighbouring residents. In addition, the proposal would contribute to a cumulative adverse impact on the mixed-use character of Pitlochry town centre by further eroding the residential component of that mix of uses which is crucial for the viability and vitality of the centre.

In respect of criterion (ii) of NPF4 Policy 30(e), the proposal would result in the loss of a flat to short term let accommodation in the PH16 postcode area which is already subject to a proliferation of holiday accommodation. This in turn would adversely impact the availability of residential accommodation locally. There are undoubtedly economic benefits associated with the proposal, not least to the applicants themselves and to local businesses who benefit from the custom of guests, but these do not necessarily outweigh the loss of residential accommodation in this instance.

The proposal therefore conflicts with NPF4 Policy 30(e) Tourism, and the intent of LDP2 Policy 1A: Placemaking. The principle is therefore unacceptable.

Residential Amenity

NPF4 Policy 14: Design, Quality and Place and LDP2 Policy 1A: Placemaking, & 10: City, Town & neighbourhood Centres support proposals and the retention of housing or other uses on upper floors which contribute positively to the quality of their surroundings and are compatible with the amenity and character of the area in which located. It is acknowledged that short term lets can result in additional levels of disturbance and noise concerns. Environmental Health officers note however that the main avenue to regulate such matters is via the separate licence control required. Given the studio accommodation layout of the property, short-term letting accommodation is unlikely to be significantly different from the former residential use, in terms of footfall.

The change in character of the unit however (whether incrementally or cumulatively) in respect of the lack of occupants' permanency is deemed incompatible with the above policies.

Roads and Access

The proposals raise no access or parking concerns given the town centre location and proximity to public transport undertakers as well as parking provision.

Conservation Considerations & Visual Amenity

As no external works are proposed, the change of use will have no direct impact on the appearance of the property. The cumulative impact of short term lets could however be argued to impinge on the established character of the Conservation Area.

Other Material Considerations

Draft planning guidance on short term lets (STLs) has recently been produced due to concerns expressed over the impact of STLs on services, local business staffing and expansion, as well as housing affordability. The consultative draft acknowledges that while short-term lets can bring economic benefits to the host and local areas, this must be balanced against the impact the loss of that residential property has on the availability of housing for local people, and in particular access to affordable housing.

The draft guidance further states that planning permission will **not be** granted unless the following criteria are met:

1. The proposal is for the extensive refurbishment of a long-term empty residential property which will bring the building back into active use;
2. The proposal relates to a residential property with four or more bedrooms as this stock is considered less significant in terms of housing needs assessments;
3. It can be demonstrated that the residential property has been operating as a short-term let for more than 10 years and is therefore exempt from planning enforcement action;
4. It can be demonstrated that the proposal for the change of use to short-term let is part of a diversification scheme to support an existing Perth and Kinross business within the same landholding.

Additionally, that – **in all cases**, properties **must have their own door to the street** to reduce the risk of adverse impact on the amenity of neighbouring residents. Proposals must also comply with all relevant LDP2 policies, in particular Policy 1A: Placemaking, which requires that Development must contribute positively to the quality of the surrounding built and natural environment.

While this non-statutory guidance is currently open to comment and not yet adopted (anticipated by September 2023), it forms the most up-to-date indication of Council policy intent on the matter, and as such, is a material consideration in addition to other policy factors and supplementary guidance in the assessment of the proposals. There, has, however been some recent discussion as part of this consultation draft as to whether the need for a property to have its own door to the street is fundamental in the assessment of an application for an STL or whether a general assessment of the possible impact on amenity should be undertaken.

It is evident in this instance that the proposed change of use does not accord with the draft guidance specifically in terms of the key criteria. This conflict with draft guidance aligns with the officer assessment of the proposal against adopted policy including NPF4 Policy 30 and LDP2 Policy 1A as discussed earlier in this report.

Developer Contributions

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

Economic Impact

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly the proposal is refused on the grounds identified below.

Reason for Refusal

1 The change of use is contrary to Policy 30: Tourism (part e) of National Planning Framework 4 (2022) as the proposal involves the loss of a residential unit to short term let accommodation within an area which is subject to a high saturation of holiday accommodation, relative to the potential total housing stock. The loss of such a mainstream housing unit will have a negative impact on the amenity of the area and the loss of the accommodation has not been outweighed by any demonstrable local economic benefit.

2 The proposed change of use by reason of its location will not protect established residential amenity levels, nor contribute positively to the area in which it is located. The proposal is therefore contrary to Policy 14: Design, quality and place (part c), and Policies 1A: Placemaking & 10: City, Town and Neighbourhood Centres of Perth & Kinross Local Development Plan 2 (2019) as well as the associated draft Perth and Kinross Planning Guidance on Short Term Lets (2023).

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

01

02



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100633599-001

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

Type of Application

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

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

Description of Proposal

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

Change of use of flat to form a short-term let accommodation unit

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

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

20/06/2023

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

I bought the property in jan as a buy to let property

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

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4B BONNETHILL ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PITLOCHRY"/>
Post Code:	<input type="text" value="PH16 5BS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="758119"/>	Easting	<input type="text" value="294011"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

40.00

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)

Not been used or lived in buy to let property

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)? *

0

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

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)

There are bins outside for waste

Residential Units Including Conversion

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

☐ Yes ☒ No

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:

Mr D Obrien

Address:

[REDACTED]

Date of Service of Notice: *

26/06/2023

(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: Ms Michelle McMillan

On behalf of:

Date: 26/06/2023

☒ 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)

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.

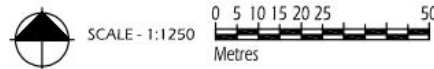
Declaration Name: Ms Michelle McMillan

Declaration Date: 26/06/2023



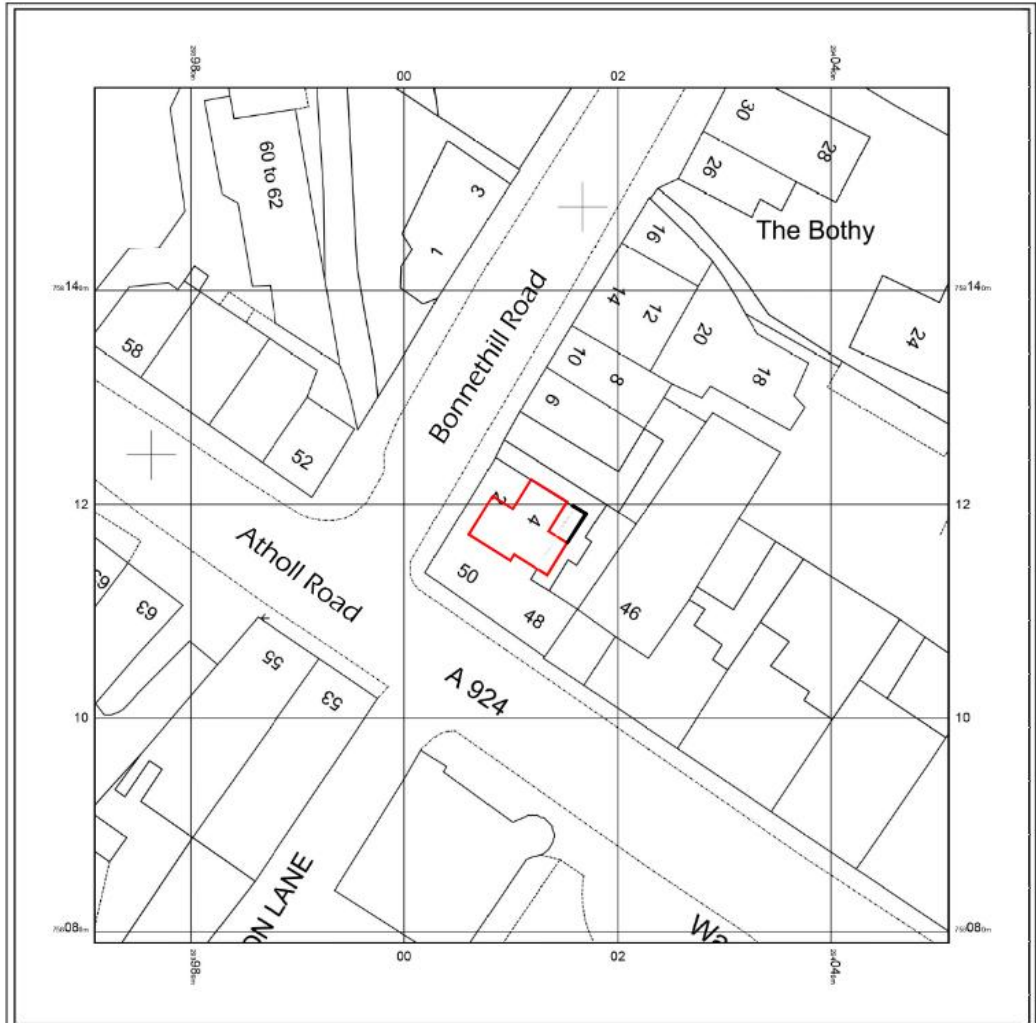
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LOCATION PLAN



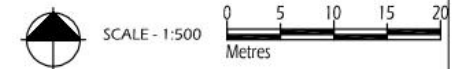
Contractor to check all dimensions on site prior to starting work. The copyright of this drawing or part thereof belongs to Highland Plans.

REVISION NOTES



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EXISTING BLOCK PLAN



MS M. McMILLAN
4b BONNETHILL ROAD
PITLOCHRY PH16 5BS
HIGHLAND PLANS

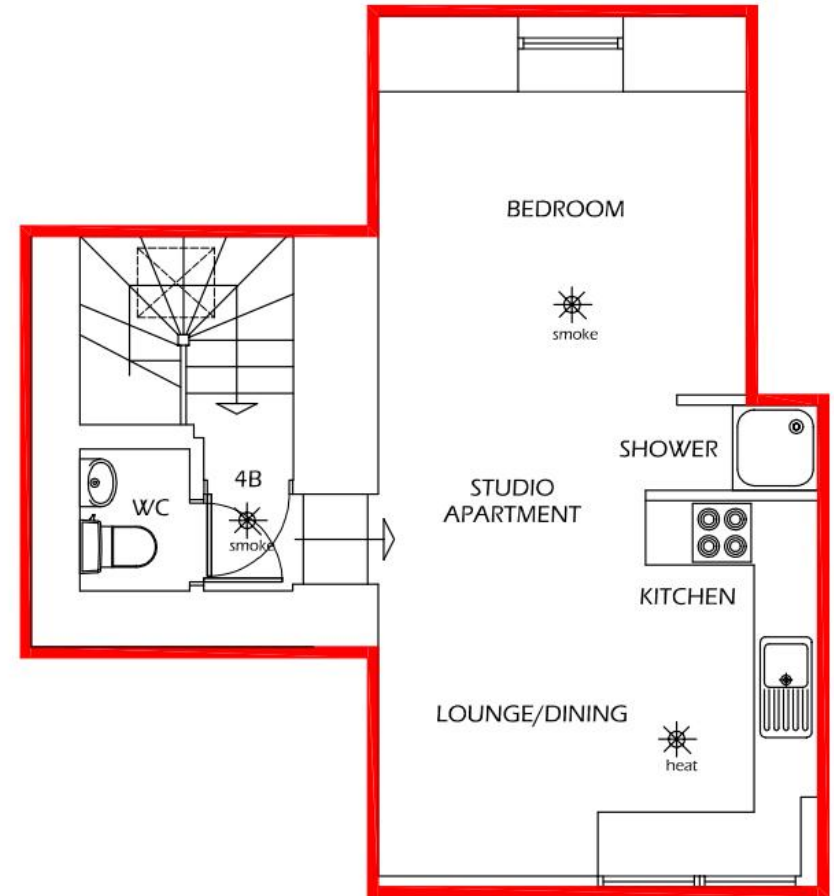
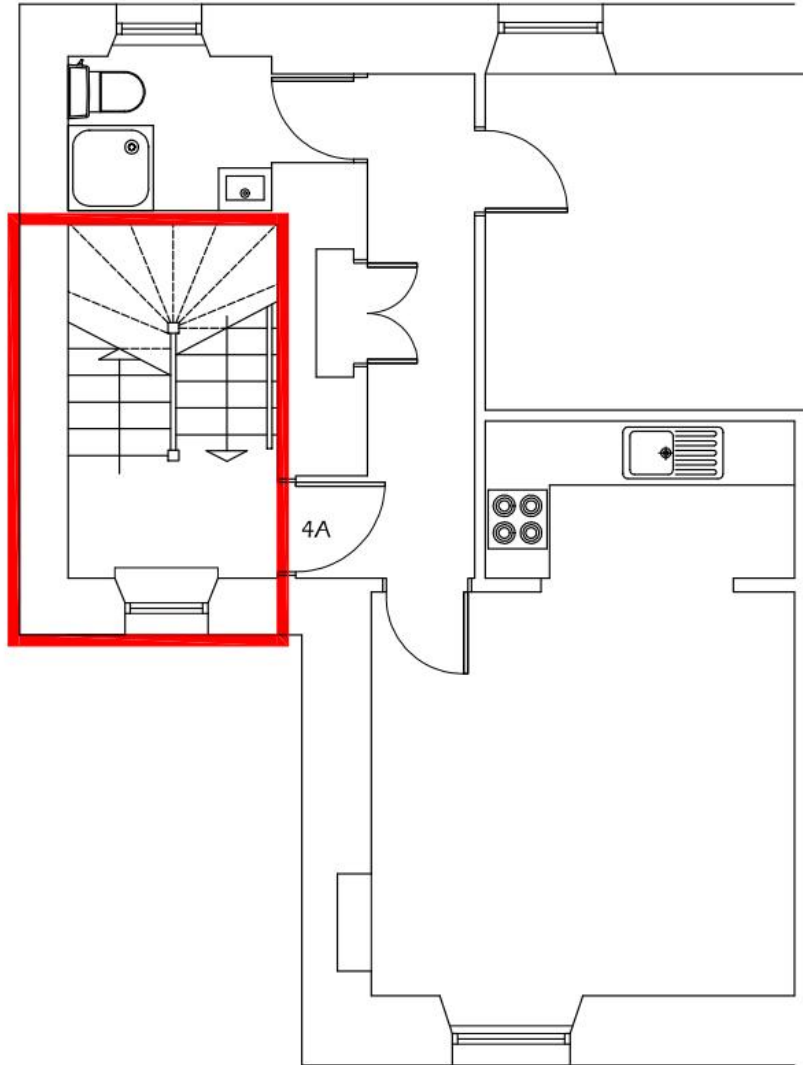
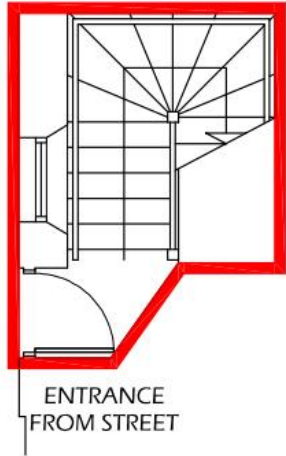
Charis, Guay, Nr. Ballinluig, Perthshire PH9 0NT
T : 01796 482764 M : 07773 123555
E : dave@highlandplans.com W : www.highlandplans.com

LOCATION PLAN &
SITE PLAN

SCALE as shown @ A3	DATE 26.4.23	DRAWN
------------------------	-----------------	-------

DRAWING No.	2317-01
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REVISION									
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GROUND FLOOR PLAN FIRST FLOOR PLAN

SECOND FLOOR PLAN



Contractor to check all dimensions on site prior to starting work.
The copyright of this drawing or part thereof belongs to Highland Plans.

REVISION NOTES

GROSS AREA = 59.5m²

MS M. McMILLAN
4b BONNETHILL ROAD
PITLOCHRY PH16 5BS
HIGHLAND PLANS

Charis, Guay, Nr. Ballinluig, Perthshire PH9 0NT
T : 01796 482764 M : 07773 123555
E : dave@highlandplans.com W : www.highlandplans.com

FLOOR PLANS

SCALE 1:50 @ A3	DATE 26/4/23	DRAWN
DRAWING No.	2317-02	
REVISION		

LRB-2023-44
23/01088/FLL – Change of use of flat to form a short-term
let accommodation unit (in retrospect), 4b Bonnethill
Road, Pitlochry, PH16 5BS

REPRESENTATIONS

Monday, 24 July 2023



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

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

4B Bonnethill Road, , Pitlochry, PH16 5BS

Planning Ref: 23/01088/FLL

Our Ref: DSCAS-0091063-98S

Proposal: Change of use of flat to form a short-term let accommodation unit (in retrospect)

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Surface Water

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

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

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection

request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

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

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01088/FLL

Our ref DAT

Date 25 July 2023

Tel No [REDACTED]

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

23/01088/FLL RE: Change of use of flat to form short term let accommodation unit (in retrospect) 4B Bonnethill Road Pitlochry PH16 5BS

I refer to your letter dated 17 July 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application but recommend the undernoted informative be included in any given consent.

Comments

This application is for the change of use of a second-floor flatted dwelling at 4B Bonnethill Road, Pitlochry to a short term let accommodation unit (in-retrospect). The property is located in the town centre in a mixed residential/commercial area.

Holiday Accommodation

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties, however due to the introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, these will be required to be licensed and noise conditions will form part of the licence.

Therefore, whilst I have no objections to the application, I would recommend the following informative be attached to any given consent.

Informative

Short Term Let

The applicant is advised that under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required to operate a short-term let. More information can be found at <https://www.pkc.gov.uk/shorttermlets>



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01088/FLL	Comments provided by	Stephanie Durning
Service/Section	Housing Strategy	Contact Details	Planning and Policy Officer [REDACTED]
Description of Proposal	Change of use of flat to form a short-term let accommodation unit (in retrospect).		
Address of site	4B Bonnethill Road, Pitlochry, PH16 5BS		
Comments on the proposal	<p>The proposal is for the change of use from residential to short-term let accommodation in the town centre of Pitlochry.</p> <p>Relevant NPF4 Policy 30: states that <i>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</i></p> <ul style="list-style-type: none"> i. <i>An unacceptable impact on local amenity or the character of a neighbourhood or area; or</i> ii. <i>The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</i> <p>The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH16 is 12.0% and above the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of Short-Term Lets where it affects the availability of residential housing or the character of a neighbourhood.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	01.08.2023		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01088/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Change of use of flat to form a short-term let accommodation unit (in retrospect)		
Address of site	4B Bonnethill Road, Pitlochry PH16 5BS		
Comments on the proposal	<p>The applicant is proposing to change the use of a top studio flat to form a short term let unit.</p> <p>There is no vehicle access for the property and no allocated parking spaces. No changes are proposed to allocate parking spaces for the property. Several bus services operate along the A924 through Pitlochry and the railway station is also within walking distance. On-street parking is currently available at no cost.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	07 August 2023		

LRB-2023-45
23/00921/FLL – Alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth, PH2 7HG

INDEX

- (a) Papers submitted by the Applicant (***Pages 55-126***)
- (b) Decision Notice (***Pages 129-130***)
 - Report of Handling (***Pages 131-138***)
 - Reference Documents (***Pages 65-126 and 139-146***)
- (c) Representations (***Pages 147-156***)

LRB-2023-45

23/00921/FLL – Alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth, PH2 7HG

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100650820-001

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

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:	Interurban Developments Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Inveralmond Business Centre
Last Name: *	Russell	Building Number:	6
Telephone Number: *	01738621129	Address 1 (Street): *	Auld Bond Road
Extension Number:		Address 2:	-
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	United Kingdom
		Postcode: *	Ph1 3FX
Email Address: *	jr@iudev.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="LOWER"/>
Address 2:	<input type="text" value="ROSE COTTAGE"/>
Address 3:	<input type="text" value="ISLA ROAD"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 7HG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="724307"/>	Easting	<input type="text" value="312255"/>
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Description of Proposal

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

Alterations to boundary wall to form vehicular entrance, formation of driveway, parking and paths.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Appeal Statement attached. Illustrates that the clarity on the gatepier materials could have been dealt with by conditional control. Highlights comparable historic and approved access arrangements within the vicinity of the site. Decision makers in the past have considered these competing interests (Road requirements and Conservation requirements) and the balance has tipped in favour of installing vehicular accesses in a way that safeguards historic boundary walls.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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

00 - Appeal Statement 01 - LOCATION PLAN 02 - EXISTING___PROPOSED_BOUNDARY_WALL_ELEVATION 03 - EXISTING___PROPOSED_SITE_CROSS-SECTION 04 -EXISTING___PROPOSED_STREETSCENE_ELEVATION 05 - EXISTING_BLOCK_PLAN 06 - PROPOSED_BLOCK_PLAN 07 - TREE_REPORT 08 - DESIGN_STATEMENT 09 - METHOD_STATEMENT 10 - JUSTIFICATION_DOCUMENT_-_EXISTING_ACCESSES

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00921/FLL

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

04/06/2023

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

07/08/2023

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr John Russell

Declaration Date: 07/11/2023

ROSE COTTAGE APPEAL STATEMENT

The concerns associated with the Rose Cottage planning application, from an officer's perspective, relate to clarity on the gate pier material and the gates relationship to the public footpath and road network which is considered to conflict with NPF4 and PKC LDP2.

Our client hopes this short and concise appeal statement assists the Local Review Body with their deliberations. It is respectfully submitted that the Local Review Body should allow the appeal with conditional control applied.

PKC REASONS FOR REFUSAL

1 - Approval would be contrary to National Planning Framework 4 Policy 14 (a) where the proposal is designed in such a way that does not improve the quality of the area, and (b) lacks connected designing for pedestrian experience relating to safety and inappropriate connectivity to the public road network inconsistent with the 'connected' quality of a successful place, and (c); Policy 16 criteria (g)(i) where the proposal lacks full clarity on gatepier material finishes; and Policy 18 (b) where there would be a resultant detrimental impact onto the infrastructure network; and as informed by Placemaking Supplementary Guidance, the National Roads Development Guide and Designing Streets.

2 - Approval would be contrary to the Perth and Kinross Local Development Plan 2 Policy 1A and 1B with particular note to criteria (a), (c) and (e) where the proposal would result in road user and pedestrian safety issues at its access point and full clarity of gatepier material finishes have not been provided; and Policy 60B where the proposal has not been designed for the safety of all potential users; and as informed by the National Roads Development Guide and Designing Streets.

GATE PIER MATERIAL FINISH

NPF4 Policy 14: Design Quality and Place, NPF4 Policy 16: Quality Homes and PKC LDP2 Policy 1A and 1B: Placemaking

A listed building application (23/00922/LBC) was submitted in tandem with this planning application. The listed building application was approved and conditional control was applied to seek certainty on the gate pier materials, LBC condition reproduced below in italics:-

Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials for the gatepiers shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of protecting the special character of the Listed Building, its boundary walls and in the interests of visual amenity.

This same condition could have been applied to the planning application. The concern regarding the gate pier finish shouldn't feature in the refusal of this application.

GATES RELATIONSHIP TO FOOTPATH AND ROAD NETWORK

NPF4 Policy 18: Infrastructure First and PKC LDP2 Policy 60B: Transport and Accessibility

While it is accepted that the provision of the pedestrian visibility plays as depicted on PKC Type A and B Accesses is desirable from a transport planning perspective. It is noted that these visibility plays are caveated "where appropriate".

Pedestrians navigating the Isla Road and Dundee Road are already use to the proposed gate and gate pier configuration in high boundary walls within the streetscape. Furthermore the precedents overleaf A1.2 to A1.3 highlight similar historic access configurations as well as approved planning application accesses. It is clear that decision makers in the past have considered these competing interests (Road requirements and Conservation requirements) and the balance has tipped in favour of installing vehicular accesses in a way that safeguards the historic interest of listed boundary walls.

It is hoped that highlighting the precedents enables Local Review Body Members to come to the same conclusion.

CONCLUDING POINTS

No objection from the public to this proposal.

Conditional control can secure clarity on the gate pier materials similar to the approved Listed Building Application.

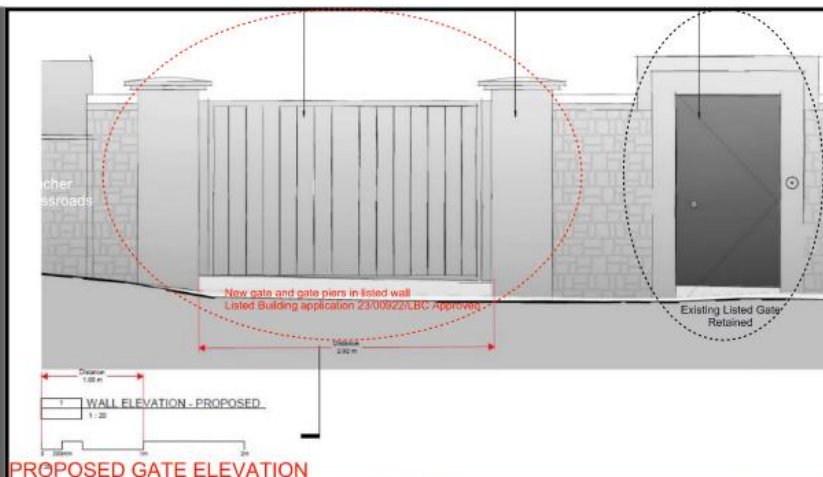
There are comparable historic abd approved access arrangements within the vicinity of the site.

Further application benefits:-

"Accessibility and Inclusion" - the proposal will create access to the lower flat without having to navigate the existing steps. Providing an alternative route will potentially enable occupants (when frail or ageing) to reside in the property for a longer period of time. The need to circumnavigate and bump the bins down the existing steps has been designed out in this proposal.

"Sustainability" - The provision of off-street parking will enable residents to utilise/install electrical charging which meets the "transition to net-zero" aim.

"Conservation" - The proposed design represents the best solution which respects existing building, the existing tree resource and minimises work to the boundary walls historic fabric.



PROPOSED GATE ELEVATION



PROPOSED STREETSCENE ELEVATION



SITE PHOTO



ID.C.0059 - Lower Flat,
Rose Cottage, Isla Road,
Perth

Client: Mr Neil and Fiona Whittet

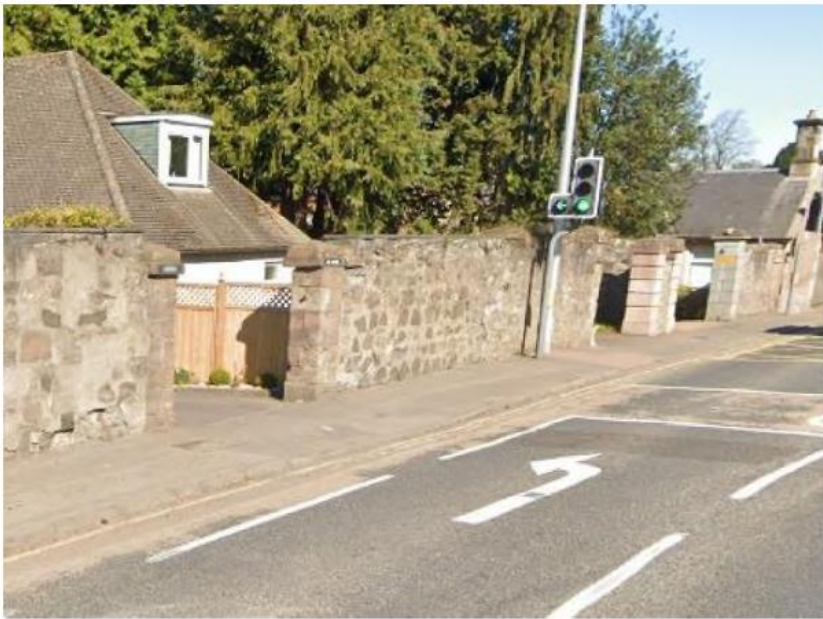
rev: data remark
16/03/2023 No Revision

Document Date:
06.11.2023

Document Phase:
Planning Documents

Appeal
Statement

A1.1



1 Riversdale, Earnoch and Springbank Houses (Historic accesses)
A1.2 NTS



2 3 Mansefield Place, Isla Road (18/01711/FLL)
A1.2 NTS



3 Craigvar, Isla Road (16/01236/FLL)
A1.2 NTS



4 Tay Park, Isla Road (Historic Access)
A1.2 NTS



ID.C.0059 - Lower Flat,
Rose Cottage, Isla Road,
Perth

Client: Mr Neil and Fiona Whittet

Rev: 4809 4809mark
0 16/03/2023 No Revision

Document Date:
06.11.2023

Document Phase:
Planning Documents

Appeal
Statement

A1.2



1 27 Dundee Road (Historic Access)
A1.3 NTS



2 Dalvay 25 Dundee Road (Access approved 06/01152/FUL)
A1.3 NTS



3 Lower Dalvay, Dundee Road (Historic Access)
A1.3 NTS



4 Knowhead House, Dundee Road, wall height increased 15/00923/FLL
A1.3 NTS



ID.C.0059 - Lower Flat,
Rose Cottage, Isla Road,
Perth
Client: Mr Neil and Fiona Whittet
rev. date remark
0 16/03/2023 No Revision

Document Date:
06.11.2023

Document Phase:
Planning Documents

Appeal
Statement

A1.3

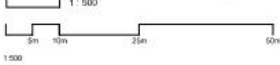


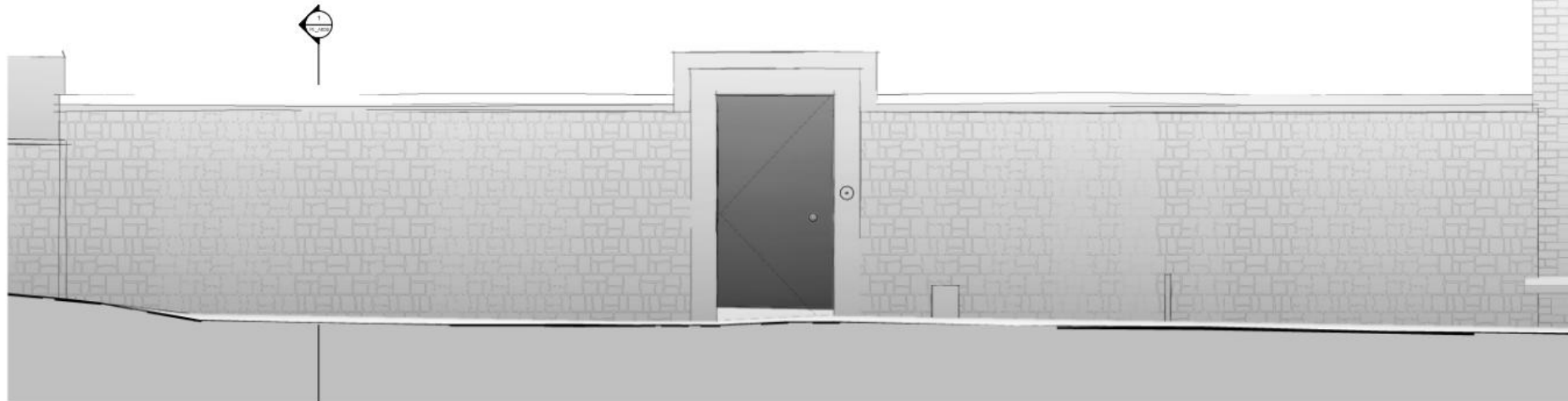
1 ARIEL IMAGE



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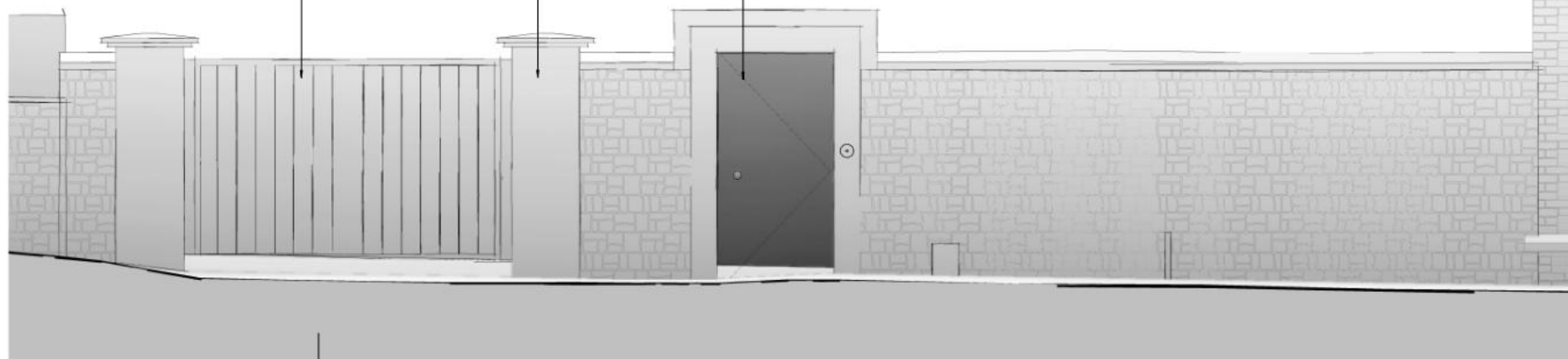
2 SITE LOCATION PLAN





2 WALL ELEVATION - EXISTING
1 : 20

existing gate re-handled
Any wall re-construction to match existing height, material, finish and detail
new timber and vehicle access gate to have light grey finish - RAL 7014



1 WALL ELEVATION - PROPOSED
1 : 20

0 5m 20m
1:20

Conditions of Use
This document may only be used as permitted by the terms of the Consultation agreement and for the purposes and subject of the
Project or which it is incorporated and referred to by the Project Design and is not to be used for any other purpose.
Subject only to the Consultation agreement.

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MCN
ARCHITECTURAL SERVICES

MCN Architects Design
e: info@mcnarchitects.com.au

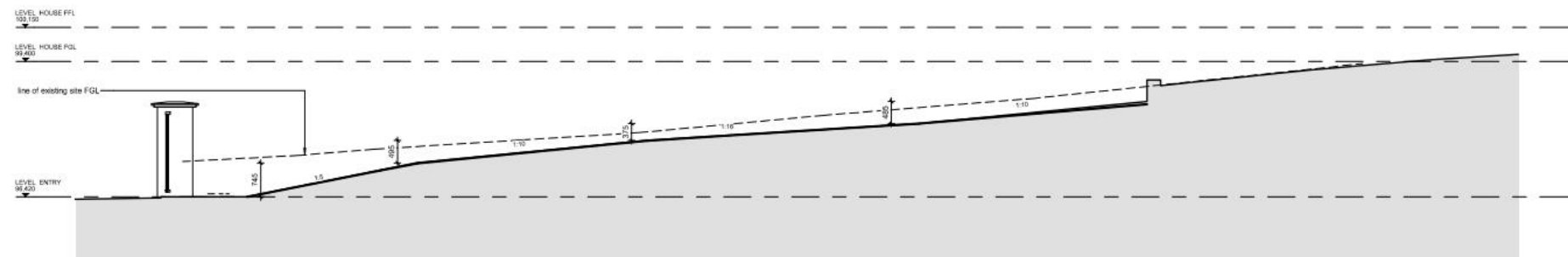
SCALE: 1 : 20
PLANNING

NOTES
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Project Title
Proposed New Vehicle Entry and Parking
Rose Cottage
7 Isle Road
Perth
Client Name
Mr Neil Whittot

Drawing Title
EXISTING & PROPOSED WALL ELEVATION
Project Number
23001
Drawing Status
PL
Drawing File Name
PL_A004
Revision
B

ISLA ROAD



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M'Nayen Design
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SCALE 1:50

PLANNING

DISCLOSURE STATEMENT
 Unless for purposes stated, Figure 1 represents data presented at public meetings. Truly all information on file. Please see disclaimer for details before proceeding with the work.

Project Title

Proposed New Vehicle Entry and Parking

Rose Cottage
7 Isla Road
Perth

Mr Neil Whittet

	Ordering Title
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SITE SECTIONS

Project Number

Ordering Status
PL

Drawing Number
PL_A006

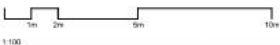
Abstract



1 STREET ELEVATION - EXISTING
1 : 100



2 STREET ELEVATION - PROPOSED
1 : 100



<p>Revision</p> <p>1 NEW GARAGE - WEST SIDE</p> <p>2 PLANNING UPDATES - SPECIFIC RECORD</p>	<p>Date</p> <p>01.03.2024</p> <p>05.05.2024</p>	<p>Conditions of Use</p> <p>This document may only be used as permitted by the terms of the Conditions of Use and for the purposes and scope of the project. It is not to be used for any other purpose without the written consent of the author. It is not to be used for any other purpose without the written consent of the author. It is not to be used for any other purpose without the written consent of the author.</p>	<p>MCN</p> <p>ARCHITECTURAL SERVICES</p> <p>McN Design</p> <p>e: info@mcn-design.co.uk</p>	<p>PLANNING</p> <p>1 : 100</p>	<p>Project Title</p> <p>Proposed New Vehicle Entry and Parking</p> <p>Rose Cottage</p> <p>7 Isle Road</p> <p>Perth</p> <p>Client Name</p> <p>Mr Neil Whittot</p>	<p>Drawing Title</p> <p>STREET ELEVATION - EXISTING & PROPOSED</p> <p>Project Number</p> <p>23001</p> <p>Drawing Status</p> <p>PL</p> <p>Drawing Number</p> <p>PL_A005</p> <p>Revision</p> <p>B</p>
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ROAD




BIRMAC

ISLA ROAD

ROSE COTTAGE

GARAGE

LEGEND - TREES & LANDSCAPING

Tree	Tree Number
DT 01	"Workman" Driveway Survival Melia palm - Muralidhar Grey
	Existing Tree
	Existing Tree Protection Area
	Existing Tree To Be Removed

1 BLOCK PLAN - EXISTING

1:100

1m

2m

5m

10m

1:100

<div>Revised:</div> <div>1</div> <div>15/01/2024</div> <div>15/01/2024</div>	<div>Client:</div> <div>Mr Neil Whittet</div>	<div>Project Title:</div> <div>Proposed New Vehicle Entry and Parking</div>	<div>Drawing Title:</div> <div>BLOCK PLAN - EXISTING</div>
<div>Client:</div> <div>Mr Neil Whittet</div>	<div>Project Number:</div> <div>23001</div>	<div>Client Name:</div> <div>Mr Neil Whittet</div>	<div>Drawing Status:</div> <div>PL</div>
<div>Client:</div> <div>Mr Neil Whittet</div>	<div>Project Name:</div> <div>Mr Neil Whittet</div>	<div>Client Name:</div> <div>Mr Neil Whittet</div>	<div>Client Name:</div> <div>Mr Neil Whittet</div>

MCN

ARCHITECTURAL SERVICES

MCN Architecture Design

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PLANNING

As indicated

NORTH

↑

ROAD




BIRMAC

ISLA ROAD

ROSE COTTAGE

GARAGE

LEGEND - TREES & LANDSCAPING

TRE	Tree Number
ST_01	"Marsden" Driveway Salvaged Black paving - Permanent Grey
	Existing Tree
	Existing Tree Root Protection Area
	Existing Tree To Be Removed

1 BLOCK PLAN - EXISTING

1 : 100

1m

2m

5m

10m

1:100

<div>Revised: 1</div> <div>NEW DRAWING - REVISION</div> <div>PLANNING UPDATES - DRAFTING REQUIRED</div>	<div>Drawn: 1</div> <div>10.03.2024</div> <div>10.03.2024</div>	<div>Conditions of Use</div> <div>The information only be used as permitted by the terms of the Conditions of Use and for the purposes and scope of the project for which it was prepared and intended by the client. Any use of the information for any other purpose is strictly prohibited. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use.</div> <div>1. The information is provided for the client's use only and is not to be distributed to any other party without the written consent of the client. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use.</div> <div>2. The information is provided for the client's use only and is not to be distributed to any other party without the written consent of the client. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use.</div> <div>3. The information is provided for the client's use only and is not to be distributed to any other party without the written consent of the client. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use. The client is responsible for ensuring that the information is used in accordance with the Conditions of Use.</div>	<div>MCN</div> <div>ARCHITECTURAL SERVICES</div> <div>McN Design</div> <div>e: info@mcn-design.co.uk</div>	<div>SCENARIO: As indicated</div> <div>PLANNING</div> <div>NORTH</div> <div>Project Title</div> <div>Proposed New Vehicle Entry and Parking</div> <div>Rose Cottage</div> <div>7 Isla Road</div> <div>Perth</div> <div>Client Name</div> <div>Mr Neil Whittet</div>	<div>Drawing Title</div> <div>BLOCK PLAN - PROPOSED</div> <div>Project Number</div> <div>23001</div> <div>Drawing Status</div> <div>PL</div> <div>Drawing Number</div> <div>PL_A003</div> <div>Revision</div> <div>B</div>
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Arboricultural Impact Assessment

Rose Cottage, Isla Road, Perth



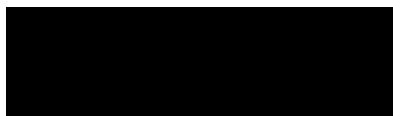
Prepared for: **Neil Whittet**
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E-mail: paul@arboretum-intl.com

Signed _____

A black rectangular box redacting the signature of Paul Hanson.

11th April 2023

Version 2.0	Issued 11 th April 2023
Last reviewed	09/01/2023
Next review	TBC
Author	Paul Hanson
Approved by	

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SUMMARY

The proposed development at Rose Cottage is located within the jurisdiction of Perth and Kinross Council's planning department. The proposal takes forward the site owners' requirement to form a gated entrance in the listed wall on Isla Road and install a car parking area behind. Access to the property is taken directly from the Isla Road (A93).

The arboricultural impact from the proposed development is minor, requiring the removal of one young pine tree. There is a requirement to remove a large, defective, Western red cedar, on the grounds of safety, this is required regardless of the planning proposal.

This arboricultural impact assessment considers the likely impact of the proposed development and the associated infrastructure on the tree population as found within the site detailed in the Tree Constraints Plan (TCP) below.

INTRODUCTION

The purpose of the survey is to provide information on the trees in line with the provisions of the British Standard document, BS 5837: 2005 'Trees in relation to construction – recommendations', to support an application to Angus Council for the permanent erection of buildings for use as domestic garaging.

This report, consisting of twenty-six pages (including the cover), is the result of site investigations conducted by Arboretum Internationale Ltd. in December 2022. At that time, notes were made regarding the size and condition of the trees at the site. Identifying the suitability of trees for retention within the proposed development sites and providing recommendations for remedial works where necessary. These notes form appendix 1 of this report. The information provided on the trees in appendix 1 places particular emphasis on their physical dimensions and condition, which will determine their suitability for retention and, the extent of the protection zone required around retained trees to minimise the potential tree damage during the construction phase.

This report has been prepared on the basis that Arboretum Internationale Ltd. has taken all reasonable steps to meet the requirements of its clients and that this report should only be considered valid at the time of inspection.

Instructions:

This tree survey and report was commissioned by John Russell (Interurban Developments) on behalf of the site owner Mr. Neil Whittet.

- To inspect the significant trees and advise on the trees' longevity/relationship to neighbouring property (to inform possible tree works application).
- Prepare an arboricultural constraint/RPA mapping report to support planning application for gated entrance and excavated car parking area.

Documents Provided

- An electronic pdf. plan of the site entitled 'Topographic Map' – Rev A, at a scale of 1:200 @AO, prepared by M3S Surveys Ltd, dated 06/12/2022.
- An electronic pdf. plan of the site entitled 'Block Plan-Proposed' – drawing no. PL_A003 - Rev A, at a scale of 1:100 @A1, prepared by MCN Architectural Services, dated 06/03/2023.
- An electronic pdf. plan of the site entitled 'Site Sections' – drawing no. PL_A006 - Rev A, at a scale of 1:50 @A1, prepared by MCN Architectural Services, dated 06/03/2023.

Part 1 TREE SURVEY

1 Scope and Limitations of Survey

- 1.1 This survey and report are concerned with the arboricultural aspects of the site only. This survey is restricted to trees within the property and those immediately adjacent to the site that may be affected by the proposed development.
- 1.2 The survey was carried out following guidelines detailed in British Standard 5837:2012 'Trees in relation to design, demolition, and construction– Recommendations' (BS5837).
- 1.3 It is based on a ground level tree assessment and examination of external features only – described as the 'Visual Tree Assessment' method expounded by Mattheck and Breloer (The Body Language of Trees, DoE booklet Research for Amenity Trees No. 4, 1994).
- 1.4 The trees of significant stature were considered, in general, self-set trees with a stem diameter at 1.5m above ground level of less than 150mm have been excluded unless they have particular merit that warrants comment. Woody shrub species have not been included.
- 1.5 No plant tissue samples were taken, and no internal investigation of the trees was carried out. No soil samples were taken, or soil analyses carried out.
- 1.6 The risk of tree-related subsidence to structures has not been assessed.
- 1.7 No specific assessment of wildlife habitats has been carried out.
- 1.8 It is assumed that there are underground services within the curtilage of the site; their exact positions are not described herein.
- 1.9 This report should be considered in conjunction with the plans at appendix 8 below which include the position of all significant man made and boundary features and is based on the plans provided by the client or other instructed professionals.
- 1.10 The recommendations contained in this report may be used to inform, but do not in themselves constitute, a specification for any tree work which the client may wish to have undertaken because of those recommendations. Arboretum Internationale Ltd. will be pleased to draw up a tree-work specification for tendering purposes, should this be required.

2 Survey Method

- 2.1 The trees have been considered individually and recorded as such. The surveyed trees are numbered T1 – T7 inclusively. These numbers are referred to in the tree schedule, which forms appendix 1 of this report, those same numbers are annotated onto the site plans at appendix 8. The trees are not tagged on site.
- 2.2 BS5837 requires trees to be assessed in terms of arboricultural, landscape, cultural and conservation values and placed within one of the four following categories:

Category U: Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

Category A: Trees of high quality with an estimated remaining life expectancy of at least 40 years.

Category B: Trees of moderate quality with an estimated remaining life expectancy of at least 20 years

Category C: Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.

- 2.4 Whilst the assessment of a tree's condition is a subjective process, Table 1 of BS5837 (see appendix 2) gives clear guidance on the appropriate criteria for categorising trees and, in particular, the factors that would assist the arboriculturist in determining the suitability of a tree for retention. BS 5837 makes a clear distinction between trees on development sites and trees in other situations where the factors that determine the retention and management of trees may be different.

3 The Site

- 3.1 The site lies to the east of the A94, Isla Road, Perth, from which access is taken directly into the site through a pedestrian gate. The proposed location of the development is to the front of Rose Cottage.
- 3.2 The site is currently laid to grass, with trees on the shared boundaries to the north and south.
- 3.3 Rose Cottage is currently the subject of a category C listing under the Planning (Listing Buildings and Conservation Areas) (Scotland) Act 1997, ref: ISLA ROAD ROSE COTTAGE LB39483. Listing covers both the exterior and the interior and any object or structure fixed to the building. Listing also applies to buildings or structures not physically attached but which are part of the curtilage (or land) of the listed building as long as they were erected before 1 July 1948. The trees are not part of the listing and do not appear to be protected under any other specific planning designation.

4 Existing Trees

- 4.1 Seven significant, individual trees and one tree group within the site were identified in the assessment and are included herein as they may, potentially, be affected by the proposals or their presence may have some other bearing on the proposed development or the appearance and safety of the site.
- 4.2 One of the trees is graded as Category U and should, within the context of tree hazard and risk management, be removed, irrespective of the whether the development goes ahead, or not.
- 4.3 One tree has sufficient arboricultural or landscape value to warrant a Category A grading.
- 4.4 Two trees have sufficient arboricultural or landscape value to warrant a Category B grading.
- 4.5 Two individual trees and the tree group have arboricultural or landscape value that warrants a Category C grading.
- 4.6 The surveyed trees are listed in the tree schedule at appendix 1 which includes a key with explanatory notes. The site plans are based on an accurate topographical survey, the tree positions are included as the Tree Constraints Plan (TCP) and Tree Protection Plan (TPP) at appendix 8.
- 4.7 It must be understood that even apparently healthy and structurally sound trees can fail under extreme weather conditions and the safety of any tree can never be guaranteed.

5 Recommended Tree Works

- 5.1 In accordance with recommendations in BS5837, the tree assessment addresses preliminary recommendations for works that should be carried out in the interests of good arboricultural practice (see appendix 1 below).
- 5.2 Formal inspection of the trees on site by the property owners and/or managers during summer and winter periods will help to identify any changes in tree condition. Careful consideration of trees following adverse weather will be required to assess tree damage. Once all remedial works recommended herein are complete a formal tree inspection by a suitably qualified tree inspector should be undertaken on a five-yearly cycle as a minimum.
- 5.3 These recommendations are made with the knowledge that the site is the subject of development proposals. It should be noted that the nature and extent of remedial tree works would be equally appropriate in circumstances where development was not being considered.
- 5.4 Before authorising these, or any other tree works, the local planning authority should be consulted in accordance with the current version of the Town and Country Planning (Scotland) Act.
- 5.5 All tree works should be carried out in accordance with the current version of British Standard 3998: 'Tree work - Recommendations' and by a suitably qualified and insured tree contractor.

6 Tree Constraints

- 6.1 Formation of a parking area partially within the root protection areas (RPA) of trees is unavoidable, trees T1, T2 and T7 are affected. The RPA of T1 is reduced by the existing stair that joins the internal footpath to the Isla Road public footpath, this reduces the rooting area available to T1 historically, thereby reducing the effects of introducing a new parking area if it can be introduced wholly to the north side of the existing stair at T1. Minor loss of some roots to T2 is indicated in the proposed layout this will be sustainable and should have only a minor effect on T2, similarly to T1 the rooting area of T2 has been constrained historically by the existing infrastructure/hard landscaping associated with the internal footpath at the property. The potential for damage to the roots of T7 is likely to be significant and removal of T7 is necessary to allow the formation of the proposed development.
- 6.2 Potential damage to structures by the future growth of trees is not considered here. (See BS5837:2012 Annex A, and NHBC Standards Chapter 4.2)

Part 2 ARBORICULTURAL IMPLICATIONS ASSESSMENT

7 Development Appraisal

- 7.1 Development of the site is feasible arboriculturally, the loss of one young tree should not be prohibitive.
- 7.2 The site has sufficient ground to accommodate appropriate replacement tree planting to provide a sustainable arboricultural amenity for the long term.

8 Impact on Existing Trees

- 8.1 The report's primary objective, in arboricultural terms, is the analysis of the woody plants growing on the site and to determine the extent, number, and type of trees and shrubs, which can be removed, or retained, as appropriate. Quite apart from the requirement to retain some of the existing character, the presence of trees is generally accepted as being beneficial to the environment. The following is an assessment of the effects of the proposed development on existing trees and the future landscape.
- 8.2 The loss of trees is always regrettable, on this site the tree identified for removal to accommodate the development is a young tree that could reasonably be replaced to maintain a similar level of arboricultural amenity for the long term.
- 8.3 The construction phase of the proposed development will require careful protection of the RPAs of the trees out with the area proposed for development as defined in the Tree Protection Plan (TPP).
- 8.4 Encroachment within Root Protection Areas
 - 8.4.1 Works to prepare the existing ground for construction within or close to tree RPAs could, potentially, cause damage to trees and it is essential that this is carried out in a manner that prevents materials spilling onto unprotected soils and avoids excessive excavation or other forms of damage to underlying soils such as compaction.
 - 8.4.2 Works are required in the RPAs of T1 and T2, these works are likely to damage small diameter fibrous roots. The effects of such damage will be minor and of short duration as the trees respond with new root growth almost immediately.
 - 8.4.3 In all circumstances, notwithstanding 8.4.2 above, tree RPAs should be considered as sacrosanct, and no works or materials storage should be permitted in these areas without the approval of the project's arboricultural engineer.

Part 3 ARBORICULTURAL METHOD STATEMENT

9 Tree Protection - General Measures

- 9.1 BS5837 requires that the RPA of all retained trees is protected from the effects of development by the installation of protective barriers. It should be noted however, that the position of these barriers may also be influenced by the presence of any tree canopies that extend beyond the RPA and that could be damaged by construction works or where it is desirable to protect areas for future tree planting. BS 5837 recommends that areas of the site in which new or replacement tree planting is proposed should be protected from the effects of construction.
- 9.2 The protective barriers demarcate the 'Construction Exclusion Zone' and should be installed prior to the commencement of any construction works, including clearance or demolition. They should be maintained for the duration of the works. All weather notices should be erected on the barriers with words such as 'Construction exclusion zone – Keep out.' Protective barriers should be in accordance with Figure 2 of BS5837:2012 (or similar accepted), a copy is included as appendix 3.
- 9.3 The position of protective barriers should extend to cover all RPAs; the area within the should be regarded as sacrosanct and protective fences and barriers should not be taken down without the written approval of the local planning authority, or where present, the supervising arboricultural engineer.
- 9.4 Ground Protection
- 9.4.1 Where it is necessary for the construction operation, to permit vehicular or pedestrian access within tree RPAS, for example to erect scaffolding, retained trees should be further protected by a combination of barriers and ground protection.
- 9.4.2 Ground protection should be of sufficient strength and rigidity to prevent disturbance or compaction to the soil underneath. In areas of heavy and/or continued usage it is advised that the protection plates or mats are linked or connected and that they are placed over a bed of bark or wood chippings (100 to 150mm depth).
- 9.4.3 Contamination of the soil by any substances should be prevented using geotextile fabric. Do not raise or lower soil levels or strip topsoil around trees – even temporarily.
- 9.4.4 Avoid disturbing the natural water table level.
- 9.4.5 Do not light fires near trees.
- 9.4.6 Do not attach notice boards, telecomms cables or other services to any part of a tree. No construction materials should be stored within root protection areas. Toxins such as diesel, petrol, or cement should be suitably stored to prevent such substances leaching into the soil.
- 9.4.7 Care and planning are necessary to accommodate the operational arcs of excavation, unloading and lifting machinery, including their loads, especially large building components such as beams and roof trusses. Operations like these have the potential to cause incidental damage to trees and logistical planning is essential to avoid conflicts. Any movement of plant and materials near trees should be conducted under the supervision of a banksman to ensure that adequate clearance from trees is always maintained.

10 Site Specific Tree Protection Measures

- 10.1 Prior to the commencement of any other works, any tree pruning, or removal works recommended herein, should be carried out by an appropriately qualified and insured tree work contractor and in accordance with British Standard 3998: 2010 'Tree work - Recommendations'.
- 10.2 Following all preparatory tree and vegetation clearance works, tree protection barriers and any ground protection in accordance with BS5837:2012, Figure 2 (appendix 3) shall be installed in the permanent positions indicated by the red line described in the TPP and shall remain in place for the duration of the construction works.
- 10.3 The position of any site huts, materials storage, and any on-site car parking for contractors should be clearly identified. These should be outside RPAs unless special arboricultural advice is obtained, and any recommended additional tree protection measures implemented.
- 10.4 Where any works within RPAs are necessary, great care shall be taken to remove just that length of protective fencing required to facilitate the works and to ensure that it is re-installed immediately upon completion. Works required, within RPAs, to safeguard tree roots ahead of forming any permanent hard landscaping features will be undertaken before protective fencing is permanently removed. When new surfaces are completed these may be used for access purposes, however precautions to prevent the spillage or leaching of materials into underlying soils shall be implemented. Under no circumstances shall vehicles travel across, or materials be stored upon unprotected soils within the RPAs.
- 10.5 Tree protection measures shall remain in place until completion of the development; they may only be removed to facilitate post development landscaping.

11 New Hard Surfaces Within RPAs

- 11.1 Where temporary access within an RPA may be required for construction purposes, these surfaces should either be formed at the beginning of the construction period or robust ground protection installed that has sufficient strength and rigidity to withstand any expected loading without causing compaction or other damage to the ground below. Under no circumstances should construction traffic be permitted to travel across unprotected ground within RPAs.
- 11.2 The principles of 'no dig' construction close to trees are explained in appendix 4 and in APN 12 'Through the Trees to Development' published by the Arboricultural Advisory and Information Service (APN 12). The final specification shall be determined by a suitably qualified engineer in conjunction with a suitably qualified and experienced arboriculturist.

12 Underground Services

- 12.1 Where possible all new underground services shall be routed to avoid passing through the RPAs of retained trees.
- 12.2 If the installation or upgrading of underground services within RPAs is unavoidable it shall be carried out in accordance with National Joint Utilities Group Guidelines (2007) Volume 4 'Guidance for the Planning, Installation, and maintenance of Utility Apparatus in Proximity to Trees' (NJUG) and under the supervision of the arboricultural engineer.

13 Arboricultural Supervision

- 13.1 The arboricultural engineer (AE) shall attend an initial site meeting with the project manager and the site manager prior to the commencement of **ANY** works on site. At this meeting, the programme of works will be reviewed and an outline schedule of visits by the AE will be determined and agreed.
- 13.2 Site visits by the AE should coincide with key stages of the development and in particular:
- Any preliminary arboricultural works or site clearance
 - The installation of tree protection measures
 - Any works within RPAs such as the removal of hard surfaces or installation of underground services or new hard surfaces.
 - Any change in site or project manager personnel
- 13.3 This schedule may be subject to later review and may be influenced by unforeseen events or where there has been a failure in the maintenance of approved tree protection measures.
- 13.4 A copy of the outline schedule of visits by the AE will be submitted to the LPA for their records who will be informed by phone, email or in writing of any changes, variations, or amendments.
- 13.5 Particular attention must be given to any works of any nature that have to be undertaken within RPAs. These must be conducted under the direct supervision of the AE.
- 13.6 The AE should be available to attend any site meetings at the request of the Local Planning Authority (LPA).
- 13.7 In addition, the AE should be available in the event that any unexpected conflicts with trees arise.
- 13.8 The AE should keep a written log of the results of all site inspections and note any changes to the schedule of site visits. Any contraventions of the tree protection measures or other incident that may prejudice the wellbeing of retained trees shall be brought to the attention of the site manager in the form of a written report. Copies of the inspection log and any contravention reports will be available at the site for inspection by the local planning authority at all times.

14 CONCLUSIONS

- 14.1 These development proposals have been assessed in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837). The removal of one defective tree is necessary to address hazard and risk management, one tree requires removal to accommodate the development, all other trees can safely be retained on site.
- 14.2 Retained trees will be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works.
- 14.3 The strict observance of the arboricultural method statement, together with any additional guidance from the AE will ensure the successful integration of these proposals with retained trees.

15 RECOMMENDATIONS

- 15.1 Once any development proposals have been approved all remedial tree works (see appendix 1 below) should be undertaken before any construction work begins.
- 15.2 All tree works should be carried out in accordance with British Standard 3998: 2010 'Tree work - Recommendations' and by a suitably qualified and insured tree contractor.
- 15.3 The tree protection measures detailed in this report should be implemented and supervised by an appropriately experienced arboriculturist.
- 15.4 The statements in this report do not take account of the effects of extremes of climate, vandalism, or accident, whether physical, chemical or fire. Arboretum Internationale cannot therefore accept any liability in connection with these factors, nor where prescribed work is not carried out in a correct and professional manner in accordance with current good practice. The authority of this report ceases at any stated time limit within it, or if none stated after one year from the date of the report or when any site conditions change or pruning or other works unspecified in the report are carried out to, or affecting, the subject tree(s), whichever is the sooner.

Appendix 1 Schedule of Trees

'Tree no.' Reflects the numbers detailed on the TCP/TPP.

'Species' Trees are described with common names.

'Age Class' may have been recorded in the Tree Schedule in the following terms: **NP** (newly planted) – tree still supported by staking or other support, **Y** (young) - less than one-third life expectancy, **EM** (early-mature) – one- third to two-thirds life expectancy, **M** (mature) – more than two-thirds life expectancy, **OM** (over-mature) – beyond the normal life expectancy, **V** (veteran) - veteran tree or legacy tree is a tree which, because of its great age, size or condition, is of exceptional cultural, landscape or nature conservation value.

'Tree height' (Height) is given in metres; heights have been estimated to the nearest 1m.

'Diameter at Breast Height' (single DBH): this measurement, recorded in millimetres, has been taken with a girthing tape at 1.5m above ground level except; where a measurement was taken a different height that height is recorded below the figure given for the DBH; where the DBH was estimated the measurement is preceded by the letter E; where more than one stem was measured this is denoted below the DBH as a number. Where an 'x' appears in this column the figures have not been calculated. Where parts of this column are 'greyed out' there is no requirement for any information.

'General observations': the 'health' or 'vitality' of the tree (assessed by comparison of the number, size and colour of the leaves and the length of annual twig extension growth with what would be expected for an average tree of equivalent age, of the same species) may be described as **Good** - Showing correct leaf colour / density and / or expected twig extension growth. Any wound wood present is seen to be forming well. Very few and minor pathogens and / or pests present (if any) which should only affect visual amenity. **Fair** - Meets the expected average in terms of leaf colour/density and/or twig extension growth. Host to more numerous minor pests and pathogens present; minor die back in areas of the canopy; a history of repeated and significant pruning; evidence of frequent, minor, and moderate, naturally occurring branch loss. **Poor** - Small and sparse leaf cover of an abnormal colour for the species; small increments in twig extension growth; host to significant pathogens and/or infestations of pests; significant crown die-back; a history of severe over-pruning with poor wound-wood development. Where technical terms are used to describe the cause of the defect, a definition, or further information will be found in the Glossary. Defects may be described as: **Minor** – Where the defect is small, shows no sign of instability and there is little concern with regard to safety or tree health and form; **Moderate** – Where the defect is likely to fail with some risk in relation to safety and/or tree health or form, or where the defect significantly affects tree form; **Major** – Where the defect is likely to fail with significant risk to persons and/or property. Severe damage, whole tree failure and/or tree death may occur, or where the defect dramatically affects tree form.

'Management Recommendations': generally, where practical tree-work operations are recommended, it is expected that these will be carried out to the British Standard BS 3998:2010 'Recommendations for tree work' as a minimum.

'Contribution': this is the estimated number of years for which the tree can be expected to make a safe, useful contribution to the tree cover on the site, before any remedial work is carried out. Where an '?' appears in this column further work is required to determine the retention category.

'Retention Category': the code letter in this column reflects the general desirability of the tree for retention on a development site, based on species, form, age, and condition. The definitions of these code letters are as follows: **A**: trees of high quality and value; **B**: trees of moderate quality and value; **C**: trees of low quality and value, which could be retained until replacement plantings have been established (the suffixed number after the code letter indicates the particular sub-category – 1 being mainly arboricultural values, 2: mainly landscape values, 3 Mainly cultural values, including conservation; **U**: trees which should be removed. Where an '?' appears in this column further work is required to determine the retention category.

'Root Protection Area Radius': This figure (recorded in metres) is to be used to determine the correct location for the erection of protective fencing based on a circular Root Protection Area.

Tree no.	Species	Age class	Crown spread	Height Crown height	Lowest branch Direction	DBH Single	DBH Multiple	General condition/observations	Management Recommendations	Contribution	RPA Radius
										Retention category	
T1	Common lime	M	N 7	18	3	740		Previously pollarded at circa 6m. Obscuring public lighting column. Debris mounded at base.	Prune to clear lighting column by 1m. Remove debris from base.	>20	8.7
			S 4							B1	
			E 6								
			W 6								
T2	Yew	Y	N 5.5	10	1.5	700		Multi-stemmed from 2.5m. Lighting attached to stem at 2m to northwest.	No work required.	>40	8.4
			S 4.5							A1	
			E 3.5								
			W 4								
T3	Common holly	Y	N 2	6	1	80 120 130 0	37700	Three stems from ground level.	No work required.	>10	2.1
			S 2.5							C1	
			E 2								
			W 2								
T4	Western red cedar	EM	N 3	16	3.5	690		Failing compression fork from 3-5m. Multi-stemmed above 5m with numerous failing compression forks.	Fell.	<5	8.1
			S 3							U	
			E 3								
			W 2.5								
T5	Gean	M	N 4	8	3.5	420		Major asymmetry to northeast. Crudely pruned historically. Lighting attached to stem at 2m to north.	Prune to improve symmetry or fell.	<10	5.1
			S 3.5							C1	
			E 6								
			W 1								
T6	Fruit trees	NP	N 1	3	N/A	90		Newly planed with supporting stakes still present.	No work required.	>10	0.9
			S 1							C1	
			E 1								
			W 1								
T7	Weymouth pine	Y	N 3.6	7	0.25	190		Leaning to northeast at circa 3°.	No work required.	>40	2.1
			S 3							B1	
			E 3								
			W 2.5								
			N								
			S								
			E								
			W								
			N								
			S								
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			N								
			S								
			E								
			W								

Appendix 2

Cascade chart for tree quality assessment

Category and definition Criteria (including subcategories where appropriate)

Trees unsuitable for retention (see Note)

Category U

Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g., where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning). Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low-quality trees suppressing adjacent trees of better quality.

NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.

1 Mainly arboricultural qualities, 2 Mainly landscape qualities, 3 Mainly cultural values, including conservation.

Trees to be considered for retention

Category A

Trees of high quality with an estimated remaining life expectancy of at least 40 years. Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g., the dominant and/or principal trees within an avenue). Trees, groups, or woodlands of particular visual importance as arboricultural and/or landscape features. Trees, groups, or woodlands of significant conservation, historical, commemorative, or other value (e.g., veteran trees or wood- pasture).

Category B

Trees of moderate quality with an estimated remaining life expectancy of at least 20 years. Trees that might be included in category A, but are downgraded because of impaired condition (e.g., presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation. Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality. Trees with material conservation or other cultural value.

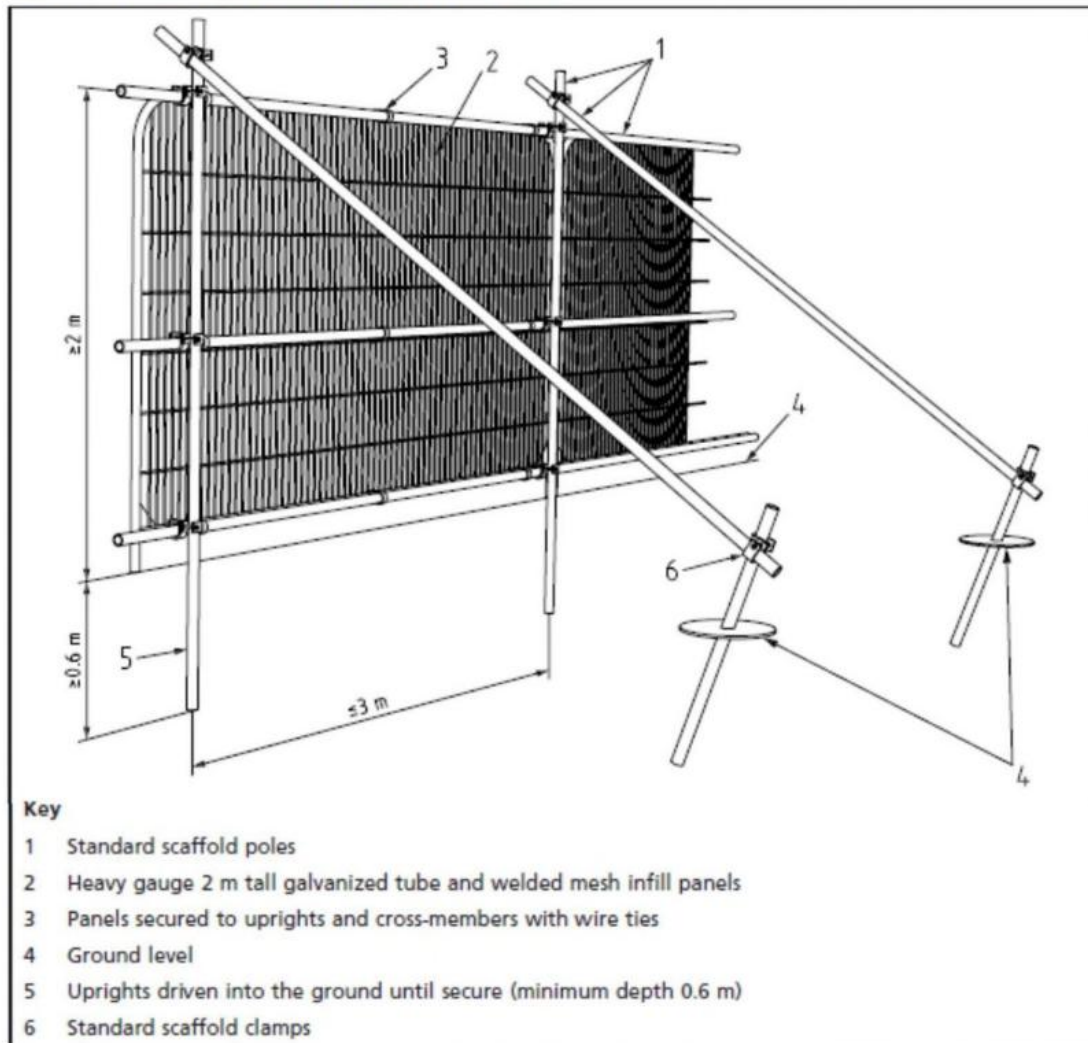
Category C

Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm. Unremarkable trees of limited merit or such impaired condition that they do not qualify in higher categories. Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits. Trees with no material conservation or other cultural value.

Appendix 3

BS5837: 2012 Figure 2

Figure 2 Default specification for protective barrier



Appendix 4

Construction Principles of 'No Dig' Hard Surfaces Close to Trees

Special construction methods are required for hard surfaces within root protection areas [RPAs] of retained trees. Whilst the following information provides guidance in the principles of such construction, the final specification shall be determined in conjunction with a suitably qualified engineer and guidance from the manufacturers of the products used.

Important points to remember about tree roots:

- most tree roots are in the top 600mm of soil, many are just below the surface,
- very fine, fibrous roots are just as important as large woody roots, they are easily damaged and prone to drying out,
- roots need moisture and oxygen to survive,
- soil compaction kills roots by reducing the soil's capacity to hold water and oxygen,
- 80% of compaction is caused by the first passage of a vehicle over soil,
- non- permeable surfaces and damage to the soil surface such as smearing or panning prevents water penetration and gaseous exchange.

'No dig' hard surfaces near trees should:

- cause minimal disturbance to soils, both during construction and in the long term,
- provide a stable, permanent surface of sufficient strength and durability for its purpose,
- include a three-dimensional cellular confinement system such as 'Geogrid' or 'Cellweb,'
- be constructed using porous materials to enable percolation of water and gaseous exchange, e.g., gravel, porous tarmac or brick paviors with nibbed edges, joints should be filled with 6mm diameter washed aggregate to maintain porosity (not sand).

Construction principles:

- surface vegetation should be removed using an appropriate systemic herbicide that will not harm retained trees or manually, using hand tools,
- minor levelling of the existing surface can be carried out where necessary, but using hand tools only; hollows can be filled with sharp sand,
- any exposed roots should be covered with good quality topsoil immediately to prevent them drying out; any damaged roots should be cut cleanly with a hand saw/secateurs,
- tree stumps shall be removed using a stump grinder rather than by digging to minimise disturbance,
- no vehicles or machinery shall travel over unprotected soil surfaces near trees. Where it is necessary to move materials used in the construction of the surface, they should be transported on the laid subbase as it is 'rolled out' through the RPA,
- the construction of the path or road should be carried out off an already completed section of the surface – not from bare ground,
- the completed surface may require protection if it will be used for access during the construction period, especially where it may see frequent use by heavy machinery.

Appendix 5

Removal of Debris Near Trees

- The removal of any material should be carried out from outside the RPA whenever possible and from within the footprint of the existing building or surface where this is within the RPA of a tree.
- The excavation of the material must not extend into the soil underneath. In practical terms the bucket of the excavator must be used so that the cutting edge is horizontal so that any disturbance of the underlying soil is kept to an absolute minimum. The cutting edge of the bucket should be flat and without 'teeth' to further reduce the risk of root damage. Where the surfacing is very thin and/or roots are very near the surface, the digging should be done manually.
- Any exposed tree roots should be covered with good quality topsoil immediately to prevent them drying out. Any damaged roots should be cut cleanly with a hand saw or secateurs.
- Debris and rubble of any type must not be stockpiled within the RPA of the tree and must be exported without crossing the RPA.
- Due care and planning must be taken to ensure that the operational arcs of excavators do not damage the crowns of retained trees.
- Where new surfacing is to be installed, if the depth of the old surface is insufficient, the wearing surface may need to be higher than the existing in order to accommodate the appropriate thickness. There may be a requirement for a geo-textile membrane to be laid on the soil surface, but this is an engineering matter dependent upon soil type. The separation is beneficial for root development.
- Where the old surface is taken up and not replaced, the infill should be of good quality topsoil laid without compaction.

Appendix 6

Further Information

- Anon (2010) **British Standard Recommendations for Tree Work BS 3998: 2010**
British Standards Institution
2 Park Street, London W1A 2BS
- Anon (2012) **British Standard Recommendations for Trees in relation to design, demolition and construction BS 5837: 2012**
British Standards Institution
2 Park Street, London W1A 2BS
- Lonsdale D. **Principles of Tree Hazard Assessment & Management**
DETR, Elland House, Bressenden Place, London
- Mattheck C.
Breloer H. (1994) **The Body Language of Trees –A Handbook for Failure Analysis.**
DOE Arboricultural Advisory and Information Service Alice Holt Lodge,
Farnham, Surrey
- Mitchell A. (1989) **The Trees of Great Britain and Northern Europe**
Collins, Grafton Street, London
- Strouts R. G.
Winter T. G. (1994) **Diagnosis of Ill-Health in Trees**
DOE Arboricultural Advisory and Information Service Alice Holt Lodge,
Farnham, Surrey
- Anon (2007) **National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees**
One Castle Lane, London, SW1E 6DR
- Anon (2007) **Arboricultural Practice Note 12 'Through the Trees to Development**
Alice Holt Lodge, Wrecclesham, Farnham, Surrey, GU10 4LH

Appendix 7

Author's Qualifications Paul Hanson

Description of current role (from 1997)

Managing director of Arboretum Internationale Ltd., responsible for the day-to-day operations of the company, charged with maintaining high standards of quality and safety. Arboretum Internationale delivers a professional consultancy service addressing issues of tree safety, personal injury at work and the increasingly complicated field of trees within the planning system. Our team works as expert witnesses guiding legal counsel in matters relating to injuries and property damage where there is an arboricultural involvement. Since its inception in 2005 (revised in 2012) we have employed the guidance given in BS5837 'Recommendations for trees in relation to construction', consulting with architects, town planners, developers, and homeowners to achieve a maximum return financially and aesthetically allowing appropriate development in proximity to trees. Arboretum Internationale has extensive experience of collaborating with clients to achieve sensible compromise solutions for trees located in Conservation Areas, or subject to Tree Preservation Orders and Planning Conditions throughout Scotland. Hazard tree and tree safety inspections are an integral part of our normal tree reporting systems, in addition to which we provide a bespoke dedicated tree assessment under the auspices of QTRA (Quantified Tree Risk Assessment). In recent years we have become one of the leading exponents of veteran tree management, striving to retain old, often defective trees with invaluable and dependent flora and fauna in locations with high public use.

Previous experience

1995-97 Arboricultural Consultant, with the Scottish Agricultural College, delivering arboricultural consultancy and specialist training throughout Scotland. Responsible for the development of new business opportunities in the production and environmental sectors of the industry, liaising with other specialist advisors within SAC as required; participating in skills based and academic education programmes, accompanied by active pursuit of research and development.

MEMBERSHIP OF PROFESSIONAL BODIES

Registered in the UK Register of Expert Witnesses (No. JSP/E3420)
 Registered in the Law Society of Scotland, Directory of Expert Witnesses (No. 4362) Registered with Expert Witness – Expert Consultant (No. EW4352-22-S)
 Associate member of the Arboricultural Association (No. 200118)

COMMITTEE WORK & OTHER ACTIVITIES

Arboricultural industry representative on Scottish Government's Ash Dieback Risk Group from 2019
 Arboricultural advisor to iCONic from 2010
 Committee member of the Arboricultural Association's Scottish Branch (2008- 2016)
 Arboricultural industry representative for amenity trees on the Scottish Government's Tree Health Advisory Group (2011-2014)
 Trustee of the Arboricultural Association (2001-2004)
 Chairman of the Arboricultural Association's Scottish Branch (2008-2015)
 Arboricultural industry representative for National Occupational Standards on the Trees and Timber Industry Group (2006 -09)
 Arboricultural industry Scottish representative for UK and Ireland Chapter of the International Society of Arboriculture (2006 -09)
 Chairman of the Arboricultural Association's Scottish Branch (1997-2001)
 Scottish representative on the Arboricultural Association's Commercial Committee (1996-98)

RELEVANT QUALIFICATIONS

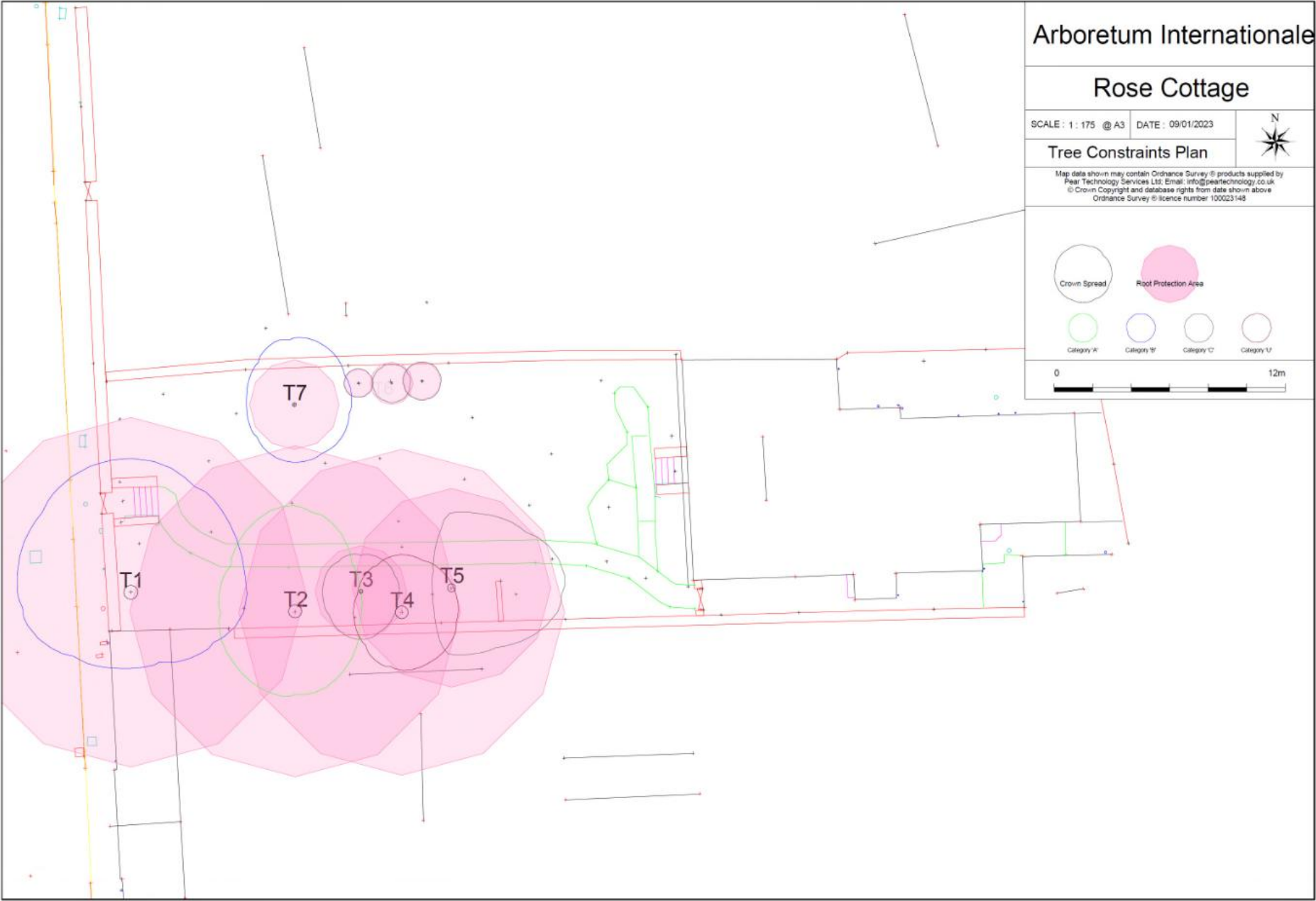
FdSc Arboriculture, University of Central Lancashire
 Construction Skill Certification Scheme Reg. no. 03985432 (Consultant)
 LANTRA Professional Tree Inspector
 The Civil Procedure Rules for Expert Witnesses Certificate (Bond Solon)
 AA Technicians Certificate
 Quantified Tree Risk Assessment System
 LOLER inspector for arboriculture (NPTC Cert. No. 302786)
 ISA Certified Arborist (1997- 2009)
 RFS Certificate in Arboriculture

APPENDIX 8

Site Plans



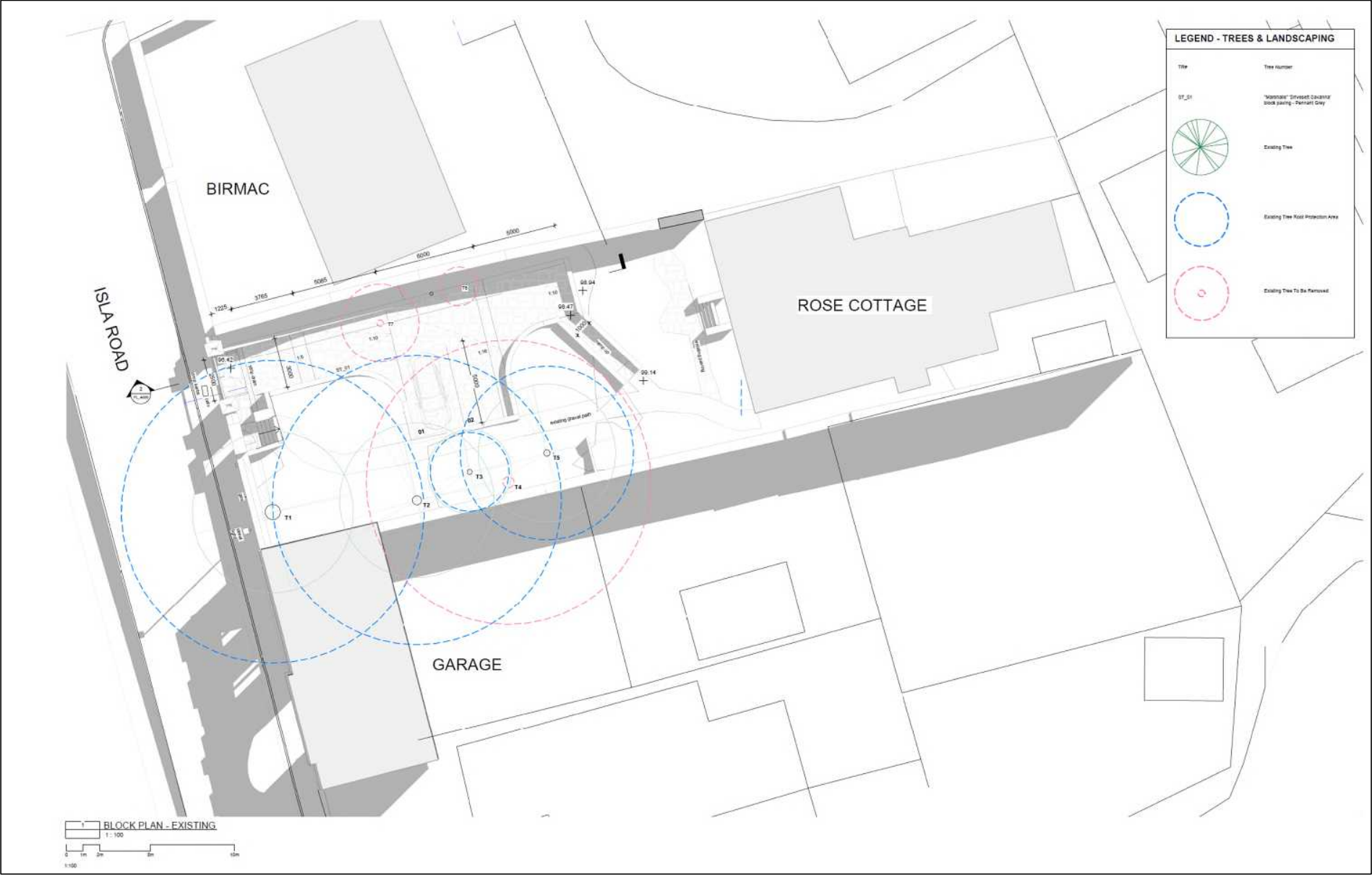
Location Plan



Tree Constraints Plan



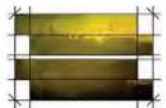
Tree Protection Plan



Block Plan Proposed

Lower Flat Rose Cottage, 7 Isla Road, Perth

DESIGN STATEMENT APRIL 2023



Interurban Developments Ltd
CONNECTING THE URBAN GRAIN

PROJECT DETAILS

Site

Lower Flat Rose Cottage

7 Isla Road, Perth

PH2 7HG

Proposal

Alterations to boundary wall to form vehicular entrance,
formation of driveway, parking and paths.

Client / Applicant

Neil and Fiona Whittet

Architectural Design

McNuyen Design Ltd

Arboriculture Consultant

Arboretum Internationale Ltd

Planning and Development Consultancy

Interurban Developments Ltd

DOCUMENT CONTROL		
Issue	Date	Version
1	13.04.2023	Draft 1
2	14.04.2023	Final
3	-	-

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Project ambition

Introduction

The Design Process:-

Stage 1 – Site Area and Appraisal

Stage 2 – Identifying Design Principles

Stage 3 – Analysis

Stage 4 – Developing the Design Concept

Stage 5 – The Design Solution

Conclusion

PROJECT AMBITION

The ambition of the project, set by the client, is to form a vehicular entrance and parking area as well as improving pedestrian access to the property while respecting site constraints, namely the historic building and existing tree resource on the site.

The purpose of this statement is to support an application for Planning and Listed Building Consent and put into context the following proposals for Rose Cottage, Isla Road:-

- *Alterations to the front boundary wall including new vehicular gate and refurbishment of existing pedestrian gate.*
- *Make provision for off-road driveway and parking thereby future proofing the parking and charging of electrical vehicles.*
- *Improve disabled access from the street, enhance recycling and waste disposal presentation to ensure occupants do not have to navigate bins down the stairs.*

The solution is to form a new gated vehicular entrance to the north of the retained pedestrian gate. The northern section of the garden will be recontoured to form a driveway with associated pedestrian link to the existing footpath to also assist recycling and waste presentation. The position of the parking area has been selected to minimise encroachment onto the root protection area of retained trees.

This design statement considers the site constraints and the options that were considered to meet the client's project ambitions. The proposed solution is an integrated response to the accessibility agenda, climate change and will meet the needs of the current occupiers and successive generations.

INTRODUCTION

This document takes cognisance of Planning Advice Note 68 issued by the Scottish Government on the preparation of Design Statements. It seeks to explain the design principles for the development, based upon an understanding of what is appropriate for the site, determined through an analysis of the surrounding built environment, these principles are based upon good practice as set out in Scottish Government planning and urban design guidance.

The design process can be set out in 5 stages. Each stage informs the production of the design statement.

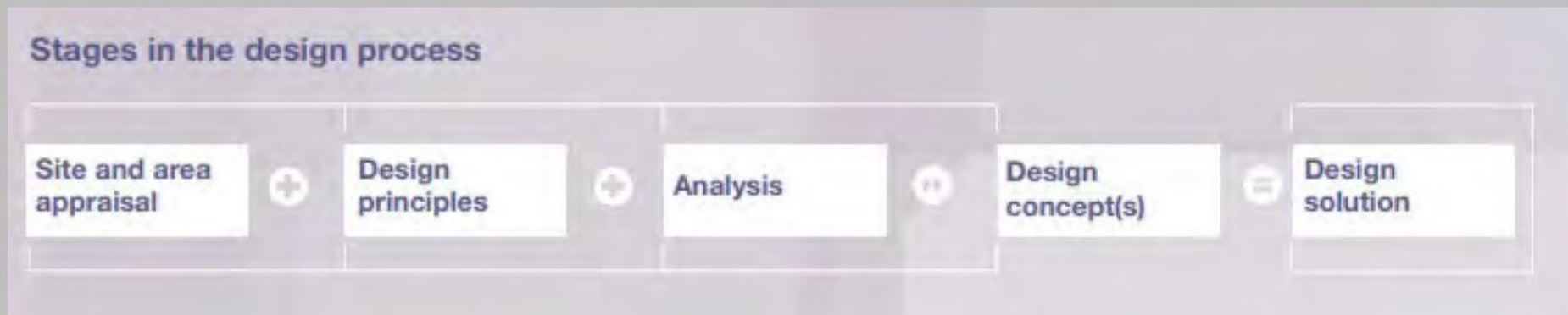
Stage 1 – Site Area and Appraisal

Stage 2 – Identifying Design Principles

Stage 3 – Analysis

Stage 4 – Developing the Design Concept

Stage 5 – The Design Solution



STAGE 1 – SITE AREA AND APPRAISAL



Image 1: Satellite imagery showing sites relationship with the surrounding Road network. Courtesy of Google Maps

Local Area – The site is located within the Bridgend area of Perth. The area is predominantly residential in character with some sheltered housing and retirement living complexes. The area consists of mainly traditional historic buildings with some modern infill interventions. The existing mature tree resource throughout Bridgend creates a splash of green among the stone and brick. The Camilla Bell Park is also an important green space located to the south of the site where Bridgend's Main Street which splits into the A93 Isla Road to Blairgowrie and the A94 Strathmore Street to Scone/Coupar Angus.

Site Description – Rose Cottage is an early 19th century Category C Listed Building. It consists of two storey building with hipped slate roof and a single storey attic rear wing. The front door consists of a pilastered door piece, architraved widows with consoles to each side of the entrance. The property sits in an elevated position above Isla Road with the boundary wall also acting as a ground retaining structure.



Images 2 and 3: Rose Cottage site frontage with random rubble retaining wall pointed in lime with pedestrian gate.

The property has historically been split into two flatted properties. There is no vehicular access to the properties only a pedestrian gated access with steps to reach the elevated garden. As a consequence, occupants have to navigate bins down the stairs for presentation and kerbside collection. The ground floor flat can be accessed via the front door and a rear door in the single storey attic wing. Access to the upper flat is located on the south elevation.

There is a mature tree resource located on the southern boundary of the site with some recent planting located to the north. The site is located out with the Bridgend Conservation Area and there are no Tree Preservation Orders on the site.



Image 4 Rose Cottage stepped access after pedestrian gate.



Image 5 – Tree resource on South Boundary.



Images 6 and 7: Bridgend Maps – 1ST Edition 1843-1882. Second image OS 1900s. Courtesy of NLS.

STAGE 2 – IDENTIFYING DESIGN PRINCIPLES

The design principles have been informed by statutory requirements contained within legislation, development plan policy as well as material considerations which consist of national guidance and local supplementary planning guidance as set out below.

The Development Plan

There is a duty imposed on the Planning Authority through Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. With this in mind the applicable Development Plans are Scottish Government's National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2019 (PKCLDP 2019)



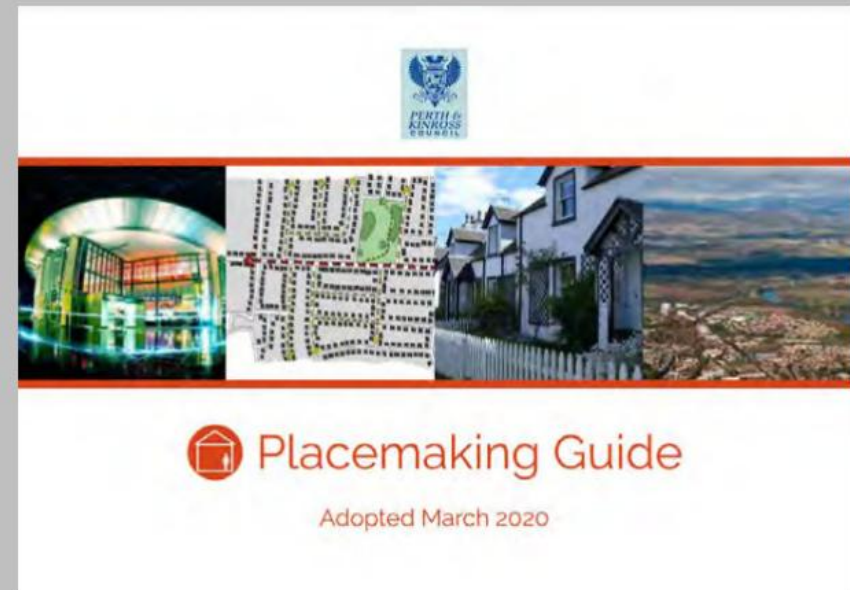
National Planning Framework 4	Perth and Kinross Local Development Plan 2019
Policy 1: Tackling the climate and nature crises	Policy 32 Embedding Low and Zero Carbon Generating Technology in New Development
Policy 6: Forestry, woodland and trees	Policy 39 Landscape Policy 40 Forestry, Woodlands and trees
Policy 7: Historic assets and places	Policy 27A Listed Buildings
Policy 14: Design, quality and place	Policy 1 Placemaking Policy 2 Design Statements

Material Considerations

The decision maker will also have to identify all the other material considerations which are relevant to the application and to which they should have regard (City of Edinburgh District Council v Secretary of State for Scotland and Revival Properties Ltd 1997 SCLR112).

The following material considerations are pertinent taking account of the site analysis above: -

- Historic Environment Scotland's – Managing Change in the Historic Environment Series
- Creating Places – A policy statement on architecture and place in Scotland
- PKC – Placemaking
- Scottish Government Planning Advice Notes - PAN 68 Design Statements – PAN 78 Inclusive Design.



STAGE 3 – ANALYSIS

Knowing what is important about a building and its context is central to an understanding of how to protect its special interest and setting. The analysis undertaken in Stage 1 - Site Area and Appraisal and Stage 2 – Identifying Design Principles demonstrates the importance of the building and that sites policy context has been clearly understood.

To support the proposal a site and measured building survey was undertaken by M3S- surveys and an arboriculture survey by Arboretum Internationale. This assisted in discounting certain options and refining the instruction to the architectural designer which is discussed in greater detail in stage 4.

Alterations to the front boundary wall including new vehicular gate and refurbishment of existing pedestrian gate.

HES guidance - Managing change in the Historic Environment: Boundaries 2010 - Para 5.5 confirms –

“Where new openings are to be formed in boundaries the openings need to be considered in light of the overall composition of the boundary and assessed as to whether they would be consistent with the existing design. Additionally, where new openings are found to be consistent, the minimum of historic fabric should be lost and the opening should normally be detailed to match existing openings.”

The proposed opening of the boundary wall represents the minimum width/intervention into the historic fabric to enable the new vehicular access to function. The proposal incorporates a timber vehicular gate (light grey finish RAL 7014) to match the height of the existing wall which will maintain the sense of enclosure experienced from the street. The existing pedestrian door will be handed to aid pedestrian movement onto/from the new driveway and provide an alternative route to the existing stepped footpath arrangement.

This is considered to meet the policy aims contained within NPF4 Policy 7: Historic assets and places, Policy 14: Design, quality and place and PKCLDP Policy 1 Placemaking and Policy 27A Listed Buildings as well as HES’s Managing Change in the Historic Environment Series.

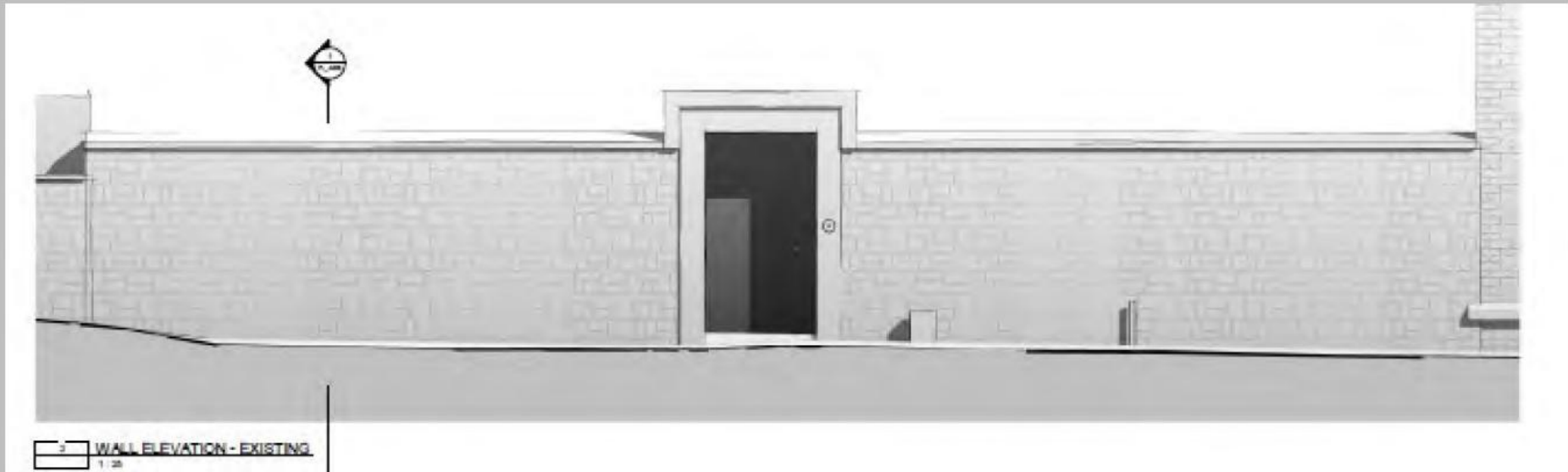


Image 8: Existing Front Boundary Composition.

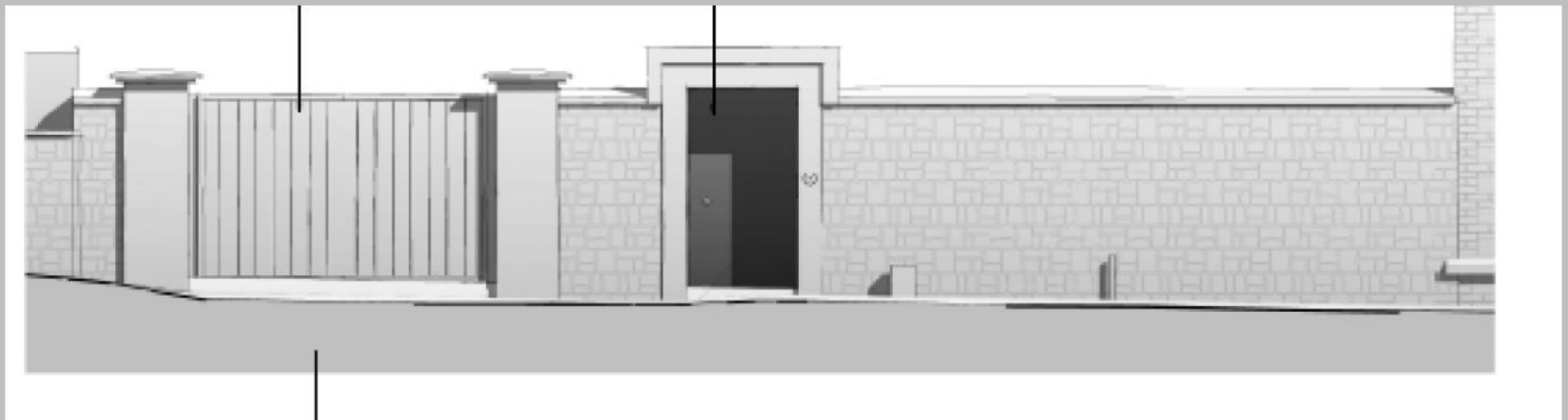


Image 9: Proposed Front Boundary Composition.



Image 10: Streetscene of proposed Front Boundary



Image 11: Access to Anchill House, Isla Road



Image 12: New access to Craigvar, APP 16/01236/FLL



Image 13: Mansfield Place alterations, app 21/01452/LBC.

Make provision for off-road driveway and parking thereby future proofing the parking and charging of electrical vehicles.

The proposed recontouring of the site has been driven by the findings of the tree survey and advice from the arborist. The proposal recontours the front garden to enable the formation of a driveway to street level with the 'cutting' being undertaken to the northern section of the front garden.

With the tree survey recommending the removal of tree #4 the parking has been positioned to minimise the impacts on the Root Protection Areas of the retained trees, discussed in greater detail in the Arboricultural Report. The formation of the in-curtilage parking will provide a car parking solution that will also facilitate the future installation of charging points for electric vehicles. This element of the proposal is considered to comply with NPF4 Policy 1: Tackling the climate and nature crises, Policy 6: Forestry, woodland and trees and PKLDP Policy 39 Landscape, Policy 40 Forestry, Woodlands and trees as well as Policy 1: Placemaking

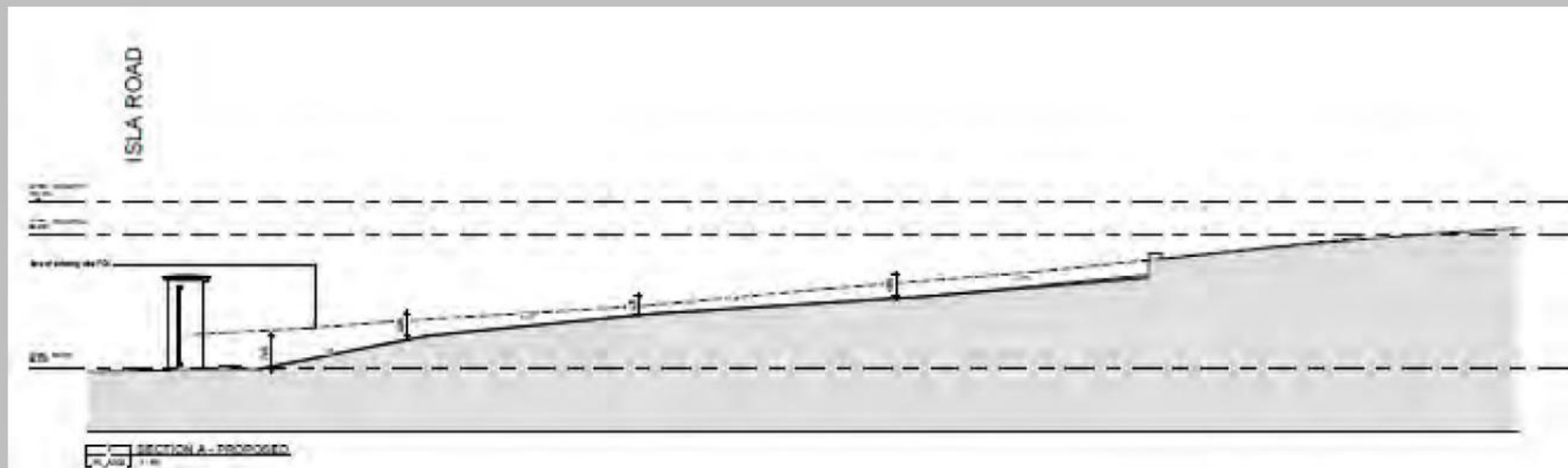


Image 11: Cut to northern section of garden to install driveway

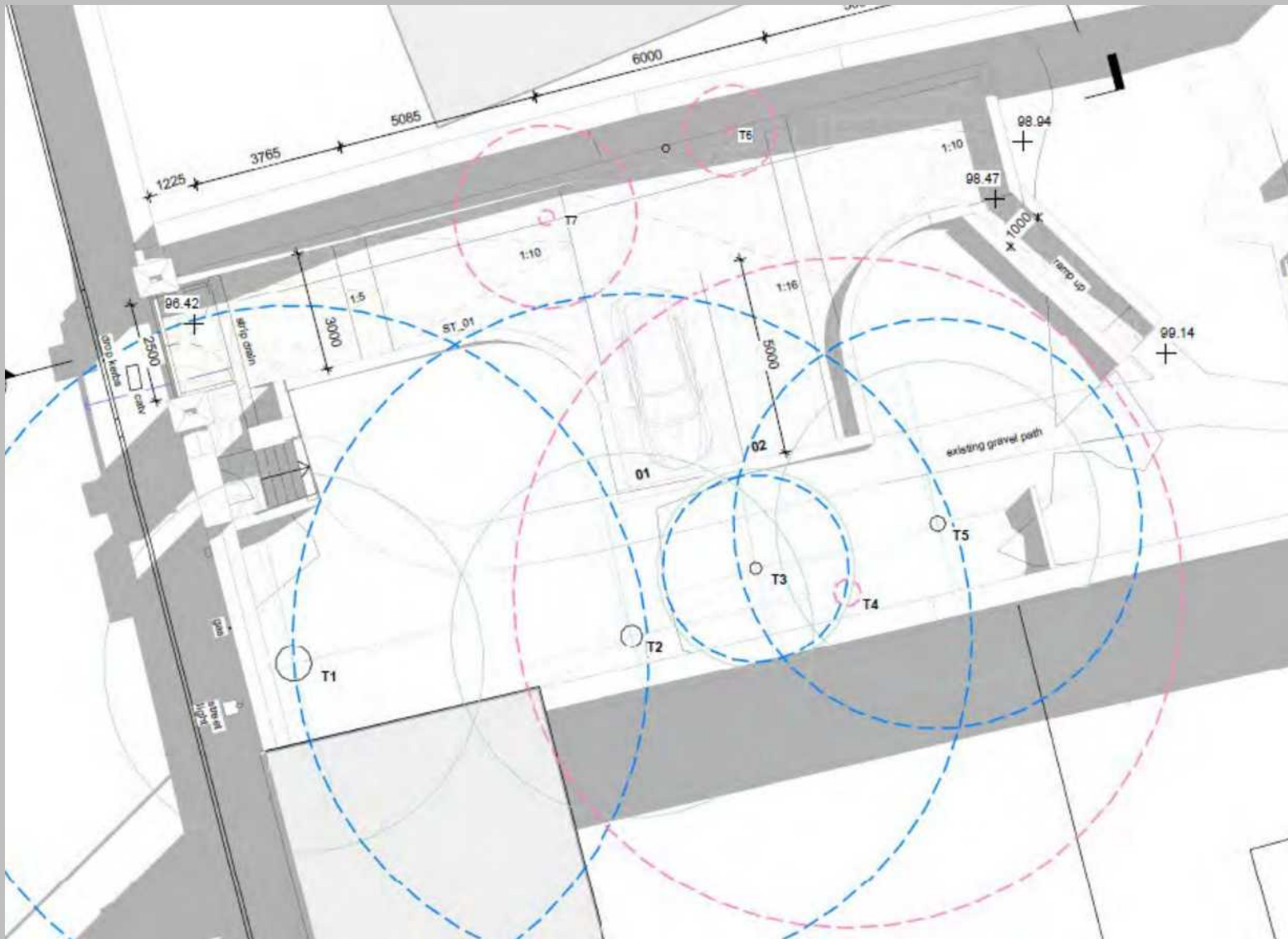


Image 12: Positioning of car parking to limit impact on Root Protection Areas of retained trees.

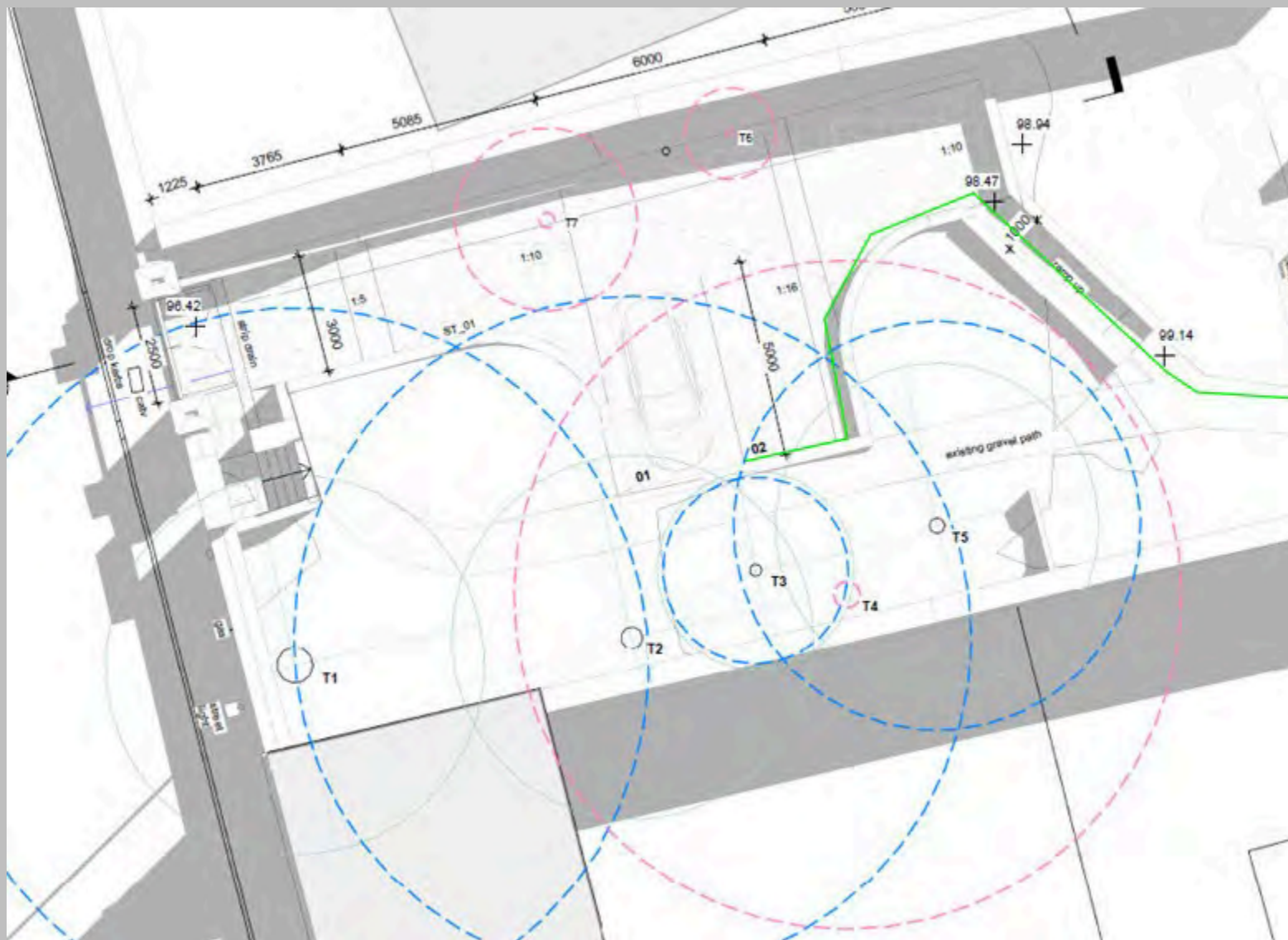


Image 13: Green denotes position of electric cable for car charging.

Improve disabled access from the street, enhance recycling and waste disposal presentation to ensure occupants do not have to navigate bins down the stairs.

HES guidance - Managing change in the Historic Environment: Accessibility - Para 1 of Key Issues confirms;

“Scottish Ministers are committed to promoting equality of access to, and enjoyment of, the historic environment. This guidance is intended to encourage the provision of physical access for everyone in ways that also safeguard the character of historic buildings and places.”

While Para 5 notes;

“Where physical alterations are required, it is usually possible to achieve access improvements that are sensitive to the historic character of the building or place through high quality design, management and maintenance.”

The installation of a hard surface will provide an alternative route without having to navigate the existing stepped arrangement (significantly aiding the presentation of recycling and waste for kerbside collection). The proposed measures will bring the lower flat as close as is reasonably feasible to the accessibility requirements for a new house and meet the aims of Planning Advice note 78 Inclusive Design which confirms that;

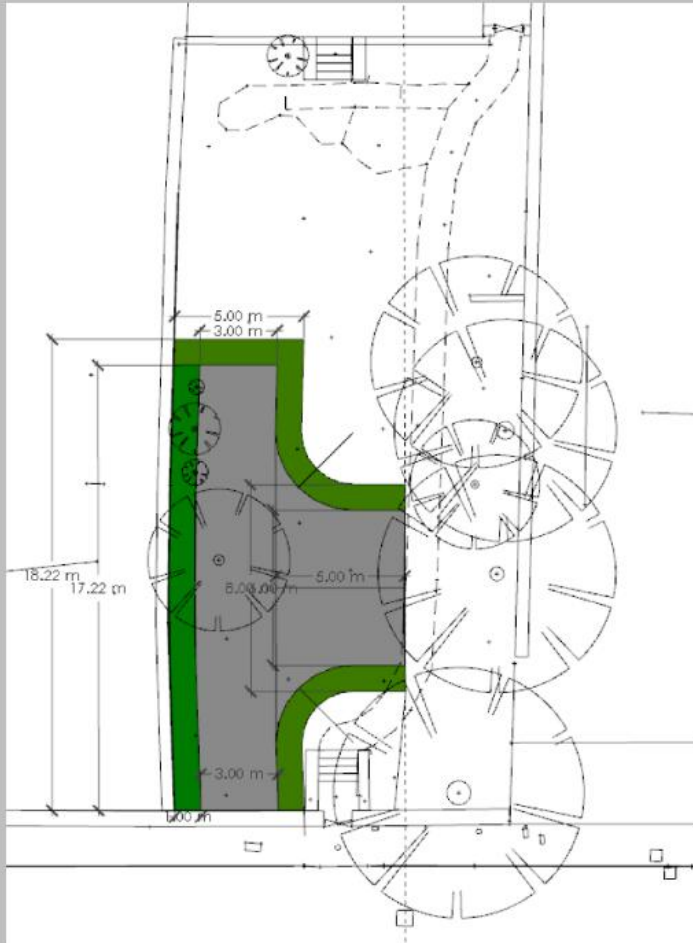
“Historic Scotland (now Historic Environmental Scotland) will support imaginative proposals which complement the special character of historic buildings and improve access for everyone.”

The formation of the new driveway and the use of a permeable SUDS block paving in a recessive colour and texture such as Marshalls Drivesett Savanna in a grey finish is considered to be an appropriate finish.

Taking this into account the proposal considered to meet the accessibility aims in NPF4 Policy 14: Design, quality and places and PKLDP Policy 1: Placemaking as well as Planning Advice note 78 Inclusive Design and HES guidance Managing change in the Historic Environment: Accessibility.

STAGE 4 – DEVELOPING THE DESIGN CONCEPT

This stage focuses on explaining the design options associated with the alterations to boundary wall to form vehicular entrance, formation of driveway, parking and paths to improve accessibility.



OPTION 1

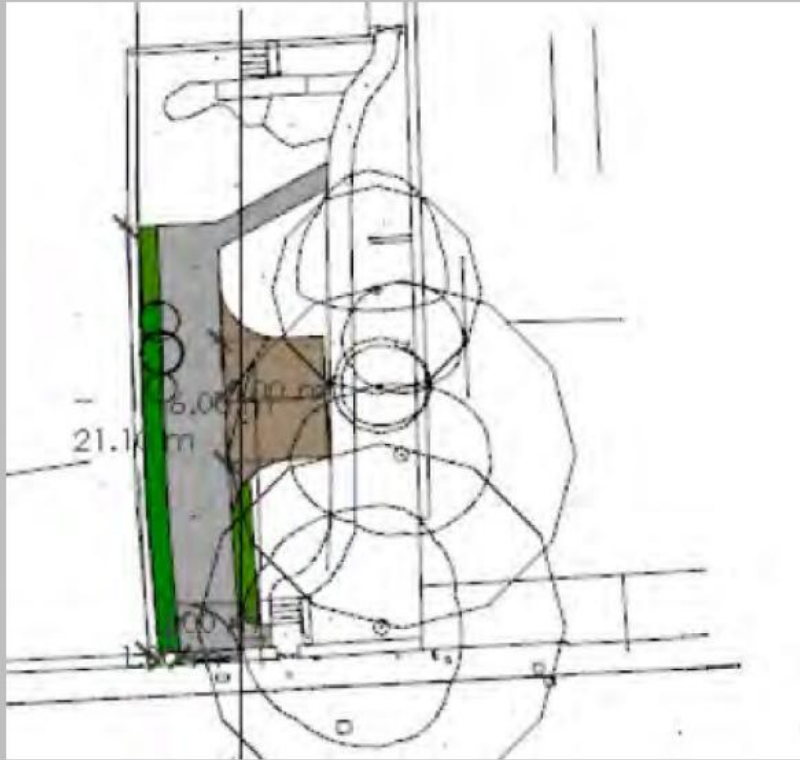
Option 1 looked at the formation of a drive, parking area and turning area at the existing street level.

This would have resulted in a significant amount of excavation to the front garden and the installation of retaining walls to the north, west and south of the site. The drop in height from the retained garden ground and footpath would have required fencing as a form of edge protection to avoid falls from height.

The excavation and installation of retaining structures would have resulted in significant encroachment and intervention within the Root Protection Areas of the Trees which would result in the need to remove trees #1, 2, 3 and 4.

In addition, this option would not have improved accessibility or resolved the presentation of bins for kerbside collection.

There would have been a significant expense associated with this option due to the removal of cut material, installing retaining structures. As a consequence, this option was discounted.



OPTION 2

Option 2 looked to ensure the retention of as much of the mature tree resource as possible, minimise the extent of cut and fill to avoid significant retaining structures and the need for edge protection.

This option was informed by the findings of the arborist's tree report and positioned the parking in a way to limit significant encroachment into the root protection area. This has resulted in the site cutting being undertaken to the northern section of the site. The recontouring seeks to minimise the extent of excavation and also enables accessibility improvements

This was the preferred option and was subsequently developed further by McNuyen Design.

STAGE 5 – THE DESIGN SOLUTION

The Design Solution and how it relates to the six qualities of successful places.

Healthy: The design meets the requirements of “lifelong wellbeing” by ensuring the route to the building feels safe and welcoming it also promotes “accessibility and inclusion” and will allow visitors to access the lower flat without having to navigate the existing steps. Providing an alternative route will potentially enable occupants (when frail or ageing) to reside in the property for a longer period of time the need to circumnavigate the bins down the existing steps has been designed out in this proposal.

Pleasant: The design process has analysed different development options and has understood the site constraints. The design retains the “positive social interactions” the site has with the adjoining streetscene by retaining the majority of the mature tree resource and the sense of enclosure with the new gated entrance aligned with the top of the boundary wall. If required further landscape planting can be installed.

Connected: The site is already well connected by path and road networks which makes “active travel” and “connectivity” easy. It is also served by public transport. The improvements to site accessibility will improve the “pedestrian experience” and cater for different needs and abilities.

Distinctive: The “scale”, “built form” and “sense of place” has been taken into account when translating the project ambition into a design solution. The proposed design represents the best solution which respects existing building, the existing tree resource and minimises work to the boundary walls historic fabric.

Sustainable: The provision of off-street parking will enable residents to utilise/install electrical charging which meets the “transition to net-zero’ aim.

Adaptable: The proposal is a further adaption and investment in the building which is a direct response to meet social and environmental priorities.

CONCLUSION

Historic Environment Scotland's (HES) Interim Guidance on the Principles of Listed Building Consent (2019) - Para 6 and Para 9 confirms the following –

“The majority of listed buildings are adaptable and have met the needs of successive generations while retaining their character. Change should therefore be managed to protect a building’s special interest while enabling it to remain in active use....in general terms listing rarely prevents adaptation to modern requirements (applicant’s emphasis) but ensures that work is done in a sensitive and informed manner.”

“Listed Buildings will however, like other buildings, require alteration and adaptation from time to time if they are to remain in beneficial use, and will be at risk if such alteration and adaptation is unduly constrained”.

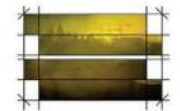
Through site analysis a number of key design principles have been identified which have guided and informed the proposed development solution which respects the characteristics of the listed building and streetscene. This Design Statement supports the proposal by taking account of client’s project ambition and following the 5-stage design process conveyed in Scottish Government PAN 68.

In Interurban’s view the proposed scheme meets overriding thrust of the adopted development plan, national policy, supplementary planning guidance and other material considerations including Historic Environment Scotland’s (HES) Guidance. There are no other material considerations identified that would indicate that the proposed use would not accord with the development plan.

In light of the above, the proposal is considered to be consistent with central and local government policies including the climate emergency and accessibility agenda. It is requested that the Planning Authority grant consent (with conditional control if required) as ultimately there are no justifiable grounds for withholding permissions for the proposed works.

Lower Flat Rose Cottage, 7 Isla Road, Perth

METHOD STATEMENT MAY 2023



Interurban Developments Ltd
CONNECTING THE URBAN GRAIN

PROJECT DETAILS

Site

Lower Flat Rose Cottage

7 Isla Road, Perth

PH2 7HG

Proposal

Alterations to boundary wall to form vehicular entrance,
formation of driveway, parking and paths.

Client / Applicant

Neil and Fiona Whittet

Architectural Design

McNuyen Design Ltd

Arboriculture Consultant

Arboretum Internationale Ltd

Planning and Development Consultancy

Interurban Developments Ltd

DOCUMENT CONTROL		
Issue	Date	Version
1	06.05.2023	Final
2	-	-
3	-	-

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BOUNDARY WALL – VEHICULAR OPENING - METHOD STATEMENT

This method statement gives an overview of how down takings, construction and finishing will be undertaken to the listed boundary wall which fronts Isla Road. This is an iterative document and will be updated following the appointment of the contractor to ensure it meets their preferred approach/working method.

The proposal will result in the down taking of the northern section of the wall to install the vehicular access. The remaining wall remain including the existing pedestrian gate (apart from the door being handed) will remain unmodified.

Stage 1 – Install timber hoarding on western side of wall where vehicle opening will be created. Hoarding will ensure any material associated with the wall down takings will not be deposited onto the pedestrian footway or carriageway.

Stage 2 – Delivery of excavator and skip to site, hoisted over the boundary wall. Timing to avoid peak traffic flows. Utilise banksman to assist with traffic management when unloading excavator and skip (if required).

Stage 3 – Remove boundary wall coping at proposed vehicular access location using hand tools and set aside on site.

Stage 4 – Excavate cut material from behind boundary wall. Spoil is to be transferred using the skip swap method, from the site to the skip.

Stage 5 – Boundary wall down takings at vehicular access. Following excavation to expose the rear of the boundary wall. Install type 1 material to create solid base working area behind wall. Down take wall utilising hand tools and set stone aside for reuse.

Stage 6 – Install gate pier and rebuild wall utilising set aside stone and coping stones. Lime mortar to be utilised. Wall re-construction to match existing height, material, finish and detail.

Stage 7 – Remove timber hoarding.

Stage 8 – Specialist contractor to install dropped kerb.

Stage 9 - Remaining deliveries and landscape works to be complete via new opening.

Stage 10 – Following completion of landscape works install new timber vehicle access gate and hand pedestrian gate.



1 Riversdale, Earnoch and Springbank Houses (Historic accesses)
A0.1 NTS



2 3 Mansefield Place, Isla Road (18/01711/FLL)
A0.1 NTS



3 Craigvar, Isla Road (16/01236/FLL)
A0.1 NTS



4 Tay Park, Isla Road (Historic Access)
A0.1 NTS



ID.C.0059 - Lower Flat, Rose Cottage, Isla Road, Perth

Client: Neil and Fiona Whittet
rev. date remark
0 . No Revision

Document Date:
Created:- 14.07.2023
Updated:- N/A
Document Phase:
<Planning Phase>

Precedent
Photographs
(Slide A)

A0.1



1 27 Dundee Road (Historic Access)
A0.2 NTS



2 Dalvay 25 Dundee Road (Access approved 06/01152/FUL)
A0.2 NTS



3 Lower Dalvay, Dundee Road (Historic Access)
A0.2 NTS



4 Knowhead House, Dundee Road, wall height increased 15/00923/FLL
A0.2 NTS



ID.C.0059 - Lower Flat, Rose
Cottage, Isla Road, Perth

Client: Neil and Fiona Whittet
rev. date remark
0 . No Revision

Document Date:
Created:- 14.07.2023
Updated:- N/A
Document Phase:
<Planning Phase>

Site Inspection
Photographs
(Slide B)

A0.2

LRB-2023-45

23/00921/FLL – Alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth, PH2 7HG

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 65-126)*



Mr Neil and Fiona Whittet
c/o John Russell
Interurban Developments Ltd
Inveralmond Business Centre
6 Auld Bond Road
Perth
PH1 3FX

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **7th August 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/00921/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 12th June 2023 for Planning Permission for **Alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat Rose Cottage Isla Road Perth PH2 7HG**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

- 1 Approval would be contrary to National Planning Framework 4 Policy 14 (a) where the proposal is designed in such a way that does not improve the quality of the area, and (b) lacks connected designing for pedestrian experience relating to safety and inappropriate connectivity to the public road network inconsistent with the 'connected' quality of a successful place, and (c); Policy 16 criteria (g)(i) where the proposal lacks full clarity on gatepier material finishes; and Policy 18 (b) where there would be a resultant detrimental impact onto the infrastructure network; and as informed by Placemaking Supplementary Guidance, the National Roads Development Guide and Designing Streets.
- 2 Approval would be contrary to the Perth and Kinross Local Development Plan 2 Policy 1A and 1B with particular note to criteria (a), (c) and (e) where the proposal would result in road user and pedestrian safety issues at its access point and full clarity of gatepier material finishes have not been provided; and Policy 60B where the proposal has not been designed for the safety of all potential users; and as informed by the National Roads Development Guide and Designing Streets.

Justification

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

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page.

Plan Reference

01

02

03

04

05

06

07

08

09

10

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00921/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	11th August 2023	
Draft Report Date	4th August 2023	
Report Issued by	AR	Date 4.8.23

PROPOSAL: Alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths

LOCATION: Lower Flat Rose Cottage Isla Road Perth PH2 7HG

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Rose Cottage is a traditional two-storey detached building split into two flatted residences. The building is a category C listed building (HES ref. LB39483) and can be accessed, via pedestrian access, from Isla Road (A93). The application seeks detailed planning permission for the formation of a vehicular access, driveway, parking area and paths within the property's front curtilage and connecting to the adjoining A93.

An associated application for listed building consent (ref. 23/00922/LBC) has also been submitted and will be considered separately.

SITE HISTORY

No planning history.

PRE-APPLICATION CONSULTATION

Pre application Reference: none.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy

sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

- Policy 7: Historic Assets and Places
- Policy 14: Design, Quality and Place
- Policy 16: Quality Homes
- Policy 18: Infrastructure First

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

CONSULTATION RESPONSES

Internal

Transportation And Development (1st consultation)

Further details of the pedestrian and vehicle visibility splay required. Re-consultation required.

Transportation And Development (2nd consultation)

Updated response. Not in support of application due to lack of [pedestrian and vehicular visibility splay] information being provided.

Conservation Team

Internal discussion. No impact on the setting of nearby listed buildings.

Structures And Flooding

No concerns or objections.

Biodiversity/Tree Officer

No objection subject to condition if minded to approve.

REPRESENTATIONS

No representations were received.

Additional Statements Received:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Alterations and improvements to existing dwellings, are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the scale, form, massing, design, position, proportions and external finishes of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual, residential or environmental amenity.

In this instance the proposals are considered inappropriate and cannot be approved due to the lack of requisite information and resulting concerns with the proposal's detrimental effect on public safety on exiting from the proposed vehicular access.

Design and Layout

The application seeks to introduce the formation of a two-vehicle parking area with turning head, driveway, access ramp, vehicular access and gate, all within and to the flatted building's front curtilage. A portion of the property's listed boundary wall would be altered and perforated to include two gatepiers either side of the vehicular entrance and a 2.5 metres wide vehicular gate opening. Dropped kerbs would also be sought.

Relating to the design, layout and finish of the proposed parking area, turning head and access ramp, finished with block paving to a recessive colour and texture finish and edging, there are no concerns however details of the specification and colour of the proposed external finishing materials for the gatepiers has not been provided in full. More crucially, the creation of the vehicular access presents pedestrian and vehicular safety concerns which will be discussed within the 'Roads and Access' section of this report.

The proposal does not comply with NPF4 Policy 14 (a), (b – connected) and (c) and Policy 16 (g)(i) relating to lack of full detail for gatepier finishes; LDP2 Policy 1A and 1B (a), (c) and (e); and as informed by Placemaking Supplementary Guidance and Designing Streets.

Residential and Visual Amenity

The proposal would present no residential amenity concerns in terms of overshadowing or overlooking and privacy impact given the nature of development. Equally, the development would not present any visual amenity concerns.

The proposal complies with NPF4 Policy 16 (g)(ii) and LDP2 Policy 17.

Roads, Access and Safety

On initial consultation with Transportation & Development (T&D) colleagues, it was highlighted that the agent had not provided or shown visibility splays for the vehicle access. It was requested that a pedestrian splay to the left and right of the vehicle access was to be shown. It was later confirmed that a vehicular visibility splay would also be required.

Further to the visibility splay requests, T&D noted that although unclear whether the number of car parking spaces meets the requirements of the National Roads Development Guide for the size of the flat, new spaces have been formed [nevertheless when compared to no spaces currently being on site]. Also, in the interests of safeguarding the historic environment, T&D were willing, in this instance, to allow a 2.5 metre wide vehicular access which falls short of the relevant minimum standard (2.75 metres).

Ultimately, further details were required to be in a position to support the application.

On discussing the case with the agent, the case was argued where “the provision of the pedestrian visibility splay depicted on PKC Type A and B Access is desirable from a transport planning perspective however, the inclusion of the pedestrian visibility splays is caveated ‘where appropriate’”. The agent further noted “pedestrians navigating the Isla Road and Dundee Road are already used to this type of configuration within the streetscape.” A vehicular access precedent justification document was provided (plan 10).

This document (plan 10) has been taken into full consideration however, in the interests of public safety and road safety, the application has been assessed on its own merits and individual site specifics. The proposed vehicular access would be flanked by a tall boundary wall and with minimal perforation of said wall, limited and obstructed peripheral visibility would result; entry and exit to the site is from a busy A-class public road; the vehicular access would be in close proximity to an operational bus stop; and presence of pedestrian activity inclusive of those alighting from public transport, all present factors that present concern where we must ensure that the safety of road and pedestrian users are addressed.

One key note within Designing Streets is that streets should be designed to be safe places. It goes on to mention that the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. Consideration should be given to whether this will be appropriate, taking into account the following: the frequency of vehicle movements; the amount of pedestrian activity; and the width of the footway. As informed by Designing Streets, it is considered that the visibility obstruction of the tall boundary walls would obscure a whole vehicle and pedestrian and can be

considered to have a significant impact on road safety, especially if vehicle users do not emerge cautiously.

As contained within National Roads Development Guide section 3.1, where any new development gains access to the existing road network, the junction would need to meet specific stopping sight distance and visibility requirements. This information is detailed within Designing Streets where, specific to this case, the stopping sight distance for the A93 (30mph) is 40 metres and 43 metres when adjusted for bonnet length. To meet visibility requirements, it must be ensured that views are not obstructed by vertical obstructions of more than 1.05 metres, to the left and right of the visibility splay. Furthermore, as per Perth & Kinross Council Vehicular Access Guide Type A Junction detail is relevant in understanding pedestrian visibility splay requirements – 2.4m x 2.4m in this case.

No visibility splay information was submitted by the agent. A quick assessment on the estimated pedestrian and vehicle visibility splay was carried out internally (see below) and the splay(s) would appear to be obstructed by structures more than 1.05 metres in height resulting in an inappropriate vehicular access design and layout. It cannot be dismissed that a detrimental impact to vehicle and pedestrian safety upon vehicle emergence from the proposed access point, could happen.



On re-consultation with Transportation & Development (T&D), an update was provided to confirm that full assessment of the vehicle access could not be carried out as further information was not submitted. As such, Transportation & Development could not offer support to the proposal.

The proposal does not comply with NPF4 Policy 14 (a), (b - connected) and (c) and Policy 18 (b); LDP2 Policy 60B (a); and as informed by the National Roads Development Guide and Designing Streets.

Drainage and Flooding

There are no drainage or flooding implications associated with this proposed development.

Conservation Considerations

It is a welcome approach that the proposed dountaking works represent a minimum amount of historic fabric loss sought in creating a vehicular access. Further to that, on consultation with Conservation Team colleagues, there are no concerns that the proposal in its entirety would impact on the setting of nearby listed buildings, including to the host listed building.

The proposal complies with NPF4 Policy 7 (c) and LDP2 Policy 27A.

Natural Heritage and Biodiversity

As noted on the proposed site plan (plan 06), it is proposed to remove three trees (T4, T6 and T7). On consultation with the Biodiversity Officer, the proposal raises no concerns subject to conditions being applied when minded for approval.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly the proposal is refused on the grounds identified below.

Conditions and Reasons

1. Approval would be contrary to National Planning Framework 4 Policy 14 (a) where the proposal is designed in such a way that does not improve the quality of the area, and (b) lacks connected designing for pedestrian experience relating to safety and inappropriate connectivity to the public road network inconsistent with the 'connected' quality of a successful place, and (c); Policy 16 criteria (g)(i) where the proposal lacks full clarity on gatepier material finishes; and Policy 18 (b) where there would be a resultant detrimental impact onto the infrastructure network; and as informed by Placemaking Supplementary Guidance, the National Roads Development Guide and Designing Streets.

2. Approval would be contrary to the Perth and Kinross Local Development Plan 2 Policy 1A and 1B with particular note to criteria (a), (c) and (e) where the proposal would result in road user and pedestrian safety issues at its access point and full clarity of gatepier material finishes have not been provided; and Policy 60B where the proposal has not been designed for the safety of all potential users; and as informed by the National Roads Development Guide and Designing Streets.

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

- 1 There are no relevant informatives.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01 02 03 04 05 06 07 08 09 10



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100630929-001

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

Type of Application

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

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

Description of Proposal

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

Alterations to boundary wall to form vehicular entrance, formation of driveway, parking and paths.

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

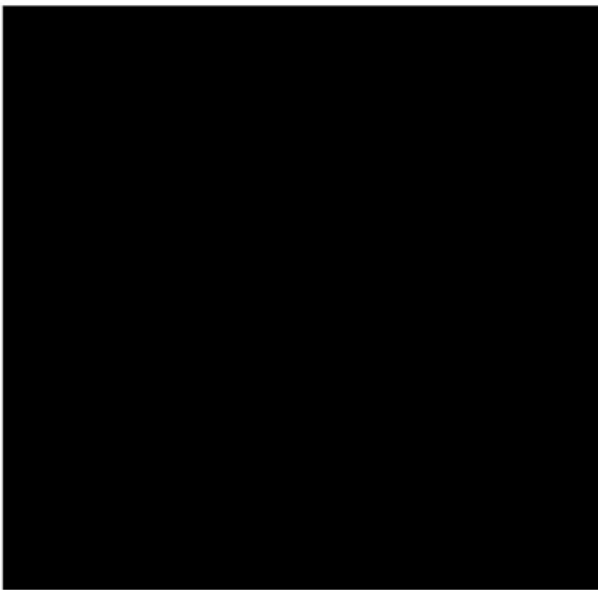
Company/Organisation:	Interurban Developments Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Inveralmond Business Centre
Last Name: *	Russell	Building Number:	6
Telephone Number: *		Address 1 (Street): *	Auld Bond Road
Extension Number:		Address 2:	-
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	United Kingdom
		Postcode: *	Ph1 3FX
Email Address: *			

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	
Other Title:		
First Name: *	Neil and Fiona	
Last Name: *	Whittet	
Company/Organisation		
Telephone Number: *		
Extension Number:		
Mobile Number:		
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:

LOWER

Address 2:

ROSE COTTAGE

Address 3:

ISLA ROAD

Address 4:

Address 5:

Town/City/Settlement:

PERTH

Post Code:

PH2 7HG

Please identify/describe the location of the site or sites

Northing

724307

Easting

312255

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

751.00

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)

Residential - Flatted accommodation

Access and Parking

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

☒ Yes ☐ No

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

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

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

Existing bins are located beside the steps at the pedestrian entrance. Driveway hard surfacing will aid the presentation of waste and recycling bins and enable their relocation closer to the house.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☐ Yes ☒ No

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:

Mr Brian Stanners

Address:

[REDACTED]

Date of Service of Notice: *

14/04/2023

Name:

Address:

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

Date of Service of Notice: *

06/05/2023

(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: John Russell
On behalf of: Mr Neil and Fiona Whittet
Date: 04/06/2023

☐ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	T	Yes	≤	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

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

Tree survey, method statement

Declare – For Application to Planning Authority

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

Declaration Name: Mr John Russell

Declaration Date: 04/06/2023

LRB-2023-45

23/00921/FLL – Alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth, PH2 7HG

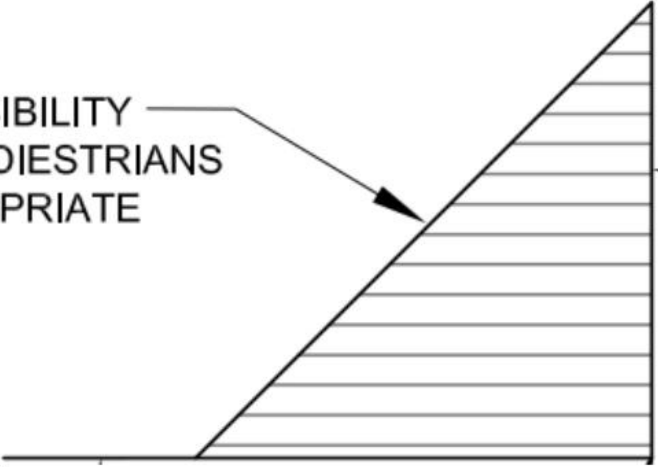
REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00921/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths		
Address of site	Lower Flat Rose Cottage Isla Road Perth PH2 7HG		
Comments on the proposal	<p>Policy 40: Forestry, Woodland and Trees</p> <p>The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>The arboricultural impact assessment by Arboretum Internationale is in accordance with BS5837 guidance, and all recommendations should be followed.</p> <p>Where any trees are proposed to be felled compensatory tree planting is required on a ratio of 1:3 for every tree lost as outlined in the PKC Planning for Nature Supplementary Guidance Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk)</p> <p>Compensatory planting details should include, species selection, stock size, stock type, planting density, plant protection measures, planting preparation, and a proposed maintenance schedule to ensure successful establishment of new planting.</p> <p>A checklist of information required to inform a planning application regarding biodiversity is provided in Annex 4 of the PKC Planning for Nature Supplementary Guidance. Applicants are encouraged to ensure information is submitted in accordance with the checklist to reduce future information requests and delays Planning Guidance - Planning & Biodiversity - Perth & Kinross Council (pkc.gov.uk)</p>		
Recommended planning condition(s)	<p>If you are minded to approve this application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> • NE00 The conclusions and recommended action points within the supporting tree survey submitted and hereby approved (document(s) INSERT relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority. • TR01 Prior to the commencement of the development hereby 		

	<p>approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.</p> <ul style="list-style-type: none"> Any trees to be removed, must be replaced on a 1:3 ratio. Details should be included in the submitted landscaping plan.
Recommended informative(s) for applicant	
Date comments returned	23 June 2023

Comments to the Development Quality Manager on a Planning Application

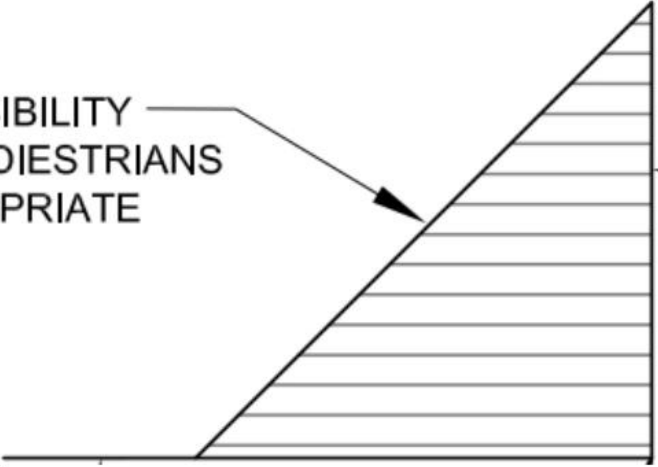
Planning Application ref.	23/00921/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Alterations to boundary wall to form vehicular entrance, formation of driveway, car parking and paths		
Address of site	Lower Flat, Rose Cottage, Isla Road, Perth, PH2 7HG		
Comments on the proposal	<p>The applicant is proposing to create a vehicle access onto the A93 Isla Road for the Lower Flat of Rose Cottage.</p> <p>The proposed vehicle access will be created by making an opening of 2.5 metres wide within the existing stone wall abutting the public road network. To gain access to the property the applicant will require to cross the footway along the A93.</p> <p>The applicant has not provided or shown the available visibility splays for the vehicle access. The applicant is requested to show a pedestrian splay to the left and right of the vehicle access, Figure 1, and the vehicle splay along the A93. Objects greater than 1.05 metres will cause an obstruction to the splay.</p> <div style="text-align: center;"> <p>2.4m X 2.4m VISIBILITY SPRAY FOR PEDIESTRIANS WHERE APPROPRIATE</p>  </div> <p>Figure 1: Pedestrian visibility splay</p> <p>Further details of the visibility splay are required.</p> <p>The applicant is providing two car parking spaces within the site, with a turning area, it is unclear whether the number of car parking spaces meets the requirements of the National Roads Development Guide for the size of the dwellinghouse. Nevertheless, these are new spaces from the current situation.</p> <p>Transport Planning require further details to be in a position to support this application.</p>		

Recommended planning condition(s)	
Recommended informative(s) for applicant	
Date comments returned	11 July 2023

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00921/FLL	Comments provided by	Craig Harvey
Service/Section	HE/Flooding	Contact Details	[REDACTED]
Description of Proposal	Alterations to boundary wall to form vehicular entrance, formation of driveway, car parking and paths		
Address of site	Lower Flat, Rose Cottage, Isla Road, Perth, PH2 7HG		
Comments on the proposal	No objection.		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.		
Date comments returned	12/07/2023		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00921/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Alterations to boundary wall to form vehicular entrance, formation of driveway, car parking and paths		
Address of site	Lower Flat, Rose Cottage, Isla Road, Perth, PH2 7HG		
Comments on the proposal	<p>The applicant is proposing to create a vehicle access onto the A93 Isla Road for the Lower Flat of Rose Cottage.</p> <p>The proposed vehicle access will be created by making an opening of 2.5 metres wide within the existing stone wall abutting the public road network. To gain access to the property the applicant will require to cross the footway along the A93.</p> <p>The applicant has not provided or shown the available visibility splays for the vehicle access. The applicant is requested to show a pedestrian splay to the left and right of the vehicle access, Figure 1, and the vehicle splay along the A93. Objects greater than 1.05 metres will cause an obstruction to the splay.</p> <div style="text-align: center;"> <p>2.4m X 2.4m VISIBILITY SPRAY FOR PEDESTRIANS WHERE APPROPRIATE</p>  </div> <p>Figure 1: Pedestrian visibility splay</p> <p>Further details of the visibility splay are required.</p> <p>The applicant is providing two car parking spaces within the site, with a turning area, it is unclear whether the number of car parking spaces meets the requirements of the National Roads Development Guide for the size of the dwellinghouse. Nevertheless, these are new spaces from the current situation.</p> <p>Update A request for the applicant to show the available visibility splays was requested by the planning officer, however, no drawings have been supplied</p>		

	<p>to allow a full assessment of the vehicle access. Vehicular visibility splays of 43 metres to the left and right of the vehicle access at a point 2.4metres from the edge of the carriageway, shall be shown by the applicant, for a road subject to a speed limit of 30mph. The 2.4 metres from the edge of the carriageway will ensure that the bonnet of the vehicle does not protrude onto the A class road the applicant is proposing to create the vehicle access. The applicant shall also provide a pedestrian visibility splay of 2.4metres x 2.4 metres to the left and right of the vehicle access from the property boundary with the footway. The pedestrian visibility will ensure that the driver and pedestrians on the footway are afforded intervisibility between each other, before the driver starts to enter the footway to position their vehicle to check the vehicular visibility splay.</p> <p>Transport Planning requested further details to be in a position to undertake a full assessment of the application, this has not been possible as the applicant has not been forthcoming with this information. As a result, without this information Transport planning are not in a position to support this application.</p>
Recommended planning condition(s)	
Recommended informative(s) for applicant	
Date comments returned	03 August 2023

LRB-2023-46
23/01362/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry, PH16 5GA

INDEX

- (a) Papers submitted by the Applicant (***Pages 161-174***)
- (b) Decision Notice (***Pages 177-178***)
 - Report of Handling (***Pages 179-184***)
 - Reference Documents (***Pages 171-173 and 185-194***)
- (c) Representations (***Pages 195-198***)

LRB-2023-46

23/01362/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry, PH16 5GA

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100638001-003

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ian Lewis Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ian	Building Name:	
Last Name: *	Lewis	Building Number:	2
Telephone Number: *	07890 755494	Address 1 (Street): *	St Colmans
Extension Number:		Address 2:	Moulin
Mobile Number:		Town/City: *	Pitlochry
Fax Number:		Country: *	UK
		Postcode: *	PH16 5HF
Email Address: *	ian@ianlewisdesign.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="2 JUBILEE PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PITLOCHRY"/>
Post Code:	<input type="text" value="PH16 5GA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="758161"/>	Easting	<input type="text" value="294245"/>
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Description of Proposal

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

23/01362/FLL - Change of use of flat to form short-term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry PH16 5GA

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to our Planning Statement accompanying original application for Planning Consent, a copy of which is attached. The requirements of the Checklist (Do I need Planning Permission to use my property as a Short Term Let) are satisfied for items 2 - 9 inclusive. Item 1 is the only point 'at issue' - 'is your property a flat?' Yes, it is a flat but with its own, unshared, access to the public road. Please also refer to our Planning Refusal comments attached.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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

1 Claims for Review Body consideration 2 Planning Statement in support of application 3 Planning checklist

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01362/FLL

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

09/08/2023

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

17/10/2023

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Ian Lewis

Declaration Date: 07/11/2023

2 Jubilee Place, Pitlochry, PH16 5GA

Application for Change of Use from Residential to Short-term Lets

Planning reference: 23/01362/FLL

We are aggrieved by the decision of Perth and Kinross Planning and Development Management Department to refuse consent for this application.

We understand fully the reasoning behind recent changes in Planning Law but consider that the application has been mis-handled, given the established working status of the property and the advice and guidance given on the Council website. Our reasons are:

1. The Guidance for Applicants – Planning Checklist:

We attach a copy of the *'Checklist - Do I need Planning Permission to use my property as a short term let?'* in which we have indicated our negative responses to eight out of the nine questions.

The only question to which we have replied in the positive is Question 1- *'Is your property a flat?'*

It would appear that the only issue on which a Planning Application would turn is that of the property being a flat, and the specific issues which attend the short term letting of flats.

Most of the pertinent issues have been covered by the Checklist; the only one, to our knowledge, is whether or not the flat has direct and un-shared access to the public road. We confirm that it does; furthermore, it has its own dedicated car-parking space as well as other, freely available, parking spaces.

We are of the opinion that the Delegated Planning Officer has not dealt with the application consistent with the ruling stated in the Checklist and has gone on to apply Planning Policies which are outwith the specific remit of the application.

2. Reasons for Refusal:

The Planning Officer has gone beyond the remit (outlined above) by invoking Policy 30 of the Planning Framework 4 (2023). Notwithstanding this:

It is stated that *'the proposal will result in.....i) An unacceptable impact on local amenity and character of the area...'*

No evidence or reasoning has been provided to substantiate this statement. No acknowledgement has been made with reference to our Planning Statement (submitted with our application and attached to this application for Review) in which we confirmed that the property had been effectively let on a short-term basis for eight years without complaint from nearby residents of the estate.

It is also stated that *'the proposal will result in.....ii) the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits'*

Again, no evidence has been provided to substantiate this claim. It may be argued that, as the property has been under STL for the past eight years, continuation of the same will not result in a '*loss of residential accommodation*' as such, as it has never been '*residential*' since it was built.

Continuation of the STL status of the property will provide further and continuing employment of cleaning services, laundry services as well as the obvious considerable spending of visitors in local shops and restaurants.

Item 2 under Reasons for Refusal refer to Policies within NPF 4 and LDP 2 and mainly cite issues concerning amenity and effects STL will impose on nearby or neighbouring residents. This is, again, outwith the remit of the application and this is vindicated by the fact that not a single objection was raised by any of the 36 households notified during the Planning process.

An inaccuracy in the description of the development exist where (the development) is described as '*....private, quiet, enclosed residential development*'. Jubilee Place is, in fact a public road.

We would argue that there is very little difference in '*amenity*' between long-term and short term residential accommodation; in fact the demographic of the likely users of the property is likely to be middle-aged to retired couples who are generally respectful of '*amenity*'.

3. Delegated Report:

National Planning Framework 4:

Policies 14 (Design, Quality and Place) and 30 (Tourism) are cited as relevant to this application.

Policy 14 deals with Development within established residential areas and it is stated that '*the use of the property as a short term let is considered to be incompatible with the character of the residential flat development*'.

No account appears to have been taken of the facts that:

- a) The property has been used for about 8 years as an STL, without any complaint from the 36 neighbours notified.
- b) The property on the ground floor of the building has been similarly deployed for a similar number of years – making the continued use of both flats as STLs preferable than having a '*mix*' of uses within the same block.
- c) There were no representations from any of the 36 neighbouring proprietors notified by the Council.
- d) The flat (without external play area or facilities) lends itself to use by older (and therefore normally quieter) people. It may be argued that a family or families with small children might pose a greater threat of noise pollution within the '*existing private, quiet, residential character of the courtyard*'.

- e) The matter of car parking is raised as an inconvenience in spite of the fact that one car-parking space is owned by the applicants and there are further 'spare' parking areas well delineated. There is more likelihood that more than one car might be used by long-term residents (eg: a couple commuting to different places of work) than a retired holiday maker arriving in one car.

Summary:

1. It is apparent that the only issue outstanding on the 'Do I need Planning Consent' checklist has been ignored by the case officer who has then sought to identify general guidance in Planning policy to result in a refusal.
2. The several issues raised in our Planning Statement (accompanying the Planning application) have been ignored.
3. The complete absence of objections from 36 immediate neighbours appears not to have been considered.

**Ian Lewis Design
7 November 2023**



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

Email: DevelopmentManagement@pkc.gov.uk
Telephone: (01738) 475300

CHECKLIST

DO I NEED PLANNING PERMISSION TO USE MY PROPERTY AS A SHORT TERM LET?

If you answer **YES** to **ANY** of the following questions you **NEED PLANNING PERMISSION**:

1. Is your property a flat?	Yes	No
2. Do any of your guests have to access the property via any communal areas? (i.e., shared gardens, stairwells, etc.)	Yes	No
3. Does your property share a communal parking area? (i.e., it does not have its own designated space)	Yes	No
4. Will any of your guests be regularly checking in or out at unsociable hours? (between 9pm and before 7am)	Yes	No
5. Does your property have an external hot tub, an external living area (or similar), for use by guests in a predominately residential area?	Yes	No
6. Do you allow parties to be held in the property by guests? (including accepting stag and hen bookings etc)	Yes	No
7. Will the use of your property as a short-term let impact security for neighbours? (i.e., the use of key boxes for access and shared areas, such as entranceways or gardens)	Yes	No
8. Have you changed any public rooms into additional accommodation? (i.e., changing a living room to a bedroom)	Yes	No
9. Do you consider that the use of the property might detract from the character or amenity of the area in any way?	Yes	No

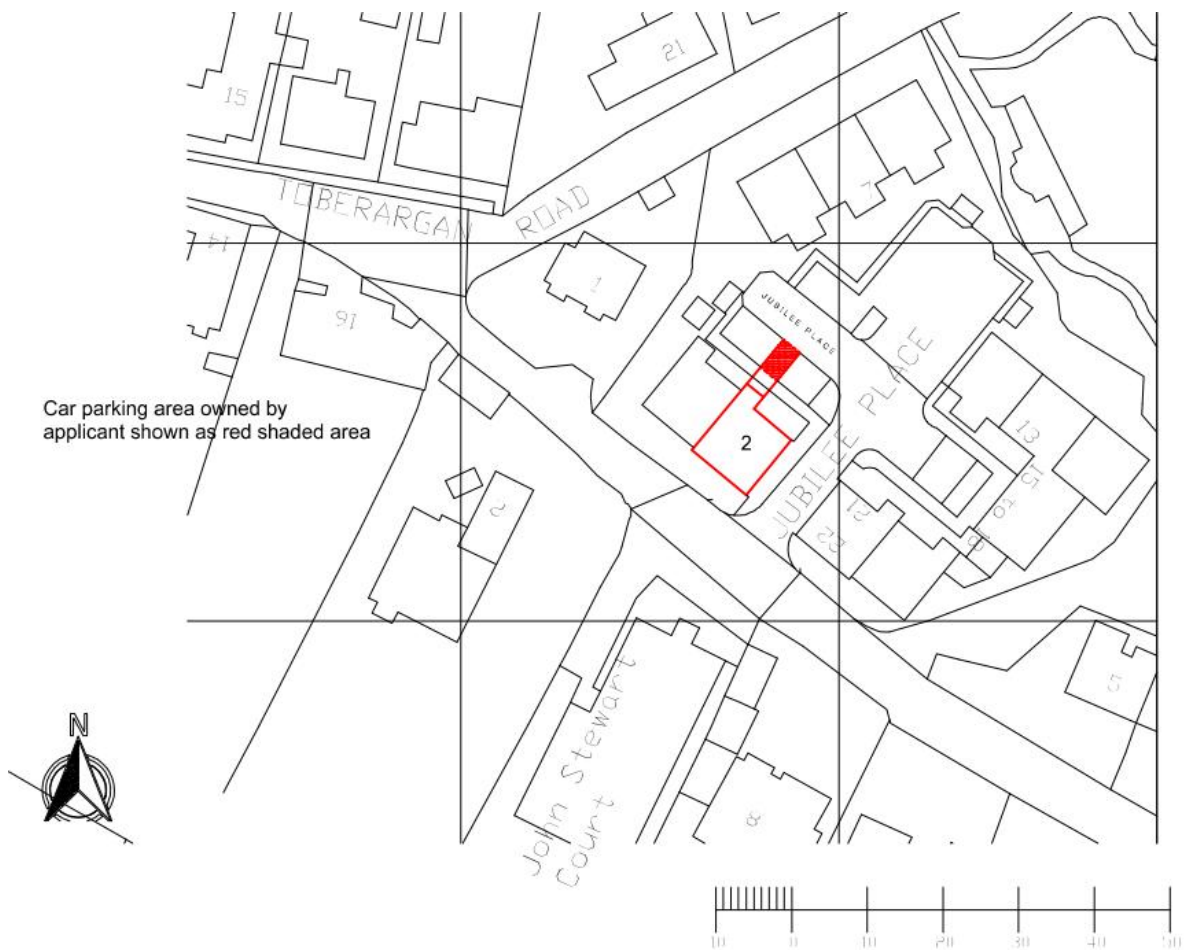
If you have answered **NO** to **ALL** of these questions you should not require planning permission, but you may wish to consider the submission of a Certificate of Lawfulness for a definite decision that the development is lawful. If you answer yes to any of the above questions but have been operating continuously as a short-term let for at least 10 years and are able to evidence this, then planning permission may not be required and you should

submit a Certificate of Lawfulness if you want formal confirmation planning permission is not required.

Notes:

1. This checklist is not a "Certificate of Lawful Use or Development" under Section 150 or 151 of the Town and Country Planning (Scotland) Act 1997 (as amended). If you wish to obtain written confirmation that planning permission is not required for a development or use, you will need to [submit an application for Certificate of Lawfulness](#).
2. If your property is a [listed building](#), 'Listed Building Consent' will be required to alter or extend it, irrespective of whether or not planning permission is required. A search of Listed Buildings can be carried out on [Historic Environment Scotland's](#) website.
3. Consent from a landlord may also be required and, or title deeds checked.
4. This checklist deals with Planning Permission for a change of use only. Any alterations proposed to facilitate the change of use may be subject to planning permission. Please review the [do I need permission checklists on our website](#).
5. You may require a [Building Warrant](#) for the works proposed.
6. The developer should satisfy themselves that all necessary permissions, consents and licenses are in place prior to the commencement of any works or use.

Latest revision: May 2023



Location plan

Scale 1:1000/A4

Issue B 17.08.23 Red outline corrected/modified to extend to public road (Jubilee Place)
Issue C 21.08.23 Red line further correction

Ian Lewis design

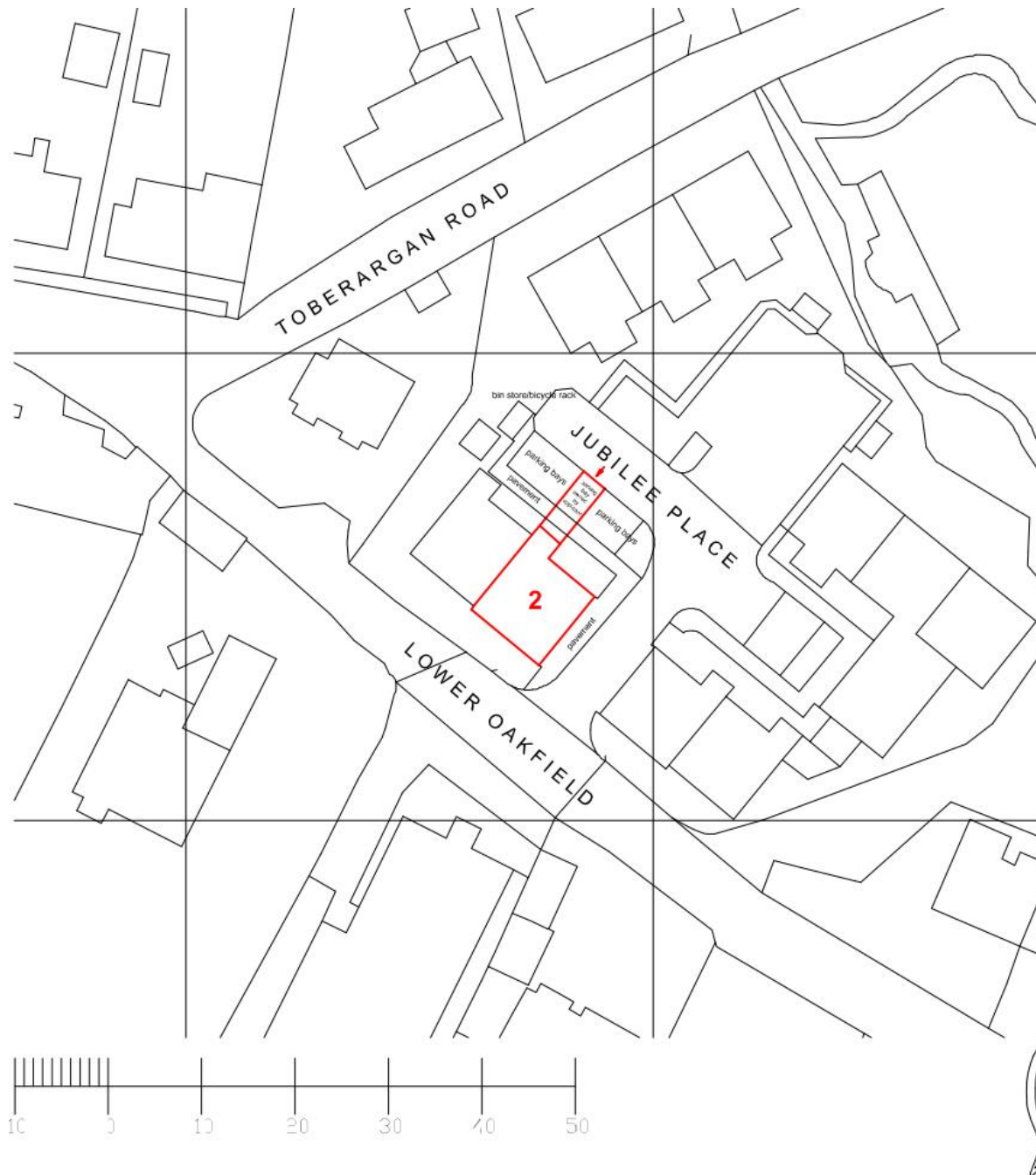
2 St Colmans, Moulin, Pitlochry, PH16 5HF
tel: 01796 482722 e-mail: ian@pooldesign.co.uk

2 Jubilee Place, Pitlochry, PH16 5GA

Location plan

Scale: 1:1000

Drawing no: 2JP 02



Note:

No garden ground attaches to the property other than communal amenity ground maintained by factors

Jubilee Place includes turning spaces and access to parking bays

Issue A 17.08.23 Issued for Planning Consent
Issue B 21.08.23 Note re: 'shared garden ground' removed

Ian Lewis design

2 St Colmans Moulin Pitlochry, PH16 5HF
tel: 07890 755494 e-mail: ian@ianlewisdesign.co.uk

Self-catering flat

2 Jubilee Place, Pitlochry, PH16 5GA

I R & A Lewis

Site plan

Scale:

1:500/A3

Drawing no:

2JP 03

2 Jubilee Place, Pitlochry, PH16 5GA

Application for Change of Use from Residential to Short-term Lets

Planning Statement in support of application:

2 Jubilee Place is a first floor flat built circa 2015 and comprises two bedrooms, one en-suite, bathroom, sitting room and kitchen. It has its own direct access to the street and its own parking area. It is one of 22 similar flats built on the former curling rink and Pitlochry Festival Theatre site. The applicants are in the process of purchasing the flat

The following may be noted:

1. The current owners of the property have let it on a short-term basis to visitors to Pitlochry from 5 September 2015 to 6 January 2023; their rationale for the sale of the property was that the business generated (including repeat bookings) could be continued by the new owners.
2. As at 1 April 2023, the property was commercially rated as a 'Self-catering Unit' by the Tayside Valuation Joint Board; a commercial rateable value and rate were applied. We presume that this was in place from the outset.
3. At the owners' instance, the property was re-listed at the TVJB as residential; reason unknown.
4. We understand that a small number of nearby properties (which includes the ground-floor flat below) are used for short-term lettings; the area is particularly suitable for non-car owners because of its proximity to the town centre and other tourist attractions.
5. The accommodation is ideal for a maximum of four persons (ie a family group).
6. The flat has its own direct access to the street.
7. The flat has its own dedicated car-parking area.
8. The flat will have been built to recent Building Standards and will therefore have a high standard of sound insulation between floors and adjoining properties.
9. The environs of the Jubilee Place 'estate' are fully maintained by Factors thus ensuring a continuing high standard of presentation.
10. We propose to let the property using a national commercial agency (Sykes, Cottages.com or similar) but to exclude the likes of AirBnB. The lets would, for the most part, be weekly with just a few 3-day lets in the quiet season (for instance, providing much sought after accommodation for the Enchanted Forest event). This would result in little disturbance to nearby residents.
11. The responses to questions 2 – 9 inclusive on the PKC Checklist 'Do I need Planning Permission to use my property as a Short Term Let?' are in the negative. Question 1 (is your property a flat?) is the only question which is 'yes'. Please see copy attached.
12. A Landlords' License is to be applied for in the event of Planning Consent being given.

Ian Lewis Design

9 August 2023

LRB-2023-46

23/01362/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry, PH16 5GA

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 161-163)*



Mr and Mrs Ian Lewis
c/o Ian Lewis Design
Ian Lewis
2 St Colmans
Moulin
Pitlochry
PH16 5HF

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **17th October 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01362/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 21st August 2023 for Planning Permission for **Change of use of flat to form short-term let accommodation unit (in retrospect) at 2 Jubilee Place Pitlochry PH16 5GA**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

- 1 The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i) An unacceptable impact on local amenity and character of the area, and
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 2 The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policies 1A and 1B: Placemaking and Policy 17 d) Residential Areas as the short-term let accommodation would adversely impact on the amenity of residents of the flats and the short-term let use is not compatible with the amenity and character of the existing private, quiet, enclosed residential development.

Justification

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

Infomatives

- 1 The applicant is advised that the use of the property as a short term let should cease immediately to avoid formal enforcement action being considered.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page.

Plan Reference

01

02

03

04

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01362/FLL	
Ward No	P4- Highland	
Due Determination Date	20th October 2023	
Draft Report Date	17th October 2023	
Report Issued by	JF	Date 17.10.23

PROPOSAL: Change of use of flat to form short-term let accommodation unit (in retrospect)

LOCATION: 2 Jubilee Place Pitlochry PH16 5GA

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for a change of use of a flat to short term let accommodation. The flat is located within a residential area of Pitlochry built circa 2015 forming part of the redevelopment of the former curling rink. The wider site comprises of 22 flats which are a mix of affordable and private ownership.

The property is a first floor flat and comprises two bedrooms, one en-suite, bathroom, sitting room and kitchen. It has its own direct access to the street and a parking space.

The application form states the property has been used as an STL since 2015. The application site has been visited so that an assessment of the wider character of the area could be made.

SITE HISTORY

09/00585/FUL Erection of 29 flats 22 July 2009 Application Withdrawn

09/01280/FLL Erection of 22 flats (revision to block 3/4) 15 April 2011 Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4 :

Policy 14: Design, Quality and Place

Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 17: Residential Areas

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

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

Draft Planning Guidance Proposed Short-Term Let Control Area (Consultation ended 18th August 2023)

NATIONAL GUIDANCE

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

CONSULTATION RESPONSES

Communities Housing Strategy

Saturation levels of STLs highlighted

Environmental Health (Noise Odour)

No objection

REPRESENTATIONS

No representations were received

Additional Statements Received:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

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

Policy Appraisal

The proposal seeks to change the use of an existing flat in Pitlochry settlement to a short term let.

The primary policy in this instance is NPF4 Policy 30(e): Tourism, as there is no specific LDP2 policies relating to Short-Term Let accommodation, particularly where changes of use of existing properties are concerned.

Placemaking considerations (policies 1A and 1B) are relevant in so far as they seek to guide development to the right location to avoid adverse impacts.

NPF4 Policy 30(e): Tourism states that Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or

- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Consultees have advised that the application site is situated within a postcode district (PH16), which has a higher-than-average provision of short term lets, which is at a level at which it may be considered appropriate to introduce a control area, in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

Draft planning guidance on short term lets has recently been produced due to concerns expressed over the impact of STL's on services, local business staffing and expansion as well as housing affordability. The consultative draft acknowledges that while short-term lets can bring economic benefits to the host and local areas, this must be balanced against the impact the loss of that residential property has on the availability of housing for local people, and in particular access to affordable housing.

In respect of criterion (i) of NPF4 Policy 30(e), the proposed use of the property as a short term let would not be significantly different from a flat in terms of its physical appearance, the extent of guest footfall or noise emanating from the property, so long as good management practices are in place.

However, the expected high turnover of guests has the potential to increase disturbance to neighbouring residents. In addition, the proposal would contribute to a cumulative adverse impact on the residential character of the flatted development with communal/shared areas of a central parking courtyard.

In respect of criterion (ii) of NPF4 Policy 30(e), the proposal would result in the loss of a flat to short term let accommodation in the PH16 postcode area which is already subject to a proliferation of holiday accommodation. This in turn would adversely impact the availability of residential accommodation locally. There are undoubtedly economic benefits associated with the proposal, not least to the applicants themselves and to local businesses who benefit from the custom of guests, but these do not necessarily outweigh the loss of residential accommodation in this instance.

The proposal therefore conflicts with NPF4 Policy 30(e) Tourism, and the intent of LDP2 Policy 1A: Placemaking. The principle is therefore unacceptable.

Residential Amenity

NPF4 Policy 14 Design, Quality and Place and LDP2 Placemaking Policies 1A and 1B and Policy 17: Residential Areas support proposals which are compatible with the amenity and character of the surrounding area.

The flat forms the southwest block of the wider flatted development forming a courtyard of 22 flats. The arrangement of the buildings provides for a quiet, private, enclosed development with a central parking area.

Through the use of the flat as a short term let there is the potential for noise from the users of the properties to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to be licensed and noise conditions will form part of the licence.

The use of the property as a short-term let is considered to be incompatible with the character of the residential flat development. The intensification of use and movements would adversely impact the amenity of neighbouring residents and would alter the existing private, quiet, residential character of the courtyard.

As the proposal would not be compatible with the amenity and character of the surrounding area, it also fails to satisfy national and local placemaking policies (NPF4 Policy 14 and LDP2 Policies 1A and 1B) as well as LDP2 Policy 17 Residential Areas.

Roads and Access

One parking space is allocated to the 2-bedroom property. It would not be inconceivable for more than one car to be used by guests. As the principle of development is not supported it has not been investigated what other parking would be available in the locale.

Other Material Considerations - Proposed Short-Term Let Control Area and Draft Planning Guidance

This document is a material consideration for this planning application. The draft document was approved by elected members for consultation on 31 May 2023. The public consultation started on 2 June 2023 and closed on 18 August 2023. The document notes that the planning guidance (draft) will be used to assess planning applications. It should be highlighted that the planning guidance is in draft form, and as a result of the consultation process its contents may change.

The guidance states that the benefits offered from short term lets must be balanced against the impact the loss of that residential property has on the availability of housing for local people, and in particular access to affordable housing.

At this stage little weight is given to this guidance but the recommendation in this case does not raise any issues.

Developer Contributions

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

Economic Impact

The economic impact of the proposal is likely to be small scale related to local spending.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly the proposal is refused on the grounds identified below.

Conditions and Reasons

1 The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:

- i) An unacceptable impact on local amenity and character of the area, and
- ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

2 The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policies 1A and 1B: Placemaking and Policy 17 d) Residential Areas as the short-term let accommodation would adversely impact on the amenity of residents of the flats and the short-term let use is not compatible with the amenity and character of the existing private, quiet, enclosed residential development.

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

The applicant is advised that the use of the property as a short term let should cease immediately to avoid formal enforcement action being considered.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100638001-001

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

Type of Application

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

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

Description of Proposal

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

Change of Use from Residential to Short Term Letting [note: property is and has been used for STL since 2015] No structural alterations involved.

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:	Ian Lewis Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ian	Building Name:	
Last Name: *	Lewis	Building Number:	2
Telephone Number: *		Address 1 (Street): *	St Colmans
Extension Number:		Address 2:	Moulin
Mobile Number:		Town/City: *	Pitlochry
Fax Number:		Country: *	UK
		Postcode: *	PH16 5HF
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	
First Name: *	Ian	Building Number:	
Last Name: *	Lewis	Address 1 (Street): *	
Company/Organisation	IR and A Lewis	Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

2 JUBILEE PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PITLOCHRY

Post Code:

PH16 5GA

Please identify/describe the location of the site or sites

Northing

758161

Easting

294245

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)

Consulted David Rennie who clarified Planning situation surrounding STLs

Title:

Other title:

First Name:

Last Name:

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:

80.00

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)

Self-catering holiday accommodation with occasional use by owners

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?

1

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)? *

1

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

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)

Existing waste bin areas on site to be retained and used.

Residential Units Including Conversion

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

☐ Yes ☒ No

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:

Mr and Mrs Brian Quail

Address:

2, Jubilee Place, Pitlochry, Scotland, PH16 5GA

Date of Service of Notice: *

07/08/2023

(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: Ian Lewis

On behalf of: Mr and Mrs Ian Lewis

Date: 07/08/2023

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

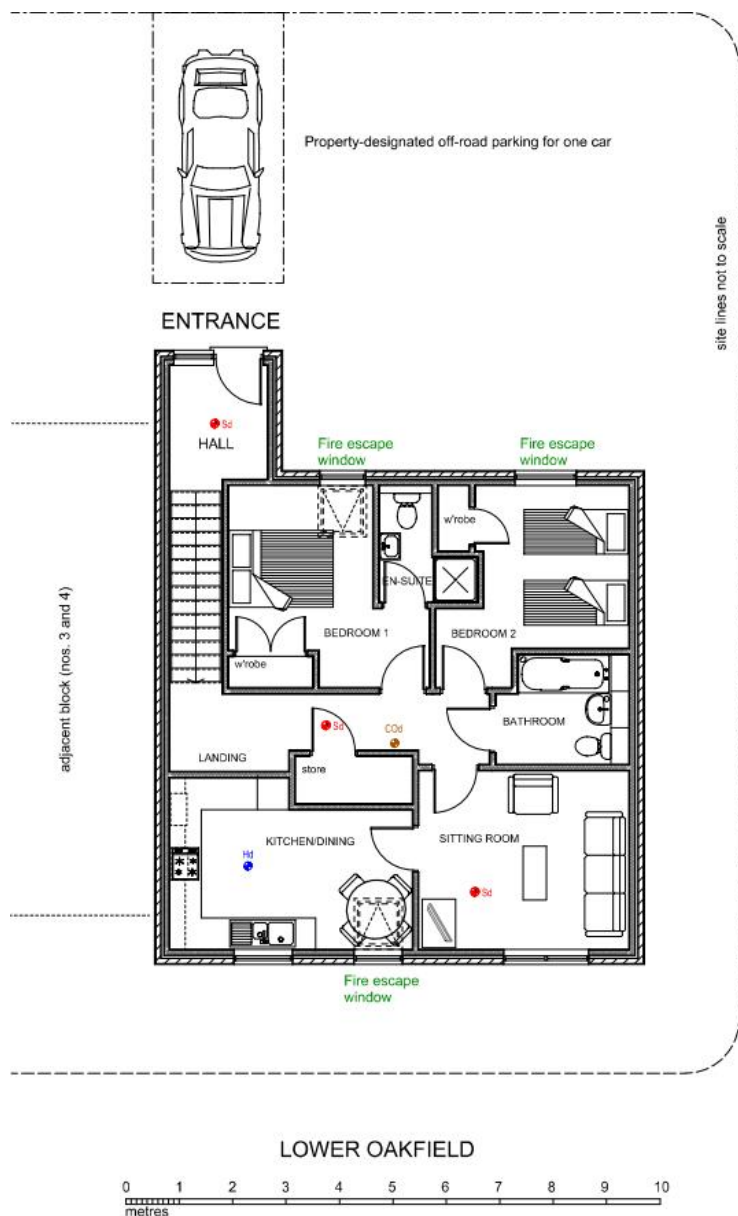
Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

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

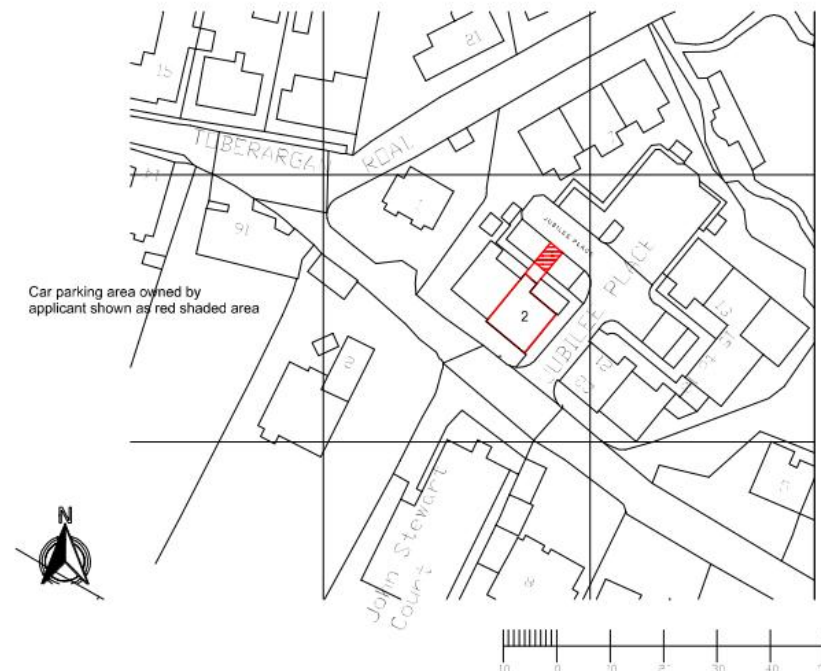
Declaration Name: Mr Ian Lewis

Declaration Date: 09/08/2023



Floor plan

Scale 1:100/A3



Block/location plan

Scale 1:1000/A3

Ian Lewis design

2 St Colmans, Moulin, Pitlochry, PH16 5HF
tel: 01796 482722 e-mail: irl@pooldesign.co.uk

Self-catering flat

2 Jubilee Place, Pitlochry, PH16 5GA

I R & A Lewis

Floor plan and block/location plan

Scale:
as shown

Drawing no:
2JP 01

Issue B 17.08.23 Modified site outline to include car parking space and direct access to Jubilee Pace

LRB-2023-46

23/01362/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry, PH16 5GA

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01362/FLL	Comments provided by	Stephanie Durning
Service/Section	Housing Strategy	Contact Details	Planning and Policy Officer [REDACTED]
Description of Proposal	Change of use of flat to form a short-term let accommodation unit (in retrospect).		
Address of site	2 Jubilee Place, Pitlochry, PH16 5GA		
Comments on the proposal	<p>The proposal is for the change of use from residential to short-term let flatted accommodation in a mainly residential area of Pitlochry.</p> <p>Relevant NPF4 Policy 30: states that <i>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</i></p> <ul style="list-style-type: none"> i. <i>An unacceptable impact on local amenity or the character of a neighbourhood or area; or</i> ii. <i>The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</i> <p>The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH16 is 12.0% and above the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of Short-Term Lets where it affects the availability of residential housing or the character of a neighbourhood.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	30.08.2023		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01362/FLL

Our ref DAT

Date 11 September 2023

Tel No [REDACTED]

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

23/01362/FLL RE: Change of use of flat to form short term let accommodation unit (in retrospect) 2 Jubilee Place Pitlochry PH16 5GA

I refer to your letter dated 30 August 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application but recommend the undernoted informative be included in any given consent.

Comments

This application is for the change of use of a first-floor flatted dwelling at 2 Jubilee Place, Pitlochry to a short term let accommodation unit (in-retrospect). It is my understanding that the property has been utilised as a holiday accommodation unit since 2015.

Holiday Accommodation

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties, however due to the introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, these will be required to be licensed and noise conditions will form part of the licence.

Therefore, whilst I have no objections to the application, I would recommend the following informative be attached to any given consent.

Informative

Short Term Let

The applicant is advised that under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required to operate a short-term let. More information can be found at <https://www.pkc.gov.uk/shorttermlets>



LRB-2023-47
23/00572/FLL – Change of use from flat to short-term let accommodation unit (in retrospect), 4a Bonnethill Road, Pitlochry, PH16 5BS

INDEX

- (a) Papers submitted by the Applicant (***Pages 201-214***)
- (b) Decision Notice (***Pages 217-218***)
 - Report of Handling (***Pages 219-226***)
 - Reference Documents (***Pages 227-236***)
- (c) Representations (***Pages 237-244***)

LRB-2023-47

23/00572/FLL – Change of use from flat to short-term let accommodation unit (in retrospect), 4a Bonnethill Road, Pitlochry, PH16 5BS

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

MICHELLE MCMILLAN

Address

[REDACTED]

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

[REDACTED]

Agent (if any)

Name

[REDACTED]

Address

[REDACTED]

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

[REDACTED]

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 AND KINROSS

Planning authority's application reference number

23/00572/FLL

Site address

4 A BONNET HILL ROAD
PITLOCHRY PH16 5BSDescription of proposed
development

CHANGE OF USE.

Date of application

27 APRIL 2023

Date of decision (if any)

21ST JULY 2023

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:

NO COMPLAINTS BY ANY SURROUNDING PROPERTIES.
AS PRIVATE ENTRANCE. DECISION MADE WITHOUT SITE VIEWING.
THEY ARE HAVE LONGER LETS, ANY GAPS THEN FILLED TOURISTS.

Site inspection

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

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

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

I WOULD PREFER TO BE PRESENT FOR ANY
SITE INSPECTION.

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.

I am attaching my STATEMENT
as feel there is not enough room on
this form.

mmcm:llw 11/10/23.

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

Yes ☐ No ☒

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

List of documents and evidence

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

3 x letters of support.

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

11/10/23

Appeal

I am appealing to you to review the refusal of my application by John Williamson on 21st July 2023, the application was made on 27th April this year.

I have adhered to all of the stipulations with regards to licences and certificates costing me somewhere in excess of £5000.

As you can understand this is my sole livelihood and only source of income which I have worked very hard for and this has caused my mental health to suffer with all the stress and worry.

The property is used by visiting staff at the theatre for most of the year

and any gaps in the diary I fill these with tourists. The reviews I have had from patrons have been impeccable and I feel that I have made a good impact on the tourism industry by welcoming guests from all over the world. Paul McLennan housing minister has previously stated "Quality and safety is the heart of the scheme" which I have achieved by meeting all the relevant licenses due processes required. Theatre staff have stated that the property is perfect for commuting and I have prebooked dates for most of the next year.

I have had no complaints from neighbours as to noise or any

disturbances. My property has its own private entrance and stairwell therefor does not disturb anyone in the surrounding areas. There have also been no objections to the licenses that I submitted and paid for in excess of £5000. I have not been asked to accompany anyone on visits to the property by any authorities and to the best of my knowledge the decision was made solely on data and information that I have provided, this has not taken into consideration that the property and business has been up and running for the last two years. I have provided letters from theatre management and guests who have

priously used the property.

I would gladly meet and show around any review board so as they can make a decision based on Viewing the actual property and viewing all the certificates and reviews that I have had.

I would hope that you will reconsider the decision in light of this appeal as I feel that my property is be beneficial to the working people and the tourism industry in Pitlochry.

Michelle Mcmillan
Appeal for property
4a Bonnethill Road
PH165BS

LETTERS of support

To whom it might concern,

I have stayed in the studio and the small apartment at 4 Bonnethill Rd on a number of occasions. I work at PFT as a designer and I have been very grateful to Michelle as she provides affordable, safe and comfortable accommodation for people such as myself who work at the theatre on a freelance basis. Pitlochry is a real problem for theatre freelancers as accommodation is so expensive. Michelle and her lovely flats have been a huge help to myself and other theatre workers.

I also feel that the studio and the apartment are too small to provide long term accommodation for anyone and therefore are ideal for short term rentals. I really hope for my sake and for my colleagues who also rent from Michelle that you will reconsider and grant her the license she needs and deserves.

Yours sincerely,

Jeanine Byrne
Lighting designer at PFT

Dear Perth and Kincross Council,

I am writing to you in the hopes that you will seriously reconsider your decision to not approve the license for 4a Bonnethill Road. I stayed at Michelle's apartment 4a on Bonnethill Road in Pitlochry for the whole month of February 2023 while I worked at the Pitlochry Festival Theatre on a work placement for my masters course in theatre directing. I'm so grateful to have found 4a/ Pitlochry Escapes as I was not able to find any other accommodation as there were not any other places available for long term which also were in my price range as I could not afford to stay at a hotel for a month. Not only was I lucky to have found that 4a was available and affordable to me but it was one of the most lovely places I've ever stayed and Michelle is an amazing hostess. The apartment is lovely, clean, and spacious and everything is new and decorated so well and comfortable. It truly felt like home away from home. The location was also ideal as a quick 10 minute walk to the theatre, where I worked Monday-Friday from 10-6. The Pitlochry Festival Theatre brings in the majority of tourists and a huge amount of work into Pitlochry and the artists that work there need accommodations to stay in.

Currently there are very few places in Pitlochry that offer affordable accommodation for the people working at the theatre. Michelle has helped fill that need with apartment 4a. It would be a huge disservice to not only tourists coming in who need a place to stay but also artists who are needing to work at the theatre and need short term accommodation if you are to deny Michelle her application. As far as I'm aware the theatre actually brings in the majority of summer tourists into Pitlochry so you will be doing the whole town a huge disservice. Michelle caters for all the artistic staff at Pitlochry Festival Theatre and has done so for the last few years. She works hard with all the artists like myself to accommodate year round to help us find affordable accommodation while we work at the theatre. Apartment 4A is full with theatre staff year round.

Sincerely,


Meggie Greivell

Fwd: LETTER OF SUPPORT

Pitlochry Escapes

Wed 16-Aug-23 10:29 AM

To: Ewan McIlwraith

----- Forwarded message -----

From: **Elizabeth Newman**

Date: Tue, 15 Aug 2023 at 08:54

Subject: LETTER OF SUPPORT

To: Pitlochry Escapes

Dear Michelle,

Please find below a note of support to be included in your response.

All good wishes,

E xxx

Pitlochry Festival Theatre
Port na Craig
Pitlochry
PH16 5DR

To whom it may concern,

We wanted to confirm that 4a Bonnethill Road, Pitlochry Escapes has been a vital resource for the artistic community in Pitlochry who work on longer fixed term and freelance contracts at Pitlochry Festival Theatre.

As you'll be aware, there are few options for artists in the local area and 4a is a welcoming, and comfortable option for those who are fortunate enough to stay there. It has also been a safe space for freelance artists with chronic illnesses who need support dogs as Michelle has been hugely accommodating and supportive. She has also hosted placement students, which has been vitally important for us to fulfil our mission to be a training theatre.

Michelle is repeatedly noted to be a fantastic host by her guests, which is very valuable to those who are away from home for weeks at a time. Pitlochry Escapes is also ideally located for those needing to commute to the theatre, sometimes at unsociable hours after performances or rehearsals, when a short walk is most appreciated.

Michelle works very hard to ensure an excellent quality of accommodation while they work here at the theatre and as such, she is fully booked year-round. If you would like to talk about Pitlochry Escapes and the working relationship with the Theatre, I'd be happy to discuss. I am reachable via email elizabeth.newman@pitlochryfestivaltheatre.com or by phone 07816509116.

Sincerely,

Elizabeth Newman
Artistic Director
Pitlochry Festival Theatre

Elizabeth Newman (she/her)
Artistic Director | Pitlochry Festival Theatre

LRB-2023-47

23/00572/FLL – Change of use from flat to short-term let accommodation unit (in retrospect), 4a Bonnethill Road, Pitlochry, PH16 5BS

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS



Ms Michelle McMillan
47 River Tilt Caravan Park
Invertilt Road
Blair Atholl
PH18 5TE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **21st July 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/00572/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 27th April 2023 for Planning Permission for **Change of use from flat to short-term let accommodation unit (in retrospect) 4A Bonnethill Road Pitlochry PH16 5BS**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The change of use is contrary to Policy 30: Tourism (part e) of National Planning Framework 4 (2022) as the proposal involves the loss of a residential unit to short term let accommodation within an area which is subject to a high saturation of holiday accommodation, relative to the potential total housing stock. The loss of such a mainstream housing unit will have a negative impact on the amenity of the area and the loss of the accommodation has not been outweighed by any demonstrable local economic benefit.
2. In the interests of amenity and proper planning, the change of use by reason of its location and shared access arrangements will not protect established residential amenity levels, nor contribute positively to the area in which located. The development is as a result contrary to Policies 1A & 10 of Perth & Kinross Local Development Plan 2 (2019) as well as the associated draft supplementary guidance on short term lets (2023).

Justification

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

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

01

02

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00572/FLL	
Ward No	P4- Highland	
Due Determination Date	26th June 2023	
Draft Report Date	11th July 2023	
Report Issued by	ab	Date 14/7/23

PROPOSAL: Change of use from flat to short-term let accommodation unit (in retrospect)

LOCATION: 4A Bonnethill Road Pitlochry PH16 5BS

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning application relates to an upper floor flat contained to the rear (northeast side) of the above, 2 ½ -storey, imposing corner building, which is prominently situated at the junctions of Bonnethill and Atholl Roads in Pitlochry town centre. The slate and sandstone building is unlisted, but has a good deal of period architectural charm that adds to the character of the Pitlochry Conservation Area in which it is located.

Plans indicate that although the property has a dual aspect to the north (Bonnethill Road) and south (rear of Atholl Road buildings), the access to the upper floors is via a shared staircase which leads onto a private lane that is out with the application site area.

Consent is being sought retrospectively to change the use of the one bedroomed unit into a short term let.

SITE HISTORY

Short term licences have been applied for.

PRE-APPLICATION CONSULTATION

Pre application Reference: n/a

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4 :

Policy 7: Historic Assets and Places
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 18: Infrastructure First
Policy 27: City, Town, Local and Commercial Centres
Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The principal policies are:

Policy 1A: Placemaking
Policy 1B: Placemaking
Policy 5: Infrastructure Contributions
Policy 10: City, Town and Neighbourhood Centres
Policy 28A: Conservation Areas: New Development
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Conservation areas](#)
- [short term let draft planning guidance](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

CONSULTATION RESPONSES

Internal:

Environmental Health (Noise Odour)

- No objection, acknowledgment that noise can be an issue, however content to regulate this through an informative advising that a STL licence would be necessary.

Communities Housing Strategy

- Have advised that the postcode district level of saturation of potential short-term lets **is above the level at which it may be considered appropriate** to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

Transportation And Development

- No objections

Structures And Flooding

- No objections, advised that access route is subject to flooding.

External:

Scottish Water

- No objections noted

REPRESENTATIONS

None received.

Additional Statements Received:

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Not Required
Design Statement or Design and Access Statement	Not Required, no external changes
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

In this instance, Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

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 & Use

Within the LDP2, the subjects are located within the central core of the Pitlochry Conservation Area where policies 28A and 10 (Town and Neighbourhood Centre) are

of note, given the absence of any external alterations or established policy specifically relating to Short Term Lets.

Current policy considerations essentially seek to promote a vibrant town centre and encourage uses commensurate to the location, which are in keeping with the character of the area and do not result in any adverse impacts.

Background Placemaking considerations (policies 1A and 1B) are relevant in so far as they seek to guide development to the right location to avoid adverse impacts.

Policy 27 City, town, local and commercial centres of NPF4 is also relevant as this supports commercial uses in the area, provided that the use will not be detrimental to residential amenity.

NPF4 specifically endorses a tourism policy (30) which seeks to “encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland”. However, Policy 30 goes on to state that:

*Development proposals for the reuse of existing buildings for short term holiday letting **will not be** supported where the proposal will result in:*

- i. *An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. *The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.*

Consultees have advised that the application site is situated within a postcode district (PH16), which has a higher-than-average provision of shorty term lets, namely 12% above the level at which it may be considered appropriate to introduce a control area, in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

Draft planning guidance on short term lets has recently been produced due to concerns expressed over the impact of STL's on services, local business staffing and expansion as well as housing affordability. The consultative draft acknowledges that while short-term lets can bring economic benefits to the host and local areas, this must be balanced against the impact the loss of that residential property has on the availability of housing for local people, and in particular access to affordable housing.

It further states that planning permission will **not be** granted unless the following criteria are met:

1. The proposal is for the extensive refurbishment of a long-term empty residential property which will bring the building back into active use;
2. The proposal relates to a residential property with four or more bedrooms as this stock is considered less significant in terms of housing needs assessments;

3. It can be demonstrated that the residential property has been operating as a short-term let for more than 10 years and is therefore exempt from planning enforcement action;
4. It can be demonstrated that the proposal for the change of use to short-term let is part of a diversification scheme to support an existing Perth and Kinross business within the same landholding.

Additionally, that – ***in all cases***, properties **must have their own door to the street** to reduce the risk of adverse impact on the amenity of neighbouring residents. Proposals must also comply with all relevant LDP2 policies, in particular Policy 1 Placemaking: Development must contribute positively to the quality of the surrounding built and natural environment.

While this non-statutory guidance is currently open to comment and not yet adopted (anticipated by September 2023), it forms the most up-to-date indication of Council intent and policy on the matter, and as such, is a material consideration in addition to other policy factors and supplementary guidance in the assessment of the proposals.

No background information has been provided in relation to business activities or “retrospective” nature of the STL, nor if there is a right of access over third party land to the public road or confirmation as to where any bins are located.

Records indicate that the flat was last sold in December 2020, so it is assumed the commercial use has occurred recently. Irrespective, the loss of a residential unit for short-term letting use, does not accord with the draft guidance specifically in terms of the key criteria or in having its own access direct to the street. As a result, the development is considered inappropriate in this location and contrary to NPF4 policy 30, LDP2 policies 1A and associated draft supplementary guidance.

Residential Amenity

NPF4 Policy 14: Design, Quality and Place and LDP2 Policy 1A: Placemaking, & 10: City, Town & neighbourhood Centres support proposals and the retention of housing or other uses on upper floors which contribute positively to the quality of their surroundings and are compatible with the amenity and character of the area in which located. It is acknowledged that short term lets can result in additional levels of disturbance and noise concerns. Environmental Health officers note however that the main avenue to regulate such matters is via the separate licence control required. Given the double, x 1 bedroom layout of the property, short-term letting accommodation is unlikely to be significantly different from the former residential use, in terms of footfall. The change in character of the unit however (whether incrementally or cumulatively) in respect of the lack of occupants’ permanency and potential for disturbance in shared access spaces is deemed incompatible with policy aims.

Roads and Access

The proposals raise no access or parking concerns given the town centre location and proximity to public transport undertakers as well as parking provision.

Conservation Considerations & Visual Amenity

As no external works are proposed, the change of use will have no direct impact on the appearance of the property. The cumulative impact of short term lets could however be argued to impinge on the established character of the Conservation Area.

Developer Contributions

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

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly the proposal is refused on the grounds identified below.

Reasons

1 The change of use is contrary to Policy 30: Tourism (part e) of National Planning Framework 4 (2022) as the proposal involves the loss of a residential unit to short term let accommodation within an area which is subject to a high saturation of holiday accommodation, relative to the potential total housing stock. The loss of such a mainstream housing unit will have a negative impact on the amenity of the area and the loss of the accommodation has not been outweighed by any demonstrable local economic benefit.

2 In the interests of amenity and proper planning, the change of use by reason of its location and shared access arrangements will not protect established residential amenity levels, nor contribute positively to the area in which located. The development

is as a result contrary to Policies 1A & 10 of Perth & Kinross Local Development Plan 2 (2019) as well as the associated draft supplementary guidance on short term lets (2023).

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 applicable

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100624524-001

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

Type of Application

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

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

Description of Proposal

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

Change of use from a flat to a short term let accommodation

Is this a temporary permission? * ☐ Yes ☒ No

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

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

☐ No ☐ Yes – Started ☒ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/08/2022

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

No Work has taken place as it is solely a change of use.

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Michelle"/>	Building Number:	<input type="text" value="47"/>
Last Name: *	<input type="text" value="McMillan"/>	Address 1 (Street): *	<input type="text" value="The river tilt caravan park"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Invertilt road"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Blair Atholl"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH18 5TE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4A BONNETHILL ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PITLOCHRY"/>
Post Code:	<input type="text" value="PH16 5BS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="758119"/>	Easting	<input type="text" value="294011"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

60.00

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)

short term let accommodation

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)? *

0

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

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 **T** 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 **T** No ≤ Don't Know

Trees

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

≤ Yes **T** 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)? *

T Yes ≤ No

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

i already have bins outside the property for waste

Residential Units Including Conversion

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

≤ Yes **T** No

All Types of Non Housing Development – Proposed New Floorspace

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

≤ Yes **T** 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 **T** 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 **T** 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 **T** No

Is any of the land part of an agricultural holding? * ≤ Yes **T** No

Are you able to identify and give appropriate notice to ALL the other owners? * **T** 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:

Ms Michelle McMillan

Address:

[REDACTED]

Date of Service of Notice: *

21/04/2023

(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: Ms Michelle McMillan

On behalf of:

Date: 08/04/2023

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * ☐ Yes ☐ N/A

A Design Statement or Design and Access Statement. * ☐ Yes ☐ N/A

A Flood Risk Assessment. * ☐ Yes ☐ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * ☐ Yes ☐ N/A

Drainage/SUDS layout. * ☐ Yes ☐ N/A

A Transport Assessment or Travel Plan ☐ Yes ☐ N/A

Contaminated Land Assessment. * ☐ Yes ☐ N/A

Habitat Survey. * ☐ Yes ☐ N/A

A Processing Agreement. * ☐ Yes ☐ N/A

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

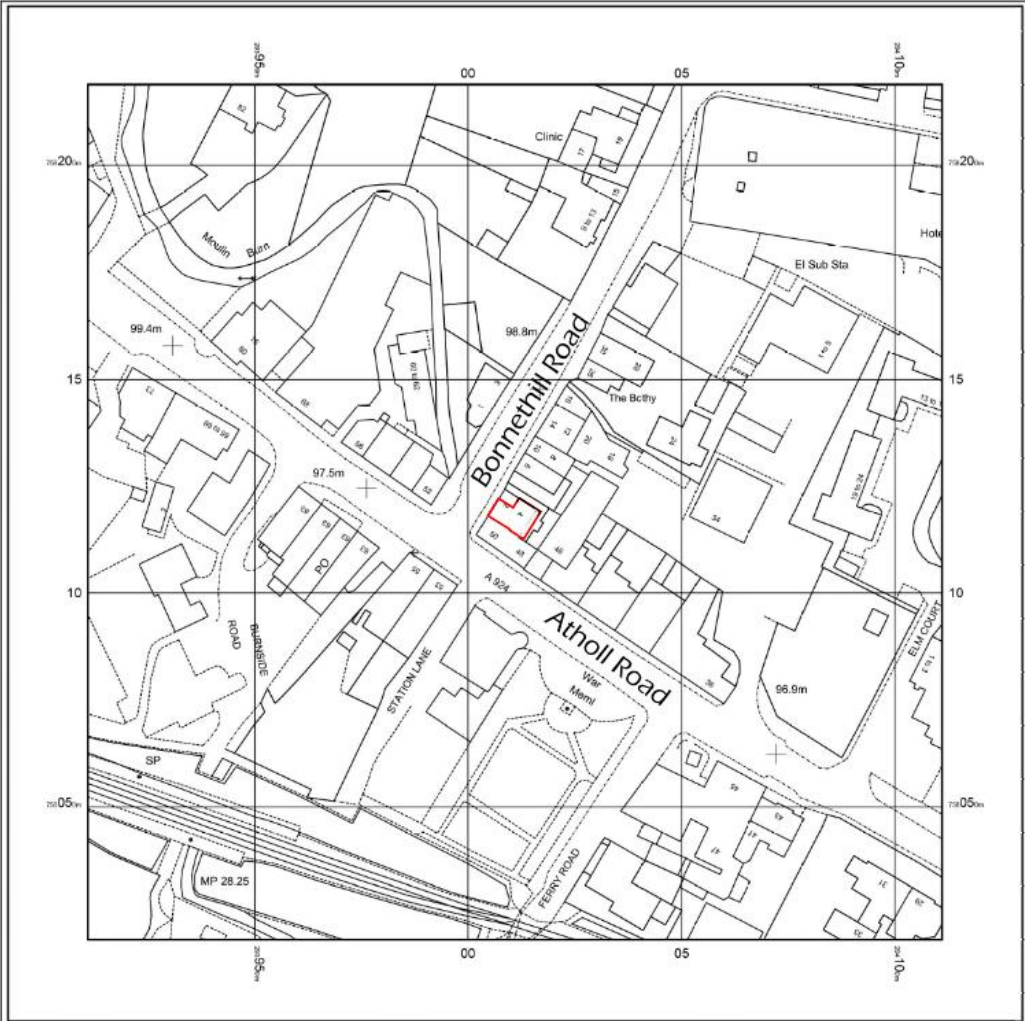
Declare – For Application to Planning Authority

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

Declaration Name: Ms Michelle McMillan

Declaration Date: 08/04/2023

Payment Details



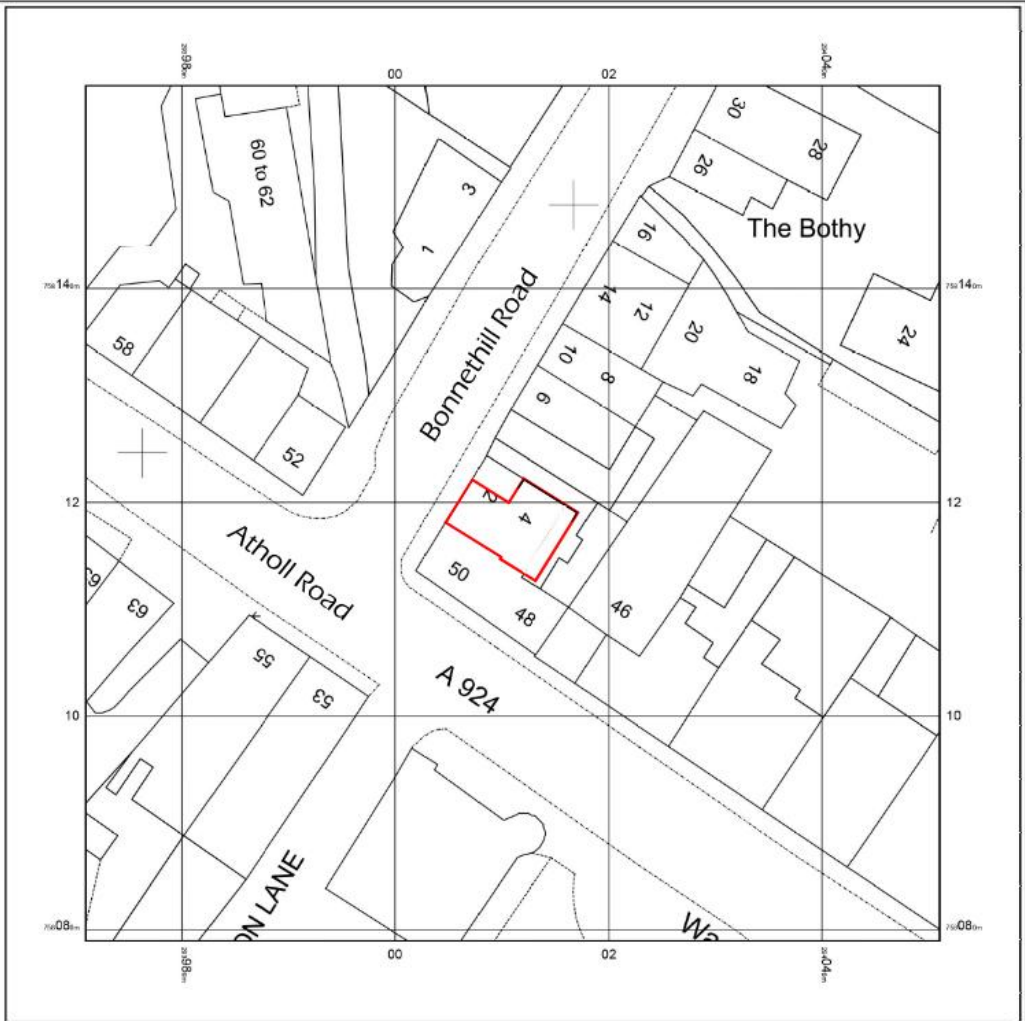
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LOCATION PLAN



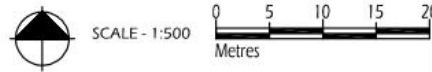
Contractor to check all dimensions on site prior to starting work. The copyright of this drawing or part thereof belongs to Highland Plans.

REVISION NOTES



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EXISTING BLOCK PLAN



MS M. McMILLAN
4a BONNETHILL ROAD
PITLOCHRY PH16 5BS
HIGHLAND PLANS

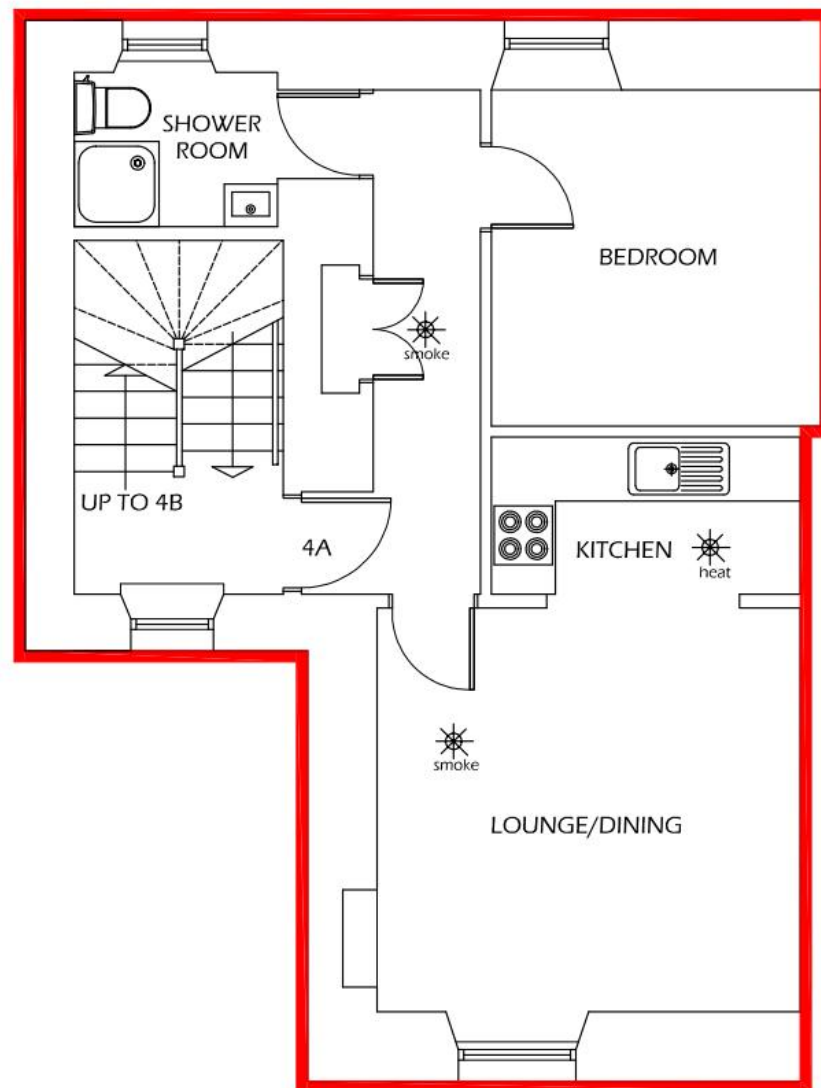
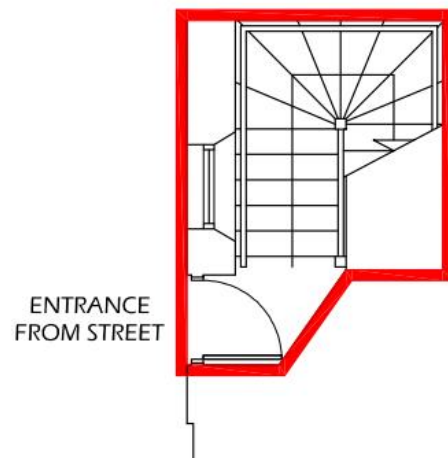
Charis, Guay, Nr. Ballinluig, Perthshire PH9 0NT
T : 01796 482764 M : 07773 123555
E : dave@highlandplans.com W : www.highlandplans.com

LOCATION PLAN &
SITE PLAN

SCALE as shown @ A3 DATE 26.4.23 DRAWN

DRAWING No. 2316-01

REVISION									
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GROUND FLOOR PLAN

FIRST FLOOR PLAN



Contractor to check all dimensions on site prior to starting work.
The copyright of this drawing or part thereof belongs to Highland Plans.

GROSS AREA = 69m²

REVISION NOTES

MS M. McMILLAN
4a BONNETHILL ROAD
PITLOCHRY PH16 5BS

HIGHLAND PLANS

Charis, Guay, Nr. Ballinluig, Perthshire PH9 0NT
T : 01796 482764 M : 07773 123555
E : dave@highlandplans.com W : www.highlandplans.com

FLOOR PLANS

SCALE
1:50 @ A3

DATE	26:4:23
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DRAWN

DRAWING No.	2316-02
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REVISION

LRB-2023-47**23/00572/FLL – Change of use from flat to short-term let accommodation unit (in retrospect), 4a Bonnethill Road, Pitlochry, PH16 5BS**

REPRESENTATIONS

Thursday, 04 May 2023



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

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

4A Bonnethill Road, , Pitlochry, PH16 5BS
Planning Ref: 23/00572/FLL
Our Ref: DSCAS-0086001-CVZ
Proposal: Change of use from flat to short term let accommodation unit (in retrospect)

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

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

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/00572/FLL

Our ref DAT

Date 09 May 2023

Tel No 

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

23/00572/FLL RE: Change of use from flat to short term let accommodation unit (in retrospect) 4A Bonnethill Road Pitlochry PH16 5BS

I refer to your letter dated 1 May 2023 in connection with the above application and have the following comments to make.

Environmental Health Recommendation

I have no objections to the application but recommend the undernoted informative be included in any given consent.

Comments

This application is for the change of use of a first-floor flatted dwelling at 4A Bonnethill Road, Pitlochry to a short term let accommodation unit (in-retrospect). The property is located in the town centre in a mixed residential/commercial area.

Holiday Accommodation

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties, however due to the introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, these will be required to be licensed and noise conditions will form part of the licence.

Therefore, whilst I have no objections to the application, I would recommend the following informative be attached to any given consent.

Informative

Short Term Let

The applicant is advised that under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required to operate a short-term let. More information can be found at <https://www.pkc.gov.uk/shorttermlets>




Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00572/FLL	Comments provided by	Stephanie Durning
Service/Section	Housing Strategy	Contact Details	Planning and Policy Officer [REDACTED]
Description of Proposal	Change of use of existing flatted dwelling to a short term let accommodation unit		
Address of site	4A Bonnethill Road, Pitlochry, PH16 5BS		
Comments on the proposal	<p>The proposal is for the change of use from residential to short-term let accommodation retrospectively in the town centre of Pitlochry.</p> <p>Relevant NPF4 Policy 30: states that <i>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</i></p> <ul style="list-style-type: none"> i. <i>An unacceptable impact on local amenity or the character of a neighbourhood or area; or</i> ii. <i>The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</i> <p>The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH16 is 12.0% and above the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	18.05.2023		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00572/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Change of use from flat to short term let accommodation unit (in retrospect)		
Address of site	4A Bonnethill Road, Pitlochry PH16 5BS		
Comments on the proposal	<p>The applicant is proposing to a change of use from flat to short term let accommodation.</p> <p>There is no vehicle access for the property and no allocated parking spaces. No changes are proposed to allocate parking spaces for the property. Several bus services operate along the A924 through Pitlochry and the railway station is also within walking distance. On-street parking is currently available at no cost.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	19 May 2023		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00572/FLL	Comments provided by	David Stephens
Service/Section	HE/Flooding	Contact Details	[REDACTED]
Description of Proposal	Change of use from flat to short term let accommodation unit (in retrospect)		
Address of site	4A Bonnethill Road, Pitlochry, PH16 5BS		
Comments on the proposal	<p>No Objection.</p> <p>The building is subjected to 0.5% AP fluvial flood events however the property is situated on the 1st floor and the proposed development does not constitute an increase in vulnerability.</p> <p>It is worth noting that the existing access on Bonnethill Road is subject to flood events, which may affect access.</p> 		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.		
Date comments returned	16/06/2023		

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23/00924/FLL – Part change of use of dwellinghouse to
nursery business, Dalshian House, Croftinloan, Pitlochry,
PH16 5TD

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**23/00924/FLL – Part change of use of dwellinghouse to
nursery business, Dalshian House, Croftinloan, Pitlochry,
PH16 5TD**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

The planning permission has been denied because of risk of flooding. However we believe the risk is small and would not affect my ability to safely operate a childminding business from the premises. We therefore wish to provide statements from previous owners of the house and images of recent severe weather and it's effect on the property

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:

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.

SEPA did not support our application on the grounds of risk of flood and previous flooding. I do not contest that there is occasional ground water on the property after periods of heavy rainfall, however this is contained to the bottom of the properties grounds. As the house sits in a 1.3 acre plot this is a significant distance from both the house and the driveway to it. Neither the house or its access have ever been affected by serious flooding. Attached to this appeal are statements from two previous owners, back to the 1970's, that comment on incidents SEPA has referenced. We have been informed that one of the floods SEPA reports was caused by building work on the hill behind the house which involved the re-routing of a watercourse into another, therefore a one off incident. We have also been told that another flood quoted happened in the same postcode but further down the Old Perth Road and did not effect Dalshian House. Since living in the property (for the last three years) we have kept the small waterway which is on the edge of the boundry in good condition ensuring it is free from any obstruction which would cause issues. We have also slightly raised the banks, again ensuring any risk of flood is minimised. I have also attached images from storm Babet, which show the effect of rain throughout Pitlochry in comparision to our house. I believe these images show that the effect of heavy rainfall are not more extreme at our property when compared to the rest of Pitlochry. The need for childcare in Pitlochry is just as urgent as it is for much of rural Scotland. We appreciate renewed govermental drives to help with childcare options, especially for those in rural areas, and believe our childminding buisness could be part of that solution without putting children at any risk.

To add as a final note; the house previously functioned as a B&B, next door a thriving lodge rental company is still active. We would argue that if the property was at risk of flooding these buisnesses would not be able to achieve the success that both have.

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.

The application was refused outright so documents such as the letters were not required. We also did not have the images as the severe weather warning had not happened at the point of refusal.

List of documents and evidence

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

Document 1 : Previous occupent's letter
Document 2 : Previous occupent's letter
Document 3 : Images showing result of the recent sever storm Babet

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

Lois Brown

Date

14/11/2023

Dear Mrs Brown

I offer this email in support of your appeal to the Planning Department.

Our parents purchased Dalshian House in the early 1960's and sold out in 1995, when they retired and moved next door to Middle Cottage, where Mum continues to live. During these 60 years or therabouts, our family have never known Dalshian House to become flooded.

I am aware that some surface water can collect in the north-west garden corner during periods of exceptional rainfall. This tends to originate from the minor local water courses referred to in the recent press article.

August 2002 was one of these events. However, Dalshian is protected by the continuous wall along it's boundary with General Wades Road, which deflects excessive flows from the Donavourd hillside catchment to flow to the north and south of the property. In addition to this, more recent improvements to the under-road culverts, burn dredging and heightened embankments have appreciably reduced this surface water risk.

Worth mentioning is River Tummel flood waters, which seems to be SEPA's main concern and which we have never known to reach Dalshian at any level.

I hope that this background helps your case.

Kind regards

David Telford

To whom it may concern

My family and I owned and resided at the property Dalshian House from September 2007 until September 2021.

During this time (and previously) the property was operated as a Guest House business and we resided in the attached cottage known as The Annex Dalshian.

I can confirm, during this period, that The Annex Dalshian did not flood.

Yours sincerely

Martin Walls

Below images from around the town of Pitlochry after recent storm Babet:



Below are pictures from our property on the same day. You can see after heavy rain the watercourse was high and there were large puddles formed in the front garden. However you can also see that the road to our property remained unaffected and the back of the house where the childminding would take place did not even have ground water close to it.



The front of our house, where children's parents would park to bring them to the property.



The same driveway.



The front of the house and puddle, this was due to the drain you can see in bottom left which had become blocked, it has since been cleared and such puddling has not happened again.



The side garden which would be used for childminding. No ground water or puddling in this area.



The burn at the edge of the property. As you can see it was very high, and this is the highest we have ever seen it during our tenure. Within 24 hours of the storm ending it was much lower and it did not get higher than this during the storm. The road in and out of the property was not effected despite the high water levels which remained contained.

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nursery business, Dalshian House, Croftinloan, Pitlochry,
PH16 5TD

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS



Mrs Lois Brown
Dalshian House
Old Perth Road
Pitlochry
PH16 5TD

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **11th October 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/00924/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 July 2023 for Planning Permission for **Part change of use of dwellinghouse to nursery business Dalshian House Croftinloan Pitlochry PH16 5TD**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. Approval would be contrary to National Planning Framework 4 Policy 22 criteria (a) (i - iv) where, particularly under criteria iii, the proposal would not result in an equal or less vulnerable use in respect of flood risk.
2. Approval would be contrary to the Perth and Kinross Local Development Plan 2 Policy 52 where the proposal does not avoid an overall increase, reduce overall or manage flood risk with an increased land use vulnerability classification; and as informed by Flood Risk and Flood Risk Assessments Supplementary Guidance.

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

- 1 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to additional details and statement.
- 2 The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

01
03
04
05
06
07
08

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00924/FLL	
Ward No	P4- Highland	
Due Determination Date	12th September 2023 Extended to 12th November 2023	
Draft Report Date	9th October 2023	
Report Issued by	AR	Date 11.10.23

PROPOSAL: Part change of use of dwellinghouse to nursery business

LOCATION: Dalshian House Croftinloan Pitlochry
PH16 5TD

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Dalshian House is a traditional estate dwellinghouse and former hotel, with associated permission for its change of use to dwellinghouse under approved planning ref. 20/01897/FLL. The property is a category B listed building (HES ref. LB11853) and located within the Croftinloan settlement boundary between the C503 and A9. It can be accessed via driveway connecting to the nearby public road (C503). The application seeks detailed planning permission for the part change of use from dwellinghouse to a nursery business.

SITE HISTORY

93/00886/FUL	ERECTION OF A DWELLINGHOUSE 27 July 1993 Application Approved
00/00448/PPLB	Erection of a garage and alterations to house 3 July 2000 Application Approved
20/01530/LAW	Alterations (proposed) 8 January 2021 Application Withdrawn

PRE-APPLICATION CONSULTATION

Pre application Reference: 23/00064/PREAPP.

The pre-application enquiry requested advice as to whether planning permission would be required for running a childminding business from home.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

- Policy 7: Historic Assets
- Policy 14: Design, Quality and Place
- Policy 18: Infrastructure First
- Policy 22: Flood Risk and Water Management
- Policy 26: Business and Industry

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 56: Noise Pollution
- Policy 52: New Development and Flooding

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

Statutory Supplementary Guidance

- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

None relevant.

NATIONAL GUIDANCE

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

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 1/2011: Planning and Noise

CONSULTATION RESPONSES

External

Scottish Environment Protection Agency
Objection in principle with recommended refusal.

Scottish Water
No concerns or objection.

Internal

Structures And Flooding

Objection received. Increased vulnerability per SEPA Flood Risk and Land Use Vulnerability Guidance.

Conservation Team

No concerns or objection.

Transportation And Development

No concerns or objection.

Environmental Health (Noise)

Internal Discussion. No concerns or objection subject to condition if minded to approve.

REPRESENTATIONS

No representations were received.

Additional Statements Received:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to

the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Consideration must be given to the type, nature and effect of the proposed change of use, within the context of the application site, and whether it would have an adverse impact upon established amenity of the area and within the building's context.

In this instance the proposals are considered inappropriate and cannot be approved due to increased flood risk concerns as informed by SEPA's Flood Risk and Land Use Vulnerability Guidance and as consequence to the proposal's increased vulnerability.

Use and Layout

The application seeks to part change the established dwellinghouse's use to form a nursery business. As can be seen on the submitted site plans (plan 07 and 08), part of the property, outdoor space and parking space would also be subject to the part change of use to allow the nursery business to function for customer pick-up and drop-off, visitors and staff parking. The identified existing amenity space would be use as an outdoor play area.

The applicant, who owns Dalshian House, to support the submission, has provided a supporting statement (plan 03) on request which confirmed and clarified that the proposed business would consist of two childminders. The business would operate throughout the year with two main closures, one being a week at Christmas and one in the summer. The business will be open Monday to Friday with proposed opening hours from 07:30am to 18:30pm. During this time there would be up to twelve children in attendance (including two of the childminders' own).

Ultimately, the proposed part change of use and associated business intention and space is considered acceptable in principle however the conflicts relating to land use vulnerability, with flood risk concerns, lead to the position that the part change of use itself cannot be supported. The latter point cannot be overlooked and is discussed later in the 'Drainage and Flooding' section.

Residential Amenity

Due to the nature of development, it is important to consider any adverse impact to surrounding residential amenity relating to the proposed use's hours of operation and noise.

There are no concerns that there would be an impact to neighbouring residential amenity in terms of additional noise disturbance. Limited and supervised use of the children's outdoor play area would not present a significantly detrimental noise impact to neighbouring properties, especially given the property and properties are situated between two busy main roads. However, consultation was sought with our Environmental Health team who presented no concerns or objection subject to relevant conditions being applied if recommended to approve the application. No letters of objection were received from neighbours.

Ultimately, the proposed part change of use and associated business intention and space is considered acceptable in principle in residential amenity and business terms however, once again, the conflicts relating to land use vulnerability, with flood risk concerns, lead to the position that the part change of use itself cannot be supported. The latter point cannot be overlooked and is discussed later in the 'Drainage and Flooding' section.

Roads and Access

Again, due to the nature of the business, increased vehicular and pedestrian activity to and from the site would be expected.

On consultation with Transportation and Development colleagues, they noted the extant parking area at the front of the dwellinghouse is proposed for the purposes of drop off and pick up, with the business operating between 07:30 and 18:30. The vehicular access to the site would be taken via the current access onto the C503 public road network. No concerns or objections were raised against the proposal.

Conservation Considerations

The application site relates to a category B listed building (HES ref. LB11853) however no internal or external works are proposed that would affect the listed property's internal or external fabric or setting.

On consultation with Conservation Team colleagues, there are no concerns that the proposal would impact the listed building.

Drainage and Flooding

There are flooding implications associated with the proposed development. According to SEPA flooding data and information, the application site suffers from a medium to high likelihood for surface water flooding and river flooding risk where each year the area has a 0.5% - 10% chance of flooding.

Consultation was also undertaken with SEPA and our Flood Team where both parties raised concerns and objections.

SEPA's response, which can be viewed in full on the public file, concludes that the proposed development is expected to put people or property at risk of

flooding, which is contrary to the duties set out under the Flood Risk Management (Scotland) Act 2009, and the policy principles of National Planning Framework 4. The current dwellinghouse use is considered a 'Highly Vulnerable Land Use' whereas the proposed part-use as a nursery would be considered a 'Most Vulnerable Land Use'. As such, there would be an increase in vulnerability as a result of the proposed change. Furthermore, the entirety of the site is shown to be at risk of flooding from the River Tummel in addition to two small watercourses to the north and east of the site which, historically, were catalysts to a flood event in the area and carried damage-causing debris as a result of heavy rain and swollen rivers.

Our Flooding Team commented that the site and access/egress sit in a 200-year flooding extent for surface and river flooding with River Tummel, Middlehaugh and Croftinloan Burn bounding the site. Echoing SEPA, the proposal represents increased property vulnerability per the SEPA Flood Risk and Land Use Vulnerability Guidance with dwellinghouses being 'highly vulnerable uses' and nurseries as 'most vulnerable uses' emphasising concern with the proposal. From PKC records, there has been a history of flooding at the site and surrounding plots. The proposal is noted within PKC 'Pitlochry flood study 2018' at 'Dalshian and Ballyoukan Area'. The conclusion indicates that the site could be at risk of flooding from frequent high-flow events.

Ultimately, the proposal does not comply with NPF4 Policy 22 (a) (i – iv); LDP2 Policy 52; and as informed by Flood Risk and Flood Risk Assessments Supplementary Guidance.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to include additional detail and statement.

CONCLUSION AND REASONS FOR DECISION

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

Accordingly the proposal is refused on the grounds identified below.

Reasons

1. Approval would be contrary to National Planning Framework 4 Policy 22 criteria (a) (i - iv) where, particularly under criteria iii, the proposal would not result in an equal or less vulnerable use in respect of flood risk.
2. Approval would be contrary to the Perth and Kinross Local Development Plan 2 Policy 52 where the proposal does not avoid an overall increase, reduce overall or manage flood risk with an increased land use vulnerability classification; and as informed by Flood Risk and Flood Risk Assessments Supplementary Guidance.

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

- 1 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to include additional detail and statement.
- 2 The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
<https://www.pkc.gov.uk/ldp2floodrisk>

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01 03 04 05 06 07 08



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: 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 100630963-001

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

Type of Application

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

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

Description of Proposal

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

I propose to use part of the property to run a childminding business. This will not involve making any changes to the house. I am completing this proposal as I wish to run it is a joint venture and therefore would have more children, which according to the Perth and Kinross website I need to obtain planning permission for. The dwelling is detached and I do not believe such a business would be a nuisance to any neighbours.

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Dalshian House"/>
First Name: *	<input type="text" value="Lois"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Brown"/>	Address 1 (Street): *	<input type="text" value="Old Perth Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Pitlochry"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH16 5TD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="DALSHIAN HOUSE"/>
Address 2:	<input type="text" value="CROFTINLOAN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PITLOCHRY"/>
Post Code:	<input type="text" value="PH16 5TD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="756550"/>	Easting	<input type="text" value="295624"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

69.49

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)

it is currently our residential home. It has previously been a B&B.

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?

7

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)? *

7

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

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 **T** 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 **T** No ≤ Don't Know

Trees

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

T 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 **T** No

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

I do not propose to make any changes to the structure of the house, so that same recycling and waste management facilities will be used as are currently.

Residential Units Including Conversion

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

≤ Yes **T** No

All Types of Non Housing Development – Proposed New Floorspace

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

≤ Yes **T** 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 **T** 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 **T** 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 **T** No

Is any of the land part of an agricultural holding? * ≤ Yes **T** No

Are you able to identify and give appropriate notice to ALL the other owners? * **T** 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:

Mr James Ewan

Address:

[REDACTED]

Date of Service of Notice: *

05/06/2023

(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: Mrs Lois Brown

On behalf of:

Date: 05/06/2023

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Design Statement or Design and Access Statement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Flood Risk Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Habitat Survey. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Processing Agreement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A

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

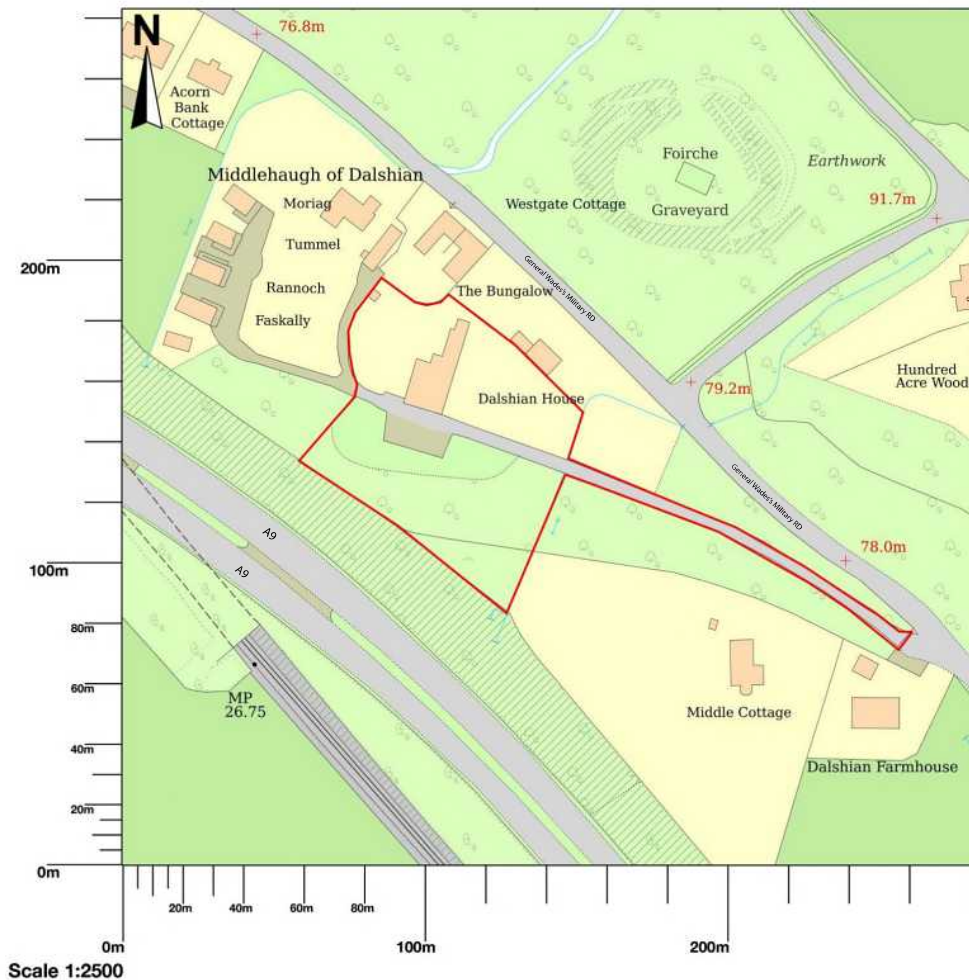
Declare – For Application to Planning Authority

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

Declaration Name: Mrs Lois Brown

Declaration Date: 05/06/2023

Dalshian House, Dalshian, Pitlochry, PH16 5TD



Supporting statement for Dalshian House, proposed part change of use dwellinghouse for the purposes of childminding.

Lois Brown and Helen Sanderson wish to create a new childminding business serving the residents of Pitlochry. This is sorely needed in the town as two of the current childminders are closing their businesses after the summer, leaving significant childcare needs in the town.

There will be two childminders (in a business partnership) who will work day to day childminding from the property. I (Lois Brown) have two of my own children who will also be in attendance during childminding hours.

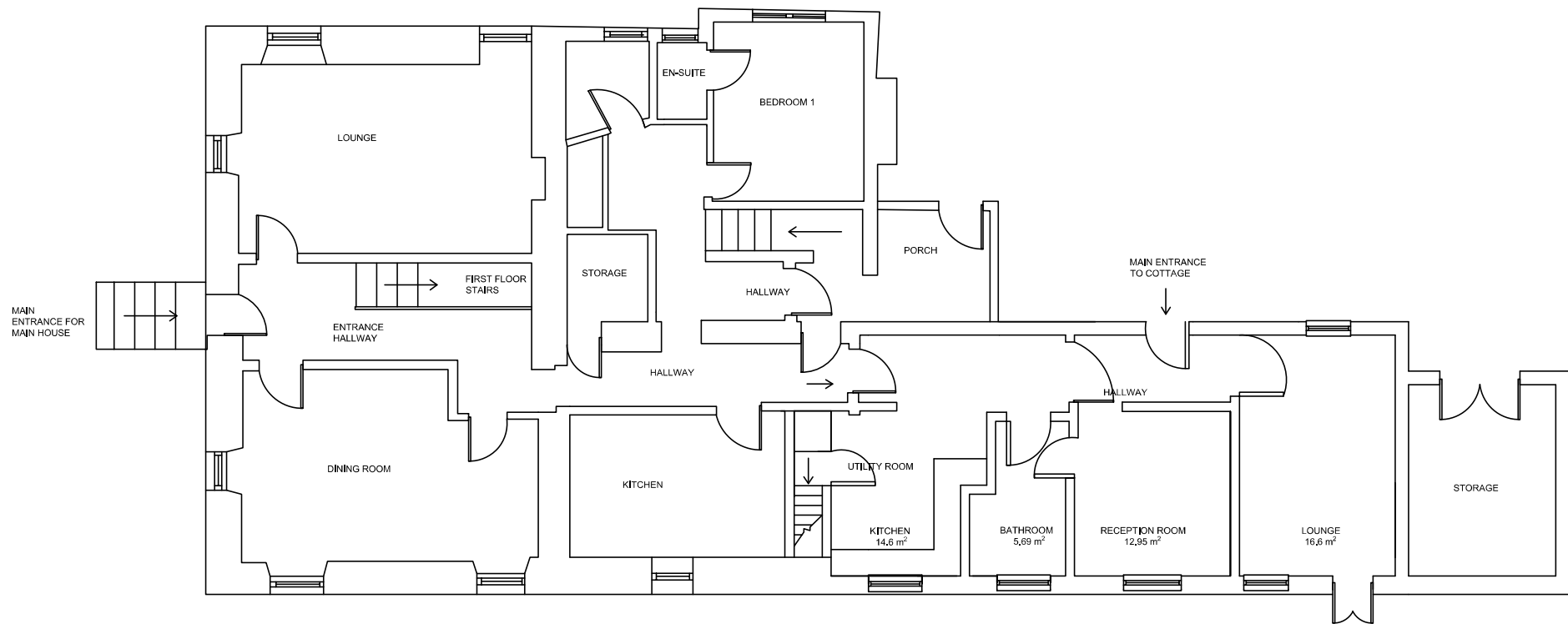
The business would operate throughout the year with two main closures, one being a week at Christmas and one in the summer. There would also be another two weeks where there would be limited capacity during the summer so the childminders could each have another week off.

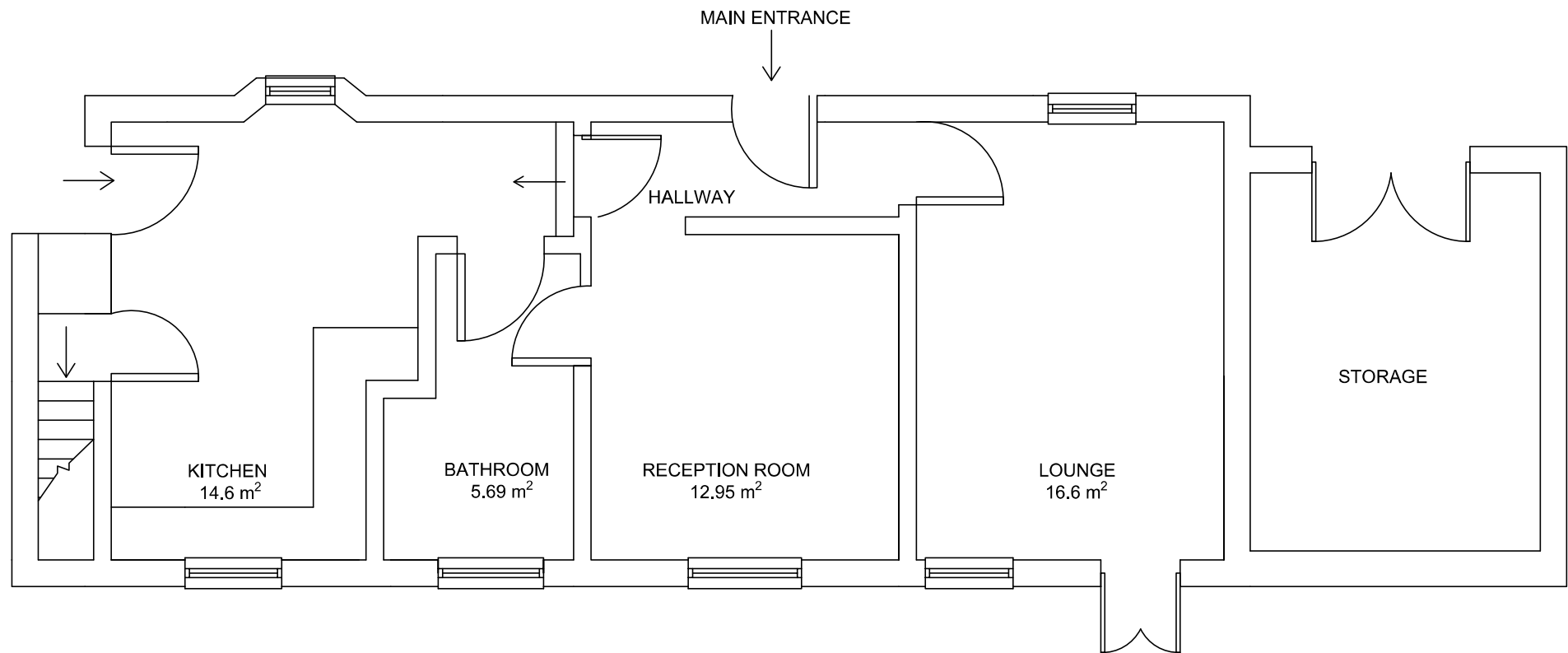
The business will be open Monday to Friday with proposed opening hours from 7:30 a.m. to 6:30 p.m. During this time there would be up to twelve children in attendance (including two of the childminders own). This is the maximum capacity allowed between two childminders, it would be lower during the school day when older children in our care would go to school. We will ensure that during unsociable early morning hours (Before 8:30 a.m.) Children remain inside the property and do not use the garden area to limit any noise to neighbouring properties. However, there is a significant distance between properties so we do not foresee noise being an issue, but it is something we will remain mindful of. We will also remain mindful of the neighbours in other ways, for example if we notice that they are hosting friends in their garden we would choose to take the children to the playground rather than play in the garden.

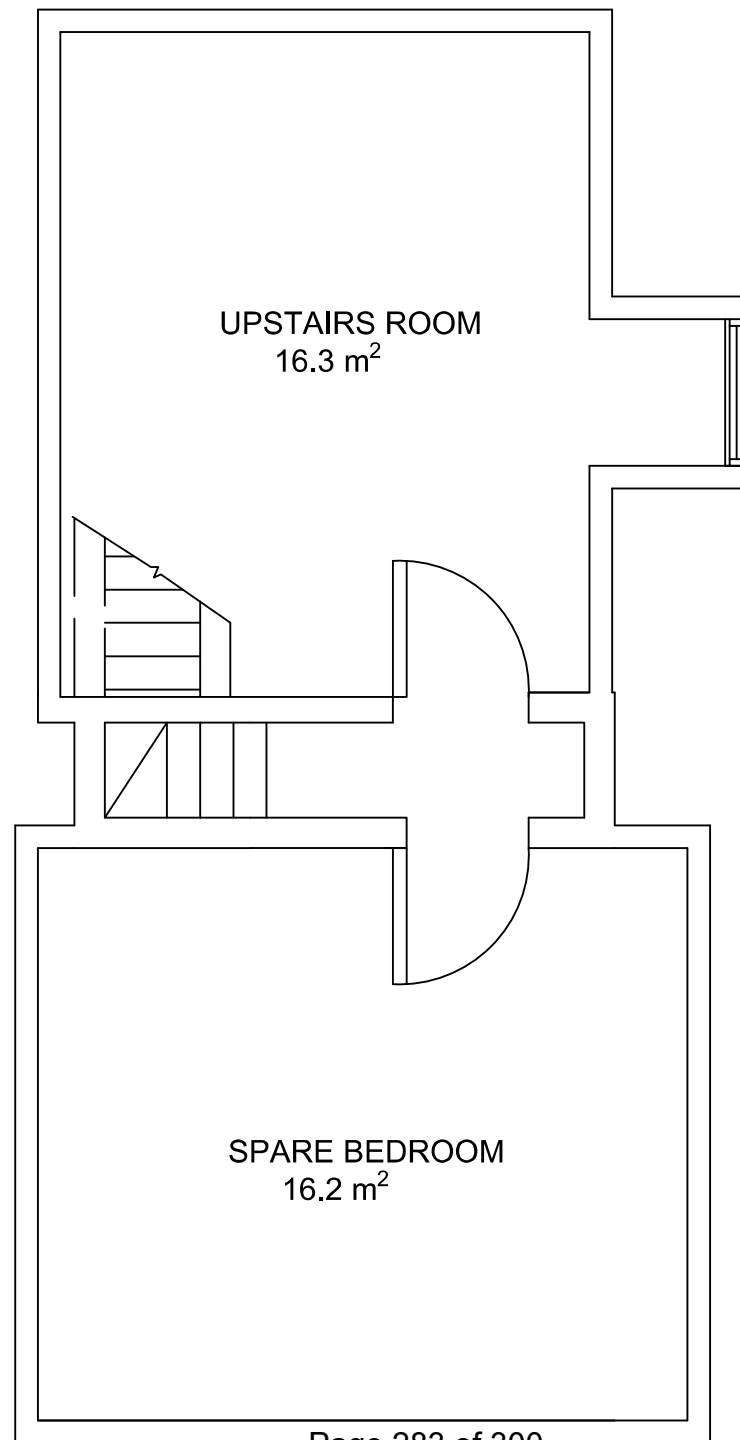
The ages of the children would be in line with the statutory rules, that is no more than 6 under five years old and only two of those under one year old.

The entrance to the part of the house to be used for childminding is separate from the main entrance of the house and there will be a small sign on a gate to show parents where to enter the property. There will also be a sign on the door to the property. We do not foresee the need for any signage on the shared drive to the property.

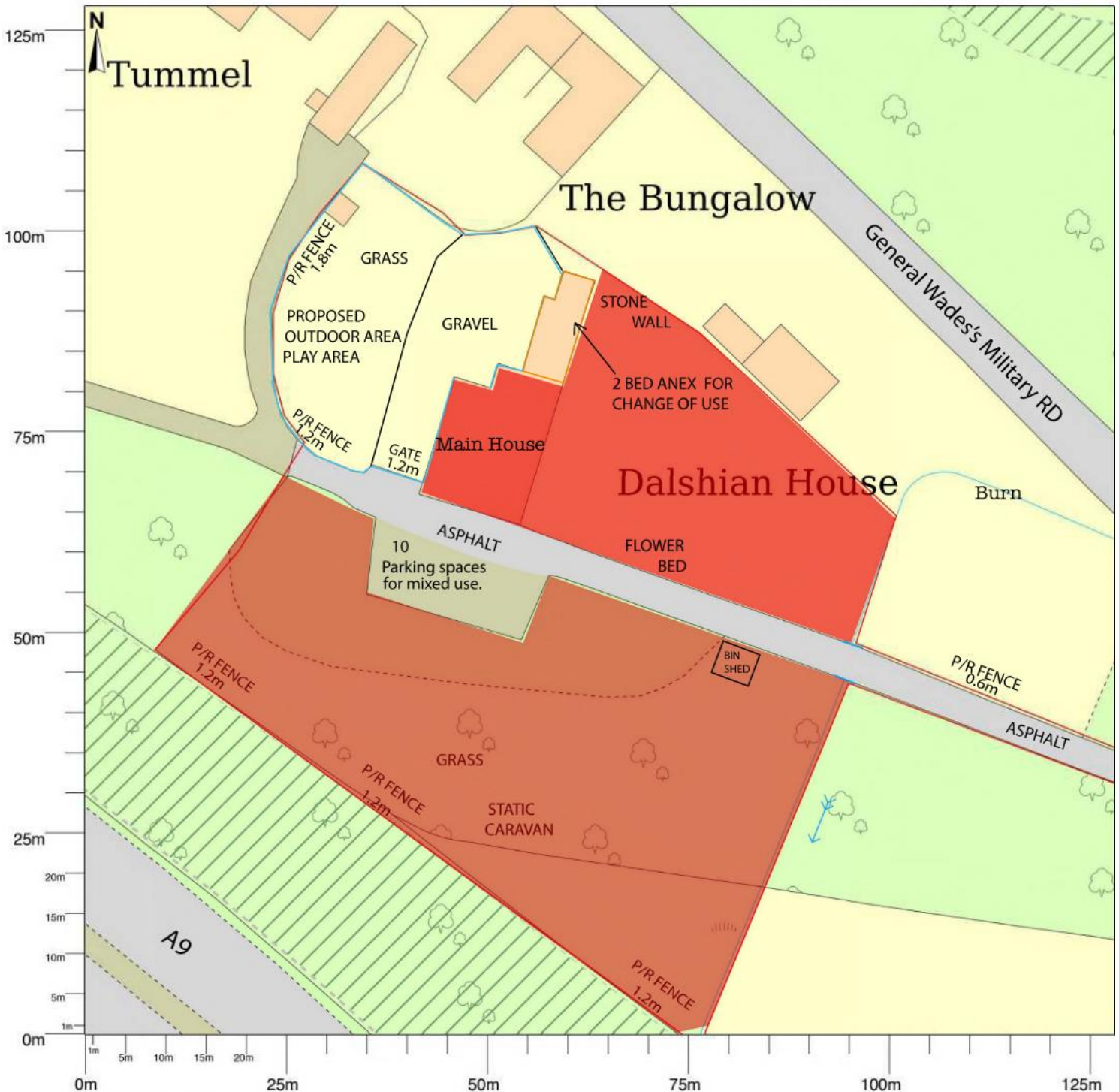
We will advertise our business online, with a Facebook page and possibly a website. We assume in our small community that word of mouth will be the most significant way our business grows.







Dalshian House, Dalshian, Pitlochry, PH16 5TD

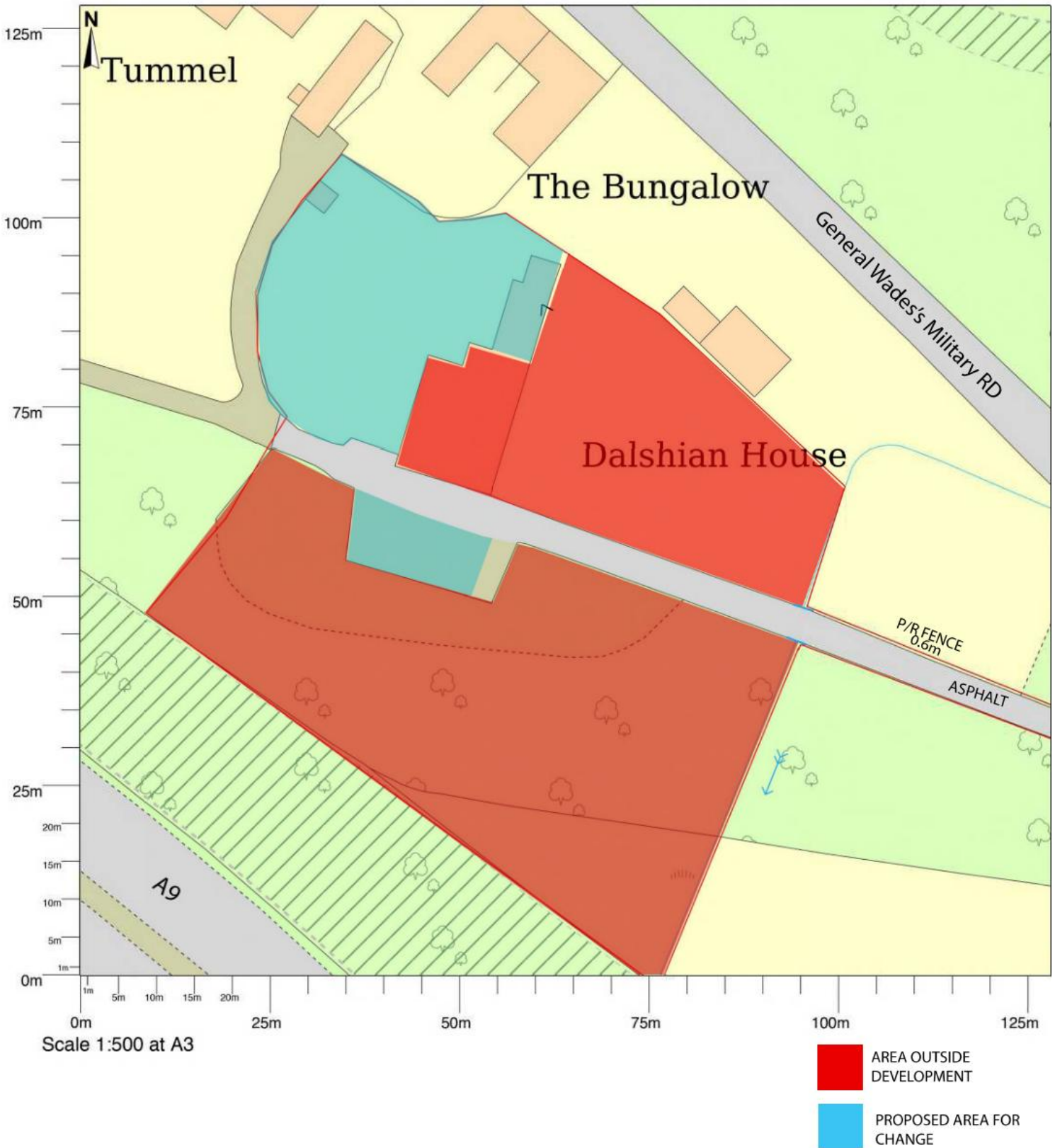


- AREA OUTSIDE DEVELOPMENT
- OUTDOOR AREA FOR CHANGE OF USE
- PART OF RESIDENCE FOR CHANGE OF USE

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Map area bounded by: 295571, 756475 295699, 756603. Produced on 11 July 2023 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: a3128/uk/974478/1313766

Dalshian House, Dalshian, Pitlochry, PH16 5TD



LRB-2023-48
23/00924/FLL – Part change of use of dwellinghouse to
nursery business, Dalshian House, Croftinloan, Pitlochry,
PH16 5TD

REPRESENTATIONS

Andrew Rennie

From: Jody Blake
Sent: 26 July 2023 15:27
To: Andrew Rennie
Subject: 23/00924/FLL Dalshian House

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Andrew

This change of use does not include any physical alterations, therefore there are no conservation objections.
Thanks

Jody Blake

Conservation Officer (Local Developments)
Development Management
Planning & Development
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

☎ 01738 475282
✉ JBlake@pkc.gov.uk
e www.pkc.gov.uk

Tuesday, 25 July 2023



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

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Dalshian House, Croftinloan, Pitlochry, PH16 5TD
Planning Ref: 23/00924/FLL
Our Ref: DSCAS-0091143-XSV
Proposal: Part change of use of dwellinghouse to child-minding business.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

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

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/00924/FLL

Our ref DAT

Date 08 August 2023

Tel No [REDACTED]

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

23/00924/FLL RE: Part change of use of dwellinghouse to allow operation of child-minding business Dalshian House Croftinloan Pitlochry PH16 5TD

I refer to your letter dated 25 July 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objection in principle to the application but recommend the under noted conditions be included on any given consent.

Comments

This application is for a part change of use of a residential property to incorporate a childminding business. The change of use is for a 2 bedroom annex connected to the main dwellinghouse and I note that the plans include an outdoor play area. The childminding business will have the capacity for up to twelve children, including the applicants own. The intended operating hours are 07:30 to 18:30 hours Monday to Friday.

Noise

As this application includes an outdoor play area there is the potential for neighbouring residential properties to be affected by noise from children playing however I note that the applicant has advised that to reduce any possible noise impact on neighbouring properties, it is intended that this area will not be in use before 08:30.

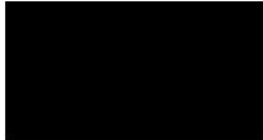
There is also the possibility for noise issues to occur due to vehicles during pick up and drop off periods however with good management controls this and noise generated from children playing should not affect residential amenity.

Therefore, whilst I have no objections to the application, I would recommend the following conditions be attached to any given consent.

Conditions

EH01 The hours of operation of the outdoor play area shall be restricted to 0830 hours to 1830 hours Monday to Friday only.

- Prior to the development hereby approved being completed or brought into use a Noise Management Plan shall be submitted for the written approval of the planning authority. The plan shall include all sources of noise associated with the premise, including user noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00924/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Part change of use of dwellinghouse to child-minding business		
Address of site	Dalshian House, Croftinloan, Pitlochry, PH16 5TD		
Comments on the proposal	<p>The applicant is proposing to convert a two bedroomed annex on the main Dalshian House for the purposes of providing childminding facilities.</p> <p>The applicant has a parking area at the front of the dwellinghouse, which is proposed for the purposes of drop off and pick up. The business will operate between 07:30 and 18:30. The applicant could host up to 12 children on site.</p> <p>The vehicle access to the site, will be via the current access onto the C503 public road network.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	14 August 2023		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/00924/FLL	Comments provided by	Andrew Smith
Service/Section	HE/Flooding	Contact Details	
Description of Proposal	Part change of use of dwellinghouse to allow operation of child-minding business		
Address of site	Dalshian House Croftinloan Pitlochry PH16 5TD		
Comments on the proposal	<p>Objection.</p> <p>From a review of SEPA flooding maps, the site and access/egress sit in a 200-year flooding extent for surface and river. River Tummel, Middlehaugh and Croftinloan Burn bound the site.</p> <p>The proposal represents increased property vulnerability per the SEPA Flood Risk and Land Use Vulnerability Guidance. Dwelling houses are 'highly vulnerable uses', and Nurseries are 'most vulnerable uses'.</p> <p>From PKC records, there has been a history of flooding at the site and surrounding plots.</p> <p>The proposal is within PKC 'Pitlochry flood study 2018' at 'Dalshian and Ballyoukan Area'. The conclusion indicates that the site could be at risk of flooding from frequent high-flow events.</p>		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.		
Date comments returned	01/09/2023		

Andrew Rennie
Planning Department
Perth & Kinross Council

Our Ref: 10414
Your Ref: 23/00924/FLL

By email only to: DevelopmentManagement@pkc.gov.uk

SEPA Email Contact:
planning.south@sepa.org.uk

25 September 2023

Dear Andrew Rennie

Town and Country Planning (Scotland) Acts

23/00924/FLL

Part change of use of dwellinghouse to nursery business

Dalshian House Croftinloan Pitlochry PH16 5TD

Thank you for your consultation which was received by SEPA on 05 September 2023 in relation to the above application. We understand the reason for consultation is flooding.

Advice for the planning authority

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#), issued by the Chief Planner, Fiona Simpson, on 8 February 2023 our position and advice given below is based on NPF4 policy.

We **object in principle** to the application and recommend that planning permission is refused. This is because the proposed development may put people or property at risk of flooding which is contrary to national planning policy. Please note the advice provided below.

If the planning authority proposes to grant planning permission contrary to this advice on flood risk, the [Town and Country Planning \(Notification of Applications\) \(Scotland\) Direction 2009](#)



Chairman
Bob Downes

CEO
Nicole Paterson

Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood risk

- 1.1 We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk as a first principle, and this is set out in National Planning Framework 4 (Policy 22).
- 1.2 We therefore **object in principle** to the application and recommend that planning permission should be refused. This is because the proposed development is expected to put people or property at risk of flooding, which is contrary to the duties set out under the Flood Risk Management (Scotland) Act 2009, and the policy principles of National Planning Framework 4.
- 1.3 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.
- 1.4 Based on the SEPA Future Flood Maps, the entirety of the site is shown to be at risk of flooding from the River Tummel, during a 0.5% AEP + climate change allowance event. You can view the SEPA Flood Maps and find out more about them at [Flood Maps | SEPA - Flood Maps | SEPA](#)
- 1.5 Concurrently, two small watercourses are shown to the north and east of the site which are not captured within the fluvial flood maps due to the small catchment sizes involved (<3km). This does not indicate that there is no risk of flooding from these sources. A notable flood event from these watercourses, coming down off the hill, is known to have occurred in August 2002. This event flooded several homes in the area and carried coarse debris from the hill which also resulted in property and infrastructure damage.
- 1.6 Two further observed flood events were shown within our records. One occurring directly at the site itself and the second 30m to the north. Both events were for the same flood event in January 2016 and indicated flooding of property due to heavy rain and swollen rivers, which necessitated the presence of the fire service.
- 1.7 We note that the application involves alterations to an existing dwellinghouse to form a

shared house and nursery business complex. In line with SEPA's [Land use vulnerability guidance](#), the current use is considered to be a 'Highly Vulnerable Land Use' whereas the proposed part-use as a nursery would be considered to be a 'Most Vulnerable Land Use'. As such, there would be an increase in vulnerability as a result of the proposed change.

- 1.8 In accordance with NPF4 – Policy 22, promotion of flood avoidance as a first principal is key, concurrent to reducing the vulnerability of existing development to flooding. The information derived from our Future Flood Maps indicate that the property is likely to flood and may put people and property at risk. Simultaneously, the proposed re-development does not meet any of the four exceptional circumstances criteria listed in Policy 22 a) i – iv) which can allow development proposals to move forward in a flood risk area.

Silvia Cagnoni

Senior Planning Officer
Planning Service

- 1.9 The Environment (OFE) database provides confirmation that the area has flooded previously and provides supplementary evidence that the future flood maps are accurate in this location. As such, we **object in principle** to the application and recommend that planning permission should be refused.

2. Other planning matters

- 2.1 For all other planning matters, please see our [triage framework and standing advice](#) which are available on our website: www.sepa.org.uk/environment/land/planning/.

Advice for the applicant

3. Regulatory advice

- 3.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: FASP@sepa.org.uk

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Yours sincerely

Silvia Cagnoni
Senior Planning Officer
Planning Service

Ecopy to: [REDACTED]

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

