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| TCP/11/16(404) Planning Application – 15/02155/FLL – Erection of dwellinghouse, land north of 5 Marshall Way, Luncarty |
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TCP/11/16(404)
Planning Application – 15/02155/FLL – Erection of
dwellinghouse, land north of 5 Marshall Way, Luncarty

**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 MR. W. RAMSAY

Address 5 MARSHALL WAY
LUNCARTY

Postcode PH1 3UX

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name DAVID PHILIP

Address HIGHLAND PLANS
CHARIS, GUAY
BALLINLUIG

Postcode PH9 0NT

Contact Telephone 1 07773 123555

Contact Telephone 2

Fax No

E-mail* dave@highlandplans.com

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

PERTH & KINROSS COUNCIL

Planning authority's application reference number

15/02155/FLL

Site address

5 MARSHALL WAY, LUNCARTY, PH1 3UX

Description of proposed
development

ERECTION OF DWELLING HOUSE

Date of application

15/12/2015

Date of decision (if any)

11/02/2016

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:

Site inspection

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

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

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

GIVEN THE LONG RUNNING NATURE OF APPLICATIONS CONCERNING THIS SITE WE REQUEST THAT A SITE INSPECTION BE CARRIED OUT IN THE PRESENCE OF THE AGENT IN ORDER THAT HISTORICAL ISSUES, NOT IMMEDIATELY VISIBLE CAN BE

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.

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.

DRAWING 1305-01 (13/01062/FUL)
 1415-01A (14/00596/FUL)

PLANNING APPLICATION DOCUMENTS : (A) SUPPORTING LETTER
 (B) EVIDENCE OF PRECEDENT WITHIN VICINITY
 LOCATION PLAN
 PROPOSED SITE PLAN 1415-01B
 PROPOSED FLOOR PLAN 1415-02
 PROPOSED ELEVATIONS 1415-03A

REASONS FOR NOTICE OF REVIEW/LETTER

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

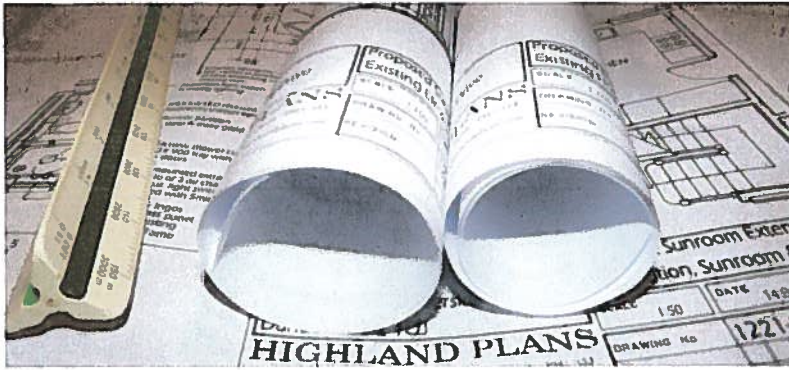
I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

15/04/2016



HIGHLAND PLANS

Charis Studio
Guay
Nr. Ballinluig
Perthshire PH9 0NT

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Local Review Body
Perth & Kinross Council
2 High Street
Perth
PH1 5PH

18th April 2016

5 Marshall Way, Luncarty - 15/02155/FLL

Dear Sir/Madam

Please find enclosed our notice of review to appeal the planning decision related to the above application.

Points to consider: -

1. The applicant

Mr Ramsay is very settled at 5 Marshall Way, however he finds the large plot too much work to maintain. The obvious answer to his dilemma is to subdivide the plot which will: -

- a) Maximise his investment in the property.
- b) Provide someone with a modest home.
- c) Enable the area of ground in question to become a 'cared for' residential plot rather than the alternative, which would be to demolish the existing garage, erect a fence and leave the plot abandoned and un-cared for.

2. Plot history

A number of applications have been submitted for this plot over the years.

13/01062/FLL

- a) The principal reason for refusal was the proximity of the proposed development to, "two mature limes, a sycamore and a very large beech tree". "These trees are important; they define the character of this small back lane and make a positive contribution to both landscape quality and biodiversity." Quoted from the delegated report.
- b) The second reason for refusal was the perceived "impact of the proposal on the character, density and amenity of the area. The plots in this part of the estate are relatively generous." This is a very misleading and inaccurate assessment, as the most generous plot in this part of the estate is the applicant's current plot. There are numerous other plots on this part of the estate that are the same size or smaller than the proposed application site (see supporting document).

- c) *"The site (for the new dwelling) appears to be somewhat manufactured resulting in a dwelling which will sit at right angles with the existing dwelling and will project out past the front of the existing dwelling by some 7m. I note that the previous planning officer opined that this part of Luncarty was typified by relatively generous house plots and the erection of a new dwelling on this corner, side plot would not be in character with the existing area and not be in keeping with the density of surrounding properties. I agree with this view, and consider the erection of a dwelling on this site to have an adverse impact on the character, density and visual amenity of the area by virtue of its manufactured nature – particularly bearing in mind that a garage (for the proposed house) isn't included as part of the submission."*

There is something wrong when the "particular" objection in terms of character, density and visual amenity concerns the impact of a garage building which does not even form part of the application.

"Impact on Existing Trees / Hedge

One of the previous reasons for refusal stated that 'The development would have an adverse impact on the mature trees and beech hedge located in the adjacent lane in that the proposed house would impact on the root protection area of the trees and would be detrimental to their setting. The development is detrimental to the quality of the surrounding built and natural environment, contrary to Policy PM1 of the Proposed Local Development Plan 2012'."

"Since the previous decision was made, a number of trees have been removed along the private track leaving only the large hedge and a large beech tree. The proposed dwelling will be located within 15m of the trunk of the remaining beech tree which means that the root protection area of that tree would be compromised if the dwelling was built in the location proposed. The existing tree is a very large impressive specimen and if the dwelling were to be erected as per the plans submitted, this tree would inevitably suffer severe die-back as a result of its roots being damaged/removed which would ultimately be to the detriment of the area due its high visual amenity value."

All references made on previous applications concerning the mature trees with 'high visual amenity value' can be discounted as said trees were in fact diseased/vandalised and have ALL now been removed.

Design and Layout

However, in terms of the new dwelling, whilst the elevational design of the dwelling itself does not raise any particular issues, I do have an issue over its size and location on the plot. As stated previously, whilst this area of Luncarty is residential in character, it's nevertheless my view that the development of a new dwelling on the northern section of the garden ground of 5 Marshall Way would result in a development that would appear 'squeezed in' and out of character with the general area – which is typically characterised by its spacious plots. It is also noted that the addition of a garage (which any potential occupiers would inevitably wish to have) will exacerbate this position further.

To make a presumption that a future occupant would "inevitably" wish to build a garage demonstrates that the Planning Officer at the time had a clear prejudice against the applicant, as any future garage owing to its inevitable position between the house and road would not fall under permitted development and therefore could be refused in its own right when any planning application for it was submitted.

Visual Amenity

The elevations of the proposed dwelling and the new garage in isolation raises no particular issues; however, in relation to the new dwelling, the fact that the dwelling will be positioned in a forward position from that of the existing dwelling will result in a slightly awkward visual appearance from the public road. Due to the physical shape and width of the plot, it would be

*practically impossible to re-position the dwelling so that it was fully set behind the existing house so any new dwelling on this plot would be positioned in an advanced position on the plot. Whilst there are some dwellings that are located fairly close to the public road, it's my view that the relationship between the existing house and the proposed (in its forward location) will result in a **slightly** incongruous streetscene which will be to the detriment of the visual amenity of the area.*

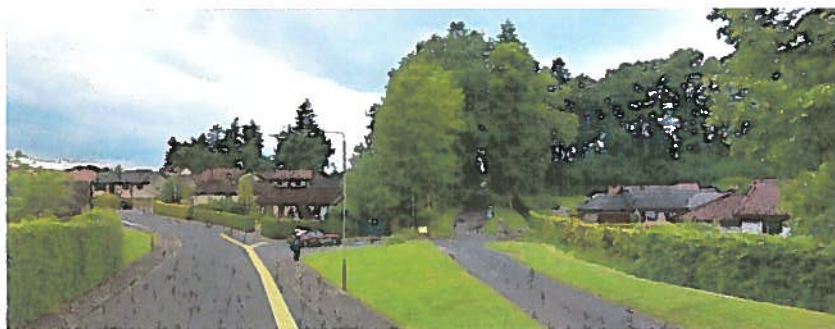
The various comments highlighted and referred to above demonstrate that the margins in reaching a decision to refuse were at best only "slight".

3. 15/02155/FLL – Current Application

- a) We would disagree with the perception that the proposed house would appear 'squeezed in' and one only has to survey the immediate neighbourhood to see other properties that are 'squeezed in' and are positioned as close or closer to their nearest neighbour than the proposals in this application. (see supporting document)
- b) In terms of the position of the house on the site, we would point out that the applicant was advised by the Planning Department following a previous application, that a future application would have more chance of success if the proposed house was brought forward to be clear of the tree root protection area.

As the last large tree was only removed after the submission of this current application we would accept a condition of approval which required the rear wall of the proposed dwelling to be in line with the rear wall of the existing house. This would reduce the forward projection of the proposed dwelling towards the street from 6.7m to 4.3m.

- c) In terms of visual amenity it should be noted that the plot is bordered on the north side by a 10' high beech hedge and on the east side by a 6' high evergreen hedge with the result that, with the exception of the driveway entrance, little more than the roof of the development would be visible from the street. As can be seen in the photo below, the development as it is comprises a series of roofs, one visible directly behind the other. One more can hardly be seen as detrimental to the visual amenity of the area.



- d) It should also be noted that not one of the neighbours of the application site has objected to this development. Their acceptance/satisfaction that the proposals do not adversely affect their visual amenity is a big clue as to what the outcome of this appeal process should be.

We therefore respectfully appeal that Planning Approval be granted.

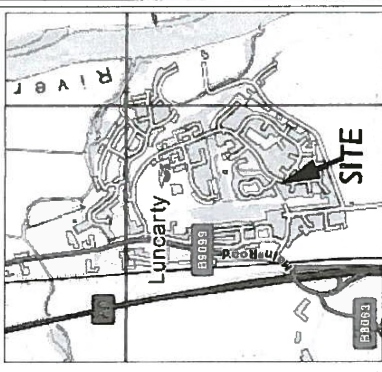
Yours faithfully



Dave Philip

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

REVISION NOTES



EXISTING SITE AREA = 0.100 Hectares

PROPOSED
5 MARSHALL WAY
PLOT = 0.055 Hectares
HOUSE (inc Garage) = 154m²

NEW HOUSE
PLOT = 0.045 Hectares
HOUSE = 95m²

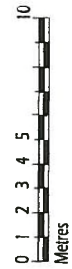
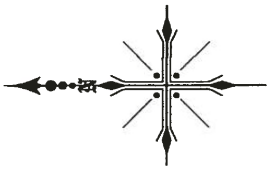
FOR REFERENCE ONLY.
PLAN RELATES TO
13/01062/FLL

MR. W. RAMSAY
5 MARSHALL WAY
LUNCARTY PH1 3UX
HIGHLAND PLANS

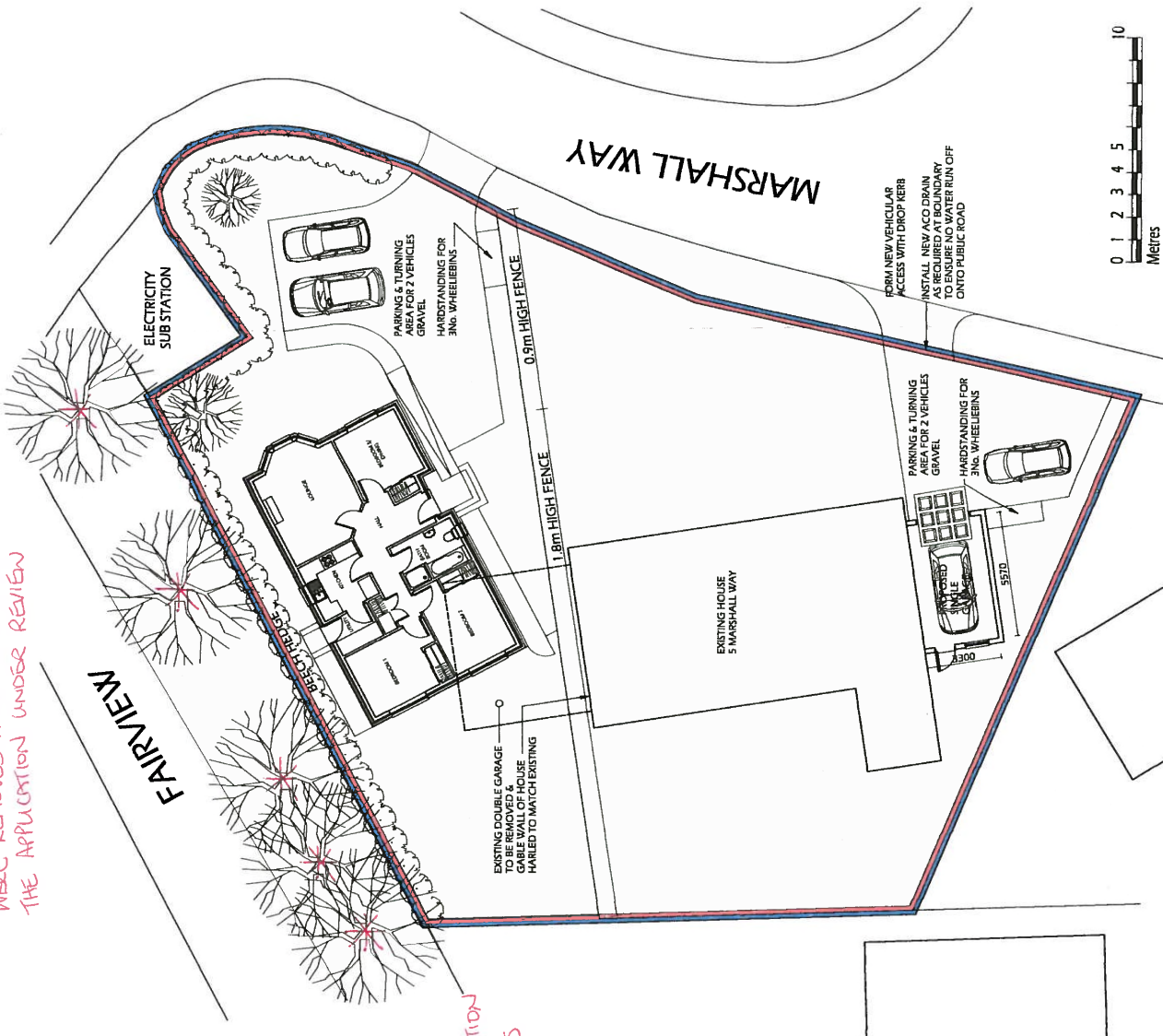
Whitehouse, Castle Brae, East Huntingtower, Perth PH1 3JJ
M : 07773 123566
E : dave@highlandplans.com W : www.highlandplans.com

PROPOSED SITE PLAN &
LOCATION PLAN

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| SCALE | 1:200 | DATE | 24/5/13 | DRAWN | |
| DRAWING No. | 1305-01 | REVISION | | | |



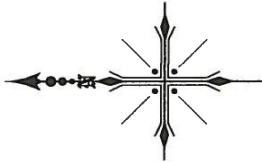
NOTE: ALL OF THESE TREES (DISEASED/UNSAFE)* WERE REMOVED PRIOR TO SUBMISSION OF THE APPLICATION UNDER REVIEW



NOTE: POSITION & ORIENTATION OF HOUSE IN THIS APPLICATION + COMPARE WITH 14/00596/FLL

NOTE: BOTH OF THESE TREES (DISEASED/UNSAFE) *
WERE REMOVED PRIOR TO SUBMISSION OF
THE APPLICATION UNDER REVIEW

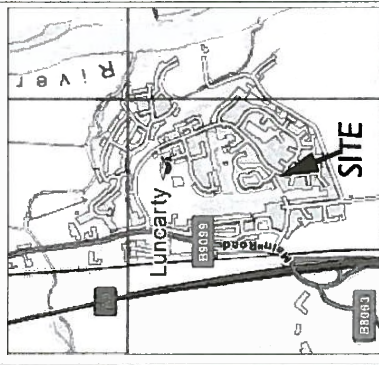
NOTE:
POSITION + ORIENTATION
OF HOUSE. THIS WAS
ADJUSTED SO AS TO BE
PERPENDICULAR TO THE
EXISTING HOUSE (N°5)
+ BROUGHT FORWARD ON
THE SITE AT THE REQUEST
OF THE PLANNING DEPT
DUE TO PROXIMITY TO
TREE ROOTS



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

| NO. | DESCRIPTION | DATE |
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EXISTING SITE AREA = 0.100 Hectares

PROPOSED
5 MARSHALL WAY
PLOT = 0.055 Hectares
HOUSE (Int Garage) = 154m²

NEW HOUSE
PLOT = 0.045 Hectares
HOUSE = 95m²

FOR REFERENCE ONLY.
PLAN RELATES TO
14/00596/FLL

A LEVELS ADDED FROM SURVEY 16414

MR. W. RAMSAY

5 MARSHALL WAY

LUNCARTY PH1 3UX

HIGHLAND PLANS

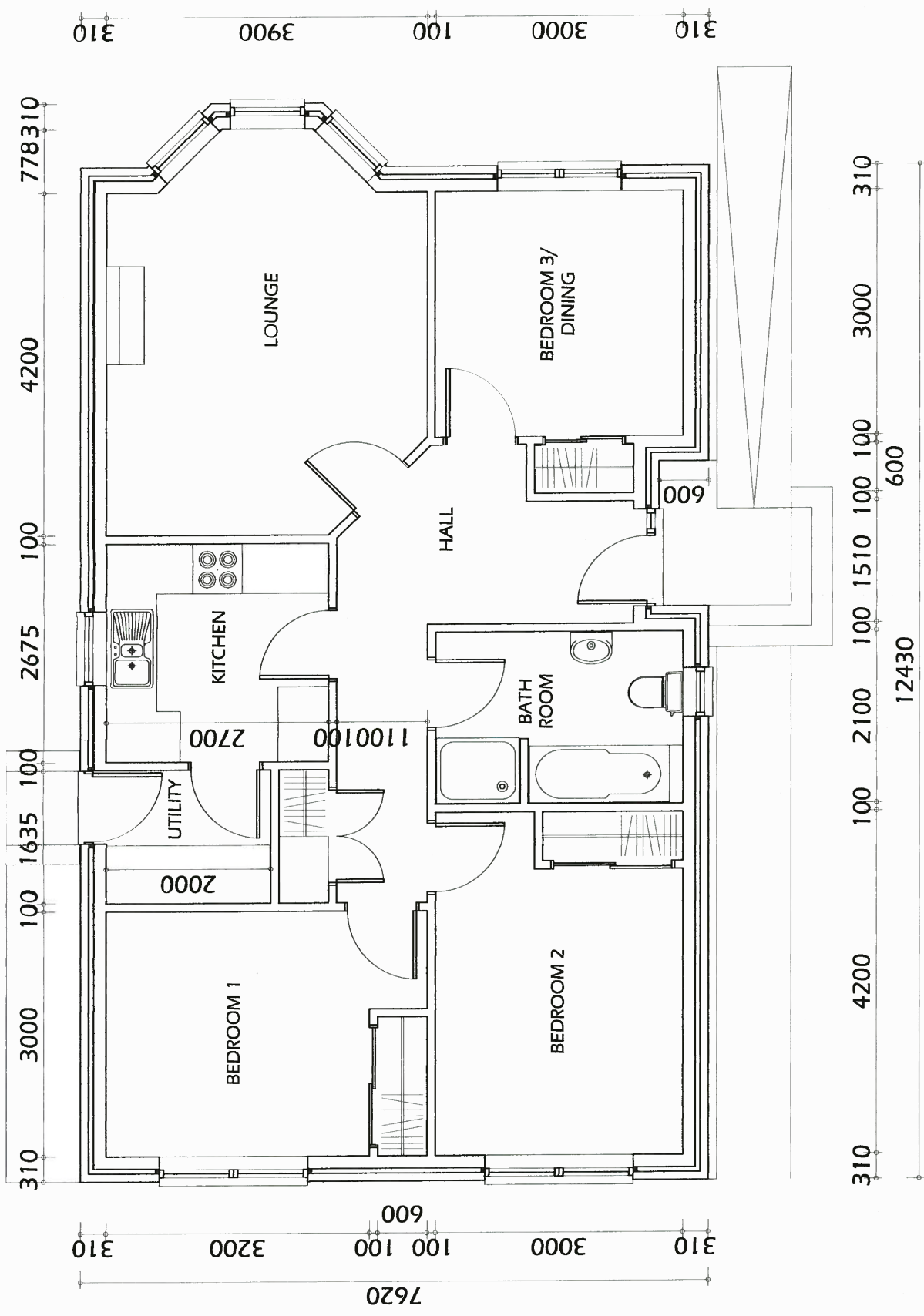
Charis Studio, Quay, Nr. Ballinluig, Perthshire PH9 0NT
M: 07778 123555 T: 01796 482764
E: dave@highlandplans.com W: www.highlandplans.com

PROPOSED SITE PLAN &
LOCATION PLAN

SCALE 1:200 DATE 25/3/14 DRAWN

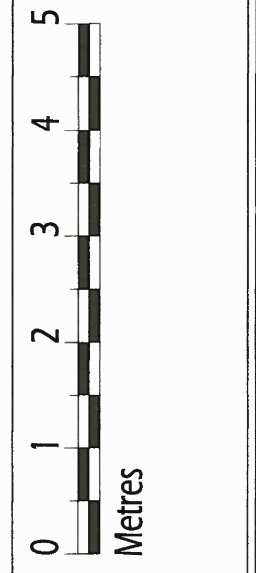
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REVISION



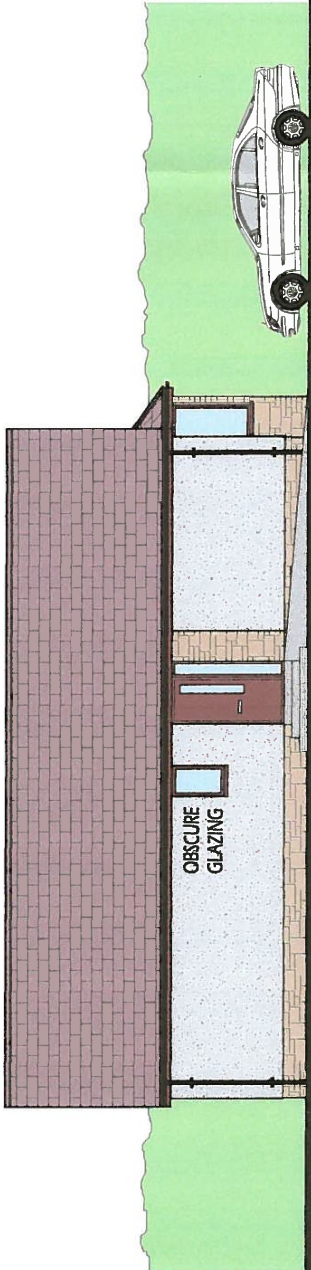
1015

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| 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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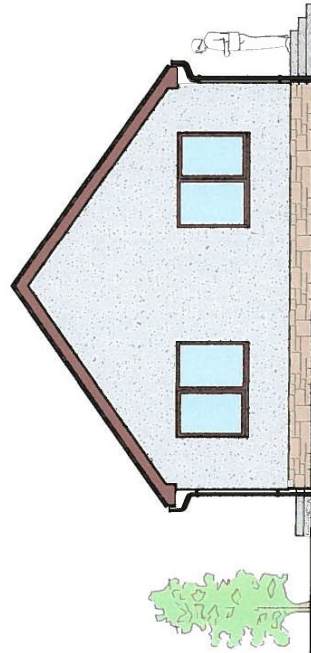


MR. W. RAMSAY
5 MARSHALL WAY
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E: davis@highland-plans.com W: www.highlandplans.com

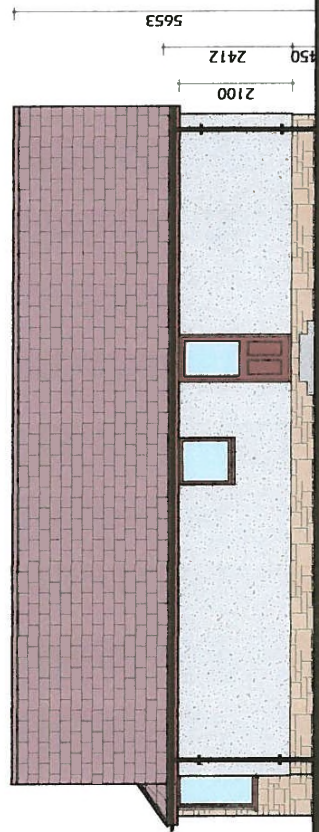
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| PROPOSED FLOOR PLAN | |
| SCALE 1:50 | DATE 25/3/14 |
| DRAWING No. 1415-02 | DRAWN |
| REVISION | |
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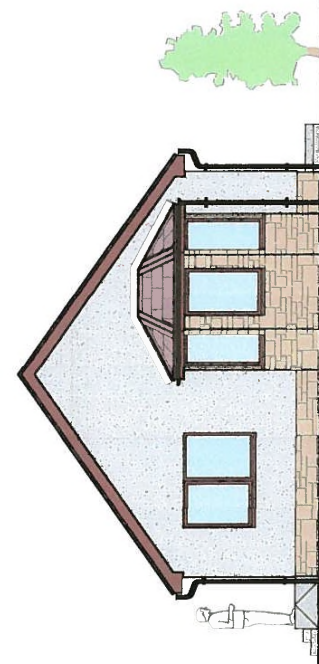
SOUTH ELEVATION



WEST ELEVATION



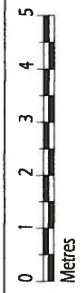
NORTH ELEVATION



EAST ELEVATION

Contractor to check all dimensions on site prior to starting work. If any discrepancy in this drawing or part thereof belongs to Highland Plans.

| REVISION NOTES | |
|----------------|---------------|
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| | |
| | |
| A | TREES REMOVED |
| | 14/12/15 |



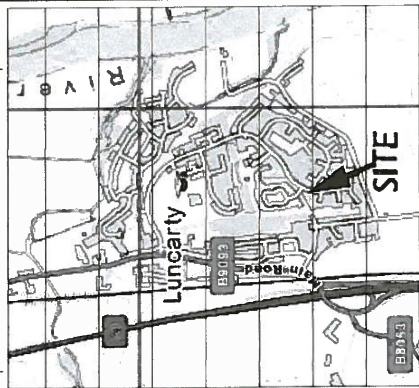
CONCRETE INTERLOCKING ROOF TILES
 HARLED WALLS WITH RECONSTITUTED BLOCK BELOW DPC & AT LOUNGE BAY
 TIMBER DG WINDOWS & DOORS STAINED/PAINTED
 PVC RAINWATER GOODS
 ALL EXTERNAL FINISHES TO MATCH 5 MARSHALL WAY

MR. W. RAMSAY
 5 MARSHALL WAY
 LUNCARTY PH1 3UX

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

| PROPOSED ELEVATIONS | | | |
|---------------------|---------|-------|--|
| SCALE | DATE | DRAWN | |
| 1:100 | 25-3-14 | | |
| DRAWING No. | 1415-03 | | |
| REVISION | A | | |

REVISION NOTES



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| B | HOUSE REPOSITIONED ON SITE | 14:12:15 |
| A | LEVELS ADDED FROM SURVEY | 16:4:14 |

MR. W. RAMSAY

5 MARSHALL WAY

LUNCARTY PH1 3UX

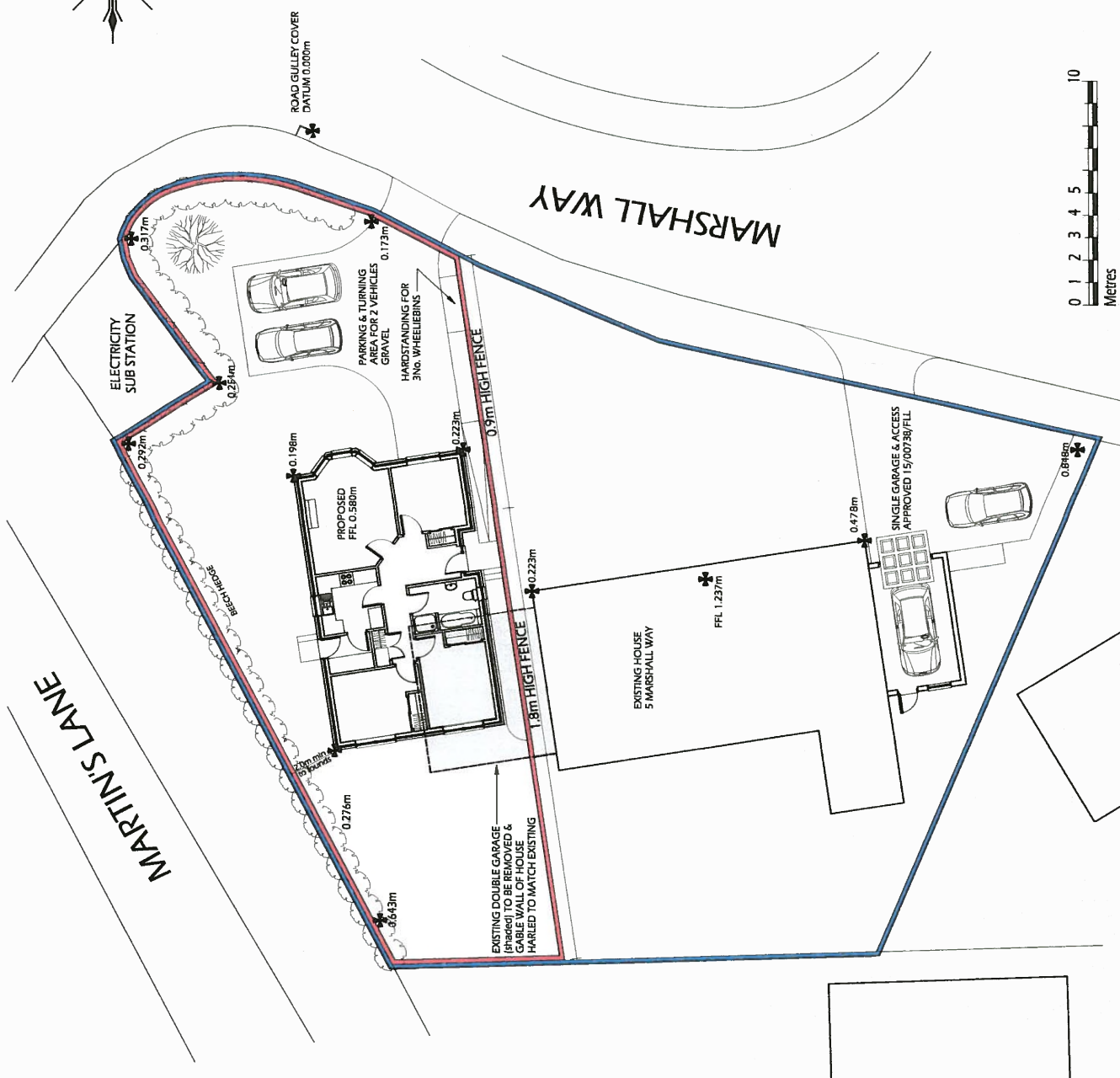
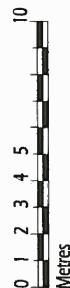
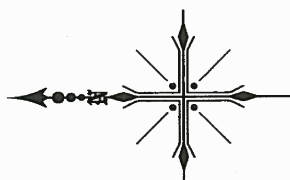
HIGHLAND PLANS

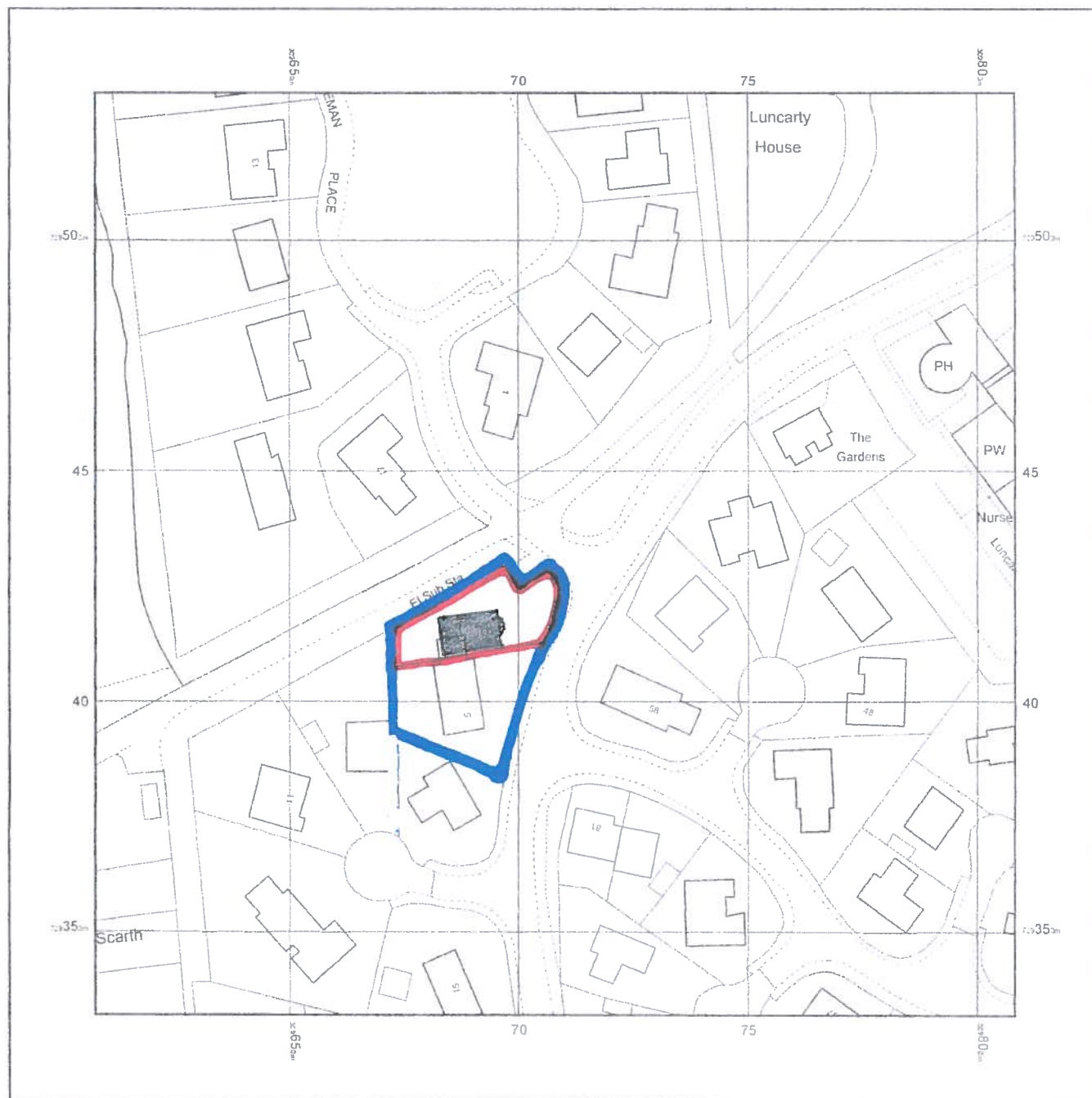
Charis Studio, Guay, Nr. Ballinluig, Perthshire PH9 0NT
M: 07773 123555 T: 01796 482764
E: dave@highlandplans.com W: www.highlandplans.com

PROPOSED SITE PLAN &

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Serial No: 83348
Centre Coordinates: 309708, 729432
Production Date: 15/12/2015 11:21:39

5 Marshall Way - Location Plan



HIGHLAND PLANS

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Perthshire PH9 0NT

01796 482764

07773 123555

dave@highlandplans.com

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

14th December 2015

Dear Sir/Madam

The accompanying planning application follows previously unsuccessful application (13/01062/FLL) and appealed application (14/00596/FLL).

The two reasons for previous refusal were: -

1. As the proposal (the new dwelling), by virtue of its location on the plot and proximity, may have an adverse impact on the root system of an existing mature tree which contributes positively to the visual amenity of the area, the proposal would have a detrimental impact on the visual amenity of the area, the proposal is contrary to Policies PM1A and Policy RD1c) of the Perth and Kinross Council Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity of existing areas.
2. As the proposal (the new dwelling), by virtue of being a manufactured and 'squeezed in' site (notably in terms of size, shape and the forward relationship with the existing house), would result in a development that would have an adverse impact on both the visual amenity and general character of the local area, the proposal is contrary to Policies PM1A and RD1c) of the Perth and Kinross Council Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity and character of existing areas from inappropriate developments.

Concerning the first reason we would draw your attention to the fact that the tree referred to was in fact deemed to have been unhealthy and dangerous. During the last summer season it produced hardly any leaves and a number of large branches broke off, some falling into neighbouring property. The owners of the trees rightly decided to take action and reduce the offending tree to a large stump in order to remove the future risk of it causing damage or injury.

Any perceived adverse impact to the root system is now of no relevance.

Moving on to point 2, three specific issues have been raised that were previously viewed as being contrary to

Policies PM1A

Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

and Policy RD1c

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

(c) Proposals which will improve the character and environment of the area or village.

of the Perth & Kinross Council Local Development Plan 2014.

The three areas of concern expressed were: -

1. The size of the plot.
2. The shape of the plot.
3. The position of the proposed house forward of the existing house.

The size of the plot is greater than that of neighbouring properties at 32, 42, 49, 51 & 53 Hatton Road and is the same size or only marginally smaller than those at 34, 63 & 65 Hatton Road.

We are surprised that the shape of the plot should have been raised as an issue given that the housing development has as random a collection of plot shapes as one is ever likely to find. However we would draw your attention to the plots at 34 & 47 Marshall Way, which are almost identical to the application site in terms of shape, length and breadth.

In terms of the position of the house on the site please look at the house positions at 20 & 22 Marshall Way and also at 17, 19, 21 & 23 Marshall Way. In each of these cases the 'forward' house is set further forward to its neighbour than is the case at the application site.

The precedent for each of these three issues is illustrated quite clearly beyond any question on the accompanying document 'Application Site at 5 Marshall Way'.

The criterion set out in the Development Plan is quite vague and open to personal interpretation. We have therefore been very careful to prepare an application that is entirely in keeping with the visual amenity and general character of the surrounding housing development.

The application is for a

- single storey dwelling with
- harled and reconstituted stone walls and with
- concrete tiled roof with 35 degree pitch

Every single attribute of the application site,

- the design of the building
- the size of the plot
- the shape of the plot
- the ratio of house to garden ground
- the distance that the house is positioned in relation to its nearest neighbour
- the distance from the house to the road

can be found elsewhere in the immediate vicinity.

Yours faithfully

David Philip

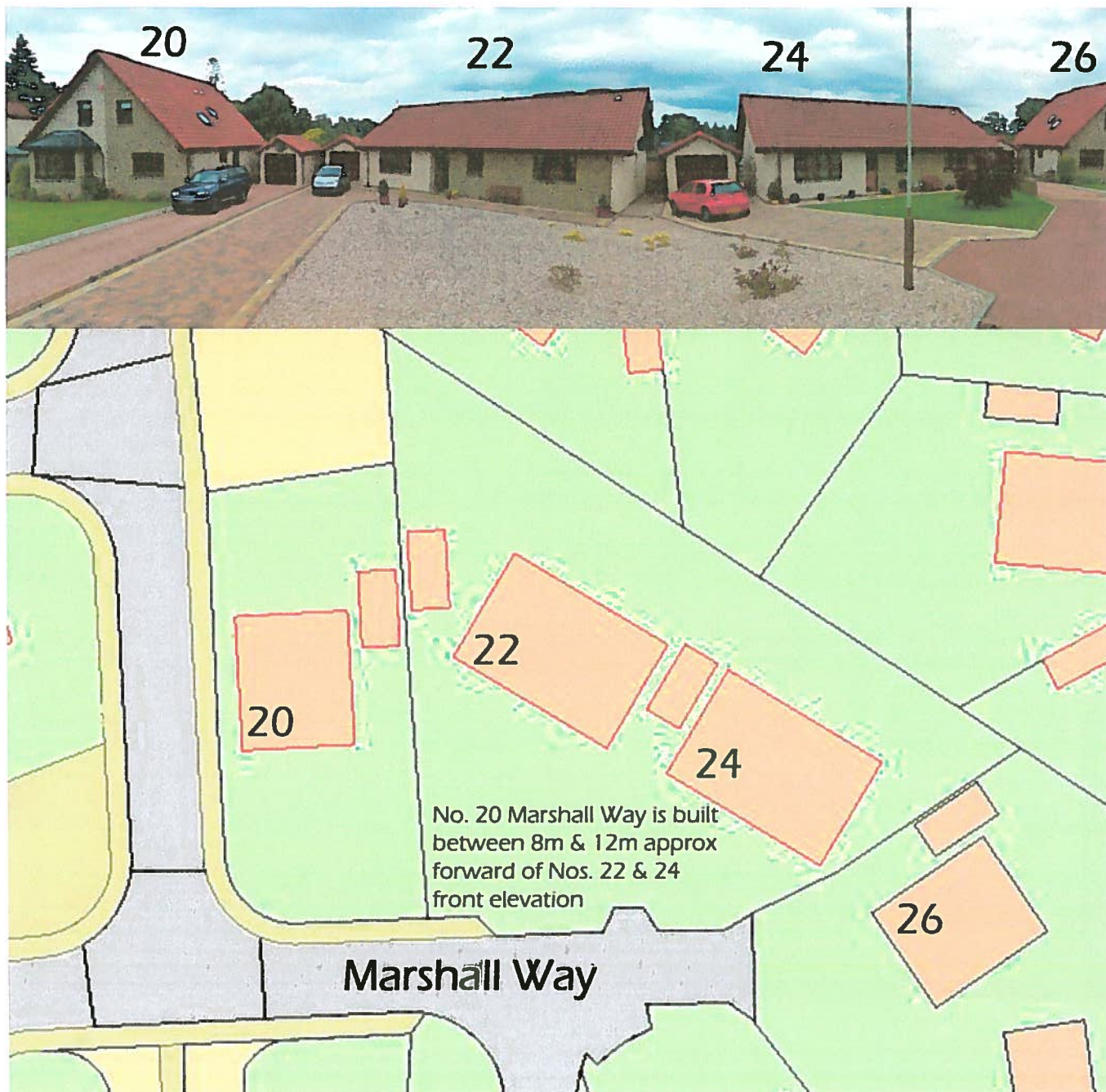
Application Site at 5 Marshall Way



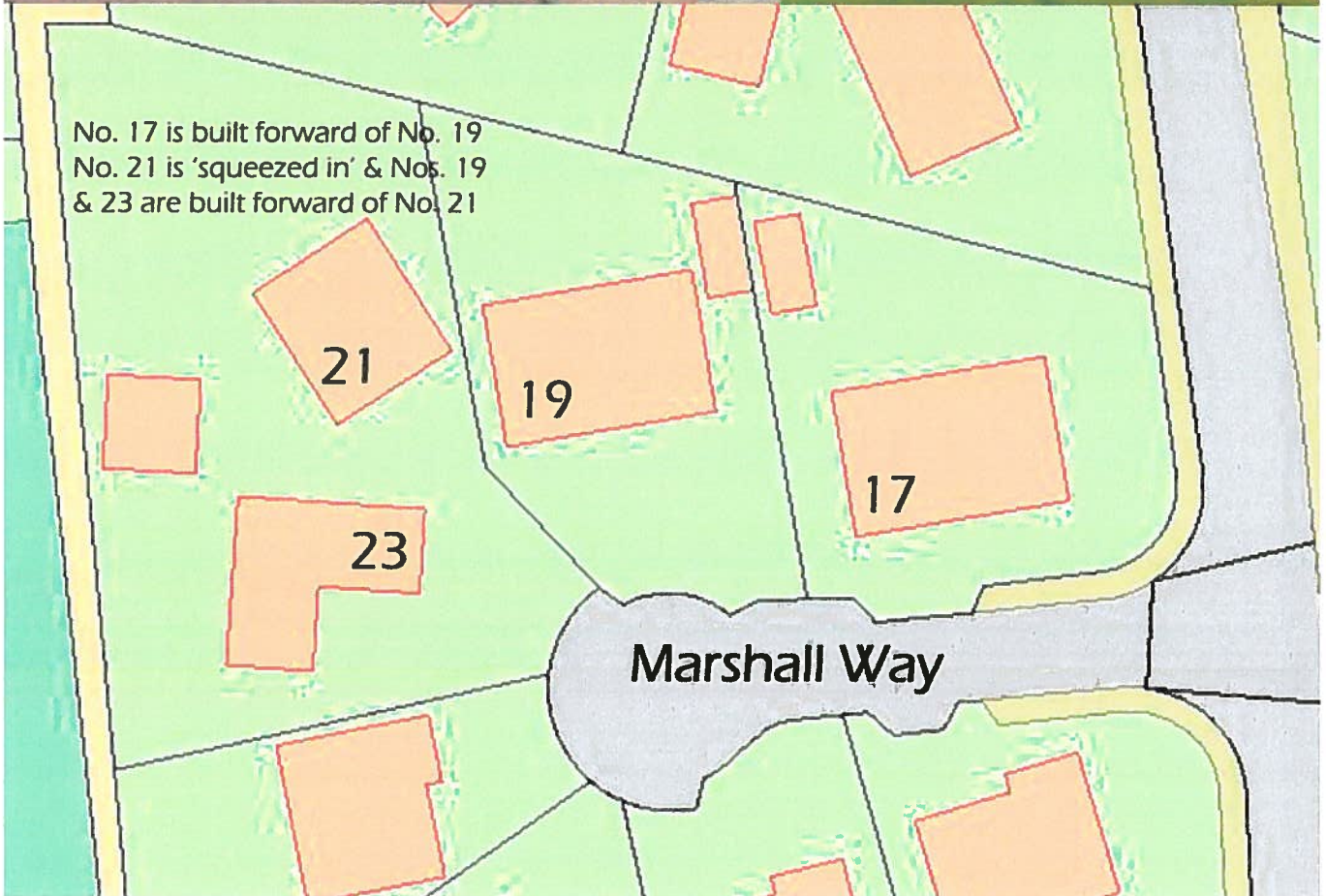
1. In terms of site area, the application site (shaded yellow) is larger than each of the plots at Nos. 32, 42, 49, 51 & 53 Hatton Road, which is part of the same housing development and is only marginally smaller than the plots at Nos. 34, 63 & 65 Hatton Road.
2. In terms of the shape of the site there is no uniform site shape throughout the development and the plots at Nos. 34 & 47 Marshall Way (shaded blue below) are almost identical in size, length and breadth to the application site.
3. The plot at No. 49 Marshall Way (below) is particularly similar to the application site in terms of size and shape, wider to the street edge and tapering towards the rear. The house is also positioned forward on the site from both its neighbours at Nos. 34 & 47.



The proposed site size and shape is therefore entirely in keeping with both the visual amenity and general character of the local area in accordance with Policies PM1A and Policy RD1 of the Proposed Local Development Plan 2014.



4. In terms of the proposed position of the house on the site being forward of its neighbour we would draw your attention to No. 20 Marshall Way (above), which is built forward of No. 22 by between 8.0m and 12.0m.
5. The proposed house will be no more than 7.0m forward of the existing house at 5 Marshall Way.



6. No. 17 Marshall Way (above) is also a corner plot and also built forward of No. 19 by 9.5m.
7. Nos. 19 & 23 Marshall Way (above) have been built forward of No. 21 by approximately 7.0m, the latter, No. 21, appearing very 'squeezed in' (see streetview image below)



As is amply demonstrated above, the revised position of the proposed house on the plot at 5 Marshall Way is entirely in keeping with both the visual amenity and general character of the local area in accordance with Policies PM1A and Policy RD1 of the Proposed Local Development Plan 2014.

In terms of building density, the proposed plot area is 432m², while the gross area of the proposed house is 95m². This means that the house occupies 0.22% of the total site area. This percentage ratio is directly comparable with the majority of plots in the vicinity.

The one remaining tree on the northern boundary was described in the delegated report for application 14/00596/FLL as follows: -

"The existing tree is a very large impressive specimen and if the dwelling were to be erected as per the plans submitted, this tree would inevitably suffer severe die-back as a result of its roots being damaged/removed which would ultimately be to detriment of the area due its high visual amenity value."

In fact this 'specimen' tree produced hardly any leaves during this last summer. It also lost a number of large branches, one of which fell into a neighbour's garden and could easily have caused damage or personal injury. As a result this tree was condemned and has since been all but removed - only the stump remains.

As this dangerous tree has been removed the root protection zone is longer relevant, which means that we have been able to position the house further back on the plot such that the front elevation will be a full 11.0m back from the street facing boundary. The majority of houses in the development are within 7m of their street facing boundary.

| |
|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>TCP/11/16(404) Planning Application – 15/02155/FLL – Erection of dwellinghouse, land north of 5 Marshall Way, Luncarty</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------|

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT (included in applicant's submission, see pages 1009-1024)

PERTH AND KINROSS COUNCIL

Mr W Ramsay
c/o Highland Plans
Dave Philip
Charis
Guay
Ballinluig
PH9 0NT

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 11.02.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/02155/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 15th December 2015 for permission for **Erection of dwellinghouse Land North Of 5 Marshall Way Luncarty** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal (the new dwelling), by virtue of being a manufactured and 'squeezed in' site (notably in terms of size, shape and the forward relationship with the existing house), would result in a development that would have an adverse impact on both the visual amenity and general character of the local area. This is contrary to Policies PM1A and RD1c) of the Perth and Kinross Council Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity and character of existing areas from inappropriate developments.

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 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

15/02155/1

15/02155/2

15/02155/3

15/02155/4

15/02155/5

15/02155/6

REPORT OF HANDLING

DELEGATED REPORT

| | | |
|------------------------|-----------------|------|
| Ref No | 15/02155/FLL | |
| Ward No | N5- Strathtay | |
| Due Determination Date | 14.02.2016 | |
| Case Officer | Persephone Beer | |
| Report Issued by | | Date |
| Countersigned by | | Date |

PROPOSAL: Erection of dwellinghouse

LOCATION: Land North Of 5 Marshall Way Luncarty

SUMMARY:

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

DATE OF SITE VISIT: 22 January 2016

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a dwellinghouse on land north of 5 Marshall Way, Luncarty. The proposals include the demolition of an existing double garage currently attached to the existing dwelling. The land will be subdivided with a timber fence to form a house plot. 5 Marshall Way is part of a modern residential area, which is adjacent to a privately owned but publicly used road that links into a Core Path.

The proposed dwellinghouse will offer living accommodation over one level, be sited north of the existing bungalow and will measure approximately 12.5m in length (east to west) and approx. 7.6m in width. The dwelling will be set at right angles to the existing dwelling and at a slight angle to an existing mature beech hedge that forms the boundary between the existing house site and the private road which lies adjacent to the northern boundary.

Parking and turning spaces are proposed to the front of the property. Planning permission has been refused a number of times for the development of a house on this site most recently in 2014 (14/00596/FLL) when the refusal decision was appealed to the Local Review Body and dismissed.

An application for a new single garage to serve the existing dwellinghouse was approved in June 2015 (15/00738/FLL).

SITE HISTORY

00/00639/OUT Erection of house, demolition and repositioning of garage – Application Refused – 19 June 2000

01/00854/OUT Erection of house, demolition and repositioning of garage – Refused 3 August 2001

13/01062/FLL Demolition of double garage, erect dwelling house and single garage and formation of new vehicular access. Application Refused - 12 July 2013

14/00596/FLL Erection of dwellinghouse, formation of vehicular access and erection of garage Refused - 27 June 2014 Review dismissed – 13 November 2014

15/00738/FLL Erection of attached garage 11 June 2015 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy RD1 - Residential Areas

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

Policy PM1A - Placemaking

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

Policy NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

OTHER POLICIES

Perth and Kinross Developer Contributions supplementary guidance
National Roads Development Guide

CONSULTATION RESPONSES

Transport Planning

No objection subject to conditions.

Education And Children's Services

No response.

Scottish Water

No response.

Contributions Officer

Developer contributions with regard to Education provision and Transport

Infrastructure required. Education: £6,395 (1 x £6,395)

Transport Infrastructure: £3,549 (1 x £3,549)

Total: £9,944

REPRESENTATIONS

There have not been any representations received in relation to this application:

ADDITIONAL STATEMENTS RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

The site lies within an area identified as being residential with compatible uses where Policies RD1 and PM1 from the Perth and Kinross Local Development Plan 2014 are directly applicable. Both these policies seek similar objectives which are focused on protecting existing residential amenity and ensuring that new developments contribute positively to the quality of the surrounding built and natural environment by respecting the character and amenity of the existing area.

Design and Layout

The proposal is for a two bedroom single storey dwellinghouse positioned at right angles to the existing dwellinghouse and extending around 7 metres to the front of this property. The proposal is almost identical to that refused in 2014 (14/00596/FLL) the only difference being that the dwelling is positioned around 1 metre closer to the rear boundary. The previous case officer expressed concern with regard to the size and location of the dwelling within the plot and that the development of a new dwelling on the northern section of the garden ground of 5 Marshall Way would result in a development that would appear 'squeezed in' and out of character with the general area.

Additional information has been submitted to support the application which identifies a range of house plots on the same residential estate that it is suggested have similar characteristics to the proposed house in terms of plot size and positioning. Whilst I accept that there is some variation in layout of house plots within the area this does not change the characteristics of this particular site and I would still consider that the proposed development would appear 'squeezed in', incongruous and out of character with the general area.

Landscape

The site is positioned adjacent to an existing tree lined private road which provides a useful pedestrian and cycle link to a Core Path.

The previous two refusals on the site had noted concerns with potential impact on the root protection area of mature trees within the private road close to the site and to the beech hedge sited along the site boundary.

Following the refusal of planning permission on this site in 2013 a number of the mature trees in the vicinity of the proposal were felled. The second refusal was issued by the Local Review Body in November 2014. In January 2015 another extremely attractive tree was badly vandalised resulting in the owner of the tree carrying out significant pruning of large limbs.

The loss of and damage to the trees in this area is most unfortunate and detracts significantly from the visual amenity of the area. It will also make the proposed development even more visually prominent exacerbating the incongruous position of the new dwellinghouse in relation to neighbouring properties.

Residential Amenity

In terms of the impact on existing residential amenity, the new dwelling will not have significant direct impact on either the applicant's existing dwelling or any other neighbours.

Visual Amenity

The previous delegated report did not identify any particular issues with the elevational details of the proposed dwelling in terms of visual impact. The design has not changed. The position of the proposed dwelling has changed slightly and has been set back by around 1m. However this does not significantly change the proposal and the property is still positioned in a forward position from that of the existing dwelling resulting in an awkward visual appearance which would create an incongruous visual element in the street scene to the detriment of the visual amenity of the area.

Roads and Access

The proposal shows the provision of two parking spaces to the front of the proposed new property. The National Roads Development Guide sets out requirements in terms of parking and in this case a minimum of two vehicle spaces are required along with one secure covered cycle space per dwelling. The Transport Planner does not object. However as no garage is proposed in order to meet the guidelines in the Roads Development Guide provision should ideally be made for secure covered cycle storage.

Drainage and Flooding

The proposal raises no issues in terms drainage or flooding issues.

Developer Contributions

Primary Education

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

This proposal is within the catchment of Luncarty Primary School. A contribution of £6,395 (1 x £6,395) is required in terms of primary education provision.

Transport Infrastructure

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

A Transport Infrastructure contribution of £3,549 (1 x £3,549) is required.

Economic Impact

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

Conclusion

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

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1 The proposal (the new dwelling), by virtue of being a manufactured and 'squeezed in' site (notably in terms of size, shape and the forward relationship with the existing house), would result in a development that would have an adverse impact on both the visual amenity and general character of the local area. This is contrary to Policies PM1A and RD1c) of the Perth and Kinross Council Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity and character of existing areas from inappropriate developments.

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

15/02155/1

15/02155/2

15/02155/3

15/02155/4

15/02155/5

15/02155/6

Date of Report 11.02.2016

TCP/11/16(404)
Planning Application – 15/02155/FLL – Erection of
dwellinghouse, land north of 5 Marshall Way, Luncarty

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

| | | | |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Application ref. | 15/02155/FLL | Comments provided by | Euan McLaughlin |
| Service/Section | Strategy & Policy | Contact Details | Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk |
| Description of Proposal | Erection of dwellinghouse | | |
| Address of site | Land North Of 5 Marshall Way Luncarty for Mr W Ramsay | | |
| Comments on the proposal | <p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Luncarty Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> | | |
| Recommended planning condition(s) | <p>Summary of Requirements</p> <p>Education: £6,395 (1 x £6,395) Transport Infrastructure: £3,549 (1 x £3,549)</p> <p><u>Total: £9,944</u></p> <p>Phasing</p> | | |

| | |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p> |
| Recommended informative(s) for applicant | <p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Remittance by Cheque</p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> |

| | |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House 35 Kinnoull Street Perth PH15GD</p> <p>Bank Transfers All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Transport Infrastructure For Transport infrastructure contributions please quote the following ledger code: 1-30-0060-0003-859136</p> <p>Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. <p>Indexation All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p> |
| Date comments returned | 07 January 2016 |

Comments to the Development Quality Manager on a Planning Application

| | | | |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------|
| Planning Application ref. | 15/02155/FLL | Comments provided by | Niall Moran |
| Service/Section | Transport Planning | Contact Details | x76512 |
| Description of Proposal | Erection of dwellinghouse | | |
| Address of site | Land North Of 5 Marshall Way Luncarty | | |
| Comments on the proposal | Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety. | | |
| Recommended planning condition(s) | <ul style="list-style-type: none"> • Prior to the occupation or use of the approved development the new vehicular access shall be formed in accordance with specification Type A, Fig 5.5 access detail to the satisfaction of the Planning Authority. • Prior to the occupation or use of the approved development turning facilities shall be provided within the plots to enable all vehicles to enter and leave in a forward gear. • Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within each plot site. | | |
| Recommended informative(s) for applicant | The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency. | | |
| Date comments returned | 8 January 2016 | | |

