

**TCP/11/16(544) – 18/00419/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan**

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**TCP/11/16(544) – 18/00419/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100087465-006

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	JON FRULLANI ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	JON	Building Name:	UNIT 5, DISTRICT 10,
Last Name: *	FRULLANI	Building Number:	
Telephone Number: *	01382224828	Address 1 (Street): *	25 GREENMARKET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	DUNDEE
Fax Number:		Country: *	UNITED KINGDOM
		Postcode: *	DD1 4QB
Email Address: *	jon@jfarchitect.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o Jon Frullani Architect"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Unit 5, District 10"/>
Company/Organisation	<input type="text" value="Carse Developments Ltd"/>	Address 2:	<input type="text" value="25 Greenmarket"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD1 4QB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="729884"/>	Easting	<input type="text" value="330483"/>
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## Description of Proposal

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

Planning permission in principle for the erection of a storey and a half dwelling house

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

The appellant disagrees with the Case Officer's Decision and respectfully requests that the appeal is considered in light of the information detailed within the accompanying statement.

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

☐ Yes ☒ No

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

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

Location Plan, Application Form, Existing Site Plan, Planning Statement, Proposed Site Plan, Report of Handling, Decision Notice, Revised Site Layout Plan, Annotated Site Layout Plan, Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00419/IPL

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

13/03/2018

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

23/04/2018

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr JON FRULLANI

Declaration Date: 19/07/2018



ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE) ON LAND 20M SOUTH OF 47 MARY FINDLAY DRIVE,  
LONGFORGAN

## APPEAL STATEMENT

Town and Country Planning(Scotland) Act 1997 as amended Planning Application Ref: 18/00419/IPL

Appellant: Carse Developments Ltd

Date: July 2018

## Contents

- 1.0 Introduction
- 2.0 Application Site and Context
- 3.0 Proposed Development
- 4.0 Development Plan
- 5.0 Evaluation of Proposed Development
- 6.0 Conclusion

## Appeal Documents

- Document 1 Planning Application Ref: 18/00419/IPL
- Document 2 Case Officers Report of Handling
- Document 3 Planning Application Decision Notice
- Document 4 Revised Indicative Site Layout Plan
- Document 5 Annotated Indicative Site Layout Plan

## 1.0 INTRODUCTION

This Planning Appeal has been submitted on behalf of the applicants, Case Developments Ltd and relates to a Planning Application for the erection of a dwellinghouse (in principle) at land 20m south of 47 Mary Findlay Drive, Longforgan.

Perth and Kinross Council registered the application on 14 March 2018 under planning application reference: 18/00419/IPL.

The planning application was validated on 13 March 2018 and determined on 23 April 2018. The Planning Decision Notice (Document 3) cites the following reasons for refusal of planning permission:

- 1. The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development would result in overdevelopment that would not contribute positively to the area and would not respect the character or amenity of the place.*
- 2. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area and that areas of amenity value are retained. The development of this site for a dwellinghouse would be detrimental to the character and amenity of the area as it would encroach on to an existing area of public open space that is of local amenity value and would set an unwelcome precedent for further development.*
- 3. The proposal is contrary to Policy CF2: Public Access of the Perth and Kinross Local Development Plan 2014, which seeks to protect well used routes for public access unless alternative provisions are made. There is no alternative provision proposed and the development would completely detach the 2 cul-de-sacs of Mary Findlay Drive.*

*In determining the planning application, the Planning Authority is required, under Section 25 of the Town and Country Planning (Scotland) Act, 1997 (as amended) (the "Act") to determine the application in accordance with the Development Plan unless material considerations indicate otherwise.*

The appellant disagrees with the Case Officer's Decision and respectfully requests that the appeal is considered in light of the information detailed within this statement which we believe to justify approval of the proposal having regard to the requirements of Section 25 of the Act.

It is respectfully requested that this appeal is supported and planning permission granted for the reasons provided in this statement.

## 2.0 APPLICATION SITE AND CONTEXT

The application site is located at the northern end of the Mary Finlay Drive cul-de-sac and takes the form of an informal area of open space.



The site is bound to the south by the boundary fences of the properties at 25 and 39 Mary Findlay Drive and to the north by shrubbery enclosing the front gardens of the properties at 21, 23 and 41 Mary Findlay Drive. To the east and west the Mary Findlay Drive cul-de-sac road carriageways bound the site.

The site is sewn in grass with a number of young, poorly maintained trees and shrubs around its periphery and located centrally on it.

The site slopes from east to west and is largely unusable due to this. The site and its surrounding context is illustrated by the Site Location Plan forming part of Document 1 of this appeal and shown below in Figure 1.

Figure 1: Site Location Plan



### 3.0 PROPOSED DEVELOPMENT

Planning application ref: 18/00419/IPL sought planning permission in principle for the erection of a house on and 20m south of 41 Mary Findlay Drive, Longforgan.

The indicative site layout plan contained in Document 1 of this appeal and shown below in Figure 2 illustrates the layout of the proposal and its relationship with the surrounding Mary Findlay Drive development.

Figure 2: Revised Indicative Site Layout Plan



This application seeks planning permission in principle for the erection of a house in the eastern sector of the site with the western sector of the site redeveloped as an equipped area of usable open space with park benches. A footpath formed and surfaced to adoptable standards shall be formed through the site linking the Mary Findlay Drive cul-de-sacs to the east and west of the site.

The area of open space shall be formed in consultation with the local community. However, it is envisaged that in addition to items of play equipment there shall be benches and landscaping to enhance the amenity value. The applicant is agreeable to the formation of the equipped play park being secured by way of Section 75 legal agreement.

The proposed house shall be a storey and a half in height and shall have three bedrooms. The house shall be served by off-street parking for 2 vehicles and an area of private usable garden ground of 182sqm. The reduction in private garden ground from the original proposal takes account of the provision of a footpath linking the cul-de-sacs to the east and west of the site. The revised indicative site layout plan is shown in Figure 2 and forms Document 4 of this appeal submission.

## 4.0 POLICY FRAMEWORK

### Town and Country Planning(Scotland) Act 1997, as amended

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended, require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

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

### TAYplan Strategic Development Plan 2016 – 2032

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

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

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

The principal policies are, in summary:

#### Policy PM1A - Placemaking

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

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy PM3 - Infrastructure Contributions

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

Policy 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 CF2 – Public Access

Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used route will be refused. Development proposals that would affect unreasonably public access rights to these features will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provisions are made.

#### Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

#### 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.

## 5.0 EVALUATION

The site is located within the settlement boundary of Longforan, therefore Policy RD1 'Residential Areas' of the Perth & Kinross Council Local Development Plan 2014 is directly applicable. Policy RD1 states that proposals will be encouraged where they satisfy the criteria set out in the policy. This includes the retention of small areas of private or public open space which are of recreational or amenity value. In this instance, the proposal seeks to reduce the existing area of open space to accommodate a dwellinghouse. However, to compensate for the reduction in open space it is proposed to create an equipped play park on the remaining area. The applicant is agreeable to the delivery of the equipped play park being controlled by condition. In this regard we believe the proposal to enhance the amenity value of the area of open space by making it usable and attractive for children and adults. In addition the proposed footpath linking the cul-de-sacs to the east and west of the site shall enhance pedestrian connectivity.

It is recognised that the proposed development is likely to increase development on Mary Findlay Drive. However, to ensure that the proposed house does not overdevelop the site or the Mary Findlay Drive cul-de-sacs the layout and design of the proposed house has been purposefully designed to respect the prevailing density of development in the surrounding area. This is illustrated by Figure 3.

Figure 3: Development Density

Address	Plot Area	Footprint of Development	Private Garden Ground	Development Density
Proposed Plot	425sqm	100sqm	182sqm	1:4.25
37 Mary Findlay Drive	353sqm	102sqm	115sqm	1:3.4
35 Mary Findlay Drive	518sqm	169sqm	196sqm	1:3.1
39 Mary Findlay Drive	391sqm	84sqm	132sqm	1:4.6
43 Mary Findlay Drive	475sqm	119sqm	152sqm	1:3.9
25 Mary Findlay Drive	268sqm	80sqm	94sqm	1:3.3
27 Mary Findlay Drive	300sqm	84sqm	98sqm	1:3.5
15 Mary Findlay Drive	388sqm	102sqm	95sqm	1:3.8
17 Mary Findlay Drive	426sqm	125sqm	133sqm	1:3.4
19 Mary Findlay Drive	457sqm	82sqm	115sqm	1:5.5

Taking cognisance of the above reasoning it is unclear how the Case Officer assessing planning application ref: 18/00479/IPL against policies RD1, PM1A and PM1B has concluded that the proposed development shall adversely impact on the character and integrity of the area through the reduction in the area of open space or how the proposal is an overdevelopment of the application site.

The Case Officer's assessment doesn't specify how the proposed development shall adversely impact on the character or integrity of the area other than allude to the reduction in the area of open space. However, as demonstrated by the site description the existing area is of limited amenity value and is largely unusable due to its sloping topography and poorly maintained landscaping. While the proposals seek to erect a house on part of the application site the remainder of the site shall be redeveloped to form an equipped play area with benches, a footpath through the site shall be formed to an adoptable standard and the remaining area of open space shall be landscaped and benches installed to create an inclusive and usable area of high amenity value.

Similarly the reference to overdevelopment is neither justified or quantified in the Case Officer's Report of Handling. The table in Figure 3 clearly illustrates that the proposed development respects the prevailing development density of the Mary Findlay Drive cul-de-sacs while the annotated indicative site layout plan submitted as Document 5 in this appeal clearly demonstrates the generous external space standards and

distances between buildings. Together Figures 2 and 3 and the Annotated Indicative Site Layout Plan demonstrate that a house can be located on the application site without overdeveloping the site, the street or surrounding area.

For these reasons we believe the proposal to accord with Policy RD1, PM1A and PM1B.

We have taken into account the Case Officer's concerns in relation to Policy CF2 where the Report of Handling states:

*Policy CF2 'Public Access' will however be applied as development proposals that would have an adverse impact upon the integrity of any well used route will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provisions are made. The proposed development would completely detach the 2 cul-de-sacs of Mary Findlay Drive which would restrict public access.*

However as planning application ref: 2018/00479/IPL sought planning permission in principle we would have hoped that these concerns could have been brought to our attention prior to the refusal of planning permission allowing us the opportunity to address these concerns. As such following the refusal of planning permission we have revised the indicative site layout plan to include a footpath linking both cul-de-sacs. The footpath shall be formed and surfaced to an adoptable standard to ensure that it is both safe and accessible. We believe that the revisions to the indicative site layout plan as shown in Figure adhere to the requirements of Policy CF2.

In considering the impact of the proposed development on the surrounding landscape and visual amenity the Report of Handling for planning application ref: 2018/00479/IPL states:

*Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the siting of a proposed dwellinghouse on this site within the settlement boundary of Longforgan is not considered to erode the visual amenity, local distinctiveness, diversity and quality of the landscape.*

The Case Officer's assessment of impact on landscaping and visual amenity further demonstrates the proposal's compliance with Policies RD1, PM1A and PM1B in that if the proposal was an overdevelopment of the application site and if the proposal adversely impacted on the character of the area it would also erode the visual amenity, local distinctiveness, diversity and quality of the landscape. However, Figures 2 and 3 demonstrate the proposed development to be of a sensitive design and layout that respects the prevailing density of development in the surrounding area that also maintains the visual amenity, cohesion, local distinctiveness, diversity and quality of the landscape.

In considering impact on residential amenity the Report of Handling for planning application ref: 18/00479/IPL states:

*It is considered that the site is large enough to accommodate a modest dwellinghouse without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for the proposed dwellinghouse. I therefore have no concerns at the principle of a dwellinghouses on this site in relation to residential amenity.*

In assessing overshadowing, overlooking and physical impact (overbearing) the Report of Handling states:

*As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However, whilst the letters of representation are noted, it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties. Equally, it is considered that there would be a suitable level of residential amenity for future occupiers of the proposed dwellinghouse.*

This further demonstrates the a proposed house on the application site could comply with Policies RD1, PM1A and PM1B of the adopted Perth and Kinross Local Development Plan.

In terms of Policy PM3 our client is agreeable to paying the required infrastructure contributions generated by the proposed development.

With regard to Policy TA1B the indicative site layout plan in Figure 2 makes provision for pedestrian access through the application site linking the Mary Findlay Drive cul-de-sacs to the east and west of the application site promoting sustainable transport. In addition the proposed house shall be served by 2 off street car parking spaces. The proposal therefore makes provision for all modes of transport in compliance with Policy TA1B.

In terms of Policy NE3 the Case Officer states in the Report of Handling:

*...after conducting a site visit, I do not consider it necessary to request a Tree Survey as there are no trees of significance on the developable area of the plot. In turn, it is also considered that there is a lack of habitats available for protected species. I therefore do not consider it appropriate to request any tree or biodiversity studies. If consent was to be granted, the impacts upon biodiversity could be controlled by adding conditions to the consent. I therefore have no adverse concerns in relation to trees and biodiversity.*

In this instance the Report of Handling not only further demonstrates the proposal's compliance with the Local Development Plan but also disposes of the concerns of the objectors in relation to impact on trees, woodland and biodiversity.

For the reasons outlined above we believe that the proposal does not give rise to any significant issues in terms of the relevant policies of the Local Development Plan and is of a scale and nature appropriate to the location. On this basis the proposal satisfies the requirements of the adopted Perth and Kinross Local Development Plan.

## Material Considerations

### A. National Policy and Guidance

The Scottish Government sets out the national planning context in both National Planning Framework 3 and in Scottish Planning Policy (SPP) 2014.

The National Planning Framework outlines the long-term strategy for Scotland and provides a spatial representation of the Government's economic strategy, and plans for delivery of infrastructure.

SPP sets out Scottish Government policy on how nationally important land use planning matters should be addressed across the country.

Together the application of the National Planning Framework and Scottish Planning Policy at the national, strategic and local levels will enable the planning system to deliver the Scottish Government's vision and outcomes for Scotland that include:

- A successful, sustainable place;
- A low carbon place;
- A natural, resilient place;
- A connected place.

SPP sets out the principal overarching policies on Sustainability and Placemaking and reaffirms that these policies should be applied to all development.

- As well as the National Planning Framework and SPP the following Scottish Government planning policy documents are also relevant to the proposed development:  
Creating Places, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- Designing Streets, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance.

The location of the application site accords with the broad approach of the above national policy and guidance statements to direct new development to settlements, together with supporting the creation of sustainable communities and economic growth. Therefore, the proposed development is considered to positively contribute to placemaking objectives and will provide for new housing of a high-quality design in a location that is appropriate for housing provision.

### B. Site History and Applicant's Business Model

The applicant has recently purchased the site after the factoring company that owned it went into administration jeopardising its long-term maintenance. This is an issue that is endemic across the Country



with Council's being both unwilling and financially unable to take responsibility for the maintenance of areas of open space within new housing developments.

In most cases such areas of open space are required by local development plan policies but as they are usually located on sloping ground that has poor drainage, surrounded by housing and unconnected to other areas of open space they have no value as green infrastructure, do not promote biodiversity and are little more than a visual enhancement (while they are maintained). While in theory they may appear as an excellent method of enhancing amenity and green infrastructure in reality their long term maintenance and survival is fraught. Householders simply refuse to pay factoring charges despite them being written into the title of their properties meaning that maintenance scheduling and economic viability of factoring operations are destined to fail.

Our client's business model involves buying areas of informal open space from factoring companies that are in administration, building a house on the site and using the profit from the house sale to fund the redevelopment of the remaining area of open space for more usable purposes such as an equipped play park and setting up a community trust to maintain the open space in perpetuity. However, it should be noted that in order for the business to succeed a modest profit has to be realised from the proposed developments. This is the reason why the erection of a house on the application site is essential in this instance to secure the longterm future, amenity value, usability and maintenance of this area of open space.

### C. Concerns of the Objectors

18 letters of representation were received objecting to the proposed development. In summary, the letters received highlighted the following concerns:

- Errors in supporting planning statement
- Loss of green space and trees / loss of amenity space
- Overdevelopment of the area / inappropriate housing density and land use
- Loss of well used area where children currently play
- Contrary to adopted Local Development Plan
- Road safety and parking concerns / increase in traffic
- Out of character with the area
- Impact upon existing amenity (overlooking/ noise pollution/ overshadowing)
- Loss of well used thoroughfare (reference to link with existing bus stops and dog walkers)
- Impact on property values
- No flood risk checks or drainage information submitted
- Setting of an unwelcome precedent
- Loss of wildlife habitats
- Concerns with the loss of a proposed path as indicated by PKC

In response to the objectors concerns note should be taken of the following matters:

- The errors in the original planning statement referred to by the objectors relate to the annotated site photographs where the wrong annotation was used to describe what the photographs show.
- Concerns relating to impact on property values are not material planning considerations and as such cannot be taken into account in the determination of this appeal.
- The Case Officers Report of Handling confirms that the site has not historically been the subject of flooding. However, site visits confirm that the ground conditions are such that during heavy rain the site becomes saturated due to surface water run-off.
- The remaining concerns of the objectors have been addressed in both the Case Officers Report and Handling and the evaluation of the proposed development in this appeal statement.
- The concerns of the objectors relating to loss of a pedestrian through route and a proposed footpath have been taken into account in the indicative site layout plan which proposes a surfaced footpath through the application site.

## **7.0 CONCLUSION**

The purpose of this statement has been to demonstrate that the proposal aligns with the aspirations of the Development Plan and satisfies the specific requirements of the adopted Perth and Kinross Local Development Plan.

The information contained within this statement combined with the application submission evidences the proposed development's compliance with the Development Plan. The concerns of the objectors have been largely dismissed by the Planning Case Officer. However, the concerns raised in relation to the need for a formal access through the site and the creation of a high quality usable amenity space for the use of local residents are supported by our client and are reflected in the revisions to the indicative site layout plan.

Taking these matters into consideration it is respectfully requested that, having regard to the requirements of Section 25 and 37 of the Town and Country Planning (Scotland) Act, 1997, as amended, this appeal is supported and planning permission principle granted.

## PERTH AND KINROSS COUNCIL

Carse Developments Ltd c/o Jon Frullani Jon Frullani Architect Unit 5, District 10 25 Greenmarket Dundee DD1 4QB	Pullar House 35 Kinnoull Street PERTH PH1 5GD
	Date 23rd April 2018

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00419/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 19th March 2018 for permission for **Erection of a dwellinghouse (in principle) Land 20 Metres South Of 41 Mary Findlay Drive Longforgan** for the reasons undernoted.

Interim Development Quality Manager

#### Reasons for Refusal

1. The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development would result in overdevelopment that would not contribute positively to the area and would not respect the character or amenity of the place.
2. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area and that

areas of amenity value are retained. The development of this site for a dwellinghouse would be detrimental to the character and amenity of the area as it would encroach on to an existing area of public open space that is of local amenity value and would set an unwelcome precedent for further development.

3. The proposal is contrary to Policy CF2: Public Access of the Perth and Kinross Local Development Plan 2014, which seeks to protect well used routes for public access unless alternative provisions are made. There is no alternative provision proposed and the development would completely detach the 2 cul-de-sacs of Mary Findlay Drive.

#### Justification

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

#### Notes

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

#### Plan Reference

18/00419/1

18/00419/2

18/00419/3

18/00419/4

18/00419/5

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	18/00419/IPL	
Ward No	P1- Carse of Gowrie	
Due Determination Date	18.05.2018	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse (in principle).

**LOCATION:** Land 20metres South of 41 Mary Findlay Drive,  
Longforgan.

#### **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:** 21<sup>st</sup> March 2018

#### **SITE PHOTOGRAPHS**



#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site is on land 20metres South of 41 Mary Findlay Drive, Longforgan. The application seeks planning permission in principle for the erection of a dwellinghouse. The proposed site is approximately 549m<sup>2</sup> and is currently utilised as open space, where there are some vegetation and trees present. The open space forms part of the designated amenity land for the wider housing development in which it is located. The wider development is a

Stewart Milne development that was granted in 1998 (refer to application 98/00260/FUL).

The site is within the Longforgan settlement boundary and is bound to the North East from Mary Findlay Drive itself and to the North West and South East by existing housing. An area of open space is to be retained to the South West of the development site, measuring approximately 444m<sup>2</sup>. An indicative plan highlights that access will be taken from Mary Findlay Drive to the North East.

## **SITE HISTORY**

None.

## **PRE-APPLICATION CONSULTATION**

Pre-application Reference: 17/00836/PREAPP

It was identified at pre-application stage that the loss of this amenity land would be contrary to the adopted Local Development Plan and the agent was advised not to come forward with a formal application.

## **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 adaption.

**Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

**Policy PM3 - Infrastructure Contributions**

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

**Policy 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 CF2 – Public Access**

Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used route will be refused. Development proposals that would affect unreasonably public access rights to these features will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provisions are made.

**Policy NE3 - Biodiversity**

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

**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.

**OTHER POLICIES**

## Development Contributions and Affordable Housing Guide 2016

This document sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

### **CONSULTATION RESPONSES**

#### External

Scottish Water:

Scottish Water did not respond to the consultation.

Dundee Airport Ltd:

No objection to the proposed development.

#### Internal

Environmental Health:

No adverse comments to make on the application.

Contributions Officer:

Recommended 2 conditions to be attached to any planning consent granted regarding the development being in accordance with the contributions guidance.

Transport Planning:

No objection to the proposed development subject to conditional control.

Community Greenspace:

The existing public open space should be retained in its entirety.

### **REPRESENTATIONS**

18 letters of representation were received **objecting** to the proposed development. No letters of representation were received in support of the application. In summary, the letters received highlighted the following concerns:

- Errors in supporting planning statement
- Loss of green space and trees / loss of amenity space
- Overdevelopment of the area / inappropriate housing density and land use
- Loss of well used area where children currently play
- Contrary to adopted Local Development Plan
- Road safety and parking concerns / increase in traffic
- Out of character with the area
- Impact upon existing amenity (overlooking / noise pollution / overshadowing)



- Loss of well used thoroughfare (reference to link with existing bus stops and dog walkers)
- Impact on property values
- No flood risk checks or drainage information submitted
- Setting of an unwelcome precedent
- Loss of wildlife habitats
- Concerns with the loss of a proposed path as indicated by PKC

#### **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	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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

#### **Policy Appraisal**

The site is located within the settlement boundary of Longforan, therefore Policy RD1 'Residential Areas' of the Perth & Kinross Council Local Development Plan 2014 is directly applicable. Policy RD1 states that proposals will be encouraged where they satisfy the criteria set out in the policy. This includes the retention of small areas of private or public open space which are of recreational or amenity value. In this instance, the proposal seeks to reduce the existing area of open space to accommodate a dwellinghouse. The reduction of this area of open space is considered to have an adverse impact upon the character and integrity of the area. Mary Findlay Drive is a Stewart Milne development that was granted in 1998 (refer to application 98/00260/FUL). The area proposed to be developed under this current application was incorporated as amenity space within the said development. To now develop part of this land this would be of detriment to

the wider development as this land was originally intended to serve an amenity purpose. This was highlighted to the agent at pre-application stage.

Further to Policy RD1, the Placemaking Policies PM1A and PM1B will also be directly applicable. These policies seek to ensure that all new developments contribute positively to the quality of place. The proposed development would result in the overdevelopment of the area that would not contribute positively to the area and would not respect the character or amenity of the place.

It should be noted that Policy CF1 'Open Space Retention and Provision' is not applicable to this application as whilst the area is useable amenity space, it has not been formally designated as open space within the Local Development Plan. Policy CF2 'Public Access' will however be applied as development proposals that would have an adverse impact upon the integrity of any well used route will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provisions are made. The proposed development would completely detach the 2 cul-de-sacs of Mary Findlay Drive which would restrict public access.

Overall, it is considered that the proposal is contrary to the adopted Local Development Plan as the development would detract from the quality of place and would have an adverse impact upon the existing amenity and public access in the area.

### **Design and Layout**

As this application is simply seeking to establish the principle of a residential development on the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed unit. All matters in relation to Design and Layout would be considered under a detailed application.

### **Landscape and Visual Amenity**

Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the siting of a proposed dwellinghouse on this site within the settlement boundary of Longforgan is not considered to erode the visual amenity, local distinctiveness, diversity and quality of the landscape.

### **Residential Amenity**

It is considered that the site is large enough to accommodate a modest dwellinghouse without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for the proposed dwellinghouse. I therefore have no concerns at the principle of a dwellinghouses on this site in relation to residential amenity.

The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in the existing houses. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However, whilst the letters of representation are noted, it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties. Equally, it is considered that there would be a suitable level of residential amenity for future occupiers of the proposed dwellinghouse.

### **Roads and Access**

The indicative plans show a driveway capable of accommodating at least 2 vehicles which is accessed from Mary Findlay Drive to the North East. My colleagues in Transport Planning were consulted as part of this application and noted the comments from the objectors regarding parking, pedestrian access and traffic. Whilst the Transport Planning Officer would agree that the proposal would lead to an increase in traffic, he does not agree that the traffic generated by one house would cause a significant detrimental effect. The Officer also pointed out that whilst this area of land is used as an informal pedestrian access by the general public, it has not been formally designated as a right of way or core path.

Overall, the Transport Planning Officer does not object to the proposed development subject to conditional control in the interests of pedestrian and traffic safety. I therefore have no adverse concerns in relation to roads and access that could not be controlled via planning conditions.

### **Contaminated Land**

Environmental Health has been consulted and notes that a search of the historic records did not raise any concerns regarding ground contamination.

### **Public Access**

The area of amenity space to be developed incorporates an informal footpath which links the 2 cul-de-sacs of Mary Findlay Drive. As previously mentioned, this path has not been formally designated as a right of way or core path. It is indicated through some of the objections received that this is a well-used route for pedestrians who are travelling to the nearest bus stop in addition to dog walkers. Policy CF2 'Public Access', of the adopted Local Development Plan, states that development proposals that would have an adverse impact upon the integrity of any well used route will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative

provisions are made. In this instance, there is no alternative provision as part of the proposals and the proposed development would completely detach the 2 cul-de-sacs of Mary Findlay Drive which would restrict public access. As such, the proposal is considered to be contrary to Policy CF2 due to the adverse impacts upon public access and consequently will be included as a reason for refusal on this report.

### **Drainage and Flooding**

The site is not within an area known to flooding and as such it is therefore considered that there are no flooding implications associated with this proposal. All matters in relation to drainage would be considered under a detailed application. Whilst the letter of representation which was concerned about the lack of drainage information submitted is noted, this would be a consideration for a detailed application.

### **Biodiversity and Trees**

In some of the objections received, the impacts upon biodiversity and the trees on the site were raised as a concern. Policy NE2B - Forestry, Woodland and Trees, of the Perth and Kinross Local Development Plan 2014, states that where there are existing trees on a development site, any application should be accompanied by a tree survey. In this instance, after conducting a site visit, I do not consider it necessary to request a Tree Survey as there are no trees of significance on the developable area of the plot. In turn, it is also considered that there is a lack of habitats available for protected species. I therefore do not consider it appropriate to request any tree or biodiversity studies. If consent was to be granted, the impacts upon biodiversity could be controlled by adding conditions to the consent. I therefore have no adverse concerns in relation to trees and biodiversity.

### **Developer Contributions**

#### Primary Education

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

This proposal is within the catchment of Longforgan Primary School.

The Contributions Officer recommended that a condition to reflect this should be attached to any planning application granted.

#### Transport Infrastructure

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

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and the Contributions Officer therefore recommended that a condition to reflect this should be attached to any planning application granted.

### **Economic Impact**

The development of this site will count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated development.

### **Conclusion**

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

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

**Refuse the application.**

### **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of

development should respect the character and amenity of the place. The proposed development would result in overdevelopment that would not contribute positively to the area and would not respect the character or amenity of the place.

- 2 The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area and that areas of amenity value are retained. The development of this site for a dwellinghouse would be detrimental to the character and amenity of the area as it would encroach on to an existing area of public open space that is of local amenity value and would set an unwelcome precedent for further development.
- 3 The proposal is contrary to Policy CF2: Public Access of the Perth and Kinross Local Development Plan 2014, which seeks to protect well used routes for public access unless alternative provisions are made. There is no alternative provision proposed and the development would completely detach the 2 cul-de-sacs of Mary Findlay Drive.

### **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**

Not Applicable.

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

18/00419/1  
18/00419/2  
18/00419/3  
18/00419/4  
18/00419/5

**Date of Report** 23<sup>rd</sup> April 2018



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100087465-001

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

## Type of Application

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

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

## Description of Proposal

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

Planning Permission in Principle for the erection of a storey and a half dwelling house

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	JON FRULLANI ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	JON	Building Name:	UNIT 5, DISTRICT 10,
Last Name: *	FRULLANI	Building Number:	
Telephone Number: *	0138224828	Address 1 (Street): *	25 GREENMARKET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	DUNDEE
Fax Number:		Country: *	UNITED KINGDOM
		Postcode: *	DD1 4QB
Email Address: *	jon@jfarchitect.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	
Company/Organisation	Carse Developments Ltd	Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

729884

Easting

330483

## Pre-Application Discussion

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

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

The pre-application advice raised a few concerns in relation to policy RD1 in regards to the initial site plan, which showed the erection of two dwelling houses. We have subsequently amended our site plan to show a storey and a half dwelling house with an accompanying planning statement with full justification.

Title:

Mr

Other title:

First Name:

Sean

Last Name:

Panton

Correspondence Reference Number:

17/00836/PREAPP

Date (dd/mm/yyyy):

05/01/2018

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

## Site Area

Please state the site area:

550.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Public open space

## Access and Parking

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

☒

Yes

☐

No

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

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

☒

Yes

☐

No

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

## Water Supply and Drainage Arrangements

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

☐

Yes

☒

No

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

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒

Yes

☐

No, using a private water supply

☐

No connection required

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

## Assessment of Flood Risk

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

☐

Yes

☐

No

☒

Don't Know

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

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

☐

Yes

☐

No

☒

Don't Know

## Trees

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

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☐ No ☒ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: JON FRULLANI

On behalf of: Carse Developments Ltd

Date: 14/03/2018

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr JON FRULLANI

Declaration Date: 14/03/2018

## Payment Details

Created: 14/03/2018 10:29



# **ERECTION OF DWELLINGHOUSE AT LAND AT MARY FINDLAY DRIVE, LONGFORGAN**

## **PLANNING STATEMENT**



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## 1.0 INTRODUCTION

This statement has been prepared to support an application for Planning Permission in Principal for the Erection of a Dwelling house at Land at Mary Findlay Drive, Longforgan.

Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 directs that all planning decisions should accord with the development plan unless material considerations indicate otherwise:

*Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.*

Section 37 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, re-affirms the above direction and confirms that in Determining planning applications, the Planning Authority “*shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations*”.

The Scottish Planning Policy stipulates that in considering planning applications planning authorities should adopt a presumption in favour of development that contributes to sustainable development. Scottish Government Planning Policy states:

*“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”*

In addition the Scottish Planning Policy also states:

*“Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.”*

This statement shall demonstrate the proposal’s alignment with the objectives of the Development Plan as well as highlight material considerations that support the approval of planning permission.

## 2.0 SITE

The application site is located at the northern end of the Mary Finlay Drive cul-de-sac and takes the form of an informal area of open space.

The site is bound to the south by the boundary fences of the properties at 25 and 39 Mary Findlay Drive and to the north by shrubbery enclosing the front gardens of the properties at 21, 23 and 41 Mary Findlay Drive. To the east and west the Mary Findlay Drive cul-de-sac road carriageways bound the site.

Figure 1 shows the location of the site in relation to the surrounding Mary Findlay Drive development.



Figure 1: Site Location Plan



The site is sewn in grass and has a number of young, poorly maintained trees and shrubs located upon it as demonstrated by Figure 4.

The site slopes from west to east as demonstrated by the photographs in Figures 2, 3 and 4 and is largely unusable due to this.

Figure 2: Photograph of Site from East Looking West



Figure 3: Photograph of Site from West Looking East



### 3.0 PROPOSAL

This application seeks planning permission in principle for the erection of a house in the eastern sector of the site with the western sector of the site redeveloped as an equipped area of usable open space with park benches.

The area of open space shall be formed in consultation with the local community. However, it is envisaged that in addition to items of play equipment there shall be benches and landscaping to enhance the amenity value.

The proposed house shall be storey and a half and three bedrooms. The house shall be served by off-street parking for 2 vehicles and an area of private usable garden ground of 240sqm.

The indicative site layout plan in Figure 5 illustrates the layout of the proposed development and its relationship with the surrounding Mary Findlay Drive development.

Figure 4: Present Condition of Site



#### 4.0 SITE HISTORY

The applicant has recently purchased the site after the factoring company that owned it went into administration jeopardising its long-term maintenance. This is an issue that is endemic across the Country with Council's being both unwilling and financially unable to take responsibility for the maintenance of areas of open space within new housing developments.

In most cases such areas of open space are required by local development plan policies but as they are usually located on sloping ground that has poor drainage, surrounded by housing and unconnected to other areas of open space they have no value as green infrastructure, do not promote biodiversity and are little more than a visual enhancement (while they are maintained). While in theory they may appear as an excellent method of enhancing amenity and green infrastructure in reality their long term maintenance and survival is fraught. Householders simply refuse to pay factoring charges despite them being written into the title of their

properties meaning that maintenance scheduling and economic viability of factoring operations are destined to fail.

Our client's business model involves buying areas of informal open space from factoring companies that are in administration, building a house on the site and using the profit from the house sale to fund the redevelopment of the remaining area of open space for more usable purposes such as an equipped play park and setting up a community trust to maintain the open space in perpetuity. However, it should be noted that in order for the business to succeed a modest profit has to be realised from the proposed developments.

Figure 5: Indicative Site Layout Plan



In response to a pre-application enquiry the Council has stated that the erection of a house on part of the site and the creation of an equipped play facility on the remaining area of open space would not be supported due to the loss of open space of amenity value. However, in responding to the pre-application enquiry the Council did not visit the site and did not taken account of the

sloping topography of the site, the poor drainage conditions, its usability, long term maintenance and resultant impact on amenity.

## **5.0 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 adaption.

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy RD1 - Residential Areas**

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

#### **Policy CF1- Open Space Retention and Provision**

Development proposals which result in loss of areas of open space will not be permitted, except in certain circumstances, including the provision of a better quality facility within the same site which is convenient for its users.

## **6.0 ANALYSIS**

Policy PM4 Settlement Boundaries identifies that there will be a presumption against development outwith settlements that are defined by a settlement boundary by the adopted



Local Development Plan. As the site of the proposed development is located within the settlement boundary of Scone as defined by the adopted Plan the proposal accords with Policy PM4.

The adopted Local Development Plan identifies Sports Pitches, Parks and Open Space, 'as areas of land which have value to the community for either recreational or amenity purposes'. In its current condition the site has limited amenity value. The site is largely unkempt with little to no maintenance taking place in the last 2 years as is evident from the condition of the grass surface, the shrubs and trees shown in Figures 2, 3 and 4. While from a distance the site may provide a pleasant outlook for neighbouring properties its usability is restricted by its topography. This makes it unusable for recreational purposes. In addition there are no footpaths or benches to enable residents to make use of or enjoy the pleasantness of the surroundings.

Policy RD1 Residential Areas, states that small areas of private and public open space will be retained where they are of recreational or amenity value. Policy CF1 Open Space Retention and Provision, states that development proposals which result in loss of (designated) open space will not be permitted, except in certain circumstances, including the provision of a better quality facility within the same site which is convenient for its users.

The proposal does not seek to remove the existing area of open space but rather allow for the erection of a modest two bedroom house on part of the site to facilitate the significant enhancement of the usability and amenity value of the remaining open space.

The improvements proposed shall involve the creation of an equipped area of open space and the installation of benches and landscaping to form of a community garden. The resulting area of open space shall be an accessible and inclusive environment for residents and visitors to the area.

In consultation with surrounding property owners, the applicant shall set up a community trust to take ownership of the remaining and enhanced area of open space securing its long-term maintenance. In such circumstances the proposed housing shall enable the improvements to the open space outlined above and the setting up of a community trust to take ownership of the land and its future maintenance. The applicant is agreeable to this being controlled by S75 legal agreement.

The proposed enhancement to the area of open space outlined above accords with the criteria of Policy RD1 which states that encouragement will be given to proposals that infill residential development at a density which represents the most efficient use of the site while respecting its environs as well as proposals for improvements to community and educational facilities.

In terms of the proposed housing unit, we believe that the location and form of the housing plot is of a scale, design and layout that blends with the surrounding urban and residential environment.

The proposed house shall have an east to west orientation and shall be accessed from Mary Findlay Drive to the west. This will ensure that the proposed house is afforded a sunny outlook, a generous area of private garden ground as well as two off street parking spaces. The location of the proposed houses shall ensure that there is a distance of no less than 20m between the facing windows of neighbouring houses and also that there will be no overshadowing of neighbouring properties. The location and orientation of the proposed house shall ensure that there is no physical impact on neighbouring properties or the adjoining area of remaining open

space to the north. In addition the proposed house has been purposefully positioned to reinforce the form of the existing street created by the form and orientation of housing units on the opposing sides of Mary Findlay Drive.

In satisfying the requirements of Policies PM4 and RD1 we believe the proposal to also satisfy Policy PM1 Placemaking which states that development must contribute positively, to the quality of the surrounding built and natural environment.

Although the site is not designated by the Local Development Plan as an area of open space, the proposal adheres to the requirements and aspirations of Policy CF1 as demonstrated above.

In summary, the proposal seeks to facilitate the long term maintenance of the application site as an area of open space by the Mary Findlay Drive residents through the erection of a house on part of the site. The enhancement to the amenity value and usability of the open space that can be realised by the proposed development is significant while the local community shall be empowered to maintain and invest in the area where they live. In this regard the proposed development is fully aligned with the aspirations of the adopted Local Development Plan.

## **7.0 MATERIAL CONSIDERATIONS**

The Scottish Government sets out the national planning context in both National Planning Framework 3 and in Scottish Planning Policy (SPP) 2014.

The National Planning Framework outlines the long-term strategy for Scotland and provides a spatial representation of the Government's economic strategy, and plans for delivery of infrastructure.

SPP sets out Scottish Government policy on how nationally important land use planning matters should be addressed across the country.

Together the application of the National Planning Framework and Scottish Planning Policy at the national, strategic and local levels will enable the planning system to deliver the Scottish Government's vision and outcomes for Scotland that include:

- A successful, sustainable place;
- A low carbon place;
- A natural, resilient place;
- A connected place.

SPP sets out the principal overarching policies on Sustainability and Placemaking and reaffirms that these policies should be applied to all development.

As well as the National Planning Framework and SPP the following Scottish Government planning policy documents are also relevant to the proposed development:

- o Creating Places, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- o Designing Streets, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance.

The location of the application site accords with the broad approach of the above national policy and guidance statements to direct new development to settlements and together with

supporting the creation of sustainable communities and economic growth. Therefore, the proposed development is considered to positively contribute to placemaking objectives and will provide for a new housing unit and enhanced area of open space of a high-quality design in a location that is appropriate for such provision.

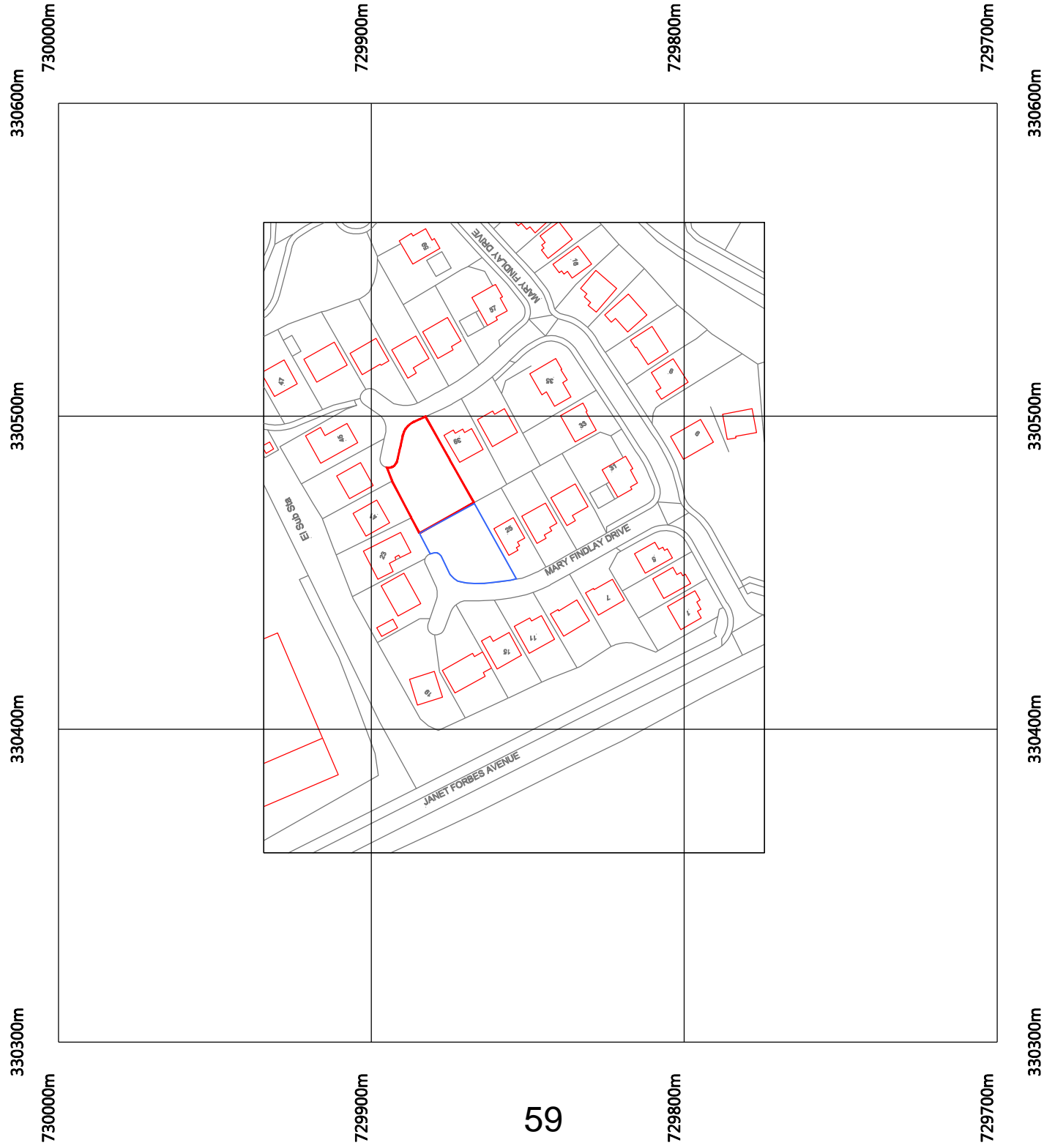
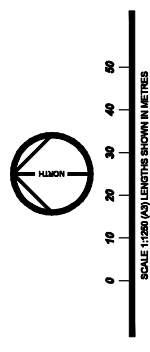
## **8.0 CONCLUSION**

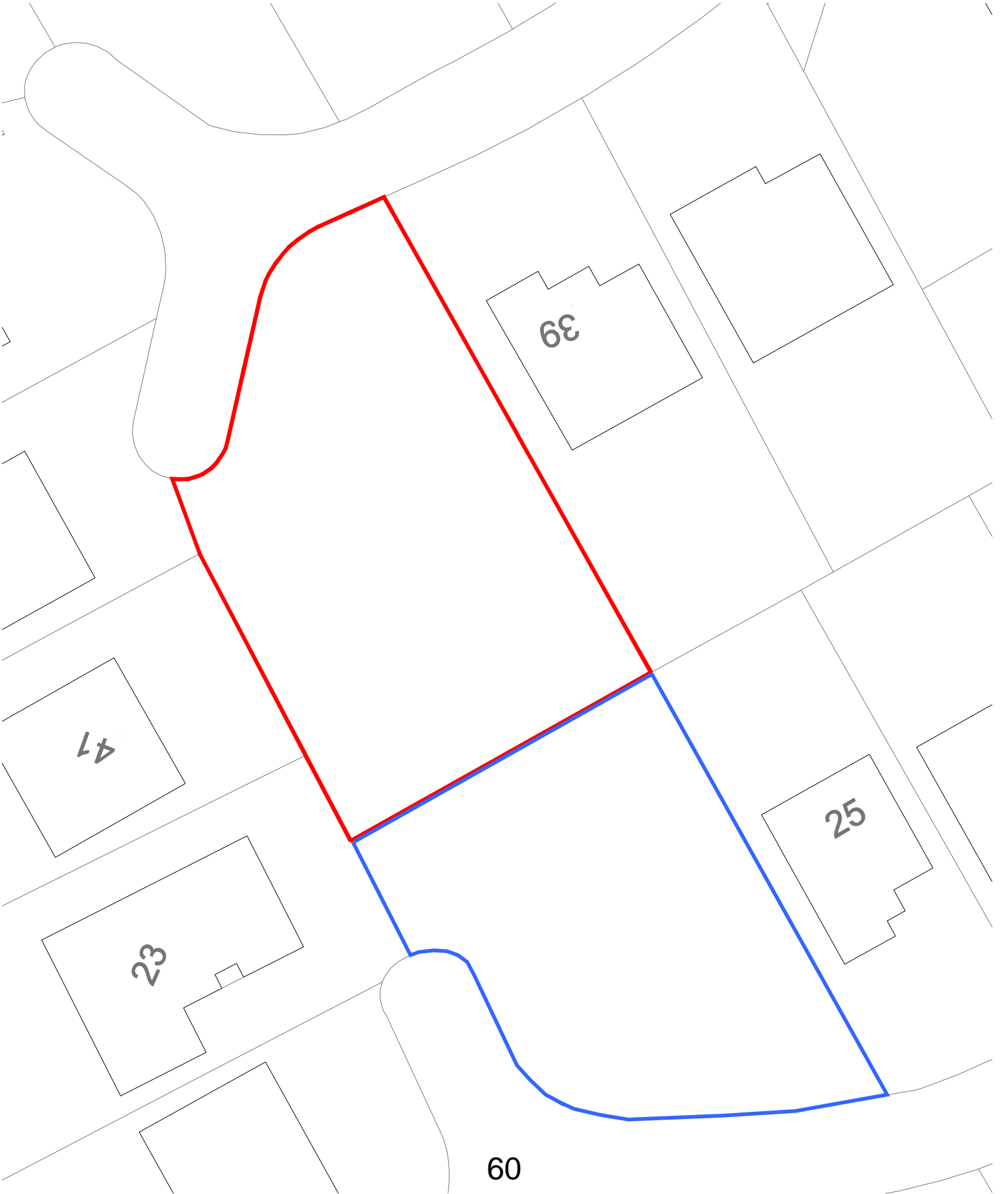
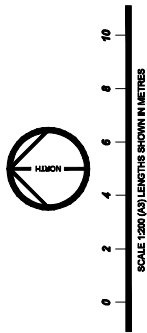
Section 25 of the Planning Act requires planning authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.


The proposal supports the policy objectives of both the approved TAYplan and adopted Dundee Local Development Plan. This statement has demonstrated that the proposal would deliver effective high quality housing and usable open space. The statement also demonstrates that the proposal would enhance the character and amenity of the area.

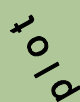
In conclusion, the proposals accords with the aims, objectives and aspirations of the Development Plan and other relevant material considerations. It is respectfully requested that planning permission is granted.



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		<b>JON FRULLANI</b> ARCHITECT	
Drawing Title		Existing Site Plan	
Drawing No.		SP11_SP_001	
Issue Status		Planning	
Scale		1:2000@A3	
Revision		-	
Project		SP11	
Client		Cena Developments Ltd	
Address		Mary Frithay Drive Longorgan D02 SLE	
Designer		JRM	
Date		March 18	
KM		1:2000@A3	
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**JOON FRULLANI**  
ARCHITECT

**Number 7266**

Proposed Site Plan

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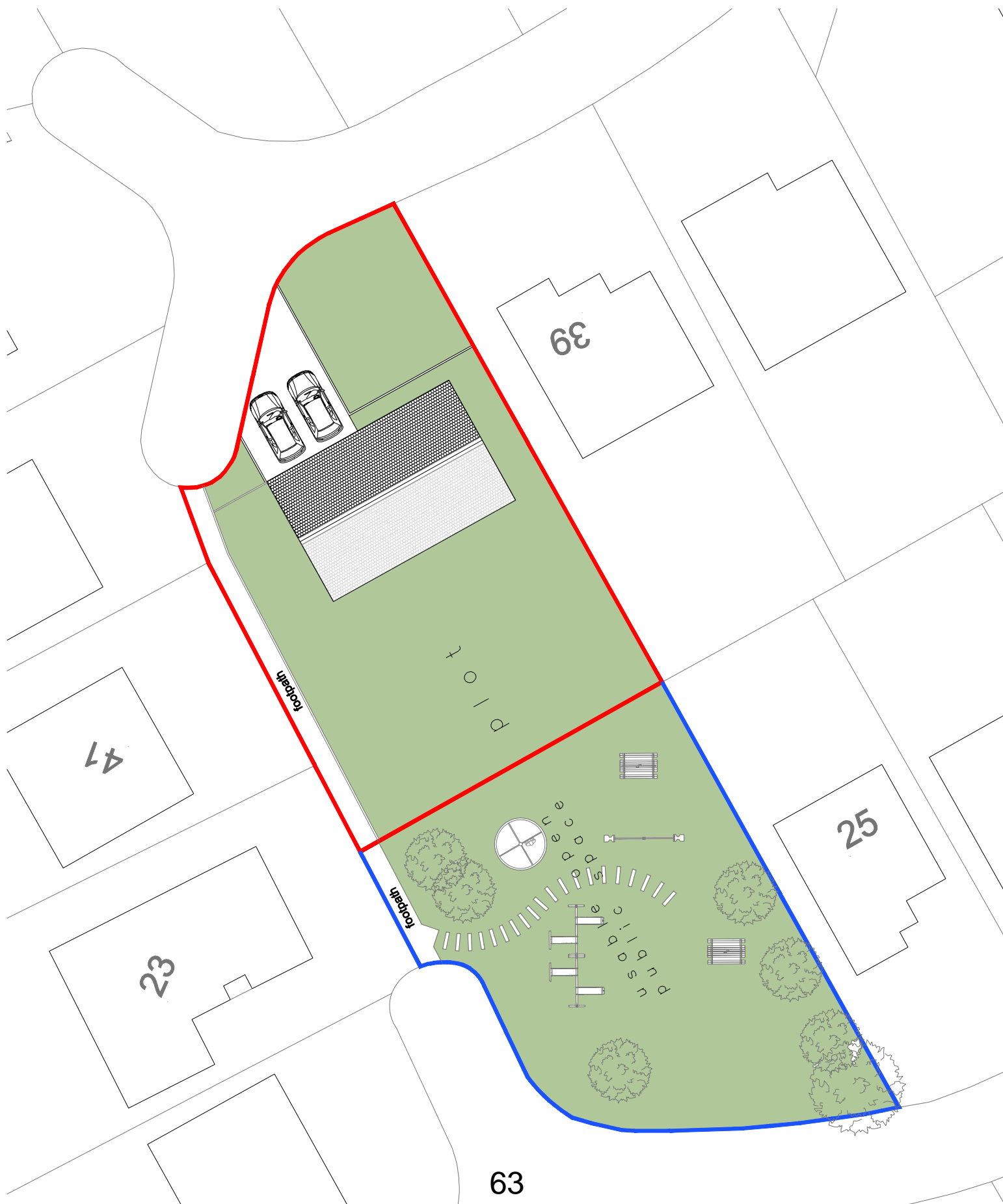
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
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**The Executive Summary will consist of no more than five to six pages.**

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Client	Careo Developments Ltd		
Address	Mary Pinckney Drive Longforgan D02 S1E	Drawing Title 9911_S0_002	Drawing No. 9911_S0_002
Designer		Issue Reason Planning	Revisions
Issue		Date	Revision
		March 18	1/2009/03
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**TCP/11/16(544) – 18/00419/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 29-30)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 31-40)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 49-61)*









**TCP/11/16(544) – 18/00419/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan**

## **REPRESENTATIONS**



# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Ms PATRICIA THOMSON

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Lack or loss Of Car parking
- Loss Of Open Space
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: THE FRONT OF MY HOUSE AND GARDEN WOULD LOOK DIRECTLY INTO THIS PROPOSED BUILDING.

THIS AMENITY GROUND WOULD BE SORELY MISSED BY THE COMMUNITY. CHILDREN SAFELY PLAY HERE AND

IT HAS BEEN A RIGHT OF WAY SINCE THE YEAR 2000 TO ACCESS SCHOOLS BUSES ECT.

THIS AREA BOASTS A VARIETY OF TREES AND SHRUBS

ENCOURAGING A VARIETY OF BIRDS AND OTHER WILD LIFE.

MOST FAMILIES HERE HAVE 2ND CARS AND SMALL DRIVES, PARKING AND SAFETY WOULD BECOME COMPROMISED





# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr Christopher Vardy

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Loss Of Open Space

Comment: I vehemently oppose this proposal for several reasons:

The amenity land in question is used throughout the year by the children of Mary Findlay Drive to play on. Halving of this land would have a detrimental effect.

The amenity land is used as a thoroughfare by the children living in the properties on the west of Mary Findlay Drive to safely access the small play park. It is also used by numerous people to access the bus stops as well as dog walkers.

On a personal level, the back of the proposed property would be up the hill on the amenity land and look directly into my house, which I am against for obvious reasons. One of the main reasons we purchased our house was that there is a large area directly opposite for our son to play on safely. We were informed by our solicitor that this is amenity land and that no developments could ever take place on the land, so this proposal has made us upset and very angry.

I have spoken to our neighbours and have not found one person that wants this proposal to succeed. There are a number of us that are incredibly angry that this proposal has been put in at all. The residents were informed within the last 2 years that a wide pavement was to be constructed on this amenity land as part of Perth and Kinross Council Environment, Enterprise and Infrastructure Committee Core Paths Plan. We were told that the Core Paths Plan was to link the west of Longforgan to the school. There was excitement about this plan as it would encourage our children to bike and walk to school, this property proposal would adversely affect this.

From looking through the application, it is trying to convince us that this proposal is a good thing

for those, including myself, living in the area; this is farcical and couldn't be further from the truth. The application also contradicts itself when mentioning a 3 bed property and then later on stating a 2 bed property. Also the company stated on the application was dissolved in July 2017. In my opinion this application looks simply like someone has purchased the land for a couple of thousand pounds and is trying to make a "fast buck" at the expense of all the people that use the amenity land, as if this proposal is successful the land would then be worth numerous times more than the couple of thousand it cost.

Mary Findlay Drive already has enough properties on it; we do not want to lose any of our limited community amenity land to make way for a further unneeded property.



# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr Alasdair Bailey

Address: [REDACTED]

## Comment Details

Commenter Type: Ward Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Over Intensive Development

Comment: Approving this application would open the floodgates to speculators who would to buy up and attempt to develop parcels of amenity and recreational ground within housing developments across the Perth & Kinross Council area.

These areas were left as open space by the original developers to comply with the prevailing planning guidance. To now develop them does a great disservice to the residents who bought houses with an expectation that such land be maintained for the common good. This is distinctly different to the matter of infill and vacant plots within our settlements which were never specifically set aside for community usage.

Specifically, I have spoken with constituents and I wish to reflect their views by registering my objection to this proposal on the following grounds:

1/ Contrary to Policy RD1 of the Local Development Plan. This seeks to retain areas of public open space which are of recreational. In this case the site was intended to provide an area of communal open space for the benefit of all residents. The original application for 60 houses (ref 98/00260/FUL) may never have been approved had there been an additional house proposed for this land.

2/ The applicant talks down the existing amenity and recreational value of the land, stating "The

site slopes from west to east as demonstrated by the photographs in Figures 2, 3 and 4 and is largely unusable due to this". I beg to differ, the slope on this land makes it more interesting for kids to play on and I note that modern play areas often include artificial hills for precisely this reason.

3/ The applicant states "Our client's business model involves buying areas of informal open space from factoring companies that are in administration, building a house on the site and using the profit from the house sale to fund the redevelopment of the remaining area of open space for more usable purposes such as an equipped play park and setting up a community trust to maintain the open space in perpetuity."

3a/ I can see no evidence that the factor in this case (Greenspace Ltd.) is in administration. It is however failing to fulfil its obligation to provide grounds maintenance per the original 1998 consent for these houses ref 98/00260/FUL.

3b/ I note that although the applicant implies that the remainder of the land could be put to community use and improved, they make no firm or financial commitment to do so. On a technicality, the applicant has not included the remainder of the area within the bounds of this application therefore any commitment to improve it would not be enforceable through the planning process anyway.

4/ PKC at one stage intended to construct a path across this land to improve pedestrian and cycle access to the village centre and school. This proposed development precludes that and curtails the existing informal access across the land that residents of the western fork of Mary Findlay Drive enjoy today.

# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Ms Kerry Duncan

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Loss Of Open Space
- Out of Character with the Area

Comment: I object to the building of a house in the proposed site for the following reasons:

The area is and has always been a safe and popular play space for my own young children and many others in the neighbourhood. It is a safe thoroughfare to the play park nearby and allows the children to avoid the road.

It would be visually displeasing as the site currently offers a light and open space which would be blocked by the proposed building, one which I might expect, would not be in-keeping with the existing properties.

Access to the site would be via 2 cul-de-sacs in the street (1 of which is where I reside) and where there is already much traffic. The incoming building traffic would, I feel, compromise the safety of my children and further congest an already busy neighbourhood.



# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mrs Tessa Harvey

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Loss Of Trees
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Over Looking

Comment: I object to the proposed development for the following reasons:

1. Loss of amenity space. The proposed house plot is on land designated as community amenity space at the time we purchased the house (at the time the development started).
2. Loss of privacy / overlooking. Due to the proposed site sitting higher than my house I will lose privacy to the rear of my house and back garden
3. The site is not suitable as a house plot. The Planning Statement submitted with the application notes, 'the site slopes from West to East as demonstrated by the photographs....and is largely unusable due to this'. Yet there is a proposal to put a house and 2 associated car parking spaces on this site.
4. Loss of wildlife habitat. The proposed house plot would see the removal of a substantial amount of shrubs / bushes which provide valuable habitat for a variety of birds and small mammals.
5. Loss of pedestrian access to centre of Longforgan and also to existing Children's play area. The proposed house plot is a well used path which links the cul-de-sac to the centre of Longforgan and provides a safe, vehicle free route for local children to access the existing childrens play area.
6. Proposed new Children's play area. This is ill defined and is not wanted by any of the local community. The area proposed is overlooked by many houses and would provide a source of

noise and nuisance given the very close proximity of a large number of houses.

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	18/00419/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 20 Metres South Of 41 Mary Findlay Drive, Longforgan		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Longforgan Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		

	<p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to transport infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.</p>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	27 March 2018



# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr Angus Forbes

Address: [REDACTED]

## Comment Details

Commenter Type: Ward Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Loss Of Open Space

Comment: I write as an Elected Member on PKC for the Carse of Gowrie Ward. I have been contacted by constituents who object to this development and I agree with their views.

This land seems to have come to the market very suddenly, had the sale been publicised I am sure the community would have bought it and retained it as open space.

Its currently a safe place for children to play, well in sight of houses and ideal as informal recreation land. To lose this would be bad news for the area.

I have concerns about building taking place in that area too, large machinery being taken into an existing housing estate with children playing is a recipe for a very bad accident.

I am delighted that the number of objections has now reached 6 and this matter will be determined by committee.



# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr James Gethins

Address: [REDACTED]

## Comment Details

Commenter Type: Ward Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Housing Density
- Inappropriate Land Use
- Lack or loss Of Car parking
- Light Pollution
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Loss Of Trees
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: I agree with all the previous objections regarding traffic congestion and danger to local people and especially children

. Stewart Milne has let us all down by selling this land which was a great incentive to buy a house in such a pleasant area ..... This is obviously merely a money making venture and any pretence at enhancing the area should be treated with the contempt it deserves .



# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mrs Jacqueline McGarry

Address: [REDACTED]

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Inappropriate Land Use
- Loss Of Open Space
- Out of Character with the Area
- Over Intensive Development
- Over Looking

Comment: I echo the objections of my fellow residents of Mary Findlay Drive. I am disappointed that this land has been sold to a developer. The Kemp's Marsh estate is settled and does not need any pockets of green built on. Please take my comments into consideration and refuse this planning application.

1/ Contrary to Policy RD1 of the Local Development Plan. This seeks to retain areas of public open space which are of recreational. In this case the site was intended to provide an area of communal open space for the benefit of all residents. The original application for 60 houses (ref 98/00260/FUL) may never have been approved had there been an additional house proposed for this land.

2/ The applicant talks down the existing amenity and recreational value of the land, stating "The site slopes from west to east as demonstrated by the photographs in Figures 2, 3 and 4 and is largely unusable due to this". I beg to differ, the slope on this land makes it more interesting for kids to play on and I note that modern play areas often include artificial hills for precisely this reason.

3/ The applicant states "Our client's business model involves buying areas of informal open space from factoring companies that are in administration, building a house on the site and using the

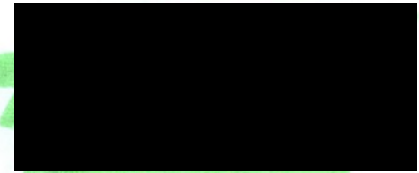
profit from the house sale to fund the redevelopment of the remaining area of open space for more usable purposes such as an equipped play park and setting up a community trust to maintain the open space in perpetuity."

3a/ I can see no evidence that the factor in this case (Greenspace Ltd.) is in administration. It is however failing to fulfil its obligation to provide grounds maintenance per the original 1998 consent for these houses ref 98/00260/FUL.

3b/ I note that although the applicant implies that the remainder of the land could be put to community use and improved, they make no firm or financial commitment to do so. On a technicality, the applicant has not included the remainder of the area within the bounds of this application therefore any commitment to improve it would not be enforceable through the planning process anyway.

4/ PKC at one stage intended to construct a path across this land to improve pedestrian and cycle access to the village centre and school. This proposed development precludes that and curtails the existing informal access across the land that residents of the western fork of Mary Findlay Drive enjoy today.

Additional Comments (Thomson)



REF 18/00419/IPL  
PLANNING APPLICATION

Dear sir/madam

I would be most grateful if you would please consider my reasons to oppose planning application to build immediately in front of my house at above address.

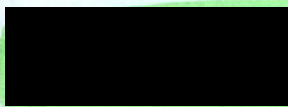
1. Visually there would be an effect on privacy as the front of my house and garden would be looking directly into this building. This is most important to my house position as the Haulage Firm out back creates noise and light pollution from heavy goods vehicles putting further importance to maintain the pleasant amenity area out front.

2. Over the last few years prior to private sale of this ground, the area took on a pleasant meadow appearance with wild flowers, variety of birds, rabbits ect.

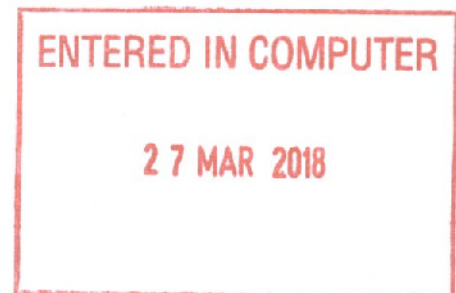
3. As amenity ground, the neighbours children play safely here throughout the summer and both children and some adults sledge here in winter. This would be a great loss to so many.

4. This ground has also been a right of way since the year 2000 for all to access schools busses and also to just enjoy having a pleasant green area..

yours sincerely  
Patricia Thomson.



26/03/2018.







29/03/18

18/00419/1PC

Objection

RECEIVED

03 APR 2018

Dear Planning Committee

I wish to object to the Planning Consent  
to the proposed development of an erection  
of a dwelling house (Ref 18/00419/1PC  
land 20 metres south of Maryfindlay Drive)

I have lived here for 20 years along with  
other residents. The area in question offers  
views towards the Fife hills it also  
gives an area where the children can  
play safely close to their homes and is  
a great green space within a country setting.  
The proposed development will completely  
separate the lower western part of  
Maryfindlay drive creating an enclosed  
culdesac and denying residents to  
a well used green space.

I trust you will give full consideration  
to my objection

Yours faithfully

ENTERED IN COMPUTER

03 APR 2018

Angela G Smith





# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mrs Shirley Wallace

Address: [REDACTED]

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees

Comment: I wish to object to the loss of local amenity garden space for the community benefit. If amenity spaces can just be snapped up by developers randomly in such a manner what is the point in having builders comply with providing "amenity land" in the first instance if it can be land grabbed at any time by developers making the current council Policy a farce....should the Council not stick to their own Policy. This land was not advertised for sale as far as I am aware so the whole situation is puzzling. This is a popular play area and also a dog walking area and was designated "amenity land" when Milnes sold all these houses....who can you trust these days.....hopefully the local councillors will be on this case. This could set a dangerous precedent for other "amenity spaces" to be grabbed by developers who don't live in the area and have no regard for the community.



# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr Lawrence Hill

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Out of Character with the Area
- Over Intensive Development
- Over Looking

Comment: If a house is being deemed appropriate for that piece of land then the original developer would have built one during the construction of the estate.

The land is used by the children of the area who play safely in the area.

The dwelling being built will be out of character with the existing houses and will overlook into other houses.

The upheaval that will be caused due to construction of the dwelling will cause many issues with those in the area



# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mrs Joanna McCormick

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Lack or loss Of Car parking
- Loss Of Open Space
- Loss Of Trees
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: I wish to object to the above proposal to build on this area of land. It is marked out as "amenity land" in the original 1998 plans by Stewart Milne, and as such gives a pleasant open aspect to the cul-de-sac. It currently serves as a connection from the bottom of the street to the play area, and is well used by dog walkers, and provides a safe space for children to play in view of their homes.

The availability of such outdoor space was a key factor in many residents' decisions to purchase their homes, the proposed build would leave these properties very overlooked.

There are several 2 and 3 car households in the street and it can be tricky for visiting cars to park, let alone heavy plant/builders' vehicles which would need access through an already established street. This would cause inconvenience and noise disturbance for residents in the short term, and further congest parking in the long term.

There would also be an environmental impact as a significant number of trees and shrubs would need to be removed, resulting in loss of wildlife habitat.

I would be dismayed to see this planning application approved as it sets a worrying precedent for any existing green spaces in the area to be snapped up by developers.





Louvain Pentley

object

**From:** Thiru Sudarshan [REDACTED]  
**Sent:** 04 April 2018 14:46  
**To:** Development Management - Generic Email Account  
**Subject:** 18/00419/IPL

Dear Sir/Madam

I write to object to the proposal to construct a dwelling house on land south of 41 Mary Findlay Drive, Longforgan.

The proposed space is an open space which was part of the original development and is currently used by the kids within the development to play during summer and go sledging during winter.

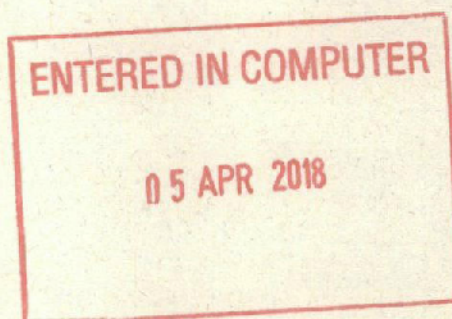
This proposed development would significantly impact on the quality of lighting to the surrounding houses.

This proposed house would lead to overdevelopment of this area with significant impact on the current residents in this region.

I hope the planning committee would take these into consideration.

Yours sincerely

Dr Thiru Sudarshan  
[REDACTED]







External Cosultee  
Response from Dundee Airport

Louvain Pentley

**From:** Anne Phillips [REDACTED]  
<Safeguarding@hial.co.uk>  
**Sent:** 06 April 2018 13:11  
**To:** Development Management - Generic Email Account  
**Subject:** RE: Planning Application Consultation for Application No 18/00419/IPL

Your Ref: 18/00419/IPL  
Our Ref: 2018/0045/DND

Dear Sir/Madam,

PROPOSAL: Erect Dwelling House(in principle)  
LOCATION: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would infringe the safeguarding surfaces for Dundee Airport. However, the location is already surrounded by existing houses of a similar height . Therefore, Dundee Airport Limited has no grounds on which to object to the proposal.

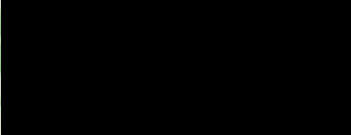
Regards

Safeguarding Team  
on behalf of Dundee Airport Limited  
c/o Highlands and Islands Airports Limited  
Head Office, Inverness Airport, Inverness IV2 7JB  
☎ 01667 464244 (DIRECT DIAL)  
\* [safeguarding@hial.co.uk](mailto:safeguarding@hial.co.uk) | [www.hial.co.uk](http://www.hial.co.uk)





Mr Ian Simpson & Mrs Gillian Simpson



I would like to object to the erection of a dwelling house on the land at Mary Findlay Drive, Longforgan.

The open grassed area is used by all residents for access to and from both cul de sacs, for kids playing, dogs walking and exercising. The open space is enjoyed by the residents in various ways and adds to the feeling of openness and countryside. We bought the house No.39, as it has the open grassed area and gives a sense of wellbeing and pleasant surroundings. If a house was built on the land, it would take that away and give a sense of a densely built up area with no open green space between the two cul de sacs. I would not have the benefit or access to the proposed usable open space and park benches, as the house would block access. The proposal states that if there is enough profit released from the sale of the house, park benches will be erected and a community trust be set up to maintain the remaining open space. If there is not enough profit from the sale of the house or the householders refuse to pay into the community trust for the maintenance, the proposal is destined to fail and another property will be proposed for the unkempt open space, as originally proposed.

### **Supporting information**

The site was only poorly maintained by Stewart Milne Holmes and subsequent owners. Neighbours contacted Perth and Kinross Council and Councillors in an attempt to have the ground maintained. No action was taken and the ground became overgrown. Neighbours got together to maintain the ground themselves as evidenced by the photographs. The trees and shrubs are in keeping with the rest of the area.

*Reference to point 4.0 The Site History, While in theory they may appear as an excellent method of enhancing amenity and green infrastructure in reality their long term maintenance and survival is fraught. Householders simply refuse to pay factoring charges despite them being written into the title of their properties meaning that maintenance scheduling and economic viability of factoring operations are destined to fail.*

Householders did pay maintenance charges and the owners of the land did not abide by their part of the agreement and subsequently sold the land and has never been maintained by the owners. The proposer states in one hand that householders have refused to pay factoring charges for maintenance and in the other states that they want to setup a community trust with the householders for the maintenance.

*Our client's business model involves buying areas of informal open space from factoring companies that are in administration, building a house on the site and using the profit from*



*the house sale to fund the redevelopment of the remaining area of open space for more usable purposes such as an equipped play park and setting up a community trust to maintain the open space in perpetuity. However, it should be noted that in order for the business to succeed a modest profit has to be realised from the proposed developments.*

The proposal is to build a house on the land and a modest profit has to be released for the development of the remaining green space and setting up a community trust to take ownership of the land and its future maintenance. The proposal goes against Policy RD1, taking away open space and building a house, then if a modest profit is not released, there will be no development of the remaining land and this is to be maintained by the local community trust that residents will not pay for something they oppose and why should residents pay for the maintenance of ground that the residents do not own, it is the responsibility of the land owner.

The proposal goes against Policy CF1, taking away an area of open space and building a house on it. This is not a better quality facility that is convenient for its users. The building of a house blocking access to the other cul-de-sac which is used by all for access, children playing, dogs walking etc, the area creates an open green space that is enjoyed by the community and adds to the feeling of openness and a sense of countryside environment.



Thomas, Moira & Amanda Dalgarno – [REDACTED]

We write in reference to the above recent notification of planning application on open land 20 metres south of 41 Mary Findlay Drive to express our objection to this being approved

There are many material considerations which should be taken into account regarding this application however, the most salient points to note at this stage would be:

From Application For Planning Permission document:

1. Access & Parking – changes being made but, no notification of plans for current rights of access of rights of way being maintained following the changes
2. No checks having been made in relation to increased flooding risk or surface water risk from these proposals – why? Currently there are no issues from flooding or surface water from this area but, if any changes were to be made to the land in its current format this may change and fundamentally affect the current flood or surface water risk, which in turn will affect all the residents covers for home insurance and possible exclusions of flood and surface water covers going forward
3. No provisions have been considered for sustainable drainage if any changes to this land were to be made
4. This document states there are no trees on or adjacent to the site – this is incorrect there are both which is clear from the photographs attached to the Planning Statement and also mentioned in the proposer's case for this application. As per Policy NE2B – "Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site" there are no documents attached to this application for view

From Planning Application document:

1. Point 2 of application shows Figs 2 & 3 – stating views from East to West & vice versa however, the photographs show the opposite views to those stated!
2. Point 2, Figure 1 of application shows the drawing of the proposed PDH as being from West to East
3. Point 2 also states the area is "largely unusable". This is incorrect as the area is very usable as an open space and amenity for the residents and their children and the wildlife which inhabits. Both children and adults appreciate the wildlife and fauna found in this area which is safe place, particularly for the children, to explore and learn about life in the countryside. The area is also used by other residents of the village & surrounding area as a walking route throughout the year and particularly throughout the summer months especially for events such as the Scarecrow competition. This is also a public access area and safe route to the local bus stop for school children attending PKC schools.
4. Point 3 states the application is for a PDH in the eastern sector of the site with the western sector redeveloped as an equipped area with park benches – again this is the opposite direction/area of the site to which the photographs, drawings/plans and neighbour



- notification shows – see also Fig 5 on Planning Application document showing proposed PDH at top of hill sloping downwards with public open space being at lower end i.e. eastern side
5. Point 3 states the “open space” will be formed in consultation with the “local community” – to whom do they refer as the “local community”?
  6. Point 3 states a PDH consisting of 3 bedrooms at a storey and a half however please also refer to Point 6 para. 4 which states the proposed PDH to be 2 bedrooms – these are again contradicting statements and does not clarify what the proposed PDH will consist of
  7. Point 3 states the area of private usable garden for the proposed PDH to be 240sqm. The total amount of land as per the Planning Permission document is stated as 550sqm. Therefore if the garden is to be 240sqm, how big would the proposed PDH be and what amount of land would this leave as open space for an equipped community area? It would be reasonable to suggest this would be very little and therefore seen as a token gesture to achieve planning permission particularly as the pre-planning discussion noted in the Planning Permission document stated the plan was initially for 2 PDH’s and not the 1 now being applied for
  8. Point 3 also states householders refuse to pay factoring charges despite being in title deeds (sic), it would be suggested this is a very unfair assumption as most of the properties were sold and upfront maintenance costs paid when the properties were bought. It is fair to say that most residents would not/are not aware the company which had been paid to maintain this and other pieces of land in the street had gone into administration which means a loss of funds we had already paid out to maintain the open land and not a refusal to pay these costs
  9. Point 3 also describes the business model used by the applicant which involves buying land from distressed companies, building PDH’s and using the small amount of profit gained to redevelop the remaining land into more usable space including the setting up of a community trust to enable this. One would question this business model and given this is potentially the 1<sup>st</sup> project for this applicant (company only set up 12/12/2017, along with 3 other new companies set up by the same director in the space of the last 4 months), this model is yet to be tested both for financial and environmental impact and results. This area is not the area to test this theory particularly as the director would not appear to have any previous business or directorship experience in this field (company & director data taken from public website -Companies House)
  10. Point 3 finally mentions the pre-application not being supported “due to the loss of open space of amenity value”, there is nothing in the application would suggest this should change this initial decision. This includes the fact the council did not visit the site or see the alleged poor drainage conditions, etc. There is nothing in this application which supports the poor drainage conditions in this area. There have been no reports of flooding or surface water issues in the area within the last 18 of being here. Who is to say the erection of this PDH and change of use and layout of the land i.e. sloping topography will not have the opposite effect and cause this issue? (see also Point 2 above under Application for Planning Permission queries). There is potential this consideration was already taken into account when the original request for the new housing development was made 20 years ago, which is why the decision not to build on this particular plot was taken?
  11. Point 5 refers to TAYPlan Strategic Development Plan 2016 whereby they refer to a vision of an area which will be sustainable, more attractive.....make it a first choice where people



choose to live, work, study.....this application does not support any of that in fact just the opposite. People have chosen to live and work in this area due to the fact there is open space around for their children to grow up playing on, appreciating the countryside whilst remaining within a local community. This application would remove this accessibility and ability for children and adults to appreciate outdoor space and result in families choosing not to opt to live in this area as a result

12. Point 5 also refers to PKC Local Development Plan 2014. Referring to Policy PM1A Placemaking – point 3.2.2 of the policy ends stating that “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.” This application does not fulfil this statement in any way.
13. Refer also to point 3.2.3 of the policy – “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.”
14. Policy PM1A – which is referred to in part in this application also states – “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.” Again, this application does not serve to do any of the above, the opposite in fact by cutting off access to paths and links to the village currently in place via this open space in its current format
15. Policy PM1B – Placemaking – it is stated under Point 5 that all 8 of the criteria should be met under this application. Having read all 8 points, I would disagree with this statement namely by points B through E
16. Point 5 also makes reference to Policy RD1 – Residential Areas stating that proposals will be encouraged where they satisfy criteria set out. However, the policy states under point 3.5.1 – “At the core of the Scottish Government’s explanation of the purpose of the planning system is the need to protect and enhance the built environment where people live, work and spend their leisure time. In Perth and Kinross the majority of people live in clearly defined residential areas either in the city, towns or surrounding villages. The protection and enhancement of these areas is an important objective and one of the broad principles outlined in SPP.” There is clearly a need to protect this area in its existing format as a local amenity
17. Point 3.5.2 of this Policy also states – “SPP indicates that rural housing has a role in the overall housing land supply in supporting prosperous and sustainable communities. However, there is also need to protect and enhance environmental and landscape quality by ensuring that inappropriate development does not compromise what makes Perth and Kinross such an attractive place to live, work and visit.” This application does not reflect this statement
18. Under Policy RD1 it also states – “The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational



or amenity value..." again, this application will not protect the existing residential amenity nor improve it. This is a major link from this area to the village and to an already existing play area for the children without having to access any main roads. If this application were to be approved this would cut off the whole amenity and through route for everyone where the structure would be erected

19. Under Policy RD1, this application does not confirm with points C or E
20. Point 5 also refers to Policy CF1 – Open Space Retention and Provision. Point 3.7.2 states – "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" – the open space in its current format is a very important part of our local identity and allows interaction between the 2 streets and beyond both for children and adults
21. Policy CF1 also states – "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 and (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 application does not comply with these points. The erection of a PDH and private garden space would result in the loss of over half of the current open space as it stands (240sqm of garden plus amount of land for the PDH itself out of a possible space of 550sqm)
22. Point 6 para. 2 refers to the open space in its current state as having limited amenity value due to the current state and its topography. This is in fact what makes the open space of the recreational and amenity value that it is. The space is used mainly by the children and they enjoy the topography – this is what living in the countryside is all about & not level landscapes. The open space is used all the time particularly in better weather when all the children gather to play, picnic & explore the trees, shrubs, etc. so is not unusable for recreational purposes
23. Point 6 – para.3 see points noted above regarding Policies RD1 & CF1
24. Point 6 – para. 4 states it does not seek to remove the existing area of open space however, the erection of PDH will remove the current access to footpaths leading to village, bus stops and a play area that already exists
25. Point 6 – para. 4 also states the application is to allow for the erection of a modest 2 bedroom house – this conflicts with Planning Permission document and previous comments stating it will be a 3 bedroom house
26. Point 6 – para. 7 restates Policy RD1 – see comments already noted above regarding Policies. This does not fit the criteria whereby approval should be granted based on this application meets a density that that represents the most efficient use of the site whilst respecting its surroundings. Surely, if this was the case as already pointed out, the original development plans would have included a PDH there. It certainly does not show to create any improvements to community nor educational facilities more to destroy them
27. Point 6 – para. 9 states the PDH will have east to west orientation with access from west – again this conflicts with other statements in the planning documents and drawings.
28. Point 6 – para. 9 also states 2 houses – which from the documents was the original proposal and was not supported by the pre-application discussion. It also states there would be spacing provided which would not overshadow neighbouring properties. Fail to see how this would have



- been possible with 2 houses but, even one will almost certainly have an effect on neighbouring properties with overlooking properties on all sides and would leave no open space to the north of the site – this doesn't reflect other statements or documents submitted by the applicant
29. Point 6 – paras. 11, 12 make reference once again to satisfying requirements on Policies RD1 and PM4 – see previous points raised above regarding these policies
  30. Point 6 – para. 13 comments on the facilitation in the long term of the site as an area of open space whereby the local community would be empowered to invest and maintain it. One would assume this would be via the Community Trust the applicant has proposed based on making a small profit from the PDH. However, where do the funds for the long-term maintenance come from? With regards empowerment of the local community one would assume this would still require permission to be sought from the land owner to affect any changes?
  31. Point 7 – para. 4 comments on the National Planning Framework and Scottish Planning Policy with this application for planning permission meeting the Scottish Government's vision and outcomes for Scotland that includes a sustainable, low carbon, natural, resilient and connected place. This application as previously stated above does not meet any of these rather negates all of them with the erection of a PDH
  32. Point 6 – para. 5 comments on the sustainability and placemaking as referred to in Policies. Where is the sustainability? As mentioned by the applicant, the previous company tasked with maintenance of the open space has allegedly gone into administration. The applicant is a new company therefore potential for this company to fold the same as any other which begs the question if this were to happen where would this leave the local residents?
  33. Point 7 – para. 6 advise the application meets with the broad approach of national policy and guidance including in support of sustainable communities and economic growth. This community is already a sustainable community having been established for 20 years. With regards economic growth – fail to see how the erection of one PDH would create any significant economic growth. In reverse, there is potential for this to drop as current residents could move out of the area if this application was to be approved
  34. Point 8 – para. 2 states the application supports objectives of local development plans – see comments above regarding how it does not. It also mentions how it would deliver high quality housing and open space – this is not required in this area. There is already high quality housing here which has been in place and served the community for the past 20 years with no issues. This application does not demonstrate in any way how the proposed erection of a PDH would in any way enhance the character or amenity of this open space.

The application and supporting documentation do not correlate in many areas as noted above. It refers to various policies in the Local Development Plan however, the overarching philosophy of this plan is that it should not allow development at any cost i.e. to the detriment of the community, countryside.

In conclusion this document should be noted as an objection to this application for planning permission.

Policy details taken from Perth & Kinross Council Local Development Plan – adopted 3 February 2014 (as available for public view)





MR M P PURVES

09 April 2018

Development Quality Manager  
Kinross and Perthshire County Council  
Your Ref: 18/00419/IPL

Sir/Madam

Thank you for your letter dated 20 March 2018 informing me of a planning permission request for a dwelling house to be built in front of my property (above).

I strongly object to this build on the following grounds;

1. The property to be built will increase in the traffic moving around the end of the cul-de-sac where I have my house. There are 7 houses at the end of the cul-de-sac as it is with each house having 2 cars.
2. The property will reduce the value of my house due to the fact that when I bought the house there was no property looking straight into my living room/upper master bedroom.
3. The potential build of this house in front of my house will cause me to lose the view/aspect across to the hills by Perth (my view to the South West) which was a factor in my decision to purchase my property.
4. There will be a reduction in light/sunshine at the end of day by having a property build in front (to my South-West).
5. There will be an increase in the quantity of people using the already busy road into and out of the cul-de-sac.
6. There will be an increase in the noise pollution of having a property located directly opposite my property.

I am vehemently against this property build which is based on nothing other than an "outsider" (this property builder does not live in the area) scouring property developments and buying up land in order to make money at the permanent residents expense and subsequent misery.

Your Sincerely

M P PURVES



# Comments for Planning Application 18/00419/IPL

## Application Summary

Application Number: 18/00419/IPL

Address: Land 20 Metres South Of 41 Mary Findlay Drive Longforgan

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr Mario Vicca

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Loss Of Open Space
- Loss Of Trees

Comment: I wish to object to this application and cite the comments made by my neighbours as justification, namely:

1. Loss of amenity space. The proposed house plot is on land designated as community amenity space at the time I purchased the house.
2. The site is not suitable as a house plot. The Planning Statement submitted with the application notes, 'the site slopes from West to East as demonstrated by the photographs....and is largely unusable due to this'. Yet there is a proposal to put a house and 2 associated car parking spaces on this site.
3. Loss of wildlife habitat. The proposed house plot would see the removal of a substantial amount of shrubs / bushes which provide valuable habitat for a variety of birds and small mammals.
4. Loss of pedestrian access to centre of Longforgan and also to existing Children's play area. The proposed house plot is a well used path which links the cul-de-sac to the centre of Longforgan and provides a safe, vehicle free route for local children to access the existing childrens play area.
5. Proposed new Children's play area. This is ill defined and is not wanted nor required by the local community. The area proposed is overlooked by many houses and would provide a source of noise and nuisance given the very close proximity of a large number of houses. There is also a

pre-existing play area in very close proximity.

I trust the council will not look favourably upon this application



## Tracy McManamon

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**From:** Kathryn Bethway [REDACTED]  
**Sent:** 09 April 2018 15:50  
**To:** Development Management - Generic Email Account  
**Subject:** Objection to planning permission ref 18/00419/IPL

Planning permission ref 18/00419/IPL

I wish to lodge my objections to the above planning permission (land 20 metres south of 41 Mary Findlay Drive, Longforgan).

I currently reside at [REDACTED] and the land in question is in front of my property.

When I bought the property almost 18 years ago we were assured that this was amenity land and would never be used for anything.

I have read previous Pre App consultation with PKC for the land in question and in particular Policy RD1 of the Local Development Plan. This seeks to retain small areas of private and public open space which are of recreational and amenity value. The land in question was clearly intended as an area of amenity open space to serve the surrounding houses and provide an area of communal open space for the benefit of all residents. A change of use of this area I feel will be objected to by the majority of the local community.

I raised this last year with PKC when the land was initially sold and again was assured that no planning permission would be approved for this land.

I object to a house being built and to the recommendation for a child's play area and benches etc. There is already a play park just around the corner.

I also feel that a house on the site would be an intrusion on my families privacy. Building work would also be a major intrusion to the local community.

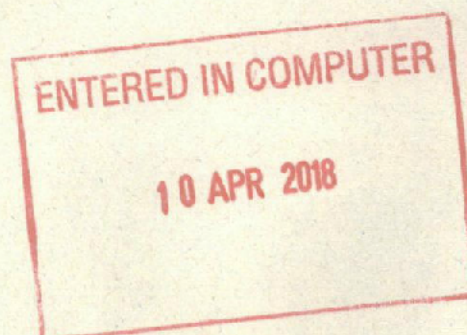
It is bad enough the noise that now comes from M & H storage (which must be out with the permitted level) before adding in the noise of a building site.

I would be obliged if you could log my objections and confirm receipt of this email.

Your sincerely

Kathryn and Iain Bethway

Sent from my iPhone







## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	18/00419/IPL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	[REDACTED] [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 20 Metres South Of 41 Mary Findlay Drive Longforgan		
<b>Comments on the proposal</b>	<p>I note the comments from the objectors regarding parking, pedestrian access and traffic. Whilst I would agree that the proposal would lead to an increase in traffic, I do not agree that the traffic generated by one house would cause a significant detrimental effect. With regards to parking, two off-street parking spaces would be provided within the curtilage of the site. It should be remembered that a road is a right of way for the passage of all traffic and not a parking space. As per the Highway Code, vehicles should not be parked in the turning head area, as this would compromise the effectiveness of the turning head.</p> <p>Whilst this is used as an informal pedestrian access by the general public, I am not aware that it has been formally designated as a right of way and there does not appear to be any correspondence to this effect from my Community Greenspace colleagues on the Planning Portal. Given this I cannot comment on these particular points.</p> <p>However, notwithstanding the above, I therefore do not object to this proposal provided the undernoted condition is attached in the interests of pedestrian and traffic safety.</p>		
<b>Recommended planning condition(s)</b>	<ul style="list-style-type: none"> <li>• <b>AR00</b> Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.</li> </ul>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	16 April 2018		



# Memorandum

To Head of Development Management From Regulatory Services Manager

Your ref 18/00419/IPL

Our ref KIM

Date 19/04/2018

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**PK 18/00419/IPL RE: RE: Erection of a dwellinghouse (in principle) Land 20 Metres South Of 41 Mary Findlay Drive Longforgan for Carse Developments Ltd**

I refer to your letter dated 28 March 2018 in connection with the above application and have the following comments to make.

### **Contaminated Land (assessment date – 18/04/2018)**

#### **Recommendation**

A search of historical maps held by this Service has not shown any previous contaminative uses of the site therefore I have no adverse comments to make on the application.



### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	18/00419/IPL	<b>Comments provided by</b>	Jane Pritchard
<b>Service/Section</b>	Community Greenspace	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 20 Metres South Of 41 Mary Findlay Drive Longforgan		
<b>Comments on the proposal</b>	<p>The area of public open space (POS) within the proposed development site provides residents with valuable amenity and should be retained in its entirety. This development would greatly reduce the area designated as POS and would in particular block access between the two residential areas of Mary Findlay Drive. It is noted that local objectors consider the POS to be of important amenity value which is well used by residents, particularly for informal play and as a route connecting streets and their housing. I note that the application area has been purchased from the private factoring company who had undertaken to maintain it as POS under the original planning approval.</p>		
<b>Recommended planning condition(s)</b>			
<b>Date comments returned</b>	23.4.18		





## CHX Planning Local Review Body - Generic Email Account

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**From:** Councillor Alasdair Bailey  
**Sent:** 08 August 2018 21:24  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE: TCP/11/16(544)

Dear Audrey, Gillian,

Thank you for this notification, I would like to submit the following further representation to the LRB please.

Kind regards,  
Alasdair

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I fully support the officer determination to decline the original planning application and the logic used to reach that determination.

I would like to repeat my concern that approving one application for a house to be built on land allocated for amenity in the original consent of a development will open the floodgates to scores of applications for additional houses to be placed on amenity land within modern housing developments. If additional houses had been included on the amenity space in the original proposals, the whole estates might not have been built.

Furthermore, I would like to raise the following concerns in relation to the additional materials provided by the applicant;

1. The 'development densities' quoted in Figure 3 are at a micro level, taking into account only individual house plots. Therefore they cannot be used to support an argument related to 'development density' as is referred to in LDP which, in that context, is calculated across an entire housing development. According to the way development density is calculated for LDP purposes, there is no escaping the fact that the construction of this house would increase development density to a level above what it was when the original application for the original development was approved.
2. The applicant states that "the existing area is of limited amenity value and is largely unusable due to its sloping topography and poorly maintained landscaping".
  - a. Regarding amenity value: the applicant's assessment of amenity value differs greatly from that of local residents who tell me that it is well used for dog walking and for informal play by children. I note that current playpark design best practice involves adding artificial slopes to land for interest. We have one for free here and it's great for sledging.
  - b. Regarding poor maintenance: assuming that the title deed for this land contains the same burdens as other plots of amenity land on this development then the landowner is responsible for landscaping maintenance and therefore the deterioration of same cannot be considered material to this case because it is solely within the control of the applicant (further assuming that they are also the landowner)
3. In response to B. Site History. I would like to put it on record that PKC was neither unwilling nor unable to take on maintenance responsibility for this land. The original developer chose to pursue a different business model for funding and providing maintenance which it appears has now failed. However, as stated above, I suspect that the title deeds of this land still carry burdens related to maintenance requirements.
4. Further related to B. Site History, there is no detail of how this development will fund maintenance of the remaining amenity land in this plot let alone the wider estate. Maintenance of the amenity land in the wider estate is also a cause for concern to residents who alerted me to the fact that another area of it is currently being marketed for sale as an 'investment opportunity'.



## **CHX Planning Local Review Body - Generic Email Account**

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**From:** [REDACTED]  
**Sent:** 10 August 2018 11:29  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(544)

As I have no knowledge of planning procedures can only write as I see and would ask you please once again consider the objections of myself and community..

The proposed development of this amenity ground outwith 41 Mary Findlay drive is happily being maintained by a resident in the immediate area as Carse Developments appear to have no interest in maintaining.

I am sure I can talk on behalf of residents here who all feel this open ground is of great benefit to the community.

It is a right of way for schools busses, and access to the village.

children can often be seen meeting and playing safely in this area and it brings both culdesacs together.

For myself ,the building of a house would indeed overshadow my small bungalow and give an overdeveloped appearance to the area. It would also increase traffic flow which is already being over used as turning points for residents visitors and deliveries.

Sorry for mostly repeating myself but just wish to reiterate that we all feel this proposed development could well damage the community feel we have here. Yours.

Patricia Thomson  
41 Mary Findlay Drive.  
DD2 5JE

## **CHX Planning Local Review Body - Generic Email Account**

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**From:** [REDACTED]  
**Sent:** 14 August 2018 12:18  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(544)

Can I please add a further objection to the above planning as the 20 mtrs south from my front door takes the said distance 3/4 over the proposed ground owned by Carse Developments. I strongly feel the proposed plans are worded to deceive, not as described and would make any building seriously overshadow my bungalow and effect my wellbeing.

Thank you  
Patricia Thomson



## Audrey Brown - CHX

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**From:** Jon Frullani <Jon@jfarchitect.co.uk>  
**Sent:** 10 September 2018 13:54  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** FAO Gillian Taylor - TCP/11/16 (544) Land 20 Metres South of 41 Mary Findlay Drive, Longforgan (18/00419/IPL)

Dear Gillian,

I refer to your letter dated 29 August 2018.

In response to representations submitted against the review of planning application ref: 18/00419/IPL our client has requested that we respond as follows:

1. The application site of planning application ref: 18/00419/IPL is actively being maintained by our client. We therefore refute the claim that the site is being maintained by a member of the public/ resident of Mary Findlay Drive. This is simply not the case!
2. We have attached a copy of the title packet for the application site. The title packet demonstrates that the site is not a public right of way. However, we acknowledge that part of the site can be utilised to provide a safer route to school for children for the benefit of neighbouring residents. We have illustrated this on the site layout plan accompanying the appeal statement and shall provide a pedestrian route through the site should planning permission in principle be granted. It should also be noted that there are no burdens on the title that require the applicant to maintain the site. However, it is our understanding that there are burdens on resident's titles that require them to pay for the maintenance of the application site. The applicant is yet to receive any form of financial contribution from the residents of Mary Findlay Drive for the maintenance of the application site. It may be that this has to be pursued through the civil courts should this review be dismissed.
3. In terms of vehicle numbers, we would contend that an additional dwellinghouse would have no adverse impact on traffic movements in or around Mary Findlay Drive. This is because the level of vehicle movements associated with the proposed house would be no greater than any of the other houses in the area. In addition the layout and design of the proposed housing plot demonstrates that curtilage parking commensurate with the size of the proposed house can be provided. Therefore the proposal shall not impact on road or pedestrian safety at Mary Findlay Drive.
4. In terms of overshadowing, this is an application for planning permission in principle for the erection of a house. The design, scale and massing of the proposed house has still to be finalised. Therefore, it is not possible at this stage, without knowing the scale, design and massing of the proposed house whether it shall overshadow neighbouring properties. This is an issue that will be addressed through the submission of an application for matters specified in conditions should planning permission in principle be granted.
5. We categorically refute concerns relating to overdevelopment and density of development. Principally this is because the proposal satisfies the Council's quantitative standards for development. In addition, we have demonstrated through our appeal statement that the plot size and layout is commensurate with those surrounding the application site. While the proposal involves the redevelopment of an existing area of open space we have provided details of our plans to redevelop the area of open space to form an equipped play park, create a pedestrian route through the site as well as transfer the play park to a community trust should planning permission be granted. We are agreeable to the delivery of the equipped play park, pedestrian route and transfer of the play park to a community trust being secured by s75 Legal Agreement. This has also been demonstrated to satisfy the relevant local development plan policies pertaining to open space enhancement and retention.
6. There is no substance to the reference to best practice for play park design or where this information has come from-we would therefore request that it is disregarded by the LRB.

7. It is noted that one of the objections appears to have been submitted by a Councillor (Cllr Alasdair Bailey). Please confirm whether this accords with the Councillors Code of Conduct and also that the same Councillor is not part of the Local Review Body that shall assess this appeal or that was consulted prior to the determination of the application under delegated powers. We now have grave concerns that the submission of this objection by an elected member has prejudiced our clients opportunity for a fair and impartial review.

I trust this letter clarifies the position of our client. We look forward to receiving clarification on the role of Cllr Alasdair Bailey in the assessment of planning application ref: 18/00419/IPL and how his objection has prejudiced our clients review.

Regards,

Jon

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