

TCP/11/16(584) – 18/01816/FLL – Erection of a dwellinghouse on land 20 metres west of 14 Toberargan Road, Pitlochry

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**TCP/11/16(584) – 18/01816/FLL – Erection of a
dwellinghouse on land 20 metres west of 14 Toberargan
Road, Pitlochry**

**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 Mrs R Haworth**

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Postcode

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E-mail* Mark this box to confirm all contact should be through this representative:

Please make contact through the applicant

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

Yes

x

No

Planning authority

Perth and Kinross

Planning authority's application reference number **18/01816/FLL**

Site address **Land 20 metres West of 14 Toberargan Road Pitlochry**

Description of proposed development

Erection of Dwelling House

Date of application **24 October 2018**

Date of decision (if any) **23 December 2018**

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) **X**
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 **X**
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. **X**
2. One or more hearing sessions.
3. Site inspection. **X**
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:

This application is the second refusal for planning permission for which there have been **no objections** from any neighbours or anyone else. The decision is therefore by a delegated planning officer who has refused to have any discussions in respect of the proposal. He has failed to have regard to the evidence in the full design statement prepared in support of the application or to counter these in any way at all; in fact it would appear he has ignored these altogether (evidenced by him proposing a condition already included in the design statement.)

He has sought to support his individual opinion by a very selective approach to his view of the surrounding physical environment of the subject site. This has resulted in his commentary regarding his justification for refusal producing some statements which are hard to reconcile with a balanced approach to the planning guidance.

The further written submissions highlight the weaknesses in his approach and once again seek to emphasise the logical and reasoned arguments why this development

is a positive addition to the built environment in the conservation area, and is consistent with the interpretation of the planning guidance by other planning officers and the main committee.

There have been no discussions with the planning officer and I understand hearings are usually for large-scale complex issues. The further written evidence along with a site visit will enable the members of the LRB to be able to examine all the written evidence and statements made and to determine their validity with reference to the actual location of the site and surrounding land and buildings..

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?
- 2 Is it possible for the site to be accessed safely, and without barriers to entry?

Yes

No **X**

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

The topography of the site is such that it is would be of assistance to the members of the LRB if they were able to raise questions at the time if any part is unclear, and to be fully aware of the evidence submitted.

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.

Introduction

The reason for applying for a review of the decision is for the matter to be considered by the independent individuals of the Local Review Body who will look at the facts and evidence produced in the design statement and below and have a more enlightened approach to the proposal to create a very modest property. This is not a question of personal taste or preferences but whether the design and layout complies with the relevant planning policies. The design of the house and it's position on the site respect the historical and contextual setting of the site and do not

compromise the other existing buildings in the immediate vicinity and will significantly improve the amenity of the area and create a real sense of place.

The full planning design statement sets out the reasons why the proposal is in accordance with the development plan, with evidence as to why Policies PM1A, PM1B and HE3A are satisfied.

The revised proposal now satisfies all the technical reasons for refusal but the planning officer has sought to justify his original opinion that no dwelling could possibly be put on this site in a manner which is highly subjective, relying on his personal taste and preferences and ignores completely the evidence produced to support the proposal which is drawn from consideration of the actual physical environment of the site.

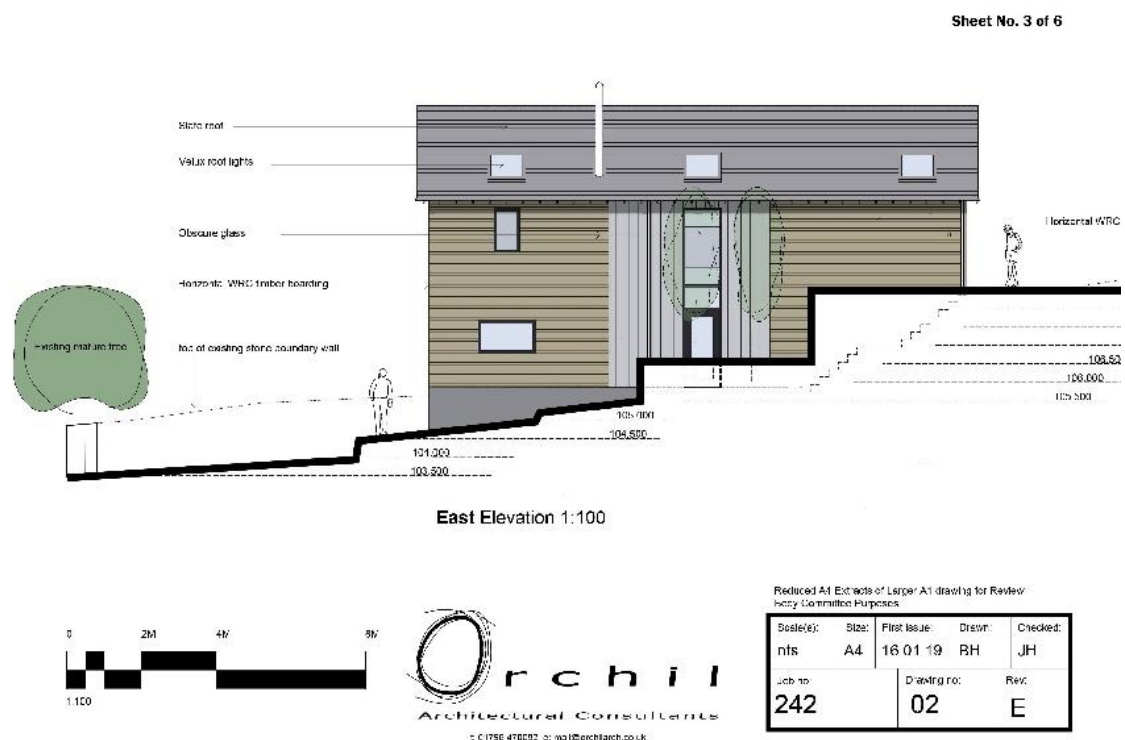
The planning officer has considered the Design Statement Summary as a basis for considering whether in his opinion the revised proposal satisfies his previous objections.

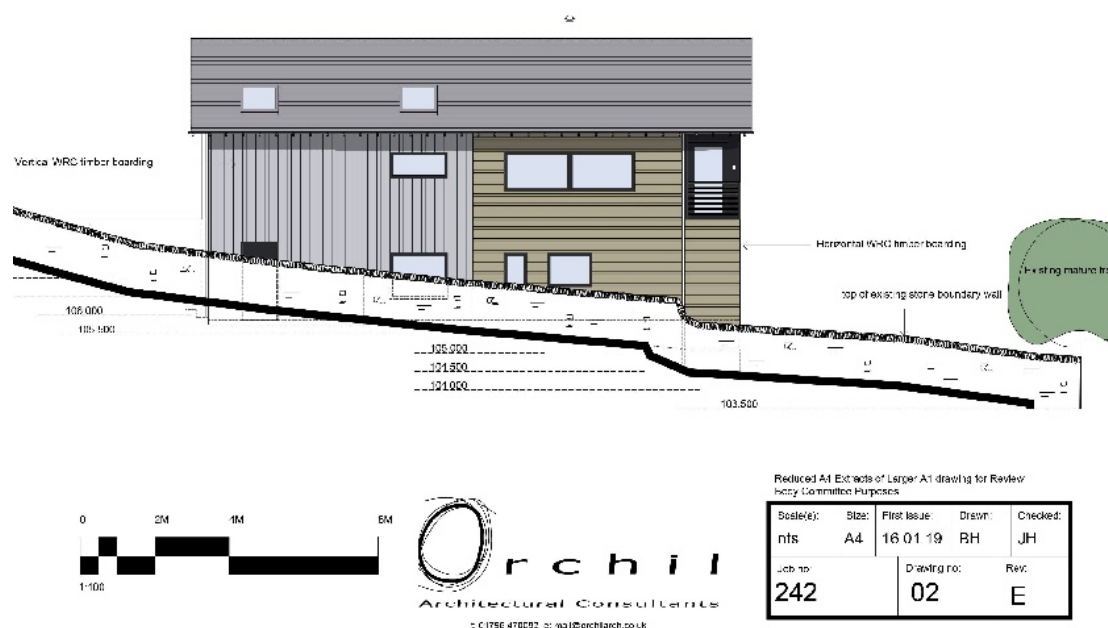
This summary however is drawn from the full design statement, which supports these conclusions.

The setting

The planning officer is satisfied with the design of the eastern elevation, but adds that obscure glass should be inserted as a condition. This is already include in the design statement.

The East and West elevations are shown below which are extracted from the original application for ease of reference.





The full design statement details the uses and physical appearance of the immediate surrounding area, so that the actual characteristics of the surrounding area are established before considering how the proposed development (pages 2-13), interacts with its surroundings.

This is considered fundamental so that any judgment as to the impact of new development has regard to uses and physical appearance of the surrounding property and is made within this context and whether PM1A and PM1B are satisfied. In my opinion this has been completely disregarded by the planning officer so his approach is fundamentally flawed with the result that his subsequent conclusions are equally flawed.

Looking in more detail at the actual surroundings of the site as evidenced on pages 5 to 13 of the design statement.

No 14 is the only house on this side of Toberargan Road, adjoining to the West is the garden of Scotland's Hotel and the unsympathetic 1960's extensions which are classified in the Conservation Area Report as having consequential effects on the settings of adjacent buildings.

To the East are 2 guesthouses Carra Beag and Craig Royston. The car park of Carra Beag overlooks the garden of No14, as do some windows of Craig Royston.

Opposite the entrance to No14 is a single storey 1960's flat roofed bungalow which again affects the setting of the adjacent buildings, (Photos 9 & 10.)

To the South is the car park of Scotland's Hotel, the Bin Store and loading bay for the Hotel. This car park runs from Bonnet Hill Road and has on one side the unsympathetic extensions of the hotel, and the Bin store and loading bay, and on the

other side the buildings of the industrial estate, the proposed 3-storey block of flats, the funeral director's office and Elm Court, a 2-storey block of 1960's Flats. These are detailed on the plan on Page 7 of the Design statement and on aerial photograph below. This photograph shows the boundaries of the plot and the proposed dwelling to highlight its minimal impact.



The Proposals to overcome previous grounds for refusal

The elevation facing the road has been changed to incorporate stone to blend in with the existing property and the garage door removed, this can only be a positive contribution. To formulate an opinion which considers this, as a retrograde step, which is less attractive, is hard to understand, and has no regard whatever to the existing street scene (page8) and is contrary to the planning guidelines, which state

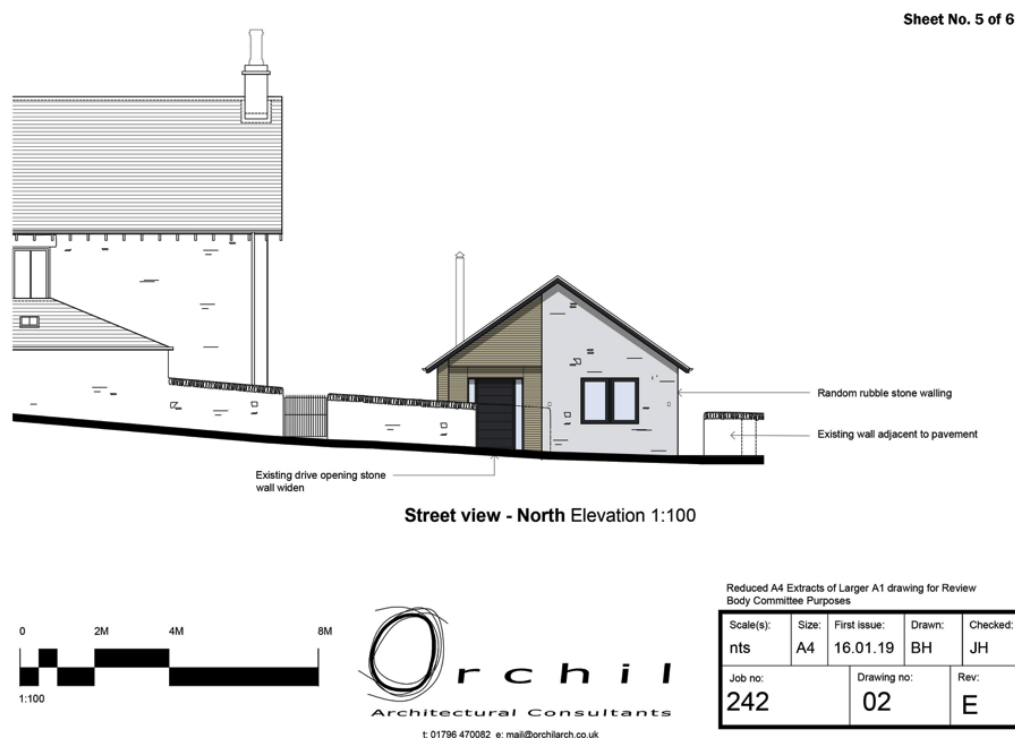
“The front of the buildings within a street should create an active frontage, with windows and doors overlooking the street. This creates opportunities for eyes on the street, providing a sense of safety and welcoming appearance. When gables face the street, these should incorporate windows or other openings, providing further opportunities for passive surveillance”

There are many examples of single storey stone dwellings in the locality, which fit in perfectly well, and improve the diversity of the area.

The removal of a small length of stonewall, is necessary to provide a type B access (P&K Road Development guide) in the interests of pedestrian and road safety where vehicles can enter and leave the site forwards. After all this is the purpose of this particular planning condition and surely outweighs any minor loss of walling.

It is also of relevance when an application for a much larger extension on the adjoining Scotland's Hotel was being considered and approved the conservation officer stated “ it is set back from the road and at a lower level and therefore does not impact on the street scene.”

The revised elevation is shown on the attached drawing, which is extracted from the drawing on the planning application for ease of reference.



The southern elevation has been considerably altered and now forms an attractive elevation.

The building envelope windows, doors eaves and roof ridgeline all balance with one another and are proportionate and relate positively to the local surroundings. It will be visible from the cars using the car park of Scotland's Hotel and mostly obliquely across the car park from Elm Court a 2-storey block of flats (page11) but partially masked by mature tress. No objections were received from these flats, where the main aspect is the other south facing side away from the Car park.

The Planning Officer's opinion is that this elevation is dominant, I cannot agree, but taken in conjunction with the proposed development of a 3 storey block of flats across the car park (page12, 23,) which have a profile more than 6 times greater it is impossible to give any credibility to the opinion that a small 2 storey building can dominate. It will in fact complement these flats and add balance to the amenity of the area.

Theses changes make a positive contribution to the quality of the surrounding area and improve the visual amenity, and so satisfy with PM1A, and with the incorporation of a lift in the design clearly enable adaptation to a wide range of users. For ease of reference the South elevation is shown below, it is an extract from planning application.

Sheet No. 6 of 6



Reduced A1 Extracts of Larger A1 drawing for Review
Not for Construction Purposes

Scale:	Size:	Plot Issue:	Drawn:	Checked:
nts	A4	16 01 19	RH	JH
Job no:	Drawing no:	Rev:		
242	02	E		

The proposed development sits well in line with Craig Royston and the adjoining Scotland's Hotel and is therefore consistent with the urban structure, and satisfies PM1B. I do not agree with the planning officer's opinion that this does not respond to the urban structure in this area.

The planning officer repeatedly states that he is of the opinion that it appears to be squeezed into the site. This may be his perception but the facts are that the building occupies less than a fifth of the site (19%) which gives ample space for providing the usual facilities for bin storage, drying area and amenity space for the occupiers of the house. It is considerably less than the 25% in the planning guidance.

The area of private space to the rear and side of the dwelling is around 180 square metres, which again far exceeds the 60 to 80 square metres in the planning guidance.

The aerial photograph above shows how well it fits into the urban structure.

It has considerably more space around it than existing nearby houses and also those where planning permission has been approved. It is therefore not inconsistent with the density of development and in no way erodes the street scene and satisfies PM1B.

Looking at the surrounding built environment as detailed in the design statement (page 6 to 14) the site is situated in a very mixed area where the predominant uses are commercial or industrial and the other residential uses other than No 14 are 1960's houses and flats. It is difficult to see how a new attractive house, which is sympathetic to the materials of many recent developments (pages 22 to 24), can other than improve the visual amenity of the area, and is sited to complement rather than detract from the surrounding area.

The planning officer when considering the special requirements of policy HE3A once again just repeats his opinion that the scale, detailing and siting is not appropriate, and ignores the uses and physical characteristics of the surrounding area. There is no evidence to support this opinion or counter the evidence in the supporting design statement; he just ignores the inconvenient facts as they are presented.

I have detailed above the area in which the site lies, (page 6 panorama) and the insignificant impact it will have from the road being set back some 16 metres, when cars are parked it will hardly be visible.

From the South the elevation is of an attractive dwelling that will be visible only to the users of the car park and obliquely from the flats, and has far smaller façade than the new 3-storey block of flats diagonally opposite.

The planning officer has made no reference to the benefit that the new dwelling will confer on the outlook from No 14, which will be improved by reducing the impact of Scotland's Hotel and the new flats when they are built. It will introduce another domestic property on this side of Toberargan Road, close to the town centre, releasing a large house for family use and will add to the mix of housing types supporting the vision of Tay Plan 2016-2036.

In addition he has, by referring to the workshop that is to be removed as a potting shed, in my view, attempted to create the impression of a more friendly building rather than what is actually there.

The facts are it is a profiled steel workshop of some 32 square metres with a ridge height of 4 metres situated 1 to 2 metres from the boundary of the car park. (Photo 4 in design statement)

He has further ventured the opinion that the removal of this workshop and the replacement by the attractive façade will actually harm the Conservation area.

This final comment I think expresses the concern we have as to the rationale behind the opinions expressed by this planning officer and using personal taste and preferences over the application of the actual policies.

This part of the Conservation area is as stated above a very mixed area and the proposed development can only improve the appearance and character of the area and in this respect complies with HE3A.

The drainage objection has been resolved.

The roads and access now satisfy TA1B in being able to enter and leave the site forwards. This is an absolute standard as confirmed by the swept path analysis but even when the facts support this approach the planning officer has seen it fit to add a comment "it will be tight," which again reinforces our concerns as to the rationale behind his decision-making.

Conclusion

The proposed development as demonstrated in the above commentary is in accordance with development plan.

PM1A states

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

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

The evidence provided in the design statement and amplified above demonstrates that it complies with PM1A by contributing positively to the quality of the built environment and respects the character and amenity of the area by its siting density and design.

PM1B states

All proposals should meet all the following placemaking criteria:

(a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.

(b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.

(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

(d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.

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

(f) Buildings and spaces should be designed with future adaptability in mind wherever possible.

(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

(h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

The evidence provided demonstrates that it complies with PM1B as it does create a sense of identity and improves the street scene, and the design and density complement the surroundings.

The provision of a lift specifically makes it future proof for all occupants.

It complies with HE3A, which states

“Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. “

The design, materials, scale and siting of the dwelling have been carefully chosen to reflect the best features and architectural styles of the surrounding area and are appropriate and will certainly improve the special qualities of the area by its appearance character and setting.

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

Yes No **X**

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

List of documents and evidence

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

- 1) The full design Statement submitted with the application.
- 2) The summary conclusions submitted with the application.
- 3) The supplementary statement detailing the reasons for the appeal. (Attached

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:

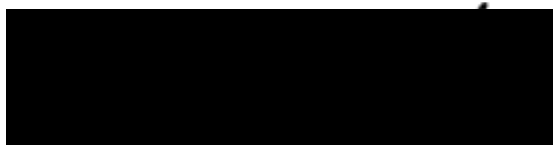
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence, which you intend to rely on (e.g. plans and drawings or other documents) which are now the subjects of this review.

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 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 January 2019

Page 13 of 13

DESIGN STATEMENT: Proposed Development: 2Bedroomed House.

Applicants: Mr. & Mrs. R Haworth.

Site Location: Adjoining 14 Toberargan Road Pitlochry

Contents:

Aerial photograph of site: (page2)

Site Appraisal with photographs of site:(pages3-6)

Location Plan of site: Plan 1

Location plan with uses of adjoining land and buildings: Plan 2 (page 7)

Surrounding Uses and Buildings with photographs:(pages 8-12)

Views with photographs: (page13)

Summary: (page 13)

Planning Policy:

PM1A Placemaking (page14)

PM1B: (page14-15)

RD1 (page15)

TA1B (page16)

HE3A (page16)

Planning history (page17)

Design Context. (Pages 18-25)

EPC3 (page 25.) Appendix 1 (page 26)



490

Aerial View of site:

Showing surrounding uses: Scotland's Hotel with car park.

Carra Beag Guest House with car park.

SITE APPRAISAL

Site Description; the site comprises part of the garden and driveway of No.14 Toberargan Road with an area of approximately 495m². The top part of the site is level and the rear part slopes steeply to the retaining wall above Scotlands Hotel Car Park. The site has been terraced with railway sleepers and has a block built timber clad store, an old aluminum greenhouse and a profiled steel workshop. To the west is a traditional stonewall.

See photos 1 to 4, which show the site layout and buildings and the site viewed from Scotland's Hotel Car Park.



1 Front of site



2 View of site facing south.



3 View of site showing terracing.



4 Existing view of site from Scotland's Hotel Car Park

Due to the topography the site and the surrounding buildings, the proposed development will not be visible from Atholl Road other than obliquely by the visitor centre and the access road to the funeral director's office and from the rear of the council car park as it will be behind 7-12 Elm Court the 1960's block of flats.

SURROUNDING USES AND BUILDINGS

To the east of the site is the garden of No.14 and beyond this Carra Beag Guest House which overlooks the garden of No.14 and whose car park is on the boundary of No 14, and Craig Royston Guest House, which is set back from Lower Oakfield Road and is in line with the proposed new house.

See photographs 5-6 and plan 2



5 Surroundings to east Carra Beag, car park and Craig Royston



6 overlooking of garden from Carra Beag car park.



494

7 Panoramic view from site showing from left to right Car Park of Carra Beag: Craig Royston: Elm Court Flats

Site of proposed 3-storey block of flats (to the right of trees in centre of picture): Scotland's Hotel car park and Scotlands Hotel

ADJOINING USES

To the north of the site across the road is a flat roofed bungalow No13 built in the 1960's(formerly a hairdressers) and a detached one and a half storey house No15largely rebuilt in the 1970's.See photographs 9-10 and plan 2

496

10. 15 Toberargan Road.



9. 13 Toberargan Road opposite site.

To the west is Scotlands Hotel and leisure buildings which is a flat roofed building erected in the 1960's and specifically referred to in the Conservation Area report as an example of *"Several hotels such as... Scotland's have expanded significantly from their original, nineteenth century core and now have large, flat roofed, multi-phased extensions in unsympathetic materials enveloping and dominating the original building. These and similar examples have a consequential effect on the settings of adjacent buildings and spaces."*

In addition there is a bin store adjacent to the boundary.

497

13 Bin store



12 Scotlands Hotel



To the South is the unsurfaced car park of Scotland's Hotel, which is at a lower level due the retaining wall at the rear of the site. Beyond this is a block of 6 1960's flats 7-12 Elm Court rendered under a tiled roof, adjacent to this is another 1960's building, the funeral director's office and an area of undeveloped land for which planning permission has recently been granted for 12 flats in 2, 3storey blocks. (Appendix1)



15.Elms Court



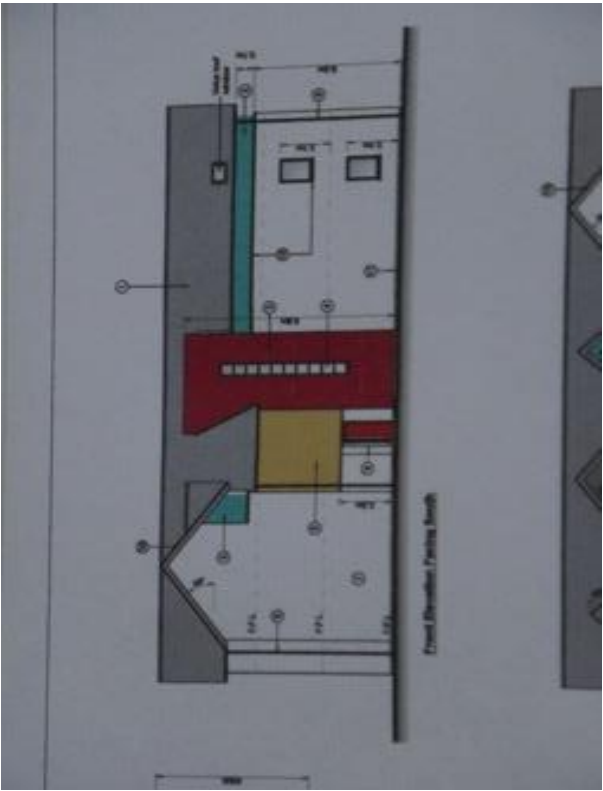
16 Elm court from car park of Scotland's Hotel.



17 Site for flats viewed from car park of Scotland's Hotel.



18 North Elevation facing Scotland's Hotel car park



19 South Elevation of flats

VIEWS:

The main views from the site are to the South over Scotland's Hotel Car Park and 7-12 Elm Court the block of 1960's flats, the hills beyond and the new 3 storey flats when they are built. Due to the careful design of the proposed house, which follows the contours of the site and by the design of the front elevation there will be minimal views from the front of the property.

To the west the view is over the single storey part of Scotland's hotel to the 1960's 2 and 3 floor extensions of the hotel.

To the east the outlook is over the garden of No 14 and to the car park of Carra Beag, which is level with the living space of the proposed house, and to Craig Royston, but these the windows of the proposed house will have obscure glass.

See photographs 5-7, 9-16

SUMMARY

The site is situated in a very mixed area on the edge of the town centre where the predominance of users are commercial or industrial and the residential uses, other than No 14, are 1960's houses and flats or proposed new developments. The panoramic photograph 7 shows the immediate environs, as detailed on Plan 2

The site adjoins a building identified as having a negative impact and having a consequential effect on the settings of adjacent buildings and spaces.

The proposed dwelling will contribute to a significant improvement to the built environment in this part of Pitlochry.

PLANNING POLICY

Perth and Kinross Local Development Plan (adopted in 2014)

The following general policies are relevant to the proposed development.

PM1 PLACEMAKING

In respect of PM1A it is considered that:

57 The proposed sympathetically designed dwelling will
52 contribute positively to the quality of the surrounding built environment and because it incorporates current

insulation standards it has regard to climate change in having a minimum impact. In addition there is to be a lift installed to further future proof the design for occupants of all ages

The design and siting respect the character of the area and amenity of the Conservation Area by reflecting features of recent modern design already incorporated into developments in or overlooking the Conservation Area and the front elevation has a stone façade in the same stone as the existing house.

PM1B

In respect of PM1B the proposed development

- Will create a sense of identity by having a minimal impact from the street, which is the only visual impact on the Conservation Area.
- Respects the site topography by following the slope of the site and improves in particular the

outlook from No 14 to the west by partially blocking the unattractive view of Scotland's hotel, the car park and industrial units beyond and shield No 14 from the new flats. The removal of an unattractive profiled steel workshop improves the landscape character of the area. (See photo 4)

- The design and scale of the modest 2 storey house complements its surroundings in terms of appearance height and scale with finishes and colours already existing or proposed in the Conservation Area or overlooking it.
- The location set back from the road follows the existing building line of Craig Royston and the flat roofed extension to Scotland's Hotel and minimizes the impact on the street scene.
- The design of the space around the development creates a safe and accessible area for the occupants to enjoy the garden and open space to the side and rear of the property, providing space for the usual facilities, bin storage, drying area, etc. The building occupies around 19 % of the site area, which is less than other recent developments in the area.



Workshop to be remove

RD1

The development is compatible with the Plan which gives encouragement to proposals that are compatible with the amenity and character of the area, which as referred to is a mixed area of commercial and industrial properties on the edge of the town centre with more recent residential developments (see plan2).

It is consistent with the policy to encourage infill residential development and reflects the most efficient use of the site by respecting its environs. It is considered

to improve the aspect of No 14, as it will shield the property from the particularly unattractive view to the west over Scotland's hotel and beyond. It does not

detract from the enjoyment of No 14 or the space around it, which like most of Pitlochry is overlooked from all directions and on all levels due to it's topography.(see photo 8 already high level of overlooking.) The small windows, which face No 14, are to have obscure glass, which reduces their minimal impact even more.

TA1B

51
04 There will minimal traffic generation from the development and the access and design have been designed for the safety and convenience of all potential users.

There is ample space to enter the site and turnaround, even with the all the parking spaces occupied.

The appropriate level of parking provision has been incorporated to the maximum parking standards laid out in SPP. The site is close to the town centre so all facilities are accessible on foot and there is a bus stop opposite the entrance so there is easy access to public transport.

HE3; CONSERVATION AREA: HE3A: NEW DEVELOPMENT

The proposed modest development of part of the garden of No 14 will enhance the character and appearance of the area by creating a visually pleasing new dwelling in contrast to the unattractive adjoining Scotland's hotel and the block of 1960's flats. In conjunction with the new flats diagonally opposite the site it will by its sympathetic design, the materials used and scale, compliment the character and amenity of this part of the Conservation Area and be a significant improvement by the removal of an unattractive profiled steel shed.

The scale when viewed from the car park is significantly less than the new flats proposed diagonally opposite.

PLANNING HISTORY

18/00140/FLL

Application 29 January 2018 refusal

[Consultation responses: Transport Planning –no objection](#)

Contributions Officer:
Education and Children’s Services

No capacity concerns

505

Scottish Water: no objection

Conservation Officer: no
reference to any response.

[Representations: no objections were received from any of the neighbours or any one else.](#)

18/00374/PREAPP

DESIGN CONTEXT

The design and positioning of the proposed dwelling has been carefully considered to compliment the street scene from Toberargan Road and to work with the sloping site. From the street it appears ancillary to the main house. The recent extension to No 14 shows how well this type of design blends in with the existing property (Photograph20)



20 Recent New extension

The positioning on the site is similar to that of the flat roofed extension to Scotland's hotel and to Craig Royston, which follows the building lines of Lower Oakfield and therefore complies with PM1B.

These define the building line whereas No14 and Carra Beag, which are hard on the pavement, are the exception, and the position of the proposed dwelling enhances the street scene. Carra Beag in particular almost fills the whole frontage, hence the car park at the rear, which overlooks No 14.

The topography of the site and surrounding area and buildings means that it's southern elevation is largely visible only from the car park of Scotland's hotel, 7-12 Elm Court, the six 1960's flats, and the proposed new three storey of flats.

The distance from Elm Court to the southern elevation of the proposed dwelling is greater than from the existing Scotland's hotel to the new flats for which permission has been approved. 16/01100/FLL. (See extract from planning permission North Elevation 18) The spatial relationship is therefore consistent with other developments in the Conservation area, and in no way impacts on any other dwellings.

On the western elevation the proposed dwelling is visible from some of Scotland's hotel windows but the impact is minimal.

On the eastern elevation the proposed dwelling looks over the lower garden of No 14 but because of the topography is level with the car park of Carra Beag beyond. The site is situated in a built up area and the adjoining garden is already heavily overlooked from Carra Beag guesthouse itself, the car park of Carra Beag, Craig Royston guesthouse, 7-17 Elm Court and the car park of Scotland's hotel. These in the main are commercial operations and so the disturbance from these uses already impacts on No 14. It is typical in Pitlochry where large parts are built on sloping land and the vast majority properties are overlooked.

It is not considered that the degree of overlooking from a single dwelling in any way detracts from the enjoyment of No 14 or its garden. When the new 3 storey flats are built the proposed new dwelling will in fact shield No 14 from being overlooked by these flats.

The proposed dwelling is of modest scale and there is ample space to the rear for the creation of a garden



View of garden of No14 from Carra Beag Car Park

and associated uses, whilst leaving a considerable area for the garden of No 14. In no way can the plot ratio or density be considered to be out of keeping with the urban structure in this area, which is on the edge or the town centre where outside space is limited. The ratio of building to site is only 19% so in no way is the amount of outside space inadequate.

Looking at the existing properties nearby 7-12 and 1 to 6 Elm Court have no private space. No 13 Toberagran opposite and numbers 1,7,9,11 Toberagran Road have no or very limited outside space.

51 The proposed development in Bonnet Hill Road
00 14/00498/FLL has 4 flat units with a buildings to site ratio of 24%.

The proposed development 16/01100FLL of 2 blocks of flats in Atholl Road, which border Scotland's hotel car park, have no private space and with the car parking fully cover the site. The buildings are 26% of the site.

It is considered the site fits in well with the existing and proposed urban structure and sits well on the site.

The design and appearance of the proposed dwelling has been chosen carefully to build on the design

features already part of the urban landscape in Pitlochry both within and outside the Conservation Area.

The boundary between No 14 and the new dwelling will have raised planting areas to further enhance the separation and this will be planted with native species.

Within a very short period of time these will generate the impression that the spatial relationship between the two properties has been long established.

Examples of these are the new development in Lower Oakfield Jubilee Place (photograph 21),



21 Jubilee Place

Lagreach Brae (photograph 22)



22 Lagreach Brae

Line side (photograph 23,)



23

57 Line side set back from Atholl road,

10

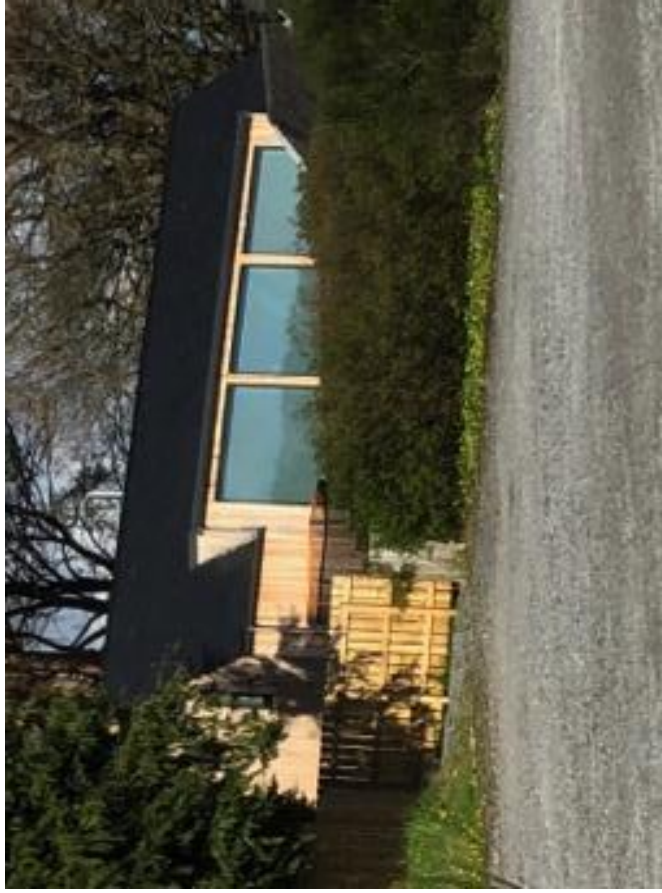
25 New Flats South elevation.



24 New Flats 3 Storey North Elevation

(Extract from planning permission 16/011000/FLL)

and new house adjoining Knockendarroch Hotel (photograph 26).



511

It is interesting to note that within the Conservation Area permission has recently been granted to extend an industrial building in profiled steel, which is adjacent to Scotland's hotel car park 16/00954/FLL only 70 metres from the site and visible from No 14.



26 New house adjoining Knockendarroch Hotel.

The form and appearance are entirely consistent with these existing and proposed developments and given the area in which the site is situated add to the character and amenity of the area and will compliment the new development off Atholl Road and give balance as the new flats on the other side of the car park are only **30** metres away.

Policy **HE3A** requires the special attention to be paid to preserving or enhancing the character and appearance of the area. The particular characteristics of the area are detailed in surrounding uses and buildings. Whilst the Pitlochry Conservation Area Appraisal details three character areas as detailed below

*“1.1.1 The conservation area includes three areas of distinctive character, although the three are **not rigidly separated**. The first covers the town centre and consists of relatively dense development lining the principal route of Atholl Road and its offshoots, generally built up to the street edge and punctuated with the landmarks of public and commercial buildings and public open spaces.*

The second comprises lower density areas of Victorian villas, particularly to the northwest of Atholl Road. These large villas are set in extensive, mature gardens where important tree groups, stone boundary walls and tree lined lanes are key features.

The third is also predominantly a Victorian residential area of more modest character to the north of the town centre, characterised by suburban-scale plot divisions with good quality small villas and cottages arranged in picturesque

groups. This area also includes the Pitlochry Hydro Hotel and its important tree-lined grounds. The conservation area boundary is shown on Map 10. “

The area in which the site sits does not fit clearly into any of these three categories as detailed in the surrounding areas and uses the site in bounded on the east by Scotland's Hotel a building identified as follows in the appraisal

“Several hotels such as... Scotland's have expanded significantly from their original, nineteenth century core and now have large, flat roofed, multi-phased extensions in unsympathetic materials enveloping and dominating the original building. These and similar examples have a consequential effect on the settings of adjacent buildings and spaces.

To the south is the car park of the hotel, 7-12 Elm Court 1960's rendered and tiled block, the 1960's funeral director office, and an area of wasteland with permission for 3-storey block of flats.

To the North is No 13 a flat roofed 1960's bungalow, and No 15 a largely rebuilt one and half storey house in the 1970's.

To the east are No14 and Carra Beag and Craig Royston both guesthouses.

The site therefore is more akin to being on the edge of the town centre rather than in an area of good quality small villas and cottages arranged in picturesque groups. Plan 2 details all the adjoining uses that graphically show the setting, along with the panoramic view Photograph 7.

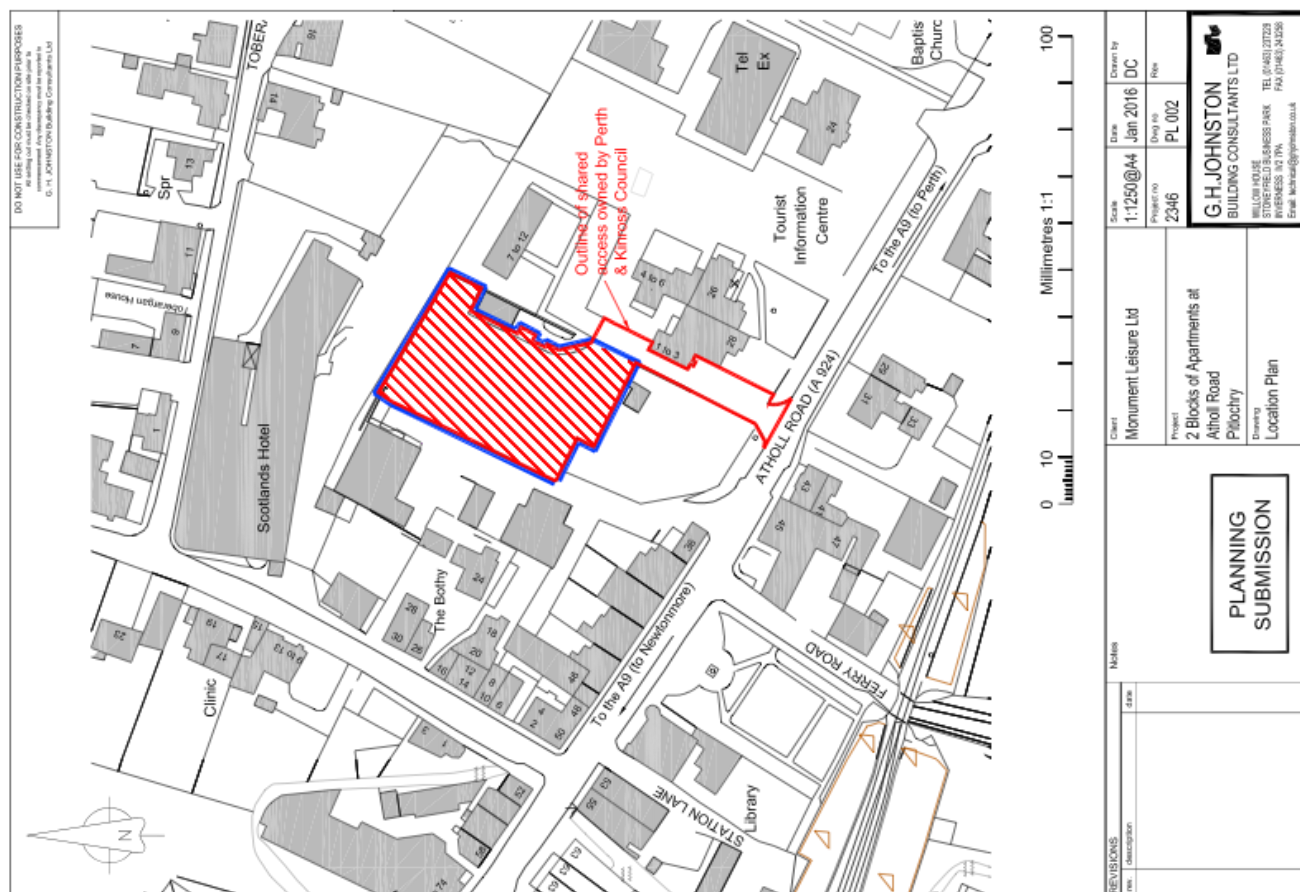
The proposed development can only enhance the character and amenity of the area and therefore is supported by HE3

Drainage and Flooding:

Foul Drainage will be connected to the sewer and the main drain runs in the road outside the property.

Surface water drainage will be by SUDS scheme and provision is made for a soak away in the garden of No 14 where the soil conditions provide good drainage. In addition it is intended to provide a holding tank to provide a rain water supply to the garden, which will have a capacity to accommodate exceptional weather conditions and so comply with PMIA for future climate change.

Appendix 1: location plan of site for 12 flats showing proximity to proposed dwelling.



Design Statement Summary.

1) The revisions (from the earlier application) to the east elevation in particular now adequately protect the residential amenity of the amenity space of the adjoining property by the reduction in the size of the fenestration and use of obscure glass. This now complies with Policy RD1, as it is consistent with the policy to encourage infill residential development and reflects the most efficient use of the site by respecting its environs.

2) The footprint of the building has been reduced from 111m² to 94.3 m² and the site area increased from 435m² to 495m² so the density is now only 19%(previously 25.5%) much lower than the 25% expected in an urban area.

The design of each elevation has been changed from the earlier application, which reduces the impact from all aspects.

The property has been set back further from the road so reduces it's impact, and with a part stone façade adds to the character and amenity of the areas and so complies with PM1A.

3) From the earlier design all elevations have been altered and will create a sense of identity by having a minimal impact from the street, which is the only visual impact on the Conservation Area. The revised design compliments its surroundings by the appearance being consistent with other nearby developments in terms of mass height materials and finishes.

The location set back from the road follows the existing building line of Craig Royston and the flat roofed extension to Scotland's Hotel and minimizes the impact on the street scene.

The design of the space around the development creates a safe and accessible area for the occupants to enjoy the garden and open space to the side and rear of the property, providing space for the usual facilities, bin storage, drying area, etc. The building occupies around 19 %of the site.

The installation of a lift future proofs the building for a wide range of occupants. The provisions of PM1B are therefore satisfied.

4) The revised design significantly improves the character and setting of the area. The proposed modest development of part of the garden of No 14 will enhance the character and appearance of the area by creating a visually pleasing new dwelling in contrast to the unattractive adjoining Scotland's hotel and the block of 1960's flats.

In conjunction with the new flats diagonally opposite the site it will by its sympathetic design, the materials used and scale, compliment the character and amenity of this part of the Conservation Area and be a significant improvement by the removal of an unattractive profiled steel shed. It therefore complies with Policy HE3A.

5) The revised design of the SUDS which incorporates a soak away in the adjoining property by way of an easement complies with Policy EPC3: Water, Environment and Drainage of Perth and Kinross LDP2014.

6) The redesign of the parking and turning area provides parking in accordance with Policy TA1B Perth and Kinross LDP 2014, so cars can enter and turn even when the parking spaces are full.

TCP/11/16(584) – 18/01816/FLL – Erection of a dwellinghouse on land 20 metres west of 14 Toberargan Road, Pitlochry

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, see pages 489-517)*

PERTH AND KINROSS COUNCIL

Mr and Mrs R Haworth
c/o Orchil Architectural Consultants
Jeff Hall
The Barn
Mains Of Orchil
Killiecrankie
Pitlochry
PH16 5LR

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 19th December 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01816/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 24th October 2018 for permission for **Erection of a dwellinghouse Land 20 Metres West Of 14 Toberargan Road Toberargan Road Pitlochry** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to criterion within Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the development does not contribute positively to the quality of the surrounding built, fails to respect the character and amenity of the area and has an adverse impact on the visual amenity of the area due to an inappropriate siting, density and design.
2. The proposal is contrary to criterion (a) and (c) of Policy PM1B of the Perth and Kinross Local Development Plan 2014 as the dwelling would (a) not create a sense of identity as it would erode the street structure and (c) the design and density does not compliment the surroundings.

3. The proposals are contrary to Policy HE3A of the Perth and Kinross Local Development Plan 2014, in failing to satisfy policy criteria, which seeks to ensure that development in a Conservation Area will not impact upon its special qualities, must remain appropriate to its appearance, character and setting.

Justification

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

Notes

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

Plan Reference

18/01816/1

18/01816/2

18/01816/3

18/01816/4

18/01816/5

18/01816/6

18/01816/7

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01816/FLL	
Ward No	P4- Highland	
Due Determination Date	23.12.2018	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 20 Metres West Of 14 Toberargan Road Toberargan Road
Pitlochry

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: 31 October 2018

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is for the formation of a dwellinghouse within the garden ground of Tigh Na Craig (14 Toberargan Road) an existing Victorian villa located within the Pitlochry Conservation Area.

The proposed dwelling would be located to the east of the existing dwelling. Due to the sloping topography of the site the proposed dwelling would have the appearance of a single storey building from Toberargan Road. The dwelling would have a two storey appearance when viewed from the south of the site.

Living accommodation is located on the upper ground floor. The lower ground floor accommodates two bedrooms.

Access to the site from the public road will be shared with the existing dwelling 14 Toberargan Road. Part of the existing boundary wall requires removal to improve the access arrangements.

This application is a resubmission following the refusal of an earlier scheme. This submission seeks to address the six reasons for refusal associated with the earlier, see 18/00140/FLL.

SITE HISTORY

01/01295/FUL Alterations and extension to house and erection of external spiral access stair at 4 October 2001 Application Approved

04/00236/FUL Erection of extension to provide accommodation on two floors 1 April 2004 Application Approved

13/00926/FLL Alterations to enlarge gateway 26 July 2013 Application Approved

13/01873/FLL Alterations and extension to dwellinghouse 28 November 2013
Application Approved

18/00140/FLL Erection of dwellinghouse 29 March 2018 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: 18/00374/Preapp. Commentary was provided on a revised design which sought to alleviate the concerns associated with the following areas:- Parking provision, overlooking, soakaway and south elevation.

The Pre-application response confirmed that despite the proposed changes I remained the view that these do not alleviate the reasons for refusal.

The site is still too tight with the proposed dwelling sitting forward of 14 and 16 Toberargan Road. The scheme still has the appearance of being squeezed into the side and front curtilage of the existing dwelling. This remains the case whether a traditional or contemporary design is brought forward.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy PM4 - Settlement Boundaries

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

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 TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy HE3A - Conservation Areas

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

Pitlochry Conservation Area Appraisal

Historic Scotland: New Design in Historic Settings.

CONSULTATION RESPONSES

Transport Planning – No objection subject to conditional control.

Scottish Water – No objection.

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

Environmental Health (Noise Odour) – Have concerns with the proposed woodburner due to the height of the flue. They have no objection if this element is removed from the scheme.

REPRESENTATIONS

None.

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

Additionally Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The determining issues in this case are whether: the proposal complies with Development Plan policy; whether the proposal pays special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The site is located within the settlement boundary of Pitlochry. Policy PM4 directs development to within the settlement boundary.

Policy RD1 of the adopted Local Development Plan 2014 is also applicable. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area.

Policies PM1A and PM1B are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

Policy TA1B is applicable due to the formation of the new house and the change to access arrangements at the site.

Policy HE3B is engaged as the site is within the Pitlochry Conservation Area.

For reasons set out elsewhere in this report it is considered that this proposal does not comply with the adopted Perth and Kinross Local Development Plan 2014.

Design and Layout

In support of the application a design statement has been submitted with the application. This highlights the changes to this proposal which seeks to address the reasons for refusal associated with the earlier application at the site.

The submitted Design Statement Summary stipulates six points which seek to address the earlier reasons for refusal and these are detailed below in italics. Accordingly the points raised in Design Statement Summary form a good basis for my assessment and I focus on each point under the relevant headings:-

- 1) *The revisions (from the earlier application) to the east elevation in particular now adequately protect the residential amenity of the amenity space of the adjoining property by the reduction in the size of the fenestration and use of obscure glass. This now complies with Policy RD1, as it is consistent with the policy to encourage infill residential development and reflects the most efficient use of the site by respecting its environs.*

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

I note there are improvements to the east elevation. The open terraced area has been removed, obscure glazing has been incorporated to the stairwell window, extensive planting is shown on the east elevation and the large glazing window at the dining area has been reduced in scale.

These are welcome improvements but to ensure there is no loss of amenity from the lower ground floor and paving area at the lower entrance mature planting would have to be incorporated into the raised planter and along the eastern boundary.

While the dining window has been reduced in scale I am still of the view that overlooking would occur from this window to the private amenity space of 14 Toberargan Road. Obscure glass would have to be incorporated into the dining room window on the eastern elevation to protect privacy.

Section 37(1) of the Act enables the planning authority to grant planning permission "either unconditionally or subject to such conditions as they think fit". From my assessment I consider that the use of negative suspensive conditions could be utilised to ensure the installation and retention of mature planting to the eastern boundary along with obscure glass to the dining room window. With this conditional control in place I consider that a satisfactory residential amenity could be achieved to comply with criterion (a) of Policy RD1.

Although not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well established proper planning consideration as confirmed in *Multi-Media Productions v S.O.S. & Islington L.B.* 27/5/88. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.

Having had the opportunity to assess the plans based on the layout I do not consider that there will be a detrimental impact on neighbouring land uses from overshadowing.

- 2) *The footprint of the building has been reduced from 111m² to 94.3 m² and the site area increased from 435m² to 495m² so the density is now only 19%(previously 25.5%) much lower than the 25% expected in an urban area. The design of each elevation has been changed from the earlier application, which reduces the impact from all aspects. The property has been set back further from the road so reduces it's impact, and with a part stone façade adds to the character and amenity of the areas and so complies with PM1A.*
- 3) *From the earlier design all elevations have been altered and will create a sense of identity by having a minimal impact from the street, which is the only visual impact on the Conservation Area. The revised design compliments its surroundings by the appearance being consistent with other nearby developments in terms of mass height materials and finishes. The location set back from the road follows the existing building line of Craig Royston and the flat roofed extension to Scotland's Hotel and minimizes the impact on the street scene. The design of the space around the development creates a safe and accessible area for the occupants to enjoy the garden and open space to the side and rear of the property, providing space for the usual facilities, bin storage, drying area, etc. The building occupies around 19 %of the site. The installation of a lift future proofs the building for a wide range of occupants. The provisions of PM1B are therefore satisfied.*

I consider points 2 and 3 together.

Under the earlier application a garage was incorporated into the north elevation. When viewed from Toberargan Road the proposed dwelling read as a structure that was ancillary to the traditional villa.

The revised design no longer incorporates a garage and instead the detailing incorporates a part stone façade with window and door with horizontal boarding. I

consider the changes to this elevation means it no longer reads as being an ancillary building to the host dwelling. From Toberargan Road it now has the appearance of a bungalow styled dwelling house within the side garden ground of a traditional stone dwelling. The sensitivity deployed to this elevation and street scene under the earlier application has been lost.

The Design Statement confirms that the proposed property has been set back further from the road and concludes that this reduces its impact. However I disagree and consider a neutral effect occurs with the deployment of the setback

The setback has to be balanced against the larger shared parking and turning area for the existing and proposed dwellings along with the removal of the stone boundary wall to facilitate access. Due to the revised detailing to this elevation I consider overall the changes to the streetscene from Toberargan Road now fails to comply with Policy PM1A.

My earlier assessment highlighted concerns on how the proposed development would be perceived from the lower level to the south of the site where there are flats and car parking for the neighbouring hotel.

From these vantage points I considered the full two storeys of accommodation would be visible and the proposed dwelling would sit considerably further forward than 14 and 16 Toberargan Road that sit hard against Toberargan Road and have their main elevations overlooking the valley. When looking at the urban grain I did not consider that the proposed new dwelling responded well to the urban structure in this area of Pitlochry.

I note from the design statement summary that there has been a reduction in the footprint of the building, an increase in the proposed plot and alterations to the southern elevation. However, the scheme still has the appearance of being squeezed into the site. In addition it sits considerably further forward of 14 and 16 Toberargan Road on a steep sloping site. The position of the existing dwellings on Toberargan Road has been set by topography. This proposed scheme fails to respect that relationship and as a result the southern elevation remains dominant and imposing from the south despite the changes to the fenestration.

I still remain of the view that the development does not contribute positively to the quality of the surrounding built environment, fails to respect the character and amenity of the area and has an adverse impact on the visual amenity of the area due to an inappropriate siting, density and design.

Visual Amenity and Conservation Area

- 4) *The revised design significantly improves the character and setting of the area. The proposed modest development of part of the garden of No 14 will enhance the character and appearance of the area by creating a visually pleasing new dwelling in contrast to the unattractive adjoining Scotland's hotel and the block of 1960's flats. In conjunction with the new flats diagonally opposite the site it will by its sympathetic design, the materials used and scale, compliment the character and amenity of this part of the Conservation*

Area and be a significant improvement by the removal of an unattractive profiled steel shed. It therefore complies with Policy HE3A.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this is incorporated into policy HE3A of the LDP.

The proposed scale, detailing and siting of the development (as discussed under point 2 and 3 above) is not considered to be appropriate. This has an adverse impact on the character and visual amenity of the Pitlochry Conservation Area. The proposal cannot be supported under policy HE3A.

The removal of the proposed posting shed is noted however in contrast to the proposed development the positioning of this structure takes cognisance of the site topography and sits low in the site. In my view the removal of the potting shed and replacement with the development as proposed will not result in a significant improvement to the Conservation Area but harm it.

Drainage and Flooding

- 5) *The revised design of the SUDS which incorporates a soak away in the adjoining property by way of an easement complies with Policy EPC3: Water, Environment and Drainage of Perth and Kinross LDP2014.*

The revisions and incorporation of Suds is noted. This can be further refined under conditional control to comply with Policy EP3C. Foul drainage will be connected to the sewer and a condition can be imposed to ensure this connection is achieved.

Roads and Access

- 6) *The redesign of the parking and turning area provides parking in accordance with Policy TA1B Perth and Kinross LDP 2014, so cars can enter and turn even when the parking spaces are full.*

The shared parking and turning area, even with the building moved further forward, is tight. Further clarification was sought from the agent to enable assessment under Policy TA1B.

From reviewing swept path analysis and the geometry arrangement at the site two car parking spaces for each dwelling can be provided within the site with sufficient space for cars to access and egress the site in a forward gear. There will be a reduction in residential amenity to 14 Toberargan Road from the shared parking/turning area but not sufficient to warrant refusal. The proposal can comply with policy TA1B.

Developer Contributions

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary

school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Pitlochry Primary School and Education & Children's Services have no capacity concerns in this catchment area. No contribution is required at this time.

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 2016 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

Reasons for Recommendation

- 1 The proposal is contrary to criterion within Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the development does not contribute positively to the quality of the surrounding built, fails to respect the character and amenity of the area and has an adverse impact on the visual amenity of the area due to an inappropriate siting, density and design.
- 2 The proposal is contrary to criterion (a) and (c) of Policy PM1B of the Perth and Kinross Local Development Plan 2014 as the dwelling would (a) not

create a sense of identity as it would erode the street structure and (c) the design and density does not compliment the surroundings.

- 3 The proposals are contrary to Policy HE3A of the Perth and Kinross Local Development Plan 2014, in failing to satisfy policy criteria, which seeks to ensure that development in a Conservation Area will not impact upon its special qualities, must remain appropriate to its appearance, character and setting.

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

18/01816/1

18/01816/2

18/01816/3

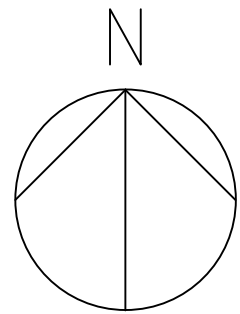
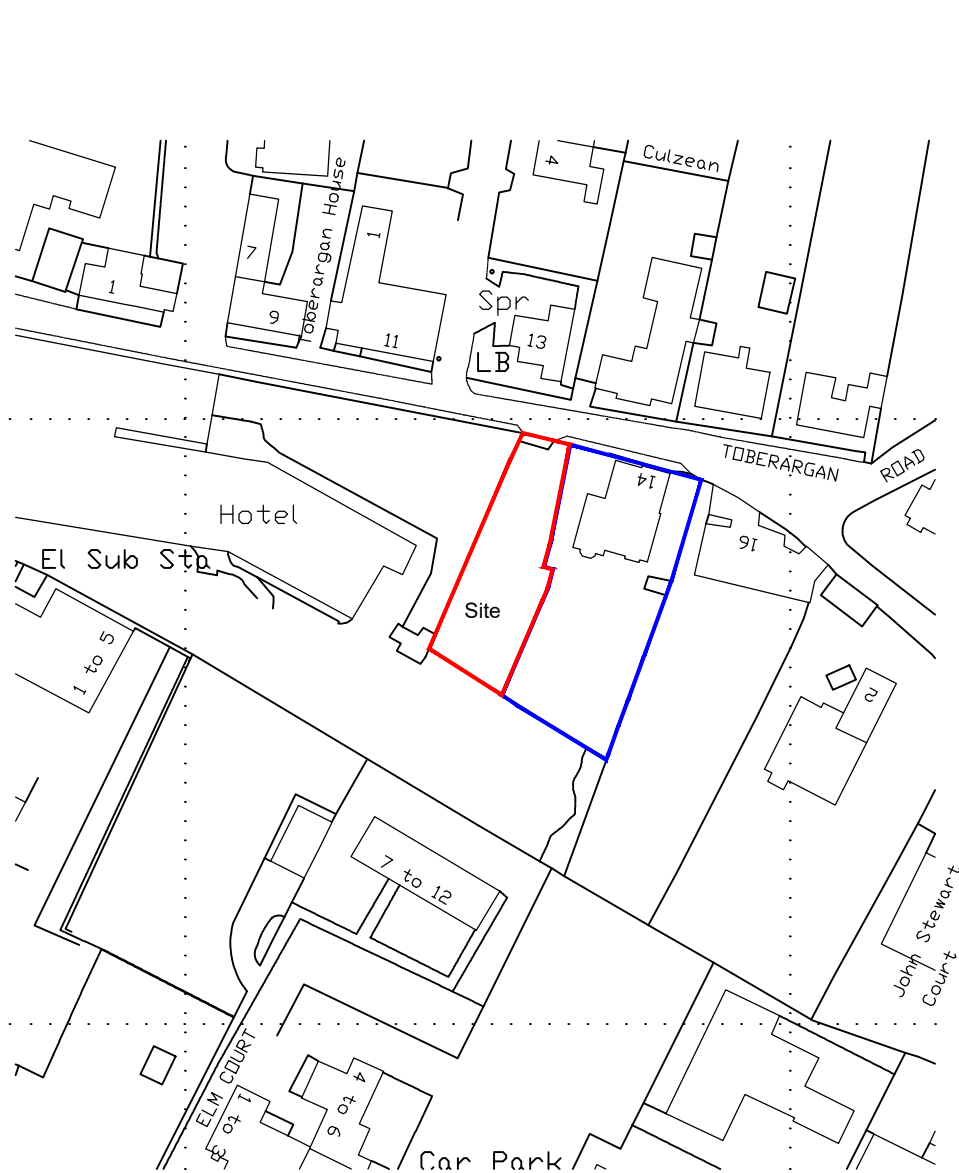
18/01816/4

18/01816/5

18/01816/6

18/01816/7

Date of Report 19.12.2018



Location Plan 1:1250

0 25M 50M 100M



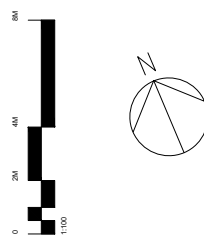
1:1250



t: 01796 470082 e: mail@orchilarch.co.uk

Client:	Mr & Mrs R Haworth			
Project:	New Dwelling at 14 Toberargan Rd, Pitlochry			
Scale(s):	Size:	First issue:	Drawn:	Checked:
1:1250	A4	24/01/18	BH	JH
Job no:	Drawing no:		Rev:	
242	05		A	

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Group	Date	Description	Bir.	Chk.
B	03/10/18	Amended coloured boundaries	BH	JH
A	26/01/18	Amended coloured boundaries	BH	JH

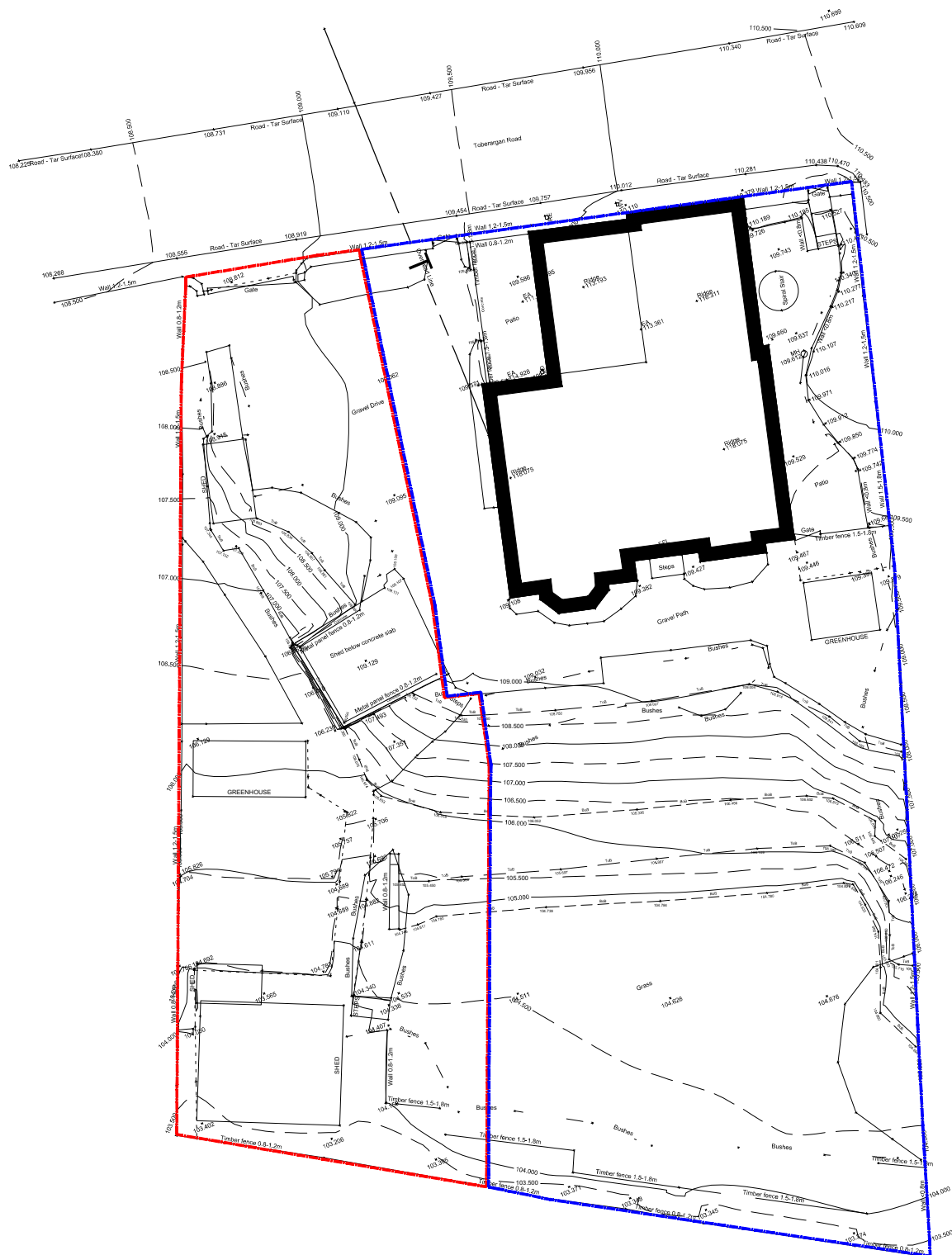
Orcchi
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t: 01796 470062
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Client: Mr & Mrs R Haworth

Project:
New Dwelling at
14 Toberagan Road
Piltchoy

Drawing title:
Existing Site Plan

Scale(s):	Size:	First Issue:	Drawn:	Checked:
1:100	A1	06/12/17	bh	jh
Job no:		Drawing no:		Rev:
242		03		B



Existing Site Plan 1:100

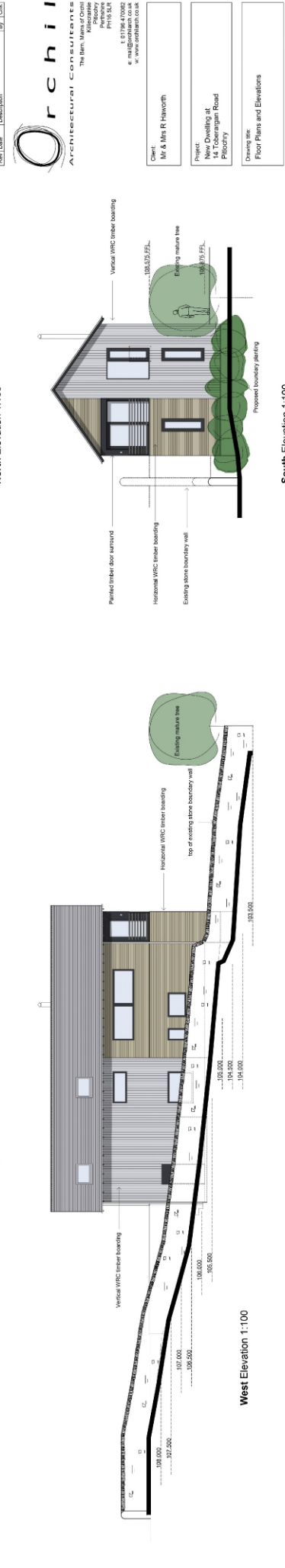
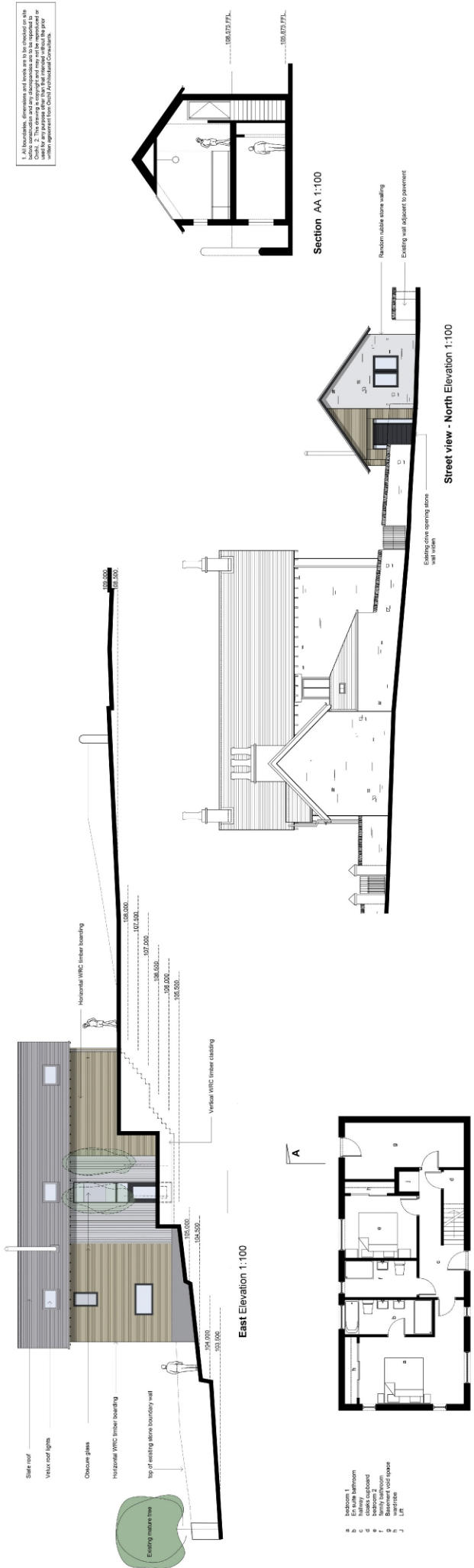
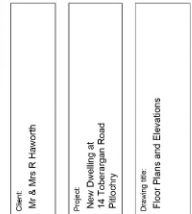
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Proposed Site Plan 1:100

Scale(s): 1:100	Size: A1	First issue: 06/12/17	Drawn: bh	Checked: jh
Job no: 242	Drawing no: 04		Rev: d	

537



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Rev	Date	Description	By	Chk
e	20/11/16	Issuing outline and type B access	jh	jh
d	10/10/16	Issuing outline and type B access	jh	jh
c	10/10/16	Planning amendments	jh	jh
b	10/09/16	Planning amendments	jh	jh
a	10/07/16	Permitted design	jh	jh

Orchil
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The Barn, Main Road, Orkney
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Perthshire
PH15 2JF
t: 01795 510000
e: mail@orchil.co.uk
www.orchil.co.uk

Client:
Mr & Mrs R Howarth

Project:
New building at
14 Tobernagan Road
Pitlochry

Drawing title:
Proposed Site Plan

Scale(s)	Size	First Issue	Drawn	Checked
1:100	A1	06/12/17	jh	jh
Job no:	242	Drawing no:	04	e



Proposed Site Plan 1:100

TCP/11/16(584) – 18/01816/FLL – Erection of a dwellinghouse on land 20 metres west of 14 Toberargan Road, Pitlochry

REPRESENTATIONS

29th October 2018

Perth & Kinross Council
Pullar House 35 Kinnoull Street
Perth
PH1 5GD



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

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

Dear Local Planner

PH16 Pitlochry 14 Toberargan Road Land 20M West
PLANNING APPLICATION NUMBER: 18/01816/FLL
OUR REFERENCE: 768549
PROPOSAL: Erection of a dwellinghouse

Please quote our reference in all future correspondence

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

Water

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

Foul

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

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

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally 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

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

- **Non Domestic/Commercial Property:**

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

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	18/01816/FLL	Our ref	LA
Date	08 November 2018	Tel No	

Housing & Environment

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

Consultation on an Application for Planning Permission

RE: Erection of a Dwellinghouse, Land 20 Metres West of 14 Toberargan Road, Pitlochry for Mr and Mrs R Haworth

I refer to your letter dated 25 October 2018 in connection with the above application and can advise that I have seen the submitted plans and visited the site and have the following comments to make.

Recommendation

I cannot support this application due to the potential for smoke to impact on residential amenity to nearby/neighbouring properties.

Comments

This application contains provision for a single wood burning stove and associated flue.

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. This will not be necessary with a single domestic sized stove as proposed in this case and therefore I have no adverse comments to make with regards to air quality.

Another matter pertaining to the stove which could cause an issue is the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

The submitted plans indicate that the proposed flue will discharge through the roof and terminate at roof ridge level, however, due to the topography of the surrounding land the neighbouring house is situated above the proposed dwellinghouse in an elevated position and the flue appears to terminate at the height of the first floor window level of the neighbouring property.

I am concerned that based on the location and height of the proposed flue in relation to the neighbouring properties windows, there will not be sufficient height to adequately disperse smoke resulting in loss of amenity to the neighbouring property.

In light of the above, I will be unable to support this application due to potential for smoke adversely affecting residential amenity of surrounding properties through the poor dispersion of emissions due to the location and height of the proposed flue.

I would advise, however, that if the wood burning stove was removed from the application, this department would have no objection to the proposals.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01816/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 20 Metres West Of 14 Toberargan Road, Toberargan Road, Pitlochry		
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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Pitlochry Primary School.</p> <p>Education & Children's Services have no capacity concerns in this catchment area at this time.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0</p> <p><u>Total:</u> £0</p>		
Recommended informative(s) for applicant			
Date comments returned	12 November 2018		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01816/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 20 Metres West Of 14 Toberargan Road Toberargan Road Pitlochry		
Comments on the proposal	Insofar as the roads matters are concerned, I do not object to this proposal provided the undernoted condition is attached in the interests of pedestrian and traffic safety.		
Recommended planning condition(s)	<ul style="list-style-type: none"> • AR01 Prior to the development hereby approved being completed or brought into use, the reformed vehicular access shall be reformed in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail. 		
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	13 November 2018		

