

TCP/11/16(329)
Planning Application 14/01122/IPL – Erection of a dwellinghouse and garage (in principle), Oakdene, Golf Course Road, Blairgowrie, PH10 6LF

INDEX

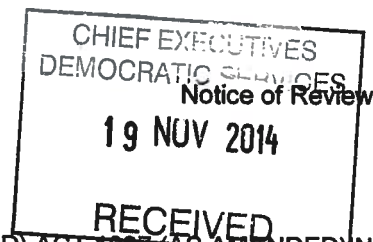
- (a) Papers submitted by the Applicant (***Pages 195-240***)
- (b) Decision Notice (***Pages 223-224***)
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TCP/11/16(329)

Planning Application 14/01122/IPL – Erection of a dwellinghouse and garage (in principle), Oakdene, Golf Course Road, Blairgowrie, PH10 6LF

**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 MRS M BRASS

Address OAKDENE
GOLF COURSE ROAD
BLAIRGOWRIE

Postcode PH10 6LF

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name NORMAN MACLEOD

Address 18 WALNUT GROVE
BLAIRGOWRIE

Postcode PH10 6TH

Contact Telephone 1 07884177328

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* NAMACLEOD@AOL.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 AND KINROSS

Planning authority's application reference number

14/01122/IPL

Site address

OAKDENE, GOLF COURSE ROAD, BLAIRGOWRIE PH10 6LF

Description of proposed development

ERECTION OF A DWELLING HOUSE AND GARAGE

Date of application

23.6.14

Date of decision (if any)

2.9.14

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

Nature of application

1. Application for planning permission (including householder application) ☐
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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Statement

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

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

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

PLEASE SEE THE NOTICE OF REVIEW STATEMENT DATED 12TH NOVEMBER 2014.

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.

PLEASE ^{SEE} THE ATTACHED LIST OF DOCUMENTS AND EVIDENCE

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

12.11.14

LIST OF DOCUMENTS AND EVIDENCE

1. PRE-APPLICATION ENQUIRY BY MRS BRASS DATED 20th JANUARY 2014 AND PLAN SHOWING FIELDS 'A' AND 'B'.
2. APPLICATION FOR PLANNING PERMISSION AND LAND OWNERSHIP CERTIFICATE.
3. LETTER BY NORMAN MACLEOD DATED 12th JUNE 2014 ALONG WITH PHOTOGRAPHS, LEVELS AND DRAWING NUMBERS 1 TO 6.
4. PLANNING REFUSAL NOTICE DATED 2nd SEPTEMBER 2014.
5. DELEGATED REPORT WITH INCORRECT WORDING HIGHLIGHTED.
6. COPIES OF POLICY PM1A AND POLICY CF1A WITH RELEVANT WORDING HIGHLIGHTED.
7. NOTICE OF REVIEW STATEMENT.
8. LETTER FROM BLAIRGOWRIE GOLF CLUB DATED 21st OCTOBER 2014.

The Customer Service Centre

Perth & Kinross Council

Pullar House

35 Kinnoull Street

Perth

PH1 5GD

Oakdene

Golf Course Road

Blairgowrie

PH10 6LF

20 January 2014

Dear Sir,

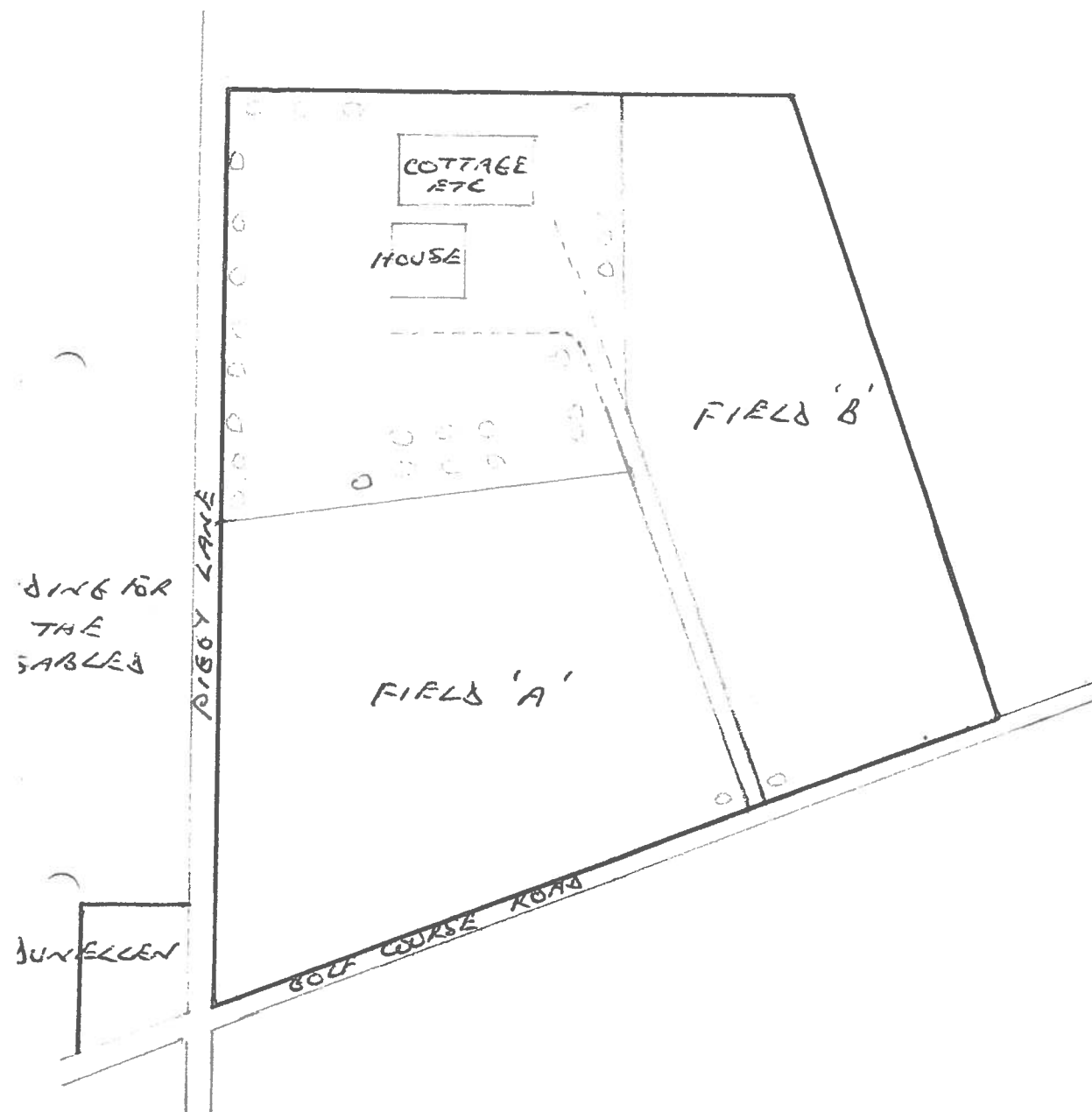
I am the registered owner of the above property on Golf Course Road and seek your advice on a possible future Planning Application. The attached diagram, not to scale, shows the present location of my house and outbuildings on the stand. Fields A and B are currently used as alternate grazing for two horses.

Please will you advise if permission to develop a house, preferably on Field B, may be granted and if so what I need to submit to obtain planning permission. I do not yet have a drawing of the possible development but will submit that together with your other requirements. If you wish to phone, my home number is 01250 870860 and email maureenbrass@hotmail.com

I look forward to hearing from you in due course.

Yours sincerely,

M A Brass (Mrs)



OAKKENE
GOLF COURSE ROAD
BLAIRGOWRIE
A110 GLF

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS

ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	
Forename	M	Forename	NORMAN
Surname	BRASS	Surname	MACLEOD
Company Name		Company Name	
Building No./Name	OAKDENE	Building No./Name	18
Address Line 1	GOLF COURSE ROAD	Address Line 1	WALNUT GROVE
Address Line 2	ROSEMOUNT	Address Line 2	
Town/City	BLAIRGOWRIE	Town/City	BLAIRGOWRIE
Postcode	PH10 6LF	Postcode	PH10 6TH
Telephone		Telephone	
Mobile		Mobile	07884177328
Fax		Fax	
Email		Email	namacleod@aol.com

3. Postal Address or Location of Proposed Development (please include postcode)

OAKDENE, GOLF COURSE ROAD, ROSEMOUNT, BLAIRGOWRIE P10 6LF

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application
What is the application for? Please select one of the following:

Planning Permission	<input type="checkbox"/>
Planning Permission in Principle	<input checked="" type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: <div style="border: 1px solid black; width: 150px; height: 15px; display: inline-block;"></div>	Date: <div style="border: 1px solid black; width: 150px; height: 15px; display: inline-block;"></div>
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****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

ERECTION OF A DETACHED DWELLING HOUSE AND GARAGE

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☒

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

THE INFORMATION PROVIDED SHOWED OPTIONS FOR WHOLE AREAS OF FIELD TO BE DEVELOPED WHICH WOULD NOT BE SUPPORTED IN TERMS OF PLANNING. HOWEVER, THE PROPOSAL HAS BEEN REVISED TO IDENTIFY THE ACTUAL AREA AND LOCATION WITH OPEN SPACE RETENTION.

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

VACANT GROUND ANCILLARY TO THE EXISTING HOUSE

9. Access and Parking

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

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

3

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☒

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☒

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☒

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☒

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

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

Yes ☐ No ☒

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

APPLICATION IS IN PRINCIPLE ONLY

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

1

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

x

☒

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:

Name:

NORMAN A MACLEOD

Date:

16.6.14

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

On behalf of:

MRS M. BRASS

Date:

16.6.14

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

NORMAN MACLEOD

Chartered Surveyor

18 Walnut Grove

Blairgowrie

PH10 6TH

Tel: 07884177328

E mail: namacleod@aol.com

www.namsurveying.co.uk

Date: 12 June 2014

Perth and Kinross Council
Planning
Environment Services
Pullar House
Kinnoull Street
Perth PH1 5GD

Dear Sirs

Planning Application for the erection of a dwelling house and garage at Oakdene, Golf Course Road, Rosemount, Blairgowrie

Please find the enclosed application for planning permission in principle for the erection of a house and garage at the above property. My client, Mrs Brass, was unaware that her land had been designated as Open Space until making a pre-application enquiry to Perth and Kinross Council. Reference number 14/00044/PREAPP.

In the pre-application enquiry letter dated 20th January 2014, Mrs Brass didn't mention in any detail why she wanted to build a house or indeed the specific location of the house, however, as mentioned in later correspondence to Councillor Shiers, Mrs Brass is intending to allow her son and his family to occupy the existing 5 bedroom house at Oakdene with Mrs Brass occupying a smaller new build house and garage in the grounds of Oakdene.

Although this would be a new house and garage it is also intended that this would remain part of the property known as Oakdene and would be retained under that title.

The existing outbuildings to the rear (North) of Oakdene were considered for refurbishment into habitable accommodation, however, there is no outlook as it is tucked closely behind the existing 2 storey house. Also the cost of refurbishment is considered to be too excessive in relation to the overall enhanced value of the property.

In the Local Development Plan, Policy CF1: Open Space Retention and Provision comes under the general heading of 3.7 Community Facilities, Sport and Recreation. In policy CF1A: Existing Areas - it states 'these are areas of land which have value to the community for either recreational or amenity purposes'.

As the land is not used for community recreation its only value to the community is of amenity purpose which would be the desirability for a retained open space.

Policy CF1A also states - 'Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:

(a)....

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

(c).....

(d).....'

- The area of the development site shown on the plans is approximately 1892m² and the area of the whole property at Oakdene is approximately 23680m². This equates to the development site taking up 7.99% of the total property.
- The proposed site is set in the rear North East corner of the land with the front boundary of the proposed site being at least 100 metres to the near edge of Golf Course Road.
- The ground level at the existing house is 0.69m higher than the ground level at the existing gate to the field. At the proposed site the ground level reduces from front (south) to rear (north) at a gentle fall with a slight dip in the middle of the plot at the rear near the brick wall. At the ground to the east side of the plot from the rear corner there is a slight rise up in the ground level where the brick wall leans back toward the plot.

Any proposed development will have a floor level at least 0.6m lower than the existing house and although there will be changes in ground level local to the development there will be no significant change visible from any public view point.

- From the front boundary of the proposed site to Golf Course Road, the land will remain as open space and this will be the only available public viewing area between the proposed site and Golf Course Road.
 - It is also proposed that the new house and garage be in alignment with the existing house at Oakdene and also the neighbouring house at Firgrove.
 - In terms of boundary treatments, the existing brick walls to the North and East boundaries will remain and the post and wire fence will remain to the West side of the site.
 - To further define the open space from the site it is proposed that the front boundary of the site will be planted with a beech hedge. This will be supplemented with trees, azaleas, rhododendron bushes and further planting within the site in similar keeping to the existing grounds at Oakdene which are exceptionally well maintained.
- The existing paddock is defined with a beech hedge and it is proposed to define the open space in front of the development site in the same manner albeit that the beech hedge will be further from Golf Course Road than the paddock beech hedge.
- If requested a landscaping schedule can be provided.

As the proposed development is a minor part of the overall site this appears to meet the criteria required in exception (b) of Policy CF1A: Existing areas - where it will not affect its value to the community in terms of its continued use as an open space for amenity purposes.

Yours faithfully





Location Plan 1:5000

0 100 200 300 METRES
1:5000 SCALE BAR

PERTH AND KINROSS COUNCIL

DRAWING REF: 14/0122/1

Norman A MacLeod

www.namsurveying.co.uk

Tel: 07884177328

e-mail: namacleod@aol.com

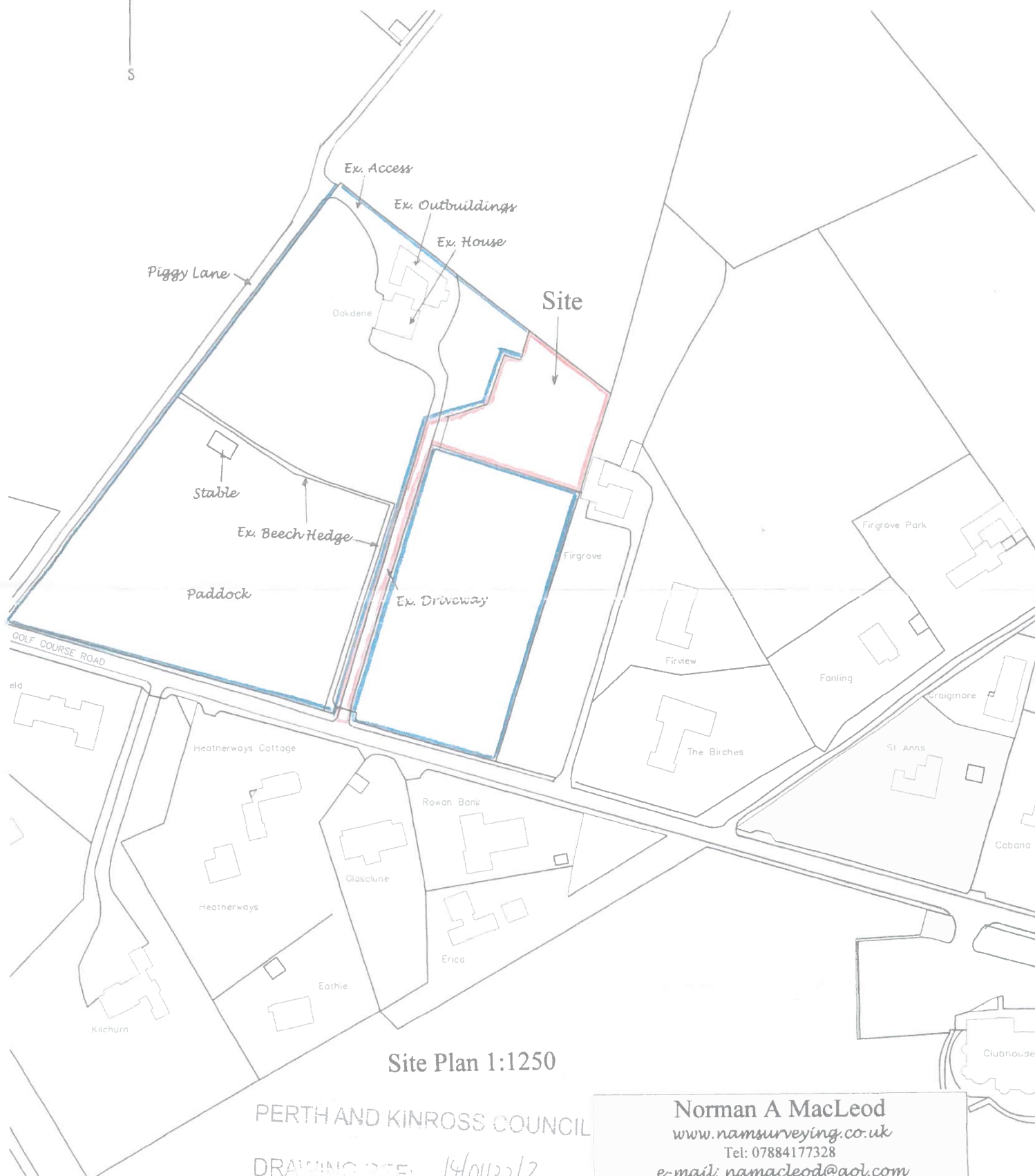
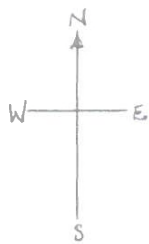
Project: Erection of a detached house and
garage at Oakdene, Golf Course Road,
Rosemount, Blairgowrie PH10 6LF

Scale: 1: 5000

Drawing ref: Location Plan

Drawing No: 1

Date: June 2014



Site Plan 1:1250

PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01/22/2

0 10 20 30 40 50 METRES
1:1250 SCALE BAR

Norman A MacLeod

www.namsurveying.co.uk

Tel: 07884177328

e-mail: namacleod@aol.com

Project: Erection of a detached house and garage at Oakdene, Golf Course Road, Rosemount, Blairgowrie PH10 6LF

Scale: 1: 1250

Drawing ref: Site Plan

Drawing No: 2

Date: June 2014

DRAWING REF: 14/01122/3

Norman A MacLeod

www.namsurveying.co.uk

Tel: 07884177328

e-mail: namacleod@aol.com

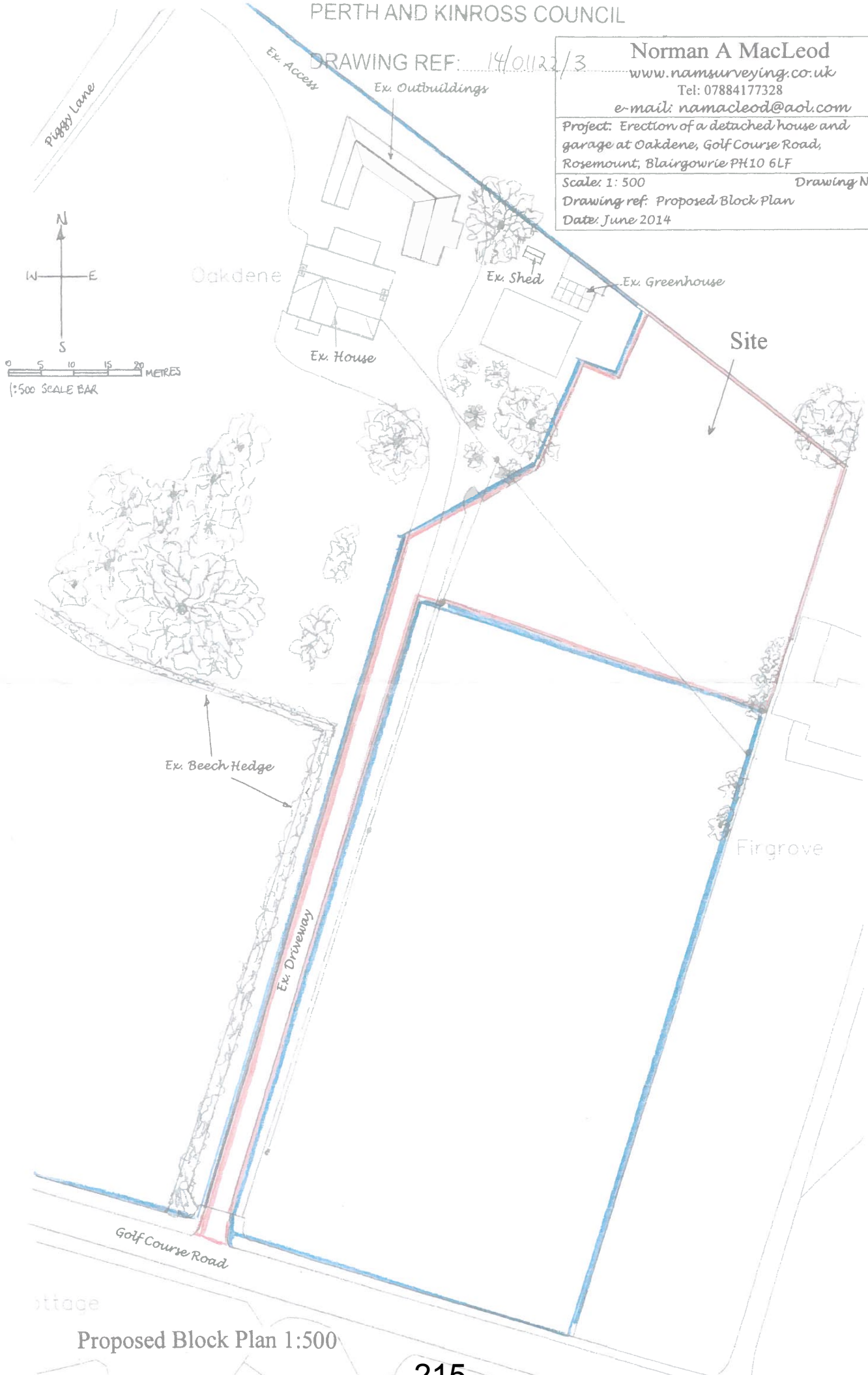
Project: Erection of a detached house and garage at Oakdene, Golf Course Road, Rosemount, Blairgowrie PH10 6LF

Scale: 1: 500

Drawing No: 3

Drawing ref: Proposed Block Plan

Date: June 2014



Proposed Block Plan 1:500

Norman A MacLeod

www.namsurveying.co.uk

Tel: 07884177328

e-mail: namacleod@aol.com

Project: Erection of a detached house and garage at Oakdene, Golf Course Road, Rosemount, Blairgowrie PH10 6LF

Scale: 1: 500

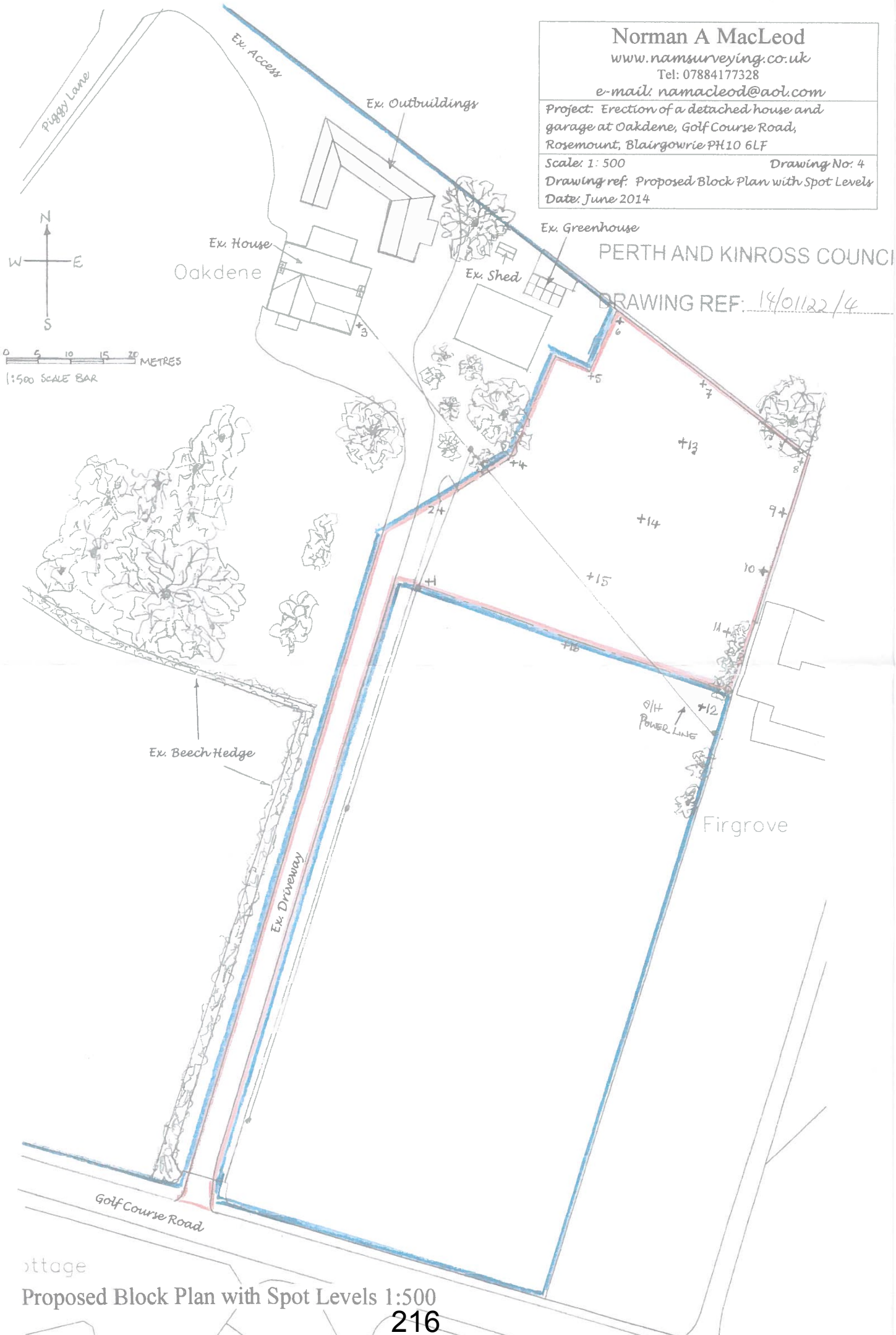
Drawing No: 4

Drawing ref: Proposed Block Plan with Spot Levels

Date: June 2014

PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01122/4



ottage

Proposed Block Plan with Spot Levels 1:500

DRAWING REF: 14/01122/5

Norman A MacLeod

www.namsurveying.co.uk

Tel: 07884177328

e-mail: namacleod@aol.com

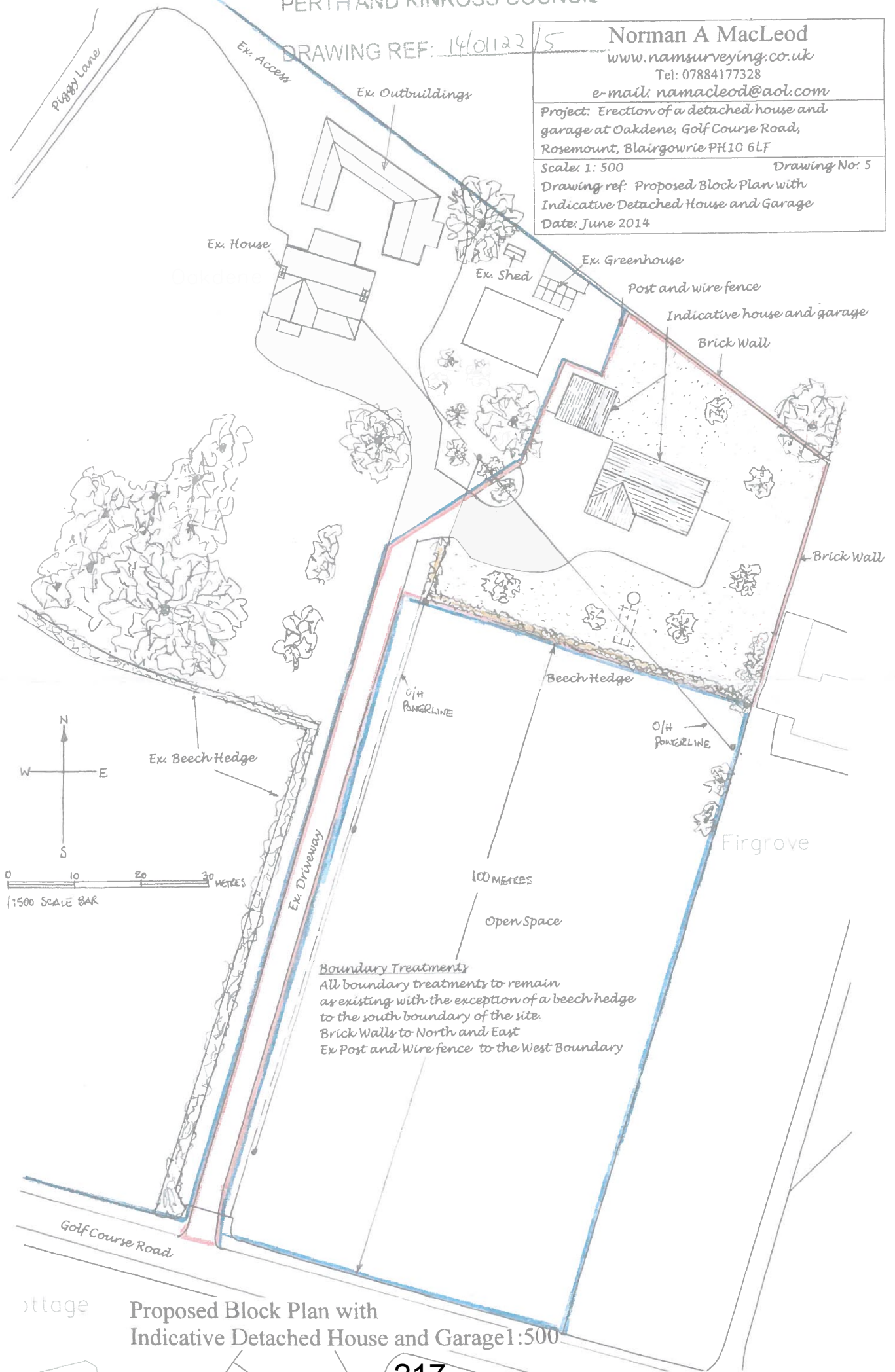
Project: Erection of a detached house and garage at Oakdene, Golf Course Road, Rosemount, Blairgowrie PH10 6LF

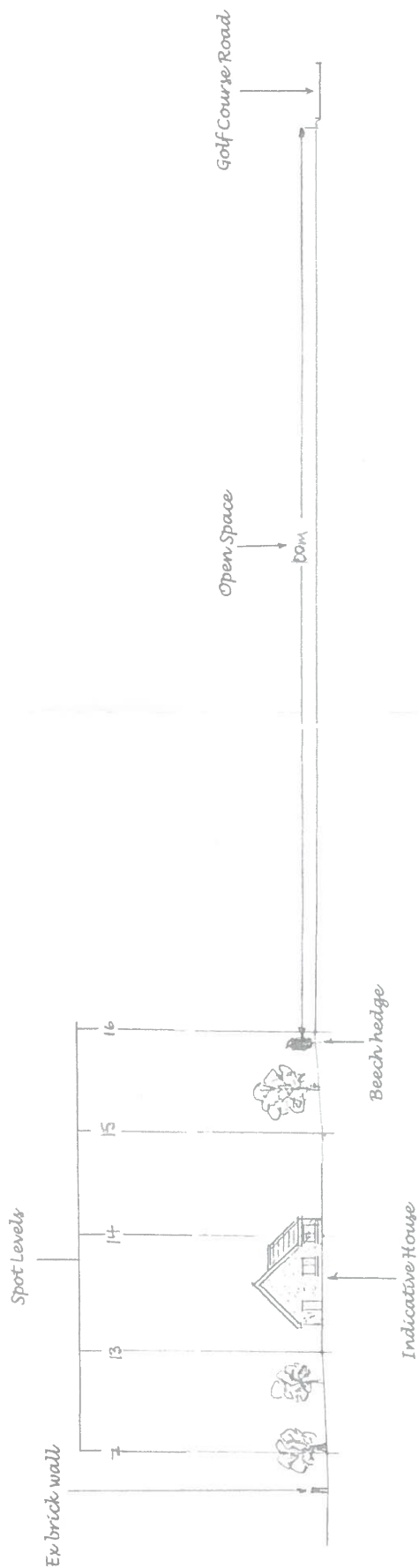
Scale: 1: 500

Drawing No: 5

Drawing ref: Proposed Block Plan with Indicative Detached House and Garage

Date: June 2014





Proposed Indicative West Elevation 1:500

PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01122/6

Norman A MacLeod

www.namsurveying.co.uk

Tel: 07884177328

e-mail: namacleod@aol.com

Project: Erection of a detached house and
garage at Oakdene, Golf Course Road,
Rosemount, Blairgowrie PH10 6LF

Scale: 1: 500

Drawing No: 6

Drawing ref: Proposed Indicative West Elevation

Date: June 2014



Photographs at Oakdene



South Elevation of the existing house with outbuildings to the rear



Ex green house

PERTH AND KINROSS COUNCIL
DRAWING REF: 14/01122/7



Existing ground for proposed plot with a brick wall to the North and East boundaries



Existing driveway from Golf Course Road

PERTH AND KINROSS COUNCIL
DRAWING REF: 14/01122/7



Photograph from Golf Course Road to the open space in front of the proposed development site with the existing house barely visible on the left hand side



Photograph from Golf Course Road of the paddock and stable

PERTH AND KINROSS COUNCIL

DRAWING REF: 14/0122/7

Ground levels on plot of land at Oakdene, Golf Course Road, Blairgowrie

BS	IS	FS	RISE	FALL	RED. LEVEL (m)	REMARKS
1.58					100.00	1. TBM
	1.75			0.17	99.83	2
	1.06		0.69		100.52	3 Beside existing house
	1.79			0.73	99.79	4
	2.04			0.25	99.54	5
	2.00		0.04		99.58	6
	2.55			0.55	99.03	7
	1.83		0.72		99.75	8
	1.59		0.24		99.99	9
	1.40		0.19		100.18	10
	1.28		0.12		100.30	11
	1.23		0.05		100.35	12
	1.61			0.38	99.97	13
	1.68			0.07	99.90	14
	1.78			0.10	99.80	15
		1.32	0.46		100.26	16
1.58		1.32	2.51	2.25	100.00	
<u>-1.32</u>			<u>-2.25</u>		<u>-100.26</u>	
-0.26			-0.26		-0.26	

The ground level at the existing house is 0.69m higher than the ground level at the existing gate to the field. At the proposed site the ground level reduces from front (south) to rear (north) at a gentle fall with a slight dip in the middle of the plot at the rear near the brick wall. At the ground to the east side of the plot from the rear corner there is a slight rise up in the ground level where the brick wall leans back toward the plot.

Any proposed development will have a floor level at least 0.6m lower than the existing house and although there will be changes in ground level local to the development there will be no significant change visible from any public view point.

PERTH AND KINROSS COUNCIL

DRAWING REF: 14/0122/8

PERTH AND KINROSS COUNCIL

Mrs M Brass
c/o Norman MacLeod
18 Walnut Grove
Blairgowrie
PH10 6TH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 2nd September 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01122/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 23rd June 2014 for permission for **Erection of a dwellinghouse and garage (in principle) Oakdene Golf Course Road Blairgowrie PH10 6LF** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to policy CF1A of the Local Development Plan 2014 as the proposed development site would result in the loss of an area of land that is identified for retention as open space and if approved would set an early precedent, undermining the objectives of Local Plan and leading to the further erosion of the open space in the area.
1. The proposal is contrary to policy PM1A of the Local Development Plan 2014 as the proposed development will result in the loss of open space which would impact on the character of the surrounding area.

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

14/01122/1

14/01122/2

14/01122/3

14/01122/4

14/01122/5

14/01122/6

14/01122/7

14/01122/8

PLEASE SEE THE TOP
OF PAGE 5 OF THIS
REPORT TO SEE THE
WORDING WHICH DIFFERS
FROM THE POLICY CFIA.

REPORT OF HANDLING DELEGATED REPORT

Ref No	14/01122/IPL	
Ward No	N3- Blairgowrie And Glens	
Due Determination Date	22.08.2014	
Case Officer	David Niven	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse and garage (in principle)

LOCATION: Oakdene Golf Course Road Blairgowrie PH10 6LF

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: 29 July 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to an area of land that extends to approximately 1892sqm, located to the east of the existing large house and associated outbuildings at Oakdene, Golf Course Road, Blairgowrie. The site is a flat, open paddock of grassland land that presently forms part of the extended grounds of Oakdene which encircles the existing house. The site itself is bound to north by a brick wall, to the east by the grounds of Firgrove and to the west by the applicant's house at Oakdene. To the south of the site lies an open paddock of grassland to which the proposed plot presently forms part of, beyond which lies Golf Course Road.

A pre-application enquiry was submitted in January 2014 to establish whether an application for the development of a house on the site would be supported. The applicant was advised that the proposals could not be supported as under the recently adopted local plan the site falls within an area identified for retention as green open space under Policy CF1 'Open Space Retention and Provision'. A further meeting was then held with the Councillor Shiers to discuss the applicant's proposals and it was again demonstrated that the development would be contrary to the LDP.

Regardless of this pre-application advice the applicant is seeking planning permission in principle for the erection of a house within the site. The applicant has not submitted any detailed elevations but an indicative layout has been submitted showing a single storey house and detached garage positioned centrally within the site with a driveway access formed onto the existing private access track that presently serves Oakdene. The associated supporting statement outlines that the applicant intends to move into the proposed new house, which in turn will allow her son and his family to move into the existing 5 bedroom house at Oakdene.

SITE HISTORY

94/00084/FUL RESIDENTIAL DEVELOPMENT (IN OUTLINE) AT 4 March 1994 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: 14/00044/PREAPP

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, and a series of Circulars.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy CF1A - Open Space Retention and Provision

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

OTHER POLICIES

Developer Contributions Guide (November 2012)

CONSULTATION RESPONSES

Euan McLaughlin

As this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Environmental Health
No objection

Transport Planning
No objection subject to conditions

Scottish Water
No objection

REPRESENTATIONS

None

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

Under the recently adopted Local Development Plan 2014 the site lies within an area of Blairgowrie that is identified as existing green open space where Policy CF1 'Open Space Retention and Provision' is applicable. As this area of ground is an existing area of open space the relevant section of the policy is CF1A which states that development proposals resulting in the loss of an

area identified as existing open space will not be permitted, except in the following circumstances:

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

Having visited the site and assessed the proposals it is considered that the proposed development fails to comply with any of the criteria outlined above and therefore cannot comply with Policy CF1A of the LDP.

The applicants supporting statement argues that the proposed plot forms only a minor part of the overall site and therefore meets the criteria required in exception (b). Whilst I accept that the site does only form a small part of the applicant's wider holding, this policy exception is aimed more towards permitting small developments such as community halls or recreational facilities that are associated within playing fields and would be of benefit to the functionality of the existing open space. The approval of a house plot would clearly not deliver any improvement to the value of the existing area of open space that the LDP seeks to preserve and would in actual fact erode the sense of open space, infilling the open land between the Oakdene and the neighbouring house at Firgrove. I therefore do not consider that the proposals could be accepted as an exception under this criterion b) of the policy.

In addition to the above, the new LDP also forms the Council's most up to date expression of policy and given that it has only recently been adopted it policies should applied in robust and consistent manner. The approval of this application would set an early precedent, undermining the objectives of this policy and encouraging further piecemeal development which would overtime erode the sense of open space within this area of Blairgowrie. It is therefore important for developments such as this are resisted. Furthermore, it is also important to highlight that the Council has for many years consistently resisted development within this area of Blairgowrie and under Policy 66 of the previous Eastern Area Local Plan (1998) the site was identified as agricultural land where there was a strong presumption against built development. I also note that the applicant was previously refused planning permission in 1994 for

the erection of a house within the same paddock of land, albeit closer to the public road.

It is also worth noting that the applicant's existing house at Oakdene has a relatively extensive range of traditional outbuildings that form a courtyard to the rear of the main house which are in a good state of repair and appear to have been in use at some point as additional accommodation. It is considered that the existing range of outbuildings provide an ideal alternative method of providing the separate accommodation that the applicant desires. I note that the applicant has dismissed the refurbishment of these outbuildings due to the lack of outlook and excessive costs, however in my view the outbuildings have an attractive outlook with open fields to the north, east and west. In addition, the applicant has not provided any information to support the claim that the cost of refurbishing the outbuildings would be excessive.

Developer Contributions

In terms of the approved Developer Contributions Guide 2012, as this application is only "in principle" it is not possible to apply the contribution guidance at this stage and the determination of appropriate contribution, if required, will be based on the status of the school when a detailed application is received. However if this application were to be approved a condition will be required to ensure that any future application for the detailed proposals fully complies with the requirements of the Development Contributions Guide.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal does not comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014, specifically in regards to *Policy CF1(A): Open Space Retention and Provision*. 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 not been made within the statutory determination period as the officer did not complete the delegated report within the target date.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

- 1 The proposal is contrary to policy CF1A of the Local Development Plan 2014 as the proposed development site would result in the loss of an area of land that is identified for retention as open space and if approved would set an early precedent, undermining the objectives of Local Plan and leading to the further erosion of the open space in the area.
- 2 The proposal is contrary to policy PM1A of the Local Development Plan 2014 as the proposed development will result in the loss of open space which would impact on the character of the surrounding area.

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

14/01122/1

14/01122/2

14/01122/3

14/01122/4

14/01122/5

14/01122/6

14/01122/7

14/01122/8

Date of Report 29.08.2014



3.7 Community Facilities, Sport and Recreation

DOCUMENT 6

3.7.1 A high quality environment and a strong cultural identity are key assets in promoting sustainable economic growth and community development and to provide a context for development.

3.7.2 Community sport and recreation facilities contribute to this cultural identity offering opportunities for a wide range of social interaction and are important to local identity. They also help support healthier living and active travel. Playing fields, including those within educational establishments, which are required to meet existing or future needs are identified within the Plan.

3.7.3 The Council in consultation has an adopted Core Paths Plan under the terms of the Land Reform Act 2003. This plan provides for a network of paths sufficient to give the public reasonable access throughout the area, whether on foot, by bike, wheelchair or horse. It also provides access to inland water.

3.7.4 The following policy framework for development is intended to protect and enhance facilities.

Policy CF1. Open Space Retention and Provision

Policy CF1A: Existing areas

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

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

Policy CF1B: Open Space within New Developments

The Council will seek the provision of appropriate areas of informal and formal open space that is accessible to all users as an integral part of any new development where existing provision is not adequate.

Where it is physically impossible or inappropriate to meet the open space provision onsite, consideration may be given to the provision of a suitable alternative.

In areas where there is an adequate supply of accessible open space of an appropriate quality in a locality, a financial contribution towards improvement or management of existing open space may be considered an acceptable alternative.

Opportunities should be pursued through the development process to create, improve and avoid fragmentation of green networks and core path networks.

Note: A revision of the Play Area Strategy will be developed through Supplementary Guidance which will cover:

- The quantity, quality and accessibility of open space required for proposed developments.
- Whether on site or off site provision is most appropriate.



3.2 Placemaking

- 3.2.1 Sustainable economic growth with high environmental quality is an important component in attracting investment into an area.
- 3.2.2 The sustainable development of Perth and Kinross requires the provision of services in appropriate locations to meet the increasing needs of the expanding population, resulting in the requirement to invest in new infrastructure to meet future needs. The following policies reinforce other policies within the Plan, and together these ensure that new development safeguards and enhances environmental quality, creating quality places and mitigating potential negative impacts.
- 3.2.3 Placemaking is now a term widely used to describe a comprehensive policy approach to the design, development, management and maintenance of the places in which we live to reflect local context. Central to the creation of sustainable communities is the desire to live in an attractive place which provides for our social, economic and environmental needs. Creating and maintaining sustainable communities are also key national and local policy objectives through Community Planning and Development Planning frameworks.
- 3.2.4 Fundamental to successful placemaking is an understanding of what makes places special, how places function and how best to involve those involved in the development industry such as architects, agents, developers and funders; as well as the communities themselves.
- 3.2.5 A local Placemaking Guide for Perth and Kinross was approved by the Council in November 2009 for the design, management and maintenance of public spaces, buildings, roads and new development. The Guides will be supported by the development and subsequent approval of SG to be used in determining planning applications.

Policy PM1: Placemaking

Policy PM1A

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

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

Policy PM1B

All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

NORMAN MACLEOD

18 Walnut Grove

Blairgowrie

PH10 6TH

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The Secretary
Local Review Body
Perth and Kinross Council
Committee Services
Council Building
2 High Street
Perth PH1 5PH

Date: 12th November 2014

Dear Local Review Body,

Notice of Review Statement

The statement for the appeal relates specifically to the wording of policy CF1A: Existing areas - under policy CF1: Open Space Retention and Provision, in comparison to the wording in the Delegated Report.

The applicant's land is designated as Open Space and Mrs Brass had initially made a Pre-Application enquiry which had shown the options of 1 of either 2 large fields to be developed for 1 house without realising the implications of the policy. As it was shown to develop a large part of the Open Space the advice was correctly given that it would be contrary to the Local Development Plan. Mrs Brass then approached me to assess the feasibility of her proposal and I suggested that if the site was restricted to comply 'Policy CF1A exception (b)' then I would consider the proposal acceptable for applying for planning permission in principle. Please see the Plan provided in the Pre-Application enquiry and compare it to the proposed site in the plans submitted for the planning application.

The Policy wording is relatively straightforward but differs slightly to the wording that is contained in the Planning Officer's Delegated Report and the wording is crucial in relation to how a decision could be assessed.

Under the Policy it states 'Development proposals resulting in the loss of these areas will not be permitted, **except in circumstances where one or more of the following apply:**'

I have outlined in bold above this wording and more specifically underlined where it states 'one or more' so that when the policy is read correctly it presents 4 separate alternatives

where only 1 exception of the policy need apply for the development to be acceptable. The development can therefore be permitted under (a) or (b) or (c) or (d). Please see the Policy.

In the last paragraph of page 4 and the top of page 5, the Delegated Report states 'As this area of ground is an existing open space the relevant section of policy is CF1A which states that development proposals resulting in the loss of an area identified as an existing open space will not be permitted, except in **the following circumstances:**' Please see the Delegated Report and how the wording differs from the Policy.

The reason for overlooking the actual wording from the report is perhaps a simple oversight but it is critical to the outcome of the decision as one might feel compelled to read (a), (b), (c) and (d) together and come up with a reason for refusal that links the exceptions together rather than reading each exception in isolation from the others as per the policy of '**one or more**'.

The exception that I feel meets compliance with the policy is '(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.' This is stated in my letter of 12th June 2014 that was submitted with the application.

The delegated report goes further in Page 5 by accepting that the site does only form a small part of the applicant's wider holding then suggests that this particular policy exception (b) is aimed more towards permitting small developments such as community halls or recreational facilities that are associated within playing fields and would be of benefit to the functionality of the open space.

However, I disagree with this suggestion as there is no mention in policy exception (b) that this is what the policy exception is allowing for.

On the other hand, exception (a) of the policy makes allowance for developments that are of ancillary use to the principal use of the site as a recreational resource. Therefore community halls or recreational facilities could be quite easily defended in the Delegated Report for exception (a), if I had written exception (a) instead of exception (b).

This is where the policy exceptions should be read in isolation of each other but unfortunately it seems from the delegated report that due to the omission of the correct wording of '**one or more**' there appears to be linkage between (a) and (b) in terms of the use of any proposed development in an open space.

The delegated report in Page 5 then states that the approval of a house would not deliver any improvement to the value of the existing area of open space and that the open land between Oakdene and Firgrove is being infilled.

To be more precise it is only a small proportion and not the whole area of the land to the rear where the site would result in an infill. The bulk of the applicant's land from the front boundary of the site to Golf Course Road would remain as open space. In addition, the policy exception does not seek the argument of delivering improvement to the value of the existing open area but rather to ensure the development 'would not affect its continued use as a recreational or amenity resource'.

There is also no mention in the delegated report that the nearest boundary of the proposed site is 100m back across the applicant's land from Golf Course Road. Golf Course Road is the

nearest public area in relation to viewing the openness of the applicant's land to the site at the rear. Please see drawing numbers 5 and 6.

The next paragraph of the delegated report in Page 5 adds that as the Local Development Plan has only recently been adopted the policies should be applied in a robust and consistent manner and goes on to mention that it would set an early precedent – this statement would be correct if the proposal was non-compliant.

In page 6 of the delegated report with regards to the existing outbuildings, these were considered for refurbishment as volunteered in my letter of 12th June 2014 along with the application for planning permission. However, the outbuildings are tucked in closely behind the existing 2-storey house and is partly used for garages. The cost of refurbishment in relation to the overall enhanced value and suitability of the property was also considered. In addition, with the clear wording of alternative proposals for development in policy exception (b), there was no reason to make provision of costings for refurbishment when the application was being submitted.

In any event, this part of the property is intended for the use of the applicant's son and his family at the existing house at Oakdene and the proposal for the new house site would provide a degree of separation and privacy between the 2 houses without them having to live around each other.

As mentioned in the 2nd paragraph of my letter dated 12th June 2014, Mrs Brass is wanting to allow her son and his family to occupy the existing house and the reason for building a new house is for Mrs Brass to live close to her family within the grounds of the property. It is not being done for any financial gain such as selling the site to a developer.

It is also worth noting that there were no objections from any neighbours to the planning application.

The land to the front of the proposed site has occasionally been used over the past 10 years as an overspill car parking area for Blairgowrie Golf Club when hosting major events such as the recent Junior Ryder Cup. I have enclosed a letter dated 21st October 2014 from Blairgowrie Golf Club expressing their thanks and understanding that the land will be available for their continued use for overspill parking.

In relation to all that has been mentioned it still revolves around policy exception (b) and whether the delegated report is credible in stating that the exception is aimed more towards permitting small developments such as community halls or recreational facilities that are associated within playing fields and would be of benefit to the functionality of the existing open space.

As policy exception (a) clearly states the allowance of developments which are of ancillary use to the recreational resource, this policy exception was not requested in the application as can be seen in my covering letter of 12th June 2014. Instead, policy exception (b) was chosen which clearly states 'The proposed development involves a minor part of the site which would not affect its continued use as recreational or amenity resource'.

As the land is not used for recreational purposes its only amenity resource is as open space and with the nearest boundary of the proposed site within the applicant's land being 100m


from the nearest public viewing point on Golf Course Road I contend that a new house and garage would not affect its continued use as an open space. It is also a small part of the applicant's wider holding which the delegated report agrees to.

Summary of points

- Different wording between the Policy and the Delegated Report.
- The Delegated Report appears to link Policy exceptions (a) and (b) due to the omission of crucial words in the Delegated Report.
- The Policy exceptions for development proposals should be read in isolation of each other as it clearly states '**except in circumstances where one or more of the following apply**'.
- The site boundary is at least 100m back across the applicant's land from Golf Course Road with any development still further back within the site.
- The nearest public viewing point is Golf Course Road.
- The bulk of the land between the front boundary of the site and Golf Course Road is being retained as open space and occasional use as overspill car parking.
- The new development would not affect its continued use as a recreational or amenity resource.
- The reason for applying for permission is to allow the applicant's son and his family to reside at Oakdene with Mrs Brass occupying a smaller new build house in the site.

I feel it would be of great benefit for the Local Review Body to visit the property to allow for a greater degree of understanding that a proposed development may have in respect to the retention of the open land.

Yours sincerely



Norman A MacLeod



Mrs Maureen Brass
Oakdene
Golf Course Road
Blairgowrie
PH10 GLF

The Blairgowrie Golf Club

21st October, 2014

Dear Maureen

I write on behalf of the Club Committee to offer our sincere gratitude for allowing your field to facilitate our overflow parking for members and guests at the Junior Ryder Cup.

Having worked closely with Perth & Kinross Council, Police Scotland and Ryder Cup Europe, I know I speak for all of us when I say that without your flexibility in 'donating' the use of the field to improve amenities, this event, and the many other events we have held where your field has been used, would have been not nearly as successful. Most certainly the events would have resulted in many more grumbles about parking availability when the club hosts these events, which showcases the club and the area tremendously.

We are very grateful for this contribution and for your confirmation that you are willing to continue this contribution in future years. I understand that you intend to plan to build at the rear of the field, therefore for you to continue to assist the club and our partners with your flexibility is very generous and very much appreciated, particularly as you have highlighted that your building plan will not in any way affect our future parking needs.

Once again, on behalf of the club, many thanks!

Yours sincerely

Douglas Cleeton
Managing Secretary



TCP/11/16(329)

Planning Application 14/01122/IPL – Erection of a dwellinghouse and garage (in principle), Oakdene, Golf Course Road, Blairgowrie, PH10 6LF

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 223-224)*

REPORT OF HANDLING *(included in applicant's submission, see pages 225-232)*

REFERENCE DOCUMENT *(included in applicant's submission, see pages 213-222)*

TCP/11/16(329)
Planning Application 14/01122/IPL – Erection of a dwellinghouse and garage (in principle), Oakdene, Golf Course Road, Blairgowrie, PH10 6LF

REPRESENTATIONS

- Representation from Development Negotiations Officer, dated 4 July 2014
- Representation from Regulatory Service Manager, dated 9 July 2014
- Representation regarding the Local Development Plan, dated 14 July 2014
- Representation from Transport Planning, dated 28 July 2014

INTERNAL CONSULTATION ON PLANNING APPLICATION



To: Development Management
From: Euan McLaughlin
Date: 04 July 2014
Planning Reference: 14/01122/IPL

Description of Proposal: Erection of a dwellinghouse and garage Oakdene Golf Course Road Blairgowrie PH10 6LF for Mrs M Brass

NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.

Primary Education

With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increase 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 Newhill Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Contacts

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

Euan McLaughlin
Tel: 01738 475381
Email: emclaughlin@pkc.gov.uk

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

Stuart McLaren
Tel: 01738 476405
Email: sjmclaren@pkc.gov.uk

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref PK14/01122/IPL

Our ref LJ

Date 9 July 2014

Tel No (4)75248

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK14/01122/IPL RE: Erection of a dwellinghouse and garage (in principle) Oakdene Golf Course Road Blairgowrie PH10 6LF for Mrs M Brass

I refer to your letter dated 2 July 2014 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 09/07/2014)

Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.

A handwritten signature in black ink, consisting of a stylized 'H' and 'G' combined.

CONSULTATION ON PLANNING APPLICATION – LOCAL DEVELOPMENT PLAN



To: David Niven
From: Nicola Malone
Date: 14 July 2014

Planning Reference: 14/01122/IPL

Description of Proposal: Erection of a dwellinghouse and garage (in principle)

Site Address: Oakdene, Golf Course Road, Blairgowrie, PH10 6LF

LDP Area: PKC LDP 2014 - North Area

1. TAYplan Strategic Development Plan 2012

Blairgowrie is identified as a Tier 2 settlement within the adopted Strategic Development Plan where it is described as having a role in accommodating a small share of the region's additional development.

2. Perth and Kinross Local Development Plan DPEA Examination

A representation was submitted to the Proposed Plan for the extension of site H64 in Blairgowrie. This included 2 potential sites, one directly north of this application site and the other directly to the west. The Reporter dismissed both of these sites to be allocated as housing and stressed the importance of the designated open space, he stated:

"Rosemount is a residential district of South Blairgowrie with a pleasant semi-rural character. Much of the land between Woodlands Road and Golf Course Road is open and undeveloped, and there are attractive areas of trees and woodland. Most of this land is privately owned, but it is important that this significant area of green space within the settlement boundary is protected for its amenity value.

The undeveloped area was formerly designated as agricultural land in the adopted Eastern Area Local Plan, to protect its character. The Proposed Plan designates a wide area of Rosemount as open space, where Policy CF1: Open Space Retention and Provision is intended to apply. The option of excluding the land from the settlement boundary was discounted, as that would have created an artificial 'island' of countryside within the town. It would also be wrong to remove the protection afforded to this area, as development would erode the special character of Rosemount." (page 862, Reporter's Report PKC LDP Examination)

3. Perth and Kinross Local Development Plan 2014

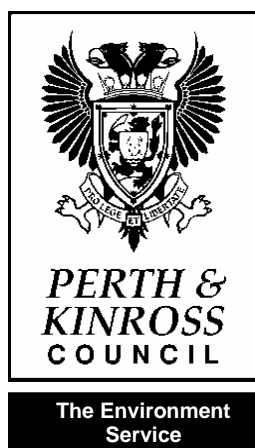
This site is situated within the settlement boundary of Blairgowrie and Rattray and is part of a larger open space designation within the settlement. It is highlighted that the LDP seeks to protect these areas of open space to ensure that the character and amenity of the town is maintained, as well as protecting and enhancing local biodiversity. Coinciding with TAYplan, the majority of development within Strathmore and the Glens area should be concentrated within Blairgowrie and Rattray.

Policy CF1: Open Space Retention and Provision

Policy CF1A: Existing Areas seeks to safeguard open space which is currently identified in the LDP and discourages development which will result in a loss of this designated land.

4. Comments

Policy CF1A endeavours to protect designated open spaces from any development that does not necessarily contribute to recreational or amenity purposes for the local community. Given that this proposal is for a private dwellinghouse, the community would not gain any value from this loss of open space. The Reporter has also emphasised the importance of the designated open space within this area. Therefore, this application for planning permission in principle is contrary to the Perth and Kinross Local Development Plan 2014.



MEMORANDUM

To	David Niven Planning Officer	From	Tony Maric Transport Planning Officer Transport Planning
Our ref:	TM	Tel No.	Ext 75329
Your ref:	14/01122/IPL	Date	28 July 2014

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

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

With reference to the application 14/01122/IPL for planning consent for:- **Erection of a dwellinghouse and garage Oakdene Golf Course Road Blairgowrie PH10 6LF for Mrs M Brass**

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.

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.

