

**TCP/11/16(430)**

**Planning Application – 16/00379/IPL – Erection of a dwellinghouse, Land 35 metres South West of Greenland, Brucefield Road, Blairgowrie**

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**TCP/11/16(430)**

**Planning Application – 16/00379/IPL – Erection of a dwellinghouse, Land 35 metres South West of Greenland, Brucefield Road, Blairgowrie**

**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 100020526-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1  
(Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Greenland House"/>
First Name: *	<input type="text" value="David"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Allan"/>	Address 1 (Street): * <input type="text" value="Brucefield Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Rosemount"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Blairgowrie"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH10 6LA"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="Greenland House"/>
Address 2:	<input type="text" value="Brucefield Road"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="Blairgowrie"/>
Post Code:	<input type="text" value="PH10 6LA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="743624"/>	Easting	<input type="text" value="318985"/>
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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)

Review of refusal of application for planning permission in principle for Erection of dwellinghouse Land 35 metres south west of Greenland, Brucefield Road, Blairgowrie, PH10 6LA

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see 'Request for Review Statement' ref. 318-REASONS FOR REVIEW.pdf in Support Documents section of this appeal.

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)

Restatement of adopted PKC policy, Draft PKC Supplementary Guidance, Neighbouring Authority Adopted Guidance and further explanatory photographs & notated drawings are included. DEFINITIONS used as ground for refusal of the application were not defined in adopted policy or guidance at time application, the additional information provides material ground for the appeal. This information only becomes relevant due to the lack of proper consideration of material issues by PKC during determination.

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)

Request for Review - Statement - ref. 318-Reasons for Review.pdf, including appendices as follows; PKC Placemaking Guide Supplementary Guidance Sects. 2.5, 3.1 and 3.2; notated drwg. no. 318-100 rev A and Angus Council adopted Advice Note 6, Backland Housing Development, also PKC Report of Handling ref. 16/00379/IPL

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

16/00379/IPL

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

04/03/2016

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

23/05/2016

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

Further written submissions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The applicant reserves the right to respond to any further submissions by PKC and is willing to provide any further clarification required by the LRB by further written submission.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The applicant reserves the right to respond to any further submissions by PKC and is willing to provide any further clarification required by the LRB at any hearing.

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 Gary Sinclair

Declaration Date: 01/08/2016



**REQUEST FOR REVIEW - STATEMENT                      ref. 318 - REASONS FOR REVIEW.pdf**  
**PERTH AND KINROSS COUNCIL PLANNING APPLICATION REFERENCE 16/00379/IPL**  
**LAND 35 METRES SOUTH WEST OF GREENLAND, BRUCEFIELD ROAD, BLAIRGOWRIE, PH10 6LA**

This Request for Review is submitted on behalf of Mr David Allan in response to Perth and Kinross Council's (PKC) refusal of the application for Planning Permission in Principle (PPP) ref. 16/00379/IPL, for (Outline) Erection of Dwelling House, Land 35 metres South West of Greenland, Brucefield Road, Blairgowrie, PH10 6LA.

The application was validated by Perth and Kinross Council on 11 March 2016 and was refused under a delegated power decision by officers on 23 May 2016, some 13 days after the due determination date of 10 May 2016.

The Reason for Refusal was given as follows : -

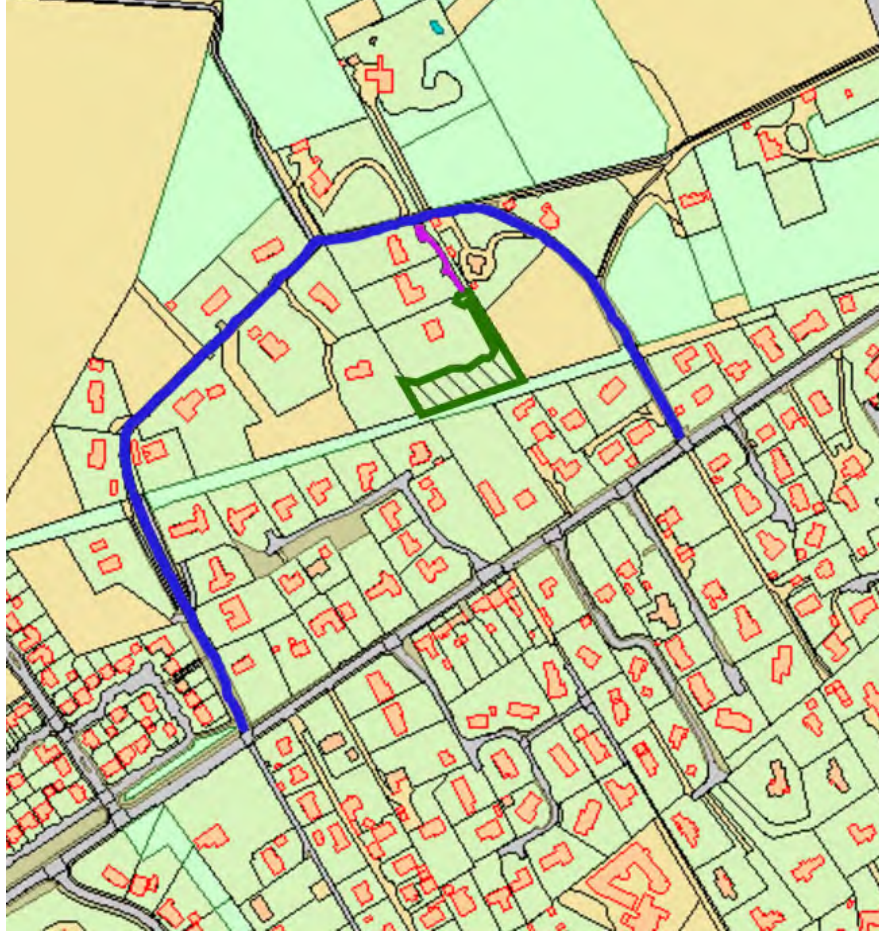
*'As the proposal, by virtue of the sites (sic) shape and its backland location, the (sic) would result in a development that would have an adverse impact on both the density and general character of the local area, the proposal is contrary to Policies PM1A and RD1 of the Perth and Kinross Council's Local Development Plan 2014 which both seek (amongst other things) to protect the character of the existing areas from inappropriate developments.'*

The Justification for Refusal was given as follows : -

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

The following request for review sets out the grounds upon which the applicant believes that reasons for refusal given are materially incorrect and therefore, as the proposal does comply specifically with Policies PM1A and RD1 as well as all other policies of the Perth and Kinross Council Local Development Plan 2014, there were no material grounds for refusal to grant conditional approval of Planning Permission in Principle as submitted.

## THE SITE



The application site (shown highlighted in green in figure 1) is located within the Blairgowrie settlement boundary at the end of a row of existing domestic dwelling houses located between Brucefield Road and the disused railway line.

Brucefield Road (shown blue in figure 1) is a single track loop roadway with a northern and southern junction onto the A923 Coupar Angus Road, the roadway currently serves in excess of 24 existing dwelling houses (difficult to do a complete count due to existing backland development) in a wide variety of site sizes, shapes and house styles, with a further three new properties currently under construction.

The application site is currently predominately occupied by a 30+ year old, over-mature, sitka spruce plantation with existing fence boundaries on all sides, bounded to the east by the applicant's Greenland property, to the west by the disused railway line, to the north by the Pinewood dwelling house and to the south by an open grass field.

The site is accessed over the existing shared driveway (shown purple in figure 1) serving, the Greenland, the Pines and Beechgrove properties from Brucefield Road.

The application site has a total area of 2190 sq.m. with fully usable area (omitting proposed continuation of access driveway) of some 1891 sq.m., with the retained Greenland site totalling some 3178 sq.m.

Figure 1 - extract from PKC Public Access Map

## THE PROPOSAL

As the site is located within the settlement boundary and in an area of existing residential properties, the applicant wished to formalise the perceived suitability of the site for a single residential dwelling with an application for Planning Permission in Principle. (PPP)

As the existing Sitka spruce plantation is beginning to suffer considerable tree loss due to wind damage and topping of over mature trees, work will require to commence soon to remove the risk of falling branches and trees falling into neighbouring garden areas. The application included a full tree survey and a replanting scheme proposing more suitable deciduous replacement tree and hedge planting for consideration by PKC Planning Department, with a view to allowing the site to be cleared in one operation and avoid uncontrolled wind topple of any remaining trees during a staged clearance.

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Other than a description of the proposed access and landscaping proposals in the Design Statement for the application, no indicative house design was included in the application due to the significant size of the site and the obvious and well established form of the existing neighbouring building pattern and access arrangements.

The proposed site access was to be via a simple continuation of the existing shared driveway from Brucefield Road; as the existing Pines and Beechgrove properties are separated from the access driveway by a 2.5m high hedge along their southern boundaries (see figure 3) the existing fence and hedge planting to the Greenland property to the north of the extended driveway sought to continue this established privacy measure for the Greenland property. The existing southern site boundary of the extended driveway was to be maintained and enhanced with additional new beech tree planting.



Figure 2 - Application Drawing no. 318-001 rev' A'

## ASSESSMENT OF PROPOSALS AS DEFINED IN HANDING REPORT

While the Report of Handling noted a considerable weight of policy compliance and statutory consultee responses that tended to support the 'principle' of residential development on the application site, the application attracted a significant and seemingly orchestrated quantity of representation from both neighbours and other parties not seemingly directly affected by the proposals.

While none of the specific objections raised by these representations seem to have been accepted as material reasons for refusal of the application, the two stated reasons to override this weight of policy and statutory compliance are vague, subjective and cannot be materially supported by any identifiable planning policy or guidance.

The determination of planning applications requires the balancing of all relevant material considerations, particularly so in applications for Planning Approval in Principle (PPP). Where there exists a positive case for development that outweighs any perceived negatives, the benefit of any doubt should be towards allowing appropriate development within settlement boundaries, especially where the final form of any such PPP development is always subject to further scrutiny and determination by future application for Approval of Reserved Matters.

As the Handling Report Appraisal states, in the matters of Residential Amenity, Visual Amenity, Roads and Access, Impact on Bio-diversity, Drainage and Flooding, and Economic Impact, the proposals present no material reasons to refuse a conditional approval of such an application for Planning Permission in Principle; the ONLY reasons stated for refusal are contained within the Land Use section of the Handling Report Appraisal.

The Land Use section of the Handling Report states the following : -

*'In terms of land use issues, the site has been identified within the LDP settlement boundary of Blairgowrie. Within settlement boundaries, infill developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs, As the surrounding land uses are largely residential, in purely land use terms only, I consider a proposed residential use to be compatible with the existing uses.*

*However, whilst the land use (residential) may be in principle acceptable in terms of its compatibility with existing uses the size and shape of the site does raise some concern.*

*The shape of the site is slightly awkward and its long linear nature is not in keeping with the building pattern of the area. To the east of the old railway line, the plots are all typically large and whilst some are linear, they are not narrow as the site proposed (sic). The majority of the properties to the east of the railway are also served directly off an access (in some cases private) with very few examples of backland or tandem development. This development would be located directly behind an existing dwelling, and would be served by a new access which runs along the southern boundary of the existing house which makes it a clear example of undesirable backland development which is normally resisted by the Council.'*

*'To this end based on a combination of site shape and location, I consider a residential development on this site would have an adverse impact on the density and character of the area and be out of keeping with the general building pattern of the area. I therefore consider the proposed land use to be unacceptable.'*

In summary, the Land Use section of the report confirms that the proposed '*residential use is compatible with existing uses*', going on to base a recommendation for refusal solely on the following two stated reasons;

1. An assessment of the development as 'backland'; and
2. a subjective definition of a 'slightly awkward' site shape.

While the following appeal seeks to point out why these stated reasons are incorrect, it is a concern that Perth and Kinross Council Planning Department has chosen to refuse the principle of suitable, single house infill development within an existing settlement boundary without either, any dialogue with the applicant, or request for additional information to clarify the concerns stated in the determination, or the issue of a conditional approval with suspensive conditions requiring this clarification at a further application for Approval of Reserved Matters.

The blocking of the principle of in-settlement, residential development within a solely residential area for the reasons stated, without reference to any specific policy criteria justifying the definitions utilised as grounds to refuse the application, is at odds with both national and local planning procedure, guidance and legislation.

The following statements set out in more detail, the applicant's contention that the stated reasons for refusal are not valid.

## CONSIDERATION OF ASSESMENT AS 'BACKLAND DEVELOPMENT'

While Perth and Kinross Council does not have any formal adopted policy or guidance on the definition of 'backland' development, it has become apparent to the applicant after determination, that a Supplementary Guidance document titled - Placemaking Guide was approved for consultation at a meeting of PKC Council's Enterprise and Infrastructure committee on 13 June 2012, while never formally adopted, this document sought to align local development guidance with the National Planning policy aim of providing appropriate Supplementary Development Guidance to applicants. The applicant understands from recent dialogue with officers, that despite the passage of four years, no other supplementary guidance has yet been adopted and that this document is still regarded as a statement of the 'rules of thumb' utilised by PKC Council in the absence of anything more concrete.

While no reference has been made in the Handling Report to this un-adopted Supplementary Guidance, the contents of this document are material and DO more fully define some of the terms incorrectly interpreted to refuse the application, as such these matters are considered more fully below.

The 'Section 3 – Infill Development' portion of the Placemaking Guide – Supplementary Guidance, STATES the importance of appropriate infill development within settlement boundaries in section 3.1 (Appendix A- page 1), following this with a description of 'Backland Development' in section 3.2 (Appendix A- pages 1 and 2). Section 3.2 contains various illustrations of 'backland' development showing how such development is characterised by its position BEHIND the 'principal elevation' of a dwelling in the BACK garden area of the main dwelling furthest away from the access road serving the adjacent properties. In this case, the application site is clearly not located behind the principal south east facing elevation of the Greenland property and as it follows the development pattern, access arrangements and orientation of its existing neighbours, simply cannot be deemed 'backland'. In the absence of adopted PKC Guidance, it should also be noted that neighbouring Angus Council has produced its Advice Note 6 on 'Backland Housing Development' (Appendix B); this adopted document clearly illustrates that to be considered 'backland' development a site requires to be located behind the principal elevation of primary dwelling.

Furthermore, as illustrated by the notations added to application drawing no. 318-100 (Appendix C), the application site infills the last remaining plot in the row of properties bounded by Brucefield Road to the east and the old railway line to the west.

The existing Greenland, The Pines and Beechgrove properties all take PRIMARY access solely, via the existing shared driveway from Brucefield Road along the southern boundary of the properties. (see Appendix C – purple arrows showing access and figure 3 below)

The Greenland, The Pines and Beechgrove properties are a mix of both single and two storey modern developer style house types with their principal elevations facing south east onto the shared driveway. (see figure 3 overleaf)

The Greenland, The Pines and Beechgrove properties have a uniform principal elevation building line illustrated by the green line on attached notated drawing no. 318-100 (Appendix C), with the private entrance driveway elevational photographs of each property illustrated how they all primarily face in the same south easterly direction towards the shared driveway. (see figures 3 and 4 overleaf)



Figure 3 Greenland

The Pines

Beechgrove

As none of the three existing houses can be classified as 'backland' development where the shared driveway rather than Brucefield Road constitutes the principal 'roadway frontage' for these properties; the proposed final property in the row taking access from a simple extension of the same shared driveway similarly cannot be defined as 'backland' development.

This retention and extension of the existing access driveway to serve a single new dwelling following the building line of the existing row of houses represents the completion of an established building pattern, NOT 'backland' or 'tandem' development. It is therefore materially incorrect to state that the proposed development would have 'an adverse impact on the density and character of the area and be out of keeping with the general building pattern of the area', when the proposal is clearly complementing the matching access, frontage orientation and general building pattern of all three of its existing neighbouring properties.

Even where an application is deemed to constitute 'backland' development, Section 3.2 of the Placemaking Guide goes onto to state that 'backland' development may only be permitted where :

- a separate and satisfactory vehicular access can be provided; and
- the amenity of both the new and existing properties can be safeguarded; and
- the proposal is subordinate or in keeping with the scale, density and character of the existing development in the locality; and
- the proposal conforms to other salient policy and guidance.

*In every case, regard should always be given to the local building context, character, density and site specific circumstances.*

As the application raised no such material concerns for the officers, it would seem that even if deemed 'backland,' it would have constituted PERMITTED 'backland' development, as defined in the only available pertinent guidance available to both officers and applicants, and therefore gained approval.



figure 4 – view from Greenland property front elevation looking east along existing principle frontage of The Pines and Beechgrove illustrating existing defined building line in green, the green line in photograph matches green line on drawing. no. 318-100. (Appendix C)

## CONSIDERATION OF ASSESSMENT AS 'AWKWARD SHAPED SITE'

Section 2.5 of the above noted Perth and Kinross Council Placemaking Guide – Supplementary Guidance contains the following guidance on residential Amenity & Site Area Characteristics; (see Appendix D). This guidance suggests that a minimum detached dwelling house plot size of 360 sq.m. with a minimum of 100 sq.m. of usable rear garden and a building to plot ratio of no more than 30% provides suitable conditions for the siting of a single dwelling house. This guidance would suggest that the principle of acceptable residential development does not seem to be in any way dependant on site shape.

While specifically noted in the Design Statement submitted with the application; the Handling Report makes no reference to the consideration of application site area, retained site area, site area of adjacent properties or the existing status of the application site boundary fencing, raising any material concerns; choosing instead to restrict negative comment solely to the shape of the application site.

The application site has a total area of 2190 sq.m. with the retained Greenland site totalling some 3178 sq.m. and to the east, The Pines property totals some 2130 sq.m. and Beechgrove totalling some 2208 sq.m.

The application site has a fully usable area (omitting proposed access driveway) of some 1891 sq.m., assuming a 130 sq.m. house footprint located on the building line of the neighbouring properties, (see notated drawing no. 318-100 (Appendix C)), the site would have in excess of 700 sq.m. of private garden ground behind the rear elevation of the dwelling and a maximum footprint to plot ratio of less than 6%, the application site is therefore between 5 and 6 times the minimum plot size for a single detached dwelling house, with 7 times the minimum private garden ground area and a footprint to plot ratio one fifth of the maximum allowable. It is palpably ridiculous to suggest that the site is not a suitable candidate for the development 'in principle' of a single detached dwelling house within an existing area of mixed residential housing.

As illustrated in Figure 1 and acknowledged in the Handling Report, there is no uniform site shape or site size in the immediate vicinity of the application site, with the area being defined by a mix of site shapes, sizes and building styles, accessed either directly or via shared private driveways from Brucefield Road.

There is no policy or other guidance that dictates a suitable 'shape' for a site, in a residential area of mixed size and shaped residential plots the use of a subjective definition of 'site shape' to refuse even the 'principle' of development of a single house on a 0.2 ha plot is simply not supportable.

The required future application for Approval of Reserved Matters would allow PKC to fully consider whether any proposed house design was deemed suitable for the specific shape of the application site; allowing a further opportunity to withhold consent from any development that was deemed inappropriate or that did not fully comply with policy.

Being in excess of half an acre in area, the application site is clearly comparable in area with the majority of the neighbouring three properties in the row; with only the proposed retention of the existing extent of the fenced and landscaped grounds to the applicant's Greenland property, currently restricting a slightly larger or more regular subdivision.

As these defining boundaries existed and the sites are clearly defined separately as garden ground and a Sitka spruce plantation area with an existing fence boundary, it was felt that presenting a currently self-contained 2190 sq.m. plot, even with a not completely linear, but established eastern boundary, still had more than sufficient merit to meet the criteria for planning permission in principle for residential use, without resorting to boundary variation as part of the application.

In the case of applications for Planning Permission in Principle, the final detail design of the buildings and access is most often fully deferred for further consideration at application for Approval of Reserved Matters; however, if requested, the applicant would have been quite content to provide PKC Planning Department with an indicative house plan layout; during the excessive 10-week determination period by PKC, no such request was made.

As illustrated by further notated drawing no. 318-100 (Appendix C), the application site would be capable of accommodating, (for example only), a substantial 130 sq.m. footprint dwelling house facing the same direction as the existing properties and maintaining the same building frontage line; any such property would have substantial garden ground to both front and rear as well as sufficient space to provide new deciduous boundary hedge planting to both east and west boundaries as proposed as part of the application.

In conclusion, the application site at the size and shape proposed can clearly accommodate an appropriately comparable house type into the existing row of dwellings; and indeed, rather than having '*an adverse impact on the density and character of the area and be out of keeping with the general building pattern in the area*', the proposal would seem to constitute the rounding off of the existing general property pattern and fully respect the density, character and local context of the area.

**PLANNING POLICY**

In the Handling Report, Perth and Kinross Planning Department have confirmed that the Perth and Kinross Council Local Development Plan (LDP) 2014 and the TAYplan Strategic Development Plan 2012-2032 constitute the Development Plan Policies covering the proposed site.

Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended), require that in dealing with determinations made under the Act, ‘the authority shall have regard to the provisions of the development plan...’ unless material considerations indicate otherwise.

**TAYplan Strategic Development Plan 2012-2032**

While there are no specific policies or strategies within this plan that are directly relevant to the application proposals, the objectives of this policy include the following; *‘Locate most of the region’s development in principal settlements to improve accessibility to jobs and services, ....’* and *‘Provide good quality mixed housing type, size and tenure’*.

**Perth and Kinross Council Local Development Plan 2014**

In terms of this plan the application site should be considered in relation to the following policies of the LDP :-

<i>Policy PM1A</i>	<i>:</i>	<i>Placemaking</i>	<i>Policy PM1B</i>	<i>:</i>	<i>Placemaking</i>
<i>Policy PM3</i>	<i>:</i>	<i>Infrastructure Contributions</i>	<i>Policy RD1</i>	<i>:</i>	<i>Residential Areas</i>

## ASSESSMENT OF POLICY JUSTIFICATION

Policy justification relating to the application before Perth and Kinross Council is noted below in response to the actual text of the above noted sections of the Adopted Perth and Kinross Council Local Development Plan 2014 policies :

**Policy PM1 : Placemaking Policy PM1A**

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

As it has been demonstrated in the above noted representations and contrary to the judgement in the Handling Report, the density and siting of the development does respect the character and amenity of the place, through compatibility of plot size, access arrangement and building orientation with other properties on the same access driveway and building line; and that as the application itself included indicative landscaping proposals for the site; the proposals would seem to fully comply with this policy.

Contrary to the statements in the Handling Report and the associated determination, there are no material grounds for refusal of the principle of residential development of the application site under this policy.

### **Policy PM1B**

*All proposals should meet all the following placemaking criteria:*

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

While no comment has been offered on the compatibility of the proposals with the associated placemaking policy PM1B, it would seem that for the same reasons noted above for PM1A, the proposals do (or could do via conditional approval and subsequent applications for Approval of Reserved Matters) meet all the above noted criteria. In particular, the current proposals do;

*‘ (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.’ , and ‘(d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.’*

Through lack of reference to this policy as grounds for refusal it is not unreasonable to conclude that the proposed application was deemed to comply with this policy.

### **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 permissions will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.*

The Handling Report confirmed that while Transport and Affordable housing contributions were not required, a standard condition on Primary Education contribution should be attached to any permission. These recommendations have no material bearing on the determination of the application.

### **Policy RD1: Residential Areas**

*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. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable. Generally, encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:*

- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.*
- (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.*
- (c) Proposals which will improve the character and environment of the area or village.*
- (d) Business, home working, tourism or leisure activities.*
- (e) Proposals for improvements to community and educational facilities.*

As it has been demonstrated that, to the extent required for an application for Planning Permission in Principle, the application site is 'compatible with the amenity and character of the area' and constitutes 'infill residential development at a density which represents the most efficient use of the site while respecting its environs.', the proposal does indeed comply with Policy RD1 (a)

Contrary to the statements in the Handling Report and the associated determination, there are no material grounds for refusal of the principle of residential development of the application site under this policy.

While not formally adopted and in the absence of any other supplementary guidance, the following publicly available document seems to be widely regarded in PKC Planning Department as a written expression of 'rules of thumb' associated with decision making in relation to Placemaking policy.

*Placemaking Guide – Supplementary Guidance (published for consultation June 2012)*

Sections 2.5, 3.1 and 3.2 of this document provide definitions of terms used, but not otherwise defined in the Handling Report; extracts of each are attached as Appendices A and D. The contention that these material considerations have been incorrectly defined and applied in the determination of this application are contained elsewhere in this application for review.

In summary, the guidance seems to confirm the following accepted principles of development to be used in determining applications ;

- the definition of backland development as being located behind the primary elevation facing the access serving a group of properties and also,
- concludes that backland development is not prohibited and in certain circumstances can be permitted , and also
- the criteria for acceptability of residential site amenity and area characteristics without reference to shape, all of which the application site exceeds.

## CONCLUSION

- The development is located within an existing settlement boundary and is fully compatible with surrounding land uses; unless material considerations dictate otherwise, Planning Permission in Principle should be granted with suitable conditions to ensure that in any future application for Approval of Reserved Matters, fully complies with relevant policies and guidance.
- While having no adopted definition of 'backland' development, the available Placemaking Guide – Supplementary Guidance document (and neighbouring authorities adopted guidance) does provide a specific definition of 'backland' development. The guidance confirms that as the application proposals follow the existing streetscape pattern and are not located behind the principal elevation of any of the existing adjacent dwellings, they cannot be defined as 'backland' development; Furthermore, the guidance also states that 'backland' development is not expressly prohibited and can be permitted where access, new and existing amenity, subordination to and respect for existing locality, scale, density and character; are (as in this case) acceptable; No reference has been made in the determination of the application to criteria utilised to define 'backland', with the selected non-specific and erroneous definition then being incorrectly applied to the proposals and subsequently stated as a material reason for refusal of this application. This error has resulted in the proposals being incorrectly interpreted as contrary to the Development Plan.
- Where policy and guidance dictates that, site size, site and neighbouring amenity, private garden ground, plot ratio, site access and compatibility with surrounding land use are the most relevant factors in determining the suitability of sites for residential development; the refusal of a (PPP) application for an otherwise acceptable plot in a mixed form residential area within a settlement boundary on the basis of the existing 'site shape', does not constitute materials grounds for refusal.
- Perth and Kinross Council Planning Department Handling Report and the resulting determination did not give sufficient weight to the majority of material policy guidance and statutory consultee support for the principle of development; choosing instead to utilise an erroneous interpretation of an incorrect 'backland' development definition and a subjective concern over 'site shape' to override the suitability of an otherwise acceptable site for use as a single residential dwelling.
- Local Development Plan policy seeks to encourage 'infill development' within existing settlements 'which represent the most efficient use of the site while respecting its surroundings', in this case the application site is of more than adequate size for a single dwelling house and rounds off an existing residential grouping in an existing purely residential area.

- Where no material concerns regarding site area, site and neighbouring property amenity, site access, compatible land use, environmental, drainage, flooding, bio-diversity, economic or landscaping issues are deemed reasons for refusal; appropriate conditional approval is the correct way to proceed such applications, providing safeguards to inappropriate development through future determination of an application for Approval of Reserved Matters.
- The timescale taken to determine this application was almost two weeks more than stated target determination date; communication from the officers during this time was almost non-existent with no attempt being made to request any additional information to assist with determination or to formally request an extension to the period of determination. Such timescales for a straight forward, single dwelling, Planning Permission in Principle application, within an existing settlement, do not reflect well on PKC and casts doubt in the minds of the public as to the efficiency and transparency of the planning process.
- Approval of the proposed development would allow the replacement of the existing over mature and increasingly un-stable Sitka spruce plantation with an appropriate 'stem for stem' succession planting of more appropriate deciduous trees on the site; contributing positively to the future character of the area and its biodiversity.
- Rather than site shape and location being at odds with the existing pattern of the local area, this appeal has demonstrated that the location, shape and size of the application site fully reflects the density and character of the local area and its existing building pattern and therefore the proposals are in accordance with policies PM1A and RD1 of the LDP.  
As the proposals did not require PKC Planning Department to depart from the recommendations of the LDP they should have received appropriate conditional approval restricting any development until the submission of an acceptable application for approval of Reserved Matters.

The applicant respectfully requests that this appeal be allowed.

# 3 Infill Development

## 3.1 Background

Infill development is recognised as the practice of developing vacant or under-used parcels within existing urban or developed areas that are already largely developed. Many settlements or neighbourhood areas have parcels of vacant land within a settlement boundary which, for various reasons, have been overlooked or left undeveloped for historic reasons.

Where appropriate, infill development should look to involve more than the piecemeal development of individual plots. Looking at the wider area, an optimal infill development scenario should focus on the holistic development of joined up vacant parcels to serve and reinforce well-functioning neighborhoods. Successful infill development is typically characterised by achieving or augmenting residential densities high enough to support improved transportation choices as well as a mix of commercial services and amenities. Sites can include cultural, social, recreational and entertainment opportunities; gathering places or introduce new vitality to settlement centres and community neighborhoods. Attention to detail and a sound appreciation of site context in the design of infill development is fundamental to ensure that the new development fits its existing context, reinforces place identity and gains long term community acceptance.



## 3.2 Backland development

Backland development consisting of one or more dwellings situated immediately behind one another is generally unsatisfactory in any location, but particularly when sited on modest sized plots or sharing a single access (see figure 3a) due to associated problems with:

- overlooking;
- noise and light disturbance;
- general loss of amenity; and
- adverse impact on the character of the area.

This type of development proposal will generally not be supported.

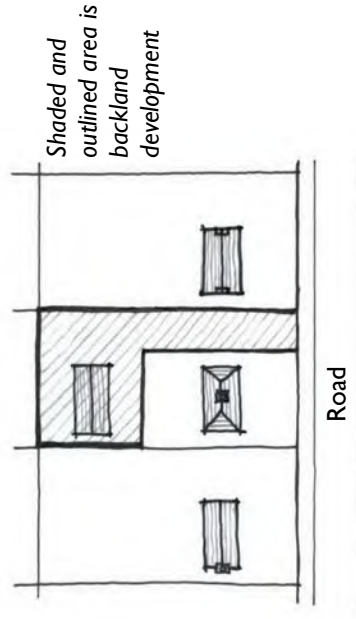
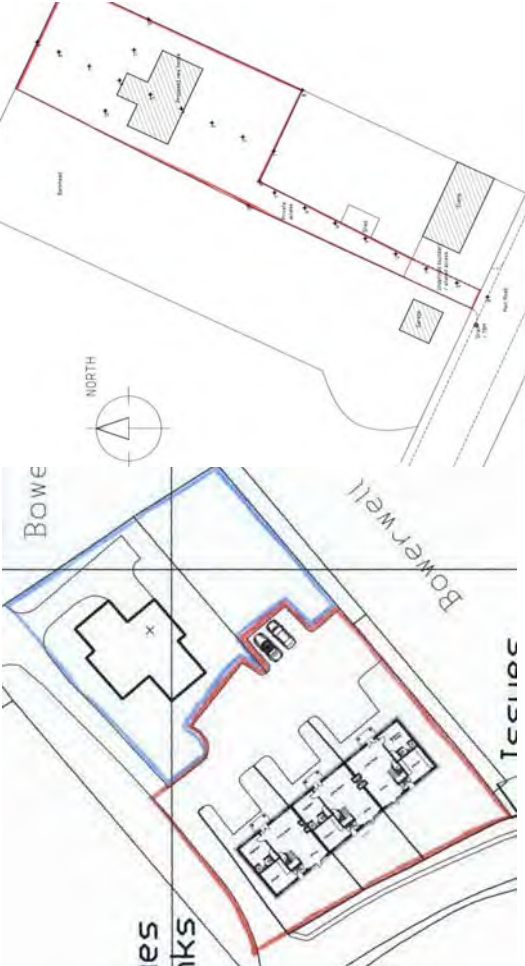


Figure 3a

Exceptionally on very large, individual or neighbouring plots, it may be possible to achieve sufficient separation between dwellings to overcome the aforementioned problems in order to achieve a further dwelling or dwellings within the rear curtilage of an existing dwelling or dwellings (see figure). There will be a requirement to provide a suitable access with no adverse impact on the character of the original dwelling or surrounding residential area. In these cases, careful consideration to context will remain essential. For example, a modest 'gardeners' cottage may be sensitively situated within the extensive grounds of a large urban villa.



Examples of poor back- and front-land development



- To summarise, backland development may only be permitted where:
- a separate and satisfactory vehicular access can be provided; and
  - the amenity of both new and existing properties can be safeguarded; and
  - the proposal is subordinate or in keeping with the scale, density and character of existing development in the locality; and
  - the proposal conforms to other salient policy and guidance.

In every case, regard should always be given to the local building context, character, density and site specific circumstances.



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Development in the grounds of former bank, original ground outlined in blue.  
Development site outlined in red, has to share access (dashed orange line) with bank site.

## INTRODUCTION

For some time it has been established practice to treat planning applications for residential development on backland sites as generally being undesirable, primarily in the interests of protecting amenity and maintaining the standards of privacy enjoyed by adjoining residents. By the very nature of backland sites, development thereon tends to result in a reduction of the space standards and/or privacy enjoyed by existing residents, increasing housing density and thereby altering the character of the area. Nevertheless, opportunities do exist in areas of low or medium density housing, where backland development could be accommodated without undue visual intrusion and where residential standards of space and privacy could be maintained at an acceptable level.

While the principle of protecting the amenity of existing residents remains a prime concern, it is now considered that a policy which permits a greater degree of flexibility can justifiably be pursued. Such a policy would help to maximise the development potential which exists within settlements and reduce development pressure on greenfield sites. By operating within defined criteria these benefits can be realised without imposing unreasonably on the space standards and privacy of existing residents.

## COUNCIL POLICY

Planning applications for the development of single (occasionally two) houses on a backland site will normally be approved where they meet the following criteria. For the purposes of development control a backland site will be defined broadly as "a small area of land to the rear of existing buildings which at no point, except for land reserved for the purposes of an access, adjoins a public road". Normally a backland site will be located within the curtilage of an existing house and will therefore be confined in area by the limits of the curtilage but, irrespective of the area of the site, the principles of control in respect of protecting the privacy and space standards of existing residents remain the same.

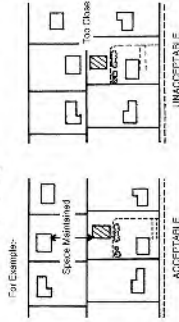
## THE PRINCIPLE OF CONTROL

In the majority of backland development situations, adjacent properties will have enjoyed an open aspect knowing that, as a normal highway access would be impossible or unlikely, the aspect will remain more or less intact. In these circumstances, the erection of a house or houses in the previously open garden area can be particularly disconcerting. Accordingly it is right and proper that these residents are allowed to enjoy at least the normal privacy and openness associated with a traditional estate development and arguably the standard should be slightly higher. Criteria 1 to 4 are designed to achieve this.

## CRITERIA TO BE MET

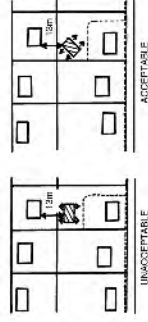
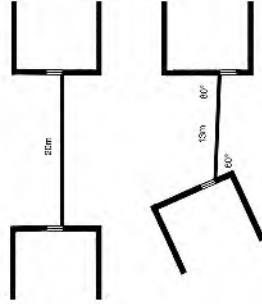
- To attract a planning approval, a backland plot will normally require a minimum area of 400 square metres excluding any access strip. In certain exceptional circumstances, this may be relaxed, e.g., where all surrounding properties are already not developed, although this exemption is only rarely likely to be applicable. If the site lies within existing house curtilage, the original house must also retain at least 400 square metres.

- Development on backland sites should be sited in such a way as to minimise the loss of privacy, outlook and space for adjoining residents. A reasonable degree of space must be maintained around and between the new house and those existing.



- Windows of habitable rooms should not be positioned directly opposite or inclined horizontally to those of habitable rooms in existing neighbouring houses unless there is a distance of approximately 20 metres between the windows of both dwellings. Where the respective buildings are inclined at an angle to one another, the distance required between windows will be less.

For Example:-



- Dwellings of more than one and a half storeys will not normally be permitted on backland sites unless it can be demonstrated by the applicant or higher agent, that such development can be accommodated with the minimum loss of privacy to adjoining residents. Often consent will be limited to single storey bungalows.
- A suitable safe access must be provided to the satisfaction of both the roads and planning authorities.

- Any proposal and ultimately the detailed design must be sympathetic to the character of the area, for example, the pattern of a linear village with only frontage development should be respected. In designated Conservation Areas a high level of sensitivity in design and use of materials will be required.

- The proposal must not jeopardise the overall planning of an area when better solutions can reasonably be anticipated in the foreseeable future, for example, where there is a local plan proposal for the area.

- The granting of planning consent to develop a backland site will not be regarded as setting a precedent for subsequent similar applications within the same locality.

## DEVELOPMENT CONTROL PRACTICE

As standard practice, the Council will require that outline planning applications for backland development should contain details relating to the siting, aspect and height of the proposed dwelling(s) as well as indicating where an access will be formed.

Development of backland sites can normally only be regarded as detrimental to existing adjacent householders and where genuine and reasonable objections are received from this source, they will be regarded as a major input into the planning application consideration.

## APPENDIX B



ADDITIONAL NOTATION  
ADDED FOR LOCAL  
REVIEW CONSIDERATION  
JUNE 2016

gary sinclair architecture 2016

gary sinclair architecture					
Project Greenland House, Blairgowrie	Drawing Title Site Location Plan	Drawing Number 318-100	Date February 2016		Checked
Client Anne and David Allan	CAD File 318-PL-LODGE.dwg	Scale 1: 1250	Revision	Revision A 10-03-16 Littlewoods Gardens	
			A	second road name added gs	
the studio sanna house low road westmuir DD8 5LN tel/fax 01575 570977 mob 07762 708864 e-mail gary@garysinclairarchitecture.com					

## 2.5 Amenity & Site Area Characteristics

The towns, villages and hamlets that make up the Perth and Kinross Council area have, through time, adopted their own characteristics which has given many of them great distinctiveness. Some have evolved naturally, while others were planned. It is very important to recognise and understand the essential characteristics of an area, as ultimately this should be preserved and enhanced, not destroyed.



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*Historic settlement patterns across Perth and Kinross display a rich diversity of individual site area character.*

### Private open space

The character of a built up area can be drastically changed through changes in the solid-void relationship of sites and their relationship with neighbouring properties.

- The Council's minimum plot size for a detached dwelling house is generally 360 square metres. This means that an extension to the rear of a house of up to 24 square metres may be acceptable, provided it does not impact adversely on neighbouring property.

Proposed extensions on detached properties are only likely to be acceptable if they retain an adequate useable rear garden area of at least 100 square metres and do not result in more than 30% of the total plot being occupied by the original building or any ancillary development.

Proposed extensions on all residential properties which result in an overall developed area of 50% or more of the original garden ground are unlikely to be supported.

(Site coverage calculation defined in [Circular 1/2012 Guidance on Householder Permitted Development Rights](#))

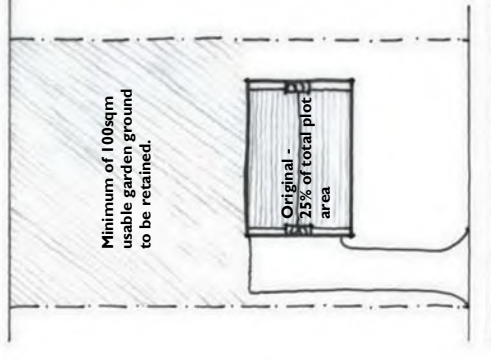


Figure 2a



*Semi detached property with more than 50% of the original garden ground developed.*



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	16/00379/IPL	
Ward No	N3- Blairgowrie Glens	
Due Determination Date	10.05.2016	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 35 Metres South West Of Greenland,  
Brucefield Road, Blairgowrie

**SUMMARY:**

This report recommends **refusal** of a planning in principle application for the erection of a new dwelling on an area of woodland at Brucefield Road, Blairgowrie 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:** 20 April 2016

## SITE PHOTOGRAPHS



*View of the existing site*

## BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle permission for the erection of a single dwelling on an area of woodland in the Rosemount area of Blairgowrie. The site is located to the west of a large property named 'Greenland' and measures approx. 76m in its length (north to south) with a width of approx. 23m - which tapers in and out a few metres along its length.

On the site at present are a number of trees, the majority of which are Sitka Spruces – with some broadleaves mixed. To accommodate a new dwelling, and the associated space required for amenity space a number of trees would have to be removed.

Access to the site is to the east and will be taken from a small section of existing shared driveway, which appears to be in private ownership – which in turn then connects to the public road network (Brucefield Road).

No details of the location or design of dwelling have been submitted at this stage.

## **SITE HISTORY**

None relevant to this proposal.

## **PRE-APPLICATION CONSULTATION**

None undertaken.

## **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.

### **The Scottish Planning Policy 2014**

The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application is Paragraphs 74 - 83 Promoting Rural Development and Paragraphs 109 - 134, Enabling Delivery of New Homes.

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The*

*quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

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

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

The application site lies within the settlement of Blairgowrie, where the following policies are applicable,

### **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 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 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 COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing (April 2016)**

This policy relates to Developer Contributions in relation to Primary Education and Transport Infrastructure as well as Affordable Housing requirements.

## **EXTERNAL CONSULTATION RESPONSES**

**Scottish Water** have been consulted on the planning application and have raised no objections.

## INTERNAL COUNCIL COMMENTS

**Environmental Health** have commented on the proposal and raised no objections.

**Transport Planning** have commented on the proposal and raised no objections.

**Contributions Officer** has commented on the proposal and indicated that the Developer Contributions and Affordable Housing (April 2016) should be applied to the proposal.

**Local Flood Prevention Authority** have commented on the proposal and raised no objections.

**Community Waste Advisor** has commented on the proposal and raised no objections.

## REPRESENTATIONS

Twelve letters of representations have been received, of which 11 are raising an objection of the proposal. The main issues raised within the letters of objections are,

- Contrary to Local Development Plan
- Setting an undesirable precedent
- Impact on existing trees
- Impact on residential amenity
- Impact on existing visual amenity
- Road safety issues
- Impact on Biodiversity

These issues are addressed in the main section of this report.

## ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design	Submitted
Report on Impact or Potential Impact	Tree survey

## **APPRAISAL**

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

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations, the proposal also requires to be assessed the Council's Developer Contributions and Affordable Housing (April 2016) document.

### **Policy Appraisal**

The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies wholly within the settlement boundary of Blairgowrie where Policy RD1 is directly applicable. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.

In addition to this, *Policy PM1A* of the LDP is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas

For reasons stated elsewhere in this report, I consider the proposal to be contrary to the aims of *Policies RD1 and PM1A* of the Local Development Plan 2014.

### **Land Use**

In terms of land use issues, the site has been identified within the LDP settlement boundary of Blairgowrie. Within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. As the surrounding land uses are largely residential, in purely land use terms only, I consider a proposed residential use to be compatible with the existing uses.

However, whilst the land use (residential) may be in principle acceptable in terms of its compatibility with existing uses the size and shape of the site does raise some concern.

The shape of the site is slightly awkward and its long linear nature is not in keeping with the building pattern of the area. To the east of the old railway

line, the plots are all typically large and whilst some are linear, they are not narrow as the site proposed. The majority of the properties to the east of the railway are also served directly off an access (in some cases private) with very few examples of backland or tandem development. This development would be located directly behind an existing dwelling, and would be served by a new access which runs along the southern boundary of the existing house – which makes it a clear example of undesirable backland development which is normally resisted by the Council

To this end, based on a combination of the site shape and location, I consider a residential development on this site would have an adverse impact on the density and character of the area and be out of keeping with the general building pattern of the area. I therefore consider the proposed land use to be unacceptable.

### **Residential Amenity**

In terms of the impact on the existing residential amenity, whilst the site is surrounded by existing residential units it's unlikely that suitability designed and sited dwelling would have adverse impact on the existing residential enjoyed by neighbouring properties.

In terms of offering a suitable level of residential amenity for future occupiers of the dwelling,

### **Visual Amenity**

The erection of a dwelling on the site, would have little impact itself in an area which is already residential in character. However, the removal of a large portion of trees would however change the appearance of the site – particularly from wide views

As the trees are not protected via TPO's their removal falls outwith the scope of planning control. It is also the case that the trees which are currently on the site are largely Sitka spruces with some broadleaves mixed within the central area and along the boundaries. It is the case that Sitka spruces are traditionally planted as fast growing commercial crop and offer little in the way visual benefit. Far higher visual benefit is offered by the broadleaves, and it would be the case that the healthier specimens could be retained as part of any proposal and completed by new more appropriate trees.

### **Roads and Access**

In terms of road relates matters, my colleagues in Transport Planning have raised no objections. It is however noted that the RED line application site does not include all land to the public road, and that a small section of a shared private access separates the application site (as lodged) and the

public road. Whilst this is not ideal, the grant of any planning permission would still require the applicant to secure vehicular rights for the proposed dwelling and this would be a matter for them to address outwith the planning system.

In terms of the neighbour notification issue (with not having the correct RED line), it is noted that the directly affected neighbours who would have been notified if the RED line had included all the land to the public road had made representations to the Council so their rights have not been affected by the RED line issue.

### **Impact on Bio-diversity**

Blairgowrie, and in particular the Rosemount area is well known to have a population of Red Squirrels, a protected species and as such it is the view of the Council's Bio-diversity officer that a full ecological assessment of the site should be undertaken by a suitably qualified ecologist to identify what species are present in and around the site and to assess the impact that the inevitable level of tree removal would have.

No such information has been lodged with the planning application.

### **Drainage and Flooding**

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

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to 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 Development Plan.

On that basis the application is recommended for a refusal.

## **DEVELOPER CONTRIBUTIONS**

### **Primary Education**

As this is a planning in principle application, in the event of any approval being forthcoming a standard compliance condition should be attached to any permission.

### **Transport Infrastructure**

The location of the site is outwith the catchment area for Transport related contributions.

### **Affordable Housing**

As this proposal is for a single dwelling only, there is no requirement for any affordable housing contributions.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the planning application based on the following reasons,**

As the proposal, by virtue of the sites shape and its backland location, the would result in a development that would have an adverse impact on both the density and general character of the local area, the proposal is contrary to Policies PM1A and RD1 of Perth and Kinross Council's Local Development Plan 2014 which both seek (amongst other things) to protect the character of existing areas from inappropriate developments.

### **Justification**

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

### **Informatives**

In the event that the Council is minded to approve this planning application, further ecological surveys should be requested to ascertain the impact on local and protected wildlife species.

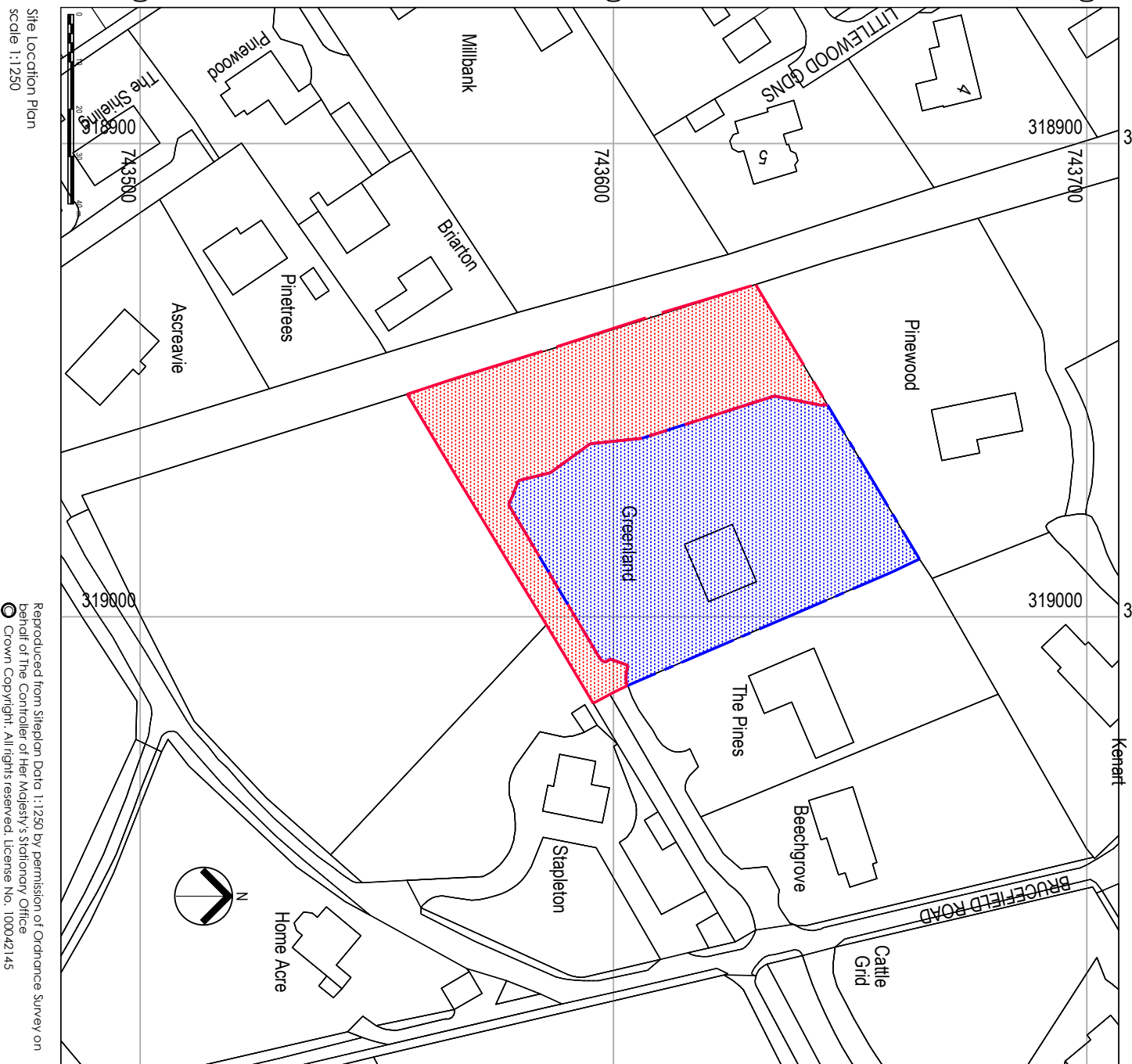
### **Procedural Notes**

Not Applicable.

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

16/00379/1 - 16/00379/5 (*inclusive*)

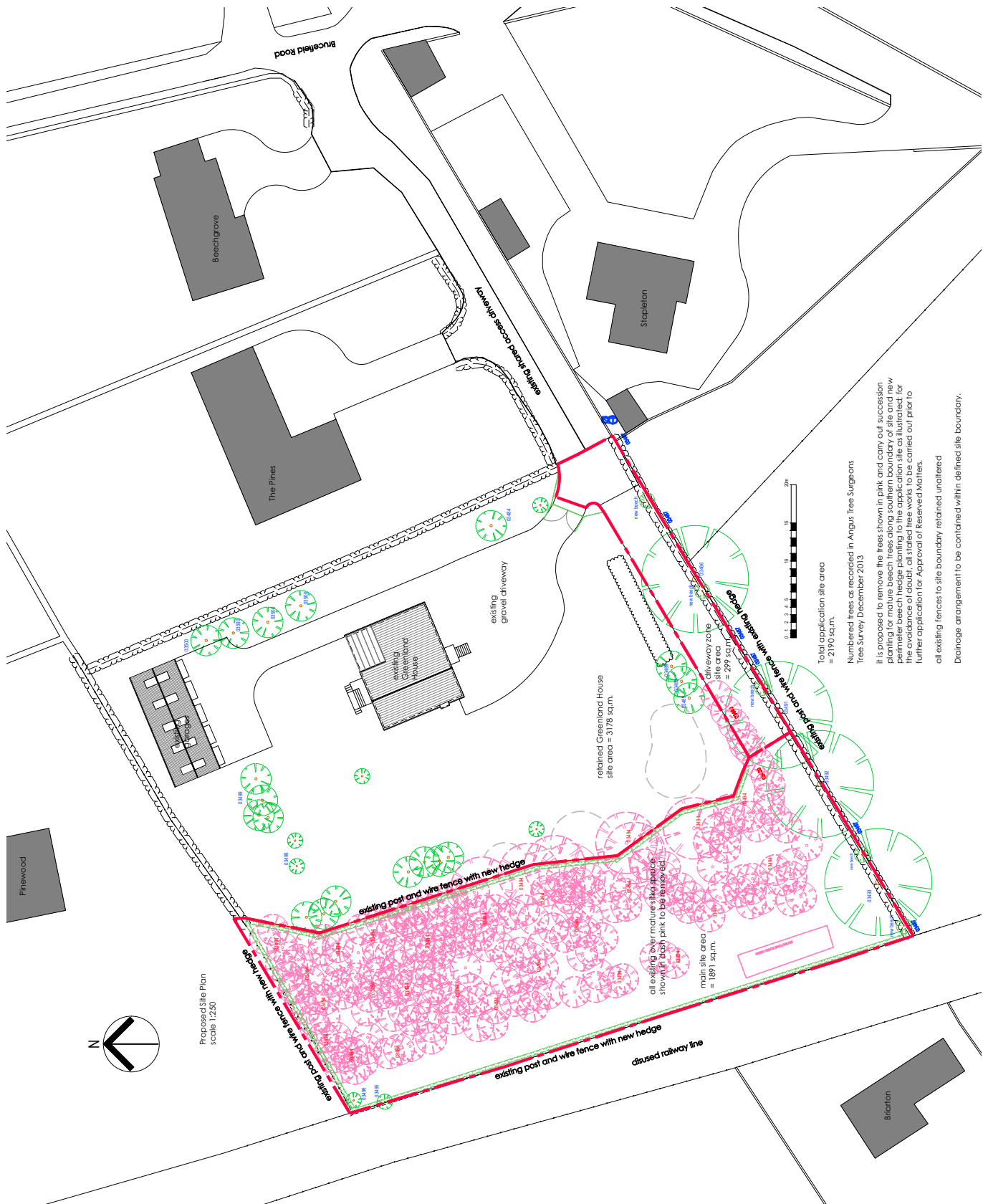
**Date of Report 18.05.2016**



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Project Greenland House, Blairgowrie	Drawing Title Site Location Plan	Drawing Number 318-100	Date February 2016	Checked
Client Anne and David Allan	CAD File 318-PL-LODGE.dwg	Scale 1: 1250	Revision A	Revision A 10-03-16 Littlewoods Gardens second road name added gs
the studio sanna house low road westmuir DD8 5LN tel/fax 01575 570977 mob 07762 708864 e-mail gary@garysinclairarchitecture.com				



Proposed Site Plan  
scale 1:250

Revision A 1003 16  
do not scale notation removed:  
drawing scale bar added gr

CAD file No.  
318-P-LODGE.dwg

Drawing No.  
318-001 rev A

Project  
site of Greenland, Brucefield Rd  
Bargavore

Client  
David Alan

Drawing Title  
Proposed Site Plan

Scale  
1:250

Date  
FEB. 2016

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE for  
ERECTION OF SINGLE DWELLING HOUSE****at****LAND TO WEST OF GREENLAND HOUSE, BRUCEFIELD ROAD, ROSEMOUNT, BLAIRGOWRIE, PH10 6LA**

DESIGN STATEMENT

MARCH 2016

318-DESIGN STATEMENT.doc

**REASON FOR APPLICATION**

The applicant wishes to confirm the principle of the application site as a suitable location for the erection of a single domestic dwelling house.

**PLANNING HISTORY**

The applicant is the owner/occupier of the property at Greenland House, Brucefield Road. Blairgowrie and the application site currently constitutes the westernmost garden area of this property.

The application site has been utilised as garden ground to the Greenland House property and has no record of any previous planning applications on the Perth and Kinross Public Access system.

**DESIGN CONSIDERATIONS**

The 2190 sq.m. application site is located within the development boundary of Blairgowrie and accessed from Brucefield Road by an existing driveway shared between Greenland House, The Pines and Beechgrove properties. The southern boundary of the site is defined by an unkempt beech hedge with four poorly formed mature common beech trees within the line of the existing hedge, the remainder of the site is predominantly covered with over-mature plantation type Sitka spruce. A considerable number of the plantation spruce are now toppling and the recommendation from Angus Tree Surgeons is that these trees should be harvested at the earliest opportunity.

The application site is currently enclosed by existing fences and hedges and has a main site area of some 1891 sq.m., with a further 299 sq.m. providing for a new access driveway from the existing shared driveway serving both the application site and the existing Greenland House property.

The total application site area of 2190 sq.m., will leave the Greenland property with a retained site area of some 3178 sq.m.

The application site has sufficient spaces for on-site car-parking and a garden ground area in excess of 1500 sq.m. within the curtilage.

The new dwelling will connect into the existing mains sewerage system and the mains water supply, with allowance for SUDS surface water drainage to be made within the site.

It is proposed to retain the existing fence boundaries to all sides of the application site, together with enhancement of the north, east and west boundaries with new beech hedge, together with remedial works and additional planting to reinstate the southern boundary hedge.

A full Tree Survey of the Greenland House property including the application site has been carried out by Derek Strachan of Angus Tree Surgeons; the report is attached to the application with the tree identifications therein stated on drawing no. 318-001.

The Tree Survey recommends the harvesting of the Sitka spruce plantation trees and suggests that the over mature beech trees to the southern boundary will require removal within the next 20 years. The current proposal will involve the removal of the Sitka spruce plantation and the planting of 5 no. new beech saplings along the southern boundary to act as succession planting to maintain this existing landscape feature for the long term.

Detail design of any house and access arrangement will be subject to approval of a further Reserved Matters application.

## SUPPORTING STATEMENT

The application site is located within the development boundary of Blairgowrie, has sufficient provision for car parking and substantial garden ground within the curtilage of the site; with existing links via Brucefield Road to the footpath and public transport network on Coupar Angus Road to the west.

As the proposed development of a single dwelling constitutes 'infill residential development at a density which represents the most efficient use of the site while respecting its environs'; the application would seem to comply fully with the requirements of Perth and Kinross Council Adopted Development Plan Policy RD1.

The proposals seek to remove the inappropriate spruce plantation trees, enhance the existing site boundaries with new beech hedge planting, remedial works and succession planting to the southern boundary hedge and trees with a view to creating an appropriate garden setting for the development of a new single dwelling house.

The remaining Greenland House site retains sufficient garden ground and amenity after sub-division with the existing boundary fence and additional hedge planting maintaining privacy to both new and existing garden areas.

The development will not affect the amenity of any of the properties neighbouring the site.

# ANGUS TREE SURGEONS

Scotswood Cottage, Woodside, Northmuir, Kirriemuir DD8 4PG  
Tel/Fax 01575 574999

17/12/13  
Millfield  
Inchbare  
Brechtin  
ANGUS

TREE IDENTIFICATION SHOW ON DRWG. NO. 318-001

Mr David Allan

Dear Sir,

## Tree Survey at Greenland, Brucefield Road, Blairgowrie.

This tree survey conforms with BS5837(2010). Trees were tagged on site 03484-03500. Trees were grouped by species and age where possible. Please read the following survey with the key and Tree Constraints Plan.

No	Species	Ht	DBH	CS	CSp	Age	PhyC	StC	CG	RPR
03484	Goat Willow	9	34	1.5	5434	OM	P	F	C	4.1

Salix caprea Many surface roots in lawn liable to infection, short-lived species.

85	Common Beech	8	r~25	0	3223	Y	P	F	C	25
----	--------------	---	------	---	------	---	---	---	---	----

Fagus sylvatica Multi-stemmed tree to become congested in maturity, poorly formed specimen which shan't contribute to any proposed development.

86	Common Beech	19	121	2.5	138119	OM	P	P	R	/
----	--------------	----	-----	-----	--------	----	---	---	---	---

Root-killing fungus Meripilis giganteum infecting base of stem rendering tree unstable within ten years.

87	Common Beech	~7-15	7-36	0-2	N-S11 E-W60	M-Dead	F-D	F-D	C-R	0.8-4.3
----	--------------	-------	------	-----	-------------	--------	-----	-----	-----	---------

Approximately fifty overgrown hedge stock stems all misshapen and leaning to South. Cut out largest and dead and reduce to hedge height again and plant young Beech in spaces to thicken.

88	Sycamore	14	24	6	6054	SM	P	P	C	2.9
----	----------	----	----	---	------	----	---	---	---	-----

Acer pseudoplatanus Self-seeded, severe lean to North from root, not a specimen and shall provide seed to colonise and create weed problem.

89	Rowan	~13	7-8	1-2	2122	SM	F	F	C	0.9
----	-------	-----	-----	-----	------	----	---	---	---	-----

Sorbus aucuparia Three trees all leaning to North for light, not specimens, shall hardly contribute to any proposed development.

90	Sitka Spruce	7-16	20-42	0-1	2222-4444	M-D	F-D	F-D	C-R	/-5.0
----	--------------	------	-------	-----	-----------	-----	-----	-----	-----	-------

Picea sitchensis Nine trees planted at the same time, some suppressed and dead or dying, not appropriate in a garden setting, liable to further die-back and/or wind-throw within ten years.

No	Species	Ht	DBH	CS	CSp	Age	PhyC	StC	CG	RPR
91	Common Beech	18	88	3	8665	M	F	F	C	10.5
Minor deadwood in lower crown, struck by lightning years ago and large cavity in one of three vertical major limbs. Climb and inspect the crown and remove deadwood by tree surgery.										
92	Common Beech	17	94	2.5	7877	M	F	F	C	11.3
Climb and inspect the structure and remove moderate amounts of deadwood from the middle and lower crown by tree surgery.										
93	Common Beech	18	93	2	91088	M	F	F	C	11.2
As 03492.										
94	Sitka Spruce	14-19	12-50	0-2	22224484	M-D	F-D	F-D	C-R	/-6.0
Approximately two hundred trees, amounting to a small woodland plantation, perhaps planted in 1975. Twenty-five percent of the trees are dead, fallen, leaning into other trees, and in the process of wind-throw. Wind-throw shall continue through this copse. Such a species is unsuitable for a garden and these trees were presumably planted as a crop and ought to be harvested for milling as originally intended. The woodland has reached maturity and some of the stems have already become too big for some sawmills to handle.										
95	Sycamore	10	22	0.5	2232	SM	F	F	C	2.6
Double stemmed from 0.5 Metres. Unsuitable species and a source of seed to colonise surrounding properties.										
96	Leyland Cypress	13	11-31	0	N-S7E-W11	SM	F	F	C	1.3-3.7
<i>Cupressocyparis leylandii</i> Inappropriate species to grow to maturity (35 Metres tall typically) so close to properties and will not contribute to any development.										
97	Sitka Spruce	9	12-33	0	N-S10E-W40	OM	F-D	F-D	R	/
Twenty-eight trees all topped to eight Metres. Several dead stems and stressed by topping. These trees don't contribute to the gardens and properties and to remove them would expose an established Beech hedge which is aesthetically preferable.										
98	Weeping Birch	3.5	15	2.5	1442	M	F	F	C	1.8
<i>Betula pubescens</i> Spp Short lived variegated form, leaning severely, of little value in terms of amenity.										
99	Leyland Cypress	8	31	0	1322	SM	F	F	C	3.7
Liable to outgrow position and will not contribute to the aesthetics of the garden in the long term.										
03500	Apple and Cherry spp	3-	12-	0.5-	2222	SM-	F-	F	C	1.4-
<i>Malus</i> & <i>Prunus</i> spp6 Rather scrappy stems and crown. Not precious to this garden.										
			15	1		OM	P			1.8

### **Tree Constraints Plan**

There are few trees within the property considered to be of high importance or value. The over-mature Beech trees that are aesthetically valuable are likely to deteriorate in health within the next twenty years such that they will require removal within that time frame. It is therefore clear there are no constraints to any development within this property regarding existing trees.

The following relates to any planning proposals that may be considered.

### **Tree Work and Construction Work**

All tree work to adhere to BS 3998(2010) 'Tree Work'. All construction work to adhere to BS5837(2010)'Trees in Relation to Construction'. Tree work to be completed before the commencement of any construction activity. The Construction Exclusion Zone Heras fence to be erected around the Root Protection Radii of all retained trees before any construction. The CEZ fence to remain as sacrosanct for the duration of all construction such that there shall be no digging, infill, storage, accommodation, loos, services, materials, fires, fluids, vehicles or machinery within the Root Protection Areas which are the Construction Exclusion Zones. Planting to take place after all construction and landscaping are completed.

### **Replacement Planting**

Saplings to be planted one for one, bare-rooted whips, 40-60cm tall, in the month of March or April following all other works. Species to include the following as available:-

- 1/ Common Beech for hedges to be established as boundaries,
- 2/ Rowan, *Sorbus aucuparia*,
- 3/ Winter flowering Cherry, *Prunus subhirtella*,
- 4/ Downy Birch, *Betula pubescens*,
- 5/ Discovery Apple, *Malus* spp,
- 6/ Victoria Plum, *Prunus* spp.

Young trees to be planted as per a scheme which may be agreed following any planning proposals.

Tree surveys should be undertaken every five years and especially after severe weather events..

Angus Tree Surgeons take no responsibility for tree that fail, cause damage and/or injury, in any way.

Yours faithfully,



Derek Strachan BSc For hons

## KEY TO SURVEY

No.	Reference Number															
Species	Common and scientific names where possible.															
Ht	Height in Metres.															
DBH	Stem diameter in centimetres at 1.5 Metres above adjacent ground level, or immediately above the root flare, denoted by 'r', for multi-stemmed trees.															
~	-estimated measurement because of eg coppice or Ivy growth.															
Av.	-average measurement of group of trees.															
CS	Height in Metres of crown clearance, or clear stem above adjacent ground level (to inform of ground clearance, crown/stem ratio and shading).															
CSp	Branch spread in Metres at the four cardinal points, in the order North, South, East and West, to derive an accurate representation of the crown (to be recorded on the Tree Constraints Plan).															
=	-total canopy spread of trees in a group.															
Age	Age class (Y- Young, SM- Semi-mature, M- Mature, OM- Over-mature, and V- Veteran).															
PhyC	Physiological condition (G-Good, F-Fair, P-Poor, D-Dead).															
StC	Structural condition (G-Good, F-Fair, P-Poor) and see remarks for details.															
ERC & CG	Estimated Remaining Contribution in years followed by Category Grading, ie:- <table><tr><td>ERC</td><td>CG</td><td></td></tr><tr><td>40&gt;</td><td>A</td><td>Development should accommodate</td></tr><tr><td>20-40</td><td>B</td><td>Development may accommodate</td></tr><tr><td>10-20</td><td>C</td><td>May remove (or may relocate sapling) for development.</td></tr><tr><td>&lt;10</td><td>R</td><td>Should remove.</td></tr></table> Numbers 1,2,and/or 3 may follow A,B, or C and relate to value:- 1- Arboricultural, 2- Landscape, 3- Cultural/Conservation.	ERC	CG		40>	A	Development should accommodate	20-40	B	Development may accommodate	10-20	C	May remove (or may relocate sapling) for development.	<10	R	Should remove.
ERC	CG															
40>	A	Development should accommodate														
20-40	B	Development may accommodate														
10-20	C	May remove (or may relocate sapling) for development.														
<10	R	Should remove.														
RPR	Root Protection Radius in Metres for the erection of the Construction Exclusion Zone fence.															
Remarks:	Statement of trees condition.															

**TCP/11/16(430)**  
**Planning Application – 16/00379/IPL – Erection of a dwellinghouse, Land 35 metres South West of Greenland, Brucefield Road, Blairgowrie**

## **PLANNING DECISION NOTICE**

**REPORT OF HANDLING** *(included in applicant's submission, see pages 33-42)*

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 43-50)*



# PERTH AND KINROSS COUNCIL

Mr David Allan  
c/o Gary Sinclair Architecture  
The Studio  
Sanna House  
Low Road  
Westmuir  
DD8 5LN

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 23.05.2016

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/00379/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 11th March 2016 for permission for **Erection of a dwellinghouse Land 35 Metres South West Of Greenland Brucefield Road Blairgowrie** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

As the proposal, by virtue of the sites shape and its backland location, the would result in a development that would have an adverse impact on both the density and general character of the local area, the proposal is contrary to Policies PM1A and RD1 of Perth and Kinross Council's Local Development Plan 2014 which both seek (amongst other things) to protect the character of existing areas from inappropriate developments.

### Justification

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

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

**Plan Reference**

**16/00379/1**

**16/00379/2**

**16/00379/3**

**16/00379/4**

**16/00379/5**

**TCP/11/16(430)**  
**Planning Application – 16/00379/IPL – Erection of a**  
**dwellinghouse, Land 35 metres South West of Greenland,**  
**Brucefield Road, Blairgowrie**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	16/00379/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		
<b>Address of site</b>	Land To The West Of Greenland House Brucefield Road Blairgowrie for Mr David Allan		
<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 Newhill Primary School.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	15 March 2016		



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

<b>Planning Application ref.</b>	16/00379/IPL	<b>Comments provided by</b>	D.Lynn
<b>Service/Section</b>	TES - Flooding	<b>Contact Details</b>	██████████
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land To The West Of Greenland House Brucefield Road Blairgowrie		
<b>Comments on the proposal</b>	No Objection		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	17/03/2016		



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

<b>Planning Application ref.</b>	16/00379/IPL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	██████████ ██████████████████
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 35 Metres South West Of Greenland Brucefield Road Blairgowrie		
<b>Comments on the proposal</b>	Insofar as the roads matters are concerned, I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	18 March 2016		



RECEIVED

24 MAR 2016

Stapleton,  
Rosemount,  
Blairgowrie,  
Perthshire,  
PH10 6LA

21. 03. 16

The Development Quality Manager  
Planning + Development  
Pillar Ho.  
PH15GD

ENTERED IN COM.

24 MAR 2016

Dear Sir

Ref: 16 003 79 / 1PL

When the three houses, ~~Beedgrove~~,  
Pine Trees + Greenland were  
built in 1982-83, it was  
on a large area of vacant  
land, with no encumbrances  
such as borders, fences, trees etc  
to restrict access, and impede  
construction.

What is proposed entails access  
to a proposed development through  
a one-way extremely narrow  
route through which it will  
be extremely difficult to  
transport large amounts of  
building material through a

very confined space and may  
seen involve vehicles having to  
reverse to gain access.

So my objections to what is  
proposed are based on  
the route, attendant disturbance  
over a protracted period to  
neighbouring properties, and to  
safety implications involved in  
the ingress & egress of large  
vehicles.

Yours faithfully

RONALD L. PYLE (DR)

AMB

RECEIVED

23 MAR 2016

22/03/20016

To : - Perth & Kinross, The Development Quality Manager,

Copy to Architect. Mr. Gary Sinclair.

Planning Application Reference 16/00379/IPL

Re. The erection of a single dwelling house on land 35 Metres South West Of Greenland, Brucefield Road, Blairgowrie Name of Applicant Mr. David Allan.

ENTERED IN COMPUTER  
24 MAR 2016

With regard to the above application, we the owners mentioned on the list strongly object for the following reasons :-

1. The amount of trees to be felled in the region of 150 to 200 we are extremely concerned as to the effect on our privacy, as we are situated on the south side of the railway line where the tree vista is considerable.
2. With the effect that tree removal would have on the large variety of wildlife such as birds, red squirrels which are a protected species in this area, and finally the deer which roam around Dr. Pyle's field for grazing who resides next door at Stapleton.
3. We were previously under the impression, that extensions were only permitted for single story dwellings, Mr. Allan has already been granted permission for a double dwelling story extension which is a deviation from existing houses construction in this area ie bungalows. I am also given to understand that numerous garages either have or requested planning for has taken place, Suffice to say Mr. Allan is changing the look and ambiance of this quiet residential area since his arrival.

Further more I wish to record that the time for receiving our objections to the above is inadequate considering two weekends and two public holidays fall on the afforded time allowed. It has also come to my attention that several names on the list you supplied have indeed not been notified of the said application.

Mr. & Mrs. M. Boland  
Pinetrees  
Brucefield Road Rosemount  
Blairgowrie  
PH10 6LA



# Comments for Planning Application 16/00379/IPL

## Application Summary

Application Number: 16/00379/IPL

Address: Land 35 Metres South West Of Greenland Brucefield Road Blairgowrie

Proposal: Erection of a dwellinghouse

Case Officer: Andrew Baxter

## Customer Details

Name: Mr Michael Stevenson

Address: Sunningdale Littlewood Gardens, Blairgowrie, Perth And Kinross PH10 6XZ

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development
- Over Looking
- Road Safety Concerns

Comment: I object to the removal of a significant number of trees that support wildlife in the area. The site adjoins the old railway which is being used, now and in the long term, as a nature habitat by creating shelter, natural vegetation deterioration and food supplies for the native species that are supported in this area. The area designated for clearance contributes to this natural environment and the replanting schedule does not maintain the environment described above.

The Council is aware that the area is host to:

Red Squirrels and their dreys, voles, bats and many insect species including bumble bees - all protected species.

The following animals have been seen in the proximity of the site - Eagle owl, sparrow hawk, jay, crows, pigeon and collared dove, pheasant, woodpeckers (both varieties), siskin, redstart, all the tit family, nuthatch, treecreeper etc. etc.

The existence of these animals prove that the environment is encouraging them and should be protected.

I am also concerned that Brucefield Road, a single track, must be getting to full capacity given the

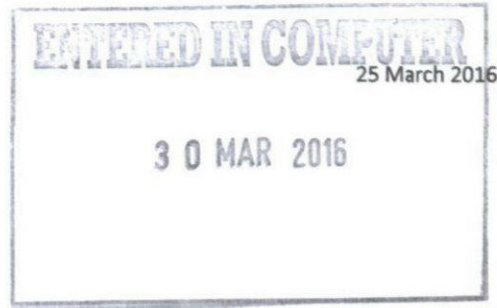
planning permissions already granted and not yet built.

RECEIVED

30 MAR 2016

Am13

Development Quality Manager  
Perth and Kinross Council Planning and Regeneration  
Pullar House,  
35 Kinnoull Street  
Perth PH1 5GD



Dear Development Quality Manager

Planning Application Ref: 16/00379/IPL GREENLAND Outline Planning Permission for house to the West of Greenland

I object to the above outline planning permission. I do not understand why a Tree Survey dated 17.12.2013 has been submitted with the plans when a large number of the trees have already been removed for the considerable extension upwards and outwards of the existing Greenland House after purchase by Mr Allan and the construction of 5 garages on the plan for which I cannot find planning applications. The constraint of the biodiversity of wildlife, habitat, and protected species has been totally overlooked in the tree assessment report probably because Angus Tree Surgeons do not appear to be a member of any Arboricultural Association or a registered witness.

Our trees are grown and cared for as habitat for the protected red squirrel and bats on official advice from Arboricultural experts as opposed to tree surgeons. There is at least one drey in our conifers and we watch the red squirrels move along the dismantled railway track towards Greenland so it is difficult to believe that there are no red squirrel runs and dreys as well as bats in the trees at Greenland approximately 18 metres away. There is an impressive range of wildlife in our garden supported by our trees as listed by Mr Stevenson in his objection. Further building work has already been granted permission in Brucefield. There is also planned development on the farmland which neighbours Brucefield to the north. Therefore the habitat in Brucefield and Rosemount must be preserved and trees retained for clean air for humans and wildlife alike. J S Stephen, the builders, retained mature trees in Littlewood Gardens nearby as well as adding planting on advice from the Tree Officer when building new houses five years ago.

I therefore object to the planning permission in outline for a further house not only for the loss of habitat but also based on the visual evidence of what has been developed in the last two years at Greenland. This is now totally out of keeping with Brucefield and its restricted access and has already created serious detriment to Brucefield's visual amenity.

Yours faithfully

(Mrs Jacqueline Edwards)



**Claire Mathieson**

---

**From:** Alastair Byres <[REDACTED]>  
**Sent:** 30 March 2016 15:56  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 16/00379IPL

Greenland House, Brucefield Road, Blairgowrie

The overgrown trees that grow in the proposed development site which adjoins our property are in a dangerous state and if those nearest us were to fall, they could cause structural damage to our house. We are therefore very much in favour of these trees being felled. We are not in favour of a house being built in this location as it will add to the traffic on the single lane Brucefield Road. Previous planning applications on other vacant sites adjoining the road have been refused for this reason.

We have been told by the applicant that his motive in making the planning application is to remove the existing trees. He tells us that any replacement replanting of the area would require to be of similar species but that an application for planning permission for a house in this location would negate this requirement. We find that difficult to understand as the tree report that the applicant commissioned in 2013, recommended to replant with native species.

Alastair & Anne Byres

Pinewood  
Brucefield Road  
Blairgowrie  
PH10 6LA





# Comments for Planning Application 16/00379/IPL

## Application Summary

Application Number: 16/00379/IPL

Address: Land 35 Metres South West Of Greenland Brucefield Road Blairgowrie

Proposal: Erection of a dwellinghouse

Case Officer: Andrew Baxter

## Customer Details

Name: Dr Stuart Donald

Address: The Pines, Brucefield Road, Blairgowrie PH10 6LA

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Loss Of Trees
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: We, Dr Stuart K Donald and Mrs Teresa D Donald residing at The Pines, Brucefield Road, wish to lodge our strong objections to the proposed Planning Application for an additional dwelling House on the adjacent and commonly accessed plot at Greenland House. Our reasons for objecting are outlined below.

## HISTORICAL CONTEXT

In 1982/83 a three plot development was carried out on a site of the Brucefield Road by Dalreoch Homes Limited comprising Greenland House (Plot 3) our property The Pines (Plot 2), and another house adjacent to ours Beechgrove (Plot 1).

It was a low density development consistent with the planning policies operating at the time.

The titles granted were all the same comprising a common scheme with a prohibition in each case of any further development. The common access driveway serving the three plots was designed to take account of the limited intended use. It is winding and narrow.

Although the comment in the report by Gary Sinclair Architecture on the history of planning is correct, i.e., that there is no record of any previous application for the ground at Greenland House is true, we can state from our own knowledge of the circumstances that the previous owners Mr and Mrs. John McIntosh who owned the property until the recent sale of it to the applicants, did make enquiries to the planning department for guidance on the issue of applying for permission for an additional house, and were told that permission would not likely be granted due to the restricted

shared access driveway.

### SHARED ACCESS DRIVE NOT SUITABLE AND UNSAFE

As observed above the existing shared access drive was not designed and is not suitable to support further access beyond the existing Greenland House property. Delivery vehicles have often misjudged the tight confines causing damage to established hedges and deforming our iron gates, requiring removal and repair. The postman is no longer able to turn his small van, since the erection of the new gates at Greenland House, and has to reverse back up the narrow access drive, a danger to all. This situation would be far worse if a narrow single track access drive continued to an additional dwelling house on the applicants plot. Medium sized delivery vehicles never attempt to drive up the existing shared access drive and have to reverse carefully a short distance and carry goods into The Pines or Greenland House. We have very serious safety concerns given the blind exit from our property onto the existing shared access drive to Brucefield Road. We have had a number of near misses with cars flying past our exit and one of the applicants contractors almost reversed into my new car stopping about one inch away. The thought of further traffic coming from the Greenland House direction is very worrying as we often have young children and animals visiting.

Any short or medium term assurances of the likely level of traffic passing our entrance conveyed to us by the applicant is of little comfort to us. If the additional property on the applicants site were given the go ahead it is highly likely that at some point in the future both properties would change hands and it is quite possible that both properties may have three or more cars using the tight common access. Greenland House already has garaging for five cars. If some of these were young inexperienced drivers the thought is very concerning

During the very disruptive two year period when renovations were undertaken at Greenland House there were many occasions when the main Brucefield Road was blocked completely as larger vehicles couldn't even reverse a short distance up the shared drive and had to unload on the main Brucefield Road. We put up with two years of disruption, loud noise and the tradesmen's intemperate language and a repeat of this would be most unwelcome.

### TREE CONSIDERATIONS

Although it may be true that some of the trees are past their best, the fact that there is woodland within the area improves the environment and provides a haven for wildlife including red squirrels.

The Guidance to Forestry Commission Scotland staff on implementing the Scottish Government's Policy on Control of Woodland Removal states:-

"Although Forestry Commission Scotland (FCS) does not regulate tree felling associated with developments that have planning permission, Scottish Planning Policy<sup>3</sup> [para 218, page 49] states that 'Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for

determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications"

We consider it essential that Forestry Commission Scotland be advised of the application and be asked to comment on the impact it would have on the removal of trees.

#### REQUEST FOR SITE VISIT

We feel that it is essential for a site visit be made to fully assess the restricted access and the new deer fencing (which has been erected within the Greenland House property), which leaves little space for services and vehicular access to any proposed new dwelling house.



# Comments for Planning Application 16/00379/IPL

## Application Summary

Application Number: 16/00379/IPL

Address: Land 35 Metres South West Of Greenland Brucefield Road Blairgowrie

Proposal: Erection of a dwellinghouse

Case Officer: Andrew Baxter

## Customer Details

Name: Dr James Donald

Address: Arduaine House Littlewood Gardens, Blairgowrie, Perth And Kinross PH10 6XZ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Loss Of Trees
- Road Safety Concerns
- Traffic Congestion

Comment: I would like to object to the proposed planning permission for erection of dwelling house at Greenlands house.

I feel that the planned woodland removal would be detrimental to the wildlife such as red squirrels which can be seen regularly and also to the well being it provides to the neighbours.

The access road, currently only accessing three properties, is single track and without a turning area. Already it is difficult to access for any medium to large goods vehicle. The proposed access drive to the new dwelling house is even closer to the boundary, omitting services strip, so more difficult to access. Already vehicles have to reverse to get back onto Brucefield Road.

This poor access with increase vehicle usage would cause a safety concern. I have three young children and we will often walk or cycle down this road. The sight lines to access this road are poor from existing properties and the additional traffic would increase the risk of road traffic collision.

I feel that these reasons should not permit the approval of the planning permission being requested.



# Comments for Planning Application 16/00379/IPL

## Application Summary

Application Number: 16/00379/IPL

Address: Land 35 Metres South West Of Greenland Brucefield Road Blairgowrie

Proposal: Erection of a dwellinghouse

Case Officer: Andrew Baxter

## Customer Details

Name: Mr Michael Majorek

Address: Briarton, Coupar Angus Road, Blairgowrie PH10 6JY

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Loss Of Trees

Comment:I have to object to the destruction of an area of woodland which supports such a wide variety of wildlife. From the red squirrels often seen in the spruce trees and visiting the back garden to the large number and species of wild birds thriving in this area using this woodland as shelter. Common sightings include :- Song thrushes, red wings, fieldfares, coal, great, longtail & blue tits, black caps, wrens, robins, tree creepers, sparrow hawks, jays, green & greater spotted woodpeckers, bats, and even flocks of scottish crossbills have been seen feeding off these trees.

My second concern is around the level of privacy this woodland provides. To remove this and have another dwelling situated much closer to the rear of our property can only have a negative effect on our property view, privacy and noise levels.



# Comments for Planning Application 16/00379/IPL

## Application Summary

Application Number: 16/00379/IPL

Address: Land 35 Metres South West Of Greenland Brucefield Road Blairgowrie

Proposal: Erection of a dwellinghouse

Case Officer: Andrew Baxter

## Customer Details

Name: Mr Donald Ross

Address: Beechgrove, Brucefield Road, Blairgowrie PH10 6LA

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road Safety Concerns

Comment: For the reasons stated below, we object to this planning application.

### SHARED ACCESS DRIVEWAY FROM MAIN BRUCEFIELD ROAD

The existing access driveway from the main Brucefield Road is shared by three houses, viz. Beechgrove, The Pines and Greenland. If a new dwelling house were to be built on part of the land at Greenland this would obviously add to the use of the shared driveway, which already has serious traffic problems, particularly in relation to delivery and trade vehicles. The fact that the planning application is for 6 additional car spaces is very worrying. There are already 7 cars parked in Greenland (albeit not all in use at the same time!).

The shared access road is a narrow cul-de-sac, allowing only single file driving for smaller vehicles. There are no passing places and there is not an adequate turning area at the end of the road (i.e. at Greenland). While the volume of domestic traffic is not particularly heavy, there is a major problem every time a medium or a large lorry tries to use the access road. The number of these has increased significantly in recent years, and will continue to increase, with the explosion in internet shopping and resultant parcel deliveries.

Our description of the traffic problems can be outlined under three categories, as follows:-

#### (1) Cars and small vans

After delivering to Greenland, these vehicles usually reverse back down the narrow access road, in order to turn at the Pines or at Beechgrove or to reverse all the way onto the main Brucefield Road. Reversing from a minor road onto a more major road is, of course, bad practice and against

recommended Highway Code advice.

(2) Medium sized vans and lorries

Because of the lack of a turning area at the end of the road suitable for medium sized vans and lorries, they choose to reverse all the way up the access road, make their deliveries to Greenland and then drive forwards onto the main Brucefield Road. The reversing process often results in damage to adjacent trees, hedges and shrubs, as was evidenced during the recent protracted 2 year house renovations at Greenland.

(3) Large lorries

These vehicles are unable to turn into or to drive up the access road. As a result, they have to park in the main Brucefield Road and deliver their goods by forklift truck or trolley to any of the three houses. During the recent Greenland renovations, when big lorries had to park at the entrance to the access road, they blocked the exit to and from the three houses. On occasions, the big lorries were stationary for as long as 20 or 30 minutes, while goods and building materials were unloaded onto the main Brucefield Road and delivered thereafter to Greenland by small forklift truck or trolley. While this delivery process was going on, cars driving along the main Brucefield Road were unable to get past the parked lorry and had to do U turns and drive back the way they had come.

The prolonged noise and disruption caused during the recent Greenland renovations would pale into insignificance compared to that of having a new house built and extensive grounds landscaped on a green field site. The road simply could not cope with the volume of heavy traffic from large lorries, excavators, road rollers, delivery vans, tradesmen's vehicles, etc. The inconvenience and noise that would be inflicted on neighbours over a lengthy period of one to two years would be at an unacceptable level.

The shared road is "unadopted" and the three house owners are responsible for its upkeep. After an extended period of maybe 18 months for building the new house and landscaping an extensive garden area, the state of the road is like to be badly degraded and requiring costly resurfacing.

If the new house is built, the volume of traffic will be considerably greater than at present. As a result, all the problems outlined above, caused by the narrowness of the access road and the absence of an adequate turning area at the end of the access road, will be exacerbated. Inevitably, the road would require extra regular maintenance and expense.

In conclusion, for the reasons stated above, we wish to object to this planning application because of the traffic problems relating to the shared access drive.

Donald F Ross and Dorothy R Ross (Mrs)

**Claire Mathieson**

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**From:** Catriona Innes <[REDACTED]>  
**Sent:** 01 April 2016 13:11  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 16/00379/IPL

Dear Sir,

With reference to the above planning application, the erection of a house on land to the South West of Greenland House, Brucefield Road, Blairgowrie, PH10 6LA, as an immediately adjacent landowner (i.e. the owner of the stretch of disused railway-line illustrated on the plans), I wish to comment on, and lodge an objection to this application.

My primary objection to the proposed building is on the grounds that further access to this land from the small access road leading from Brucefield Road would be totally unsuitable. There are already 3 houses with access from this narrow roadway, and further vehicle access could only be intrusive and dangerous for the existing residents. Quite apart from future vehicular use after the erection of another house, the inevitable access for large heavy vehicles and machinery during the construction process would put lives in danger, both on the access road and on Brucefield Road itself. This is a small single track road much used by walkers, horse riders and cyclists, all of whom would be exposed to further danger by this increase in traffic.

My second reason for objection to this proposed development is on the grounds of the loss of amenity, and of a valuable wildlife habitat with the removal of all of the mature trees on the site. This area of woodland affords cover for red squirrels, bats and other potentially threatened wildlife. As a long-standing resident of Brucefield Road, and as the owner of the afore-mentioned railway land, I would be very averse to any further damage to local flora and fauna.

Yours sincerely,

Catriona Innes. (Mrs)

Brucefield Cottage,  
Brucefield Road,  
Rosemount,  
Blairgowrie,  
PH10 6LA.





# Comments for Planning Application 16/00379/IPL

## Application Summary

Application Number: 16/00379/IPL

Address: Land 35 Metres South West Of Greenland Brucefield Road Blairgowrie

Proposal: Erection of a dwellinghouse

Case Officer: Andrew Baxter

## Customer Details

Name: Mr William Fairlie

Address: Shalom Littlewood Gardens, Blairgowrie, Perth And Kinross PH10 6XZ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Inappropriate Land Use
- Loss Of Trees

Comment: We wish to lodge our objection to the erection of a dwelling house at "Greenland". We oppose this planning application on the grounds of the detrimental effect the building of this house would have to the habitat of the abundant native wildlife within the disused railway line and adjoining area due to the loss of so many trees, and a substantial number of mature sitka spruce, the habitat of red squirrels, bats and birds.



# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK16/00379/IPL	Our ref	LJ
Date	5 April 2016	Tel No	(4)75248

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### PK16/00379/IPL RE: Erection of a dwellinghouse Land 35 Metres South West Of Greenland Brucefield Road Blairgowrie for Mr David Allan

I refer to your letter dated 22 March 2016 in connection with the above application and have the following comments to make.

#### **Contaminated Land** (assessment date – 05/04/2016)

##### Informative

An inspection of the proposed development site did not raise any real concerns, although the railway line formerly ran along the eastern boundary of the plot. There is the potential for this to have caused some ground contamination. A watching brief during redevelopment is therefore required.

The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.





**Tracy McManamon**

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**From:** Mary Brown [REDACTED]  
**Sent:** 21 April 2016 22:31  
**To:** Development Management - Generic Email Account  
**Cc:** Andy Baxter  
**Subject:** Planning Application Reference 16/00379/1PL

Dear Sir / Madam,

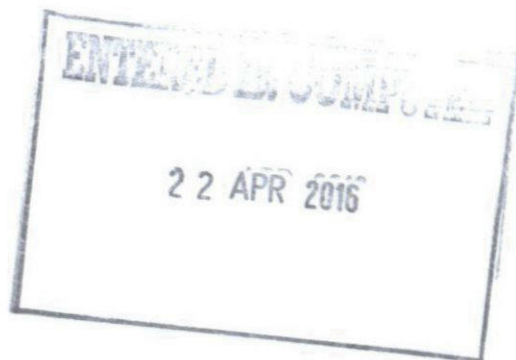
In response to your response to my objection to the erection of the dwelling house application relating to the reference above.

It seems I should have included my full postal address, which is as follows:- Pinewood, Coupar Angus Road, Rosemount, Blairgowrie. PH10 6JY.

I hope this way of correction is acceptable

Mrs M L Brown

Sent from my iPad





## Tracy McManamon

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**From:** Mary Brown <[REDACTED]>  
**Sent:** 21 April 2016 20:20  
**To:** Development Management - Generic Email Account  
**Cc:** Andy Baxter; Kirsty Strong  
**Subject:** Planning Application Reference. 16/00379/1PL

Dear Sir/Madam,

In reference to above Planning Application I wish to raise my objections.

Firstly, I am aware the date for objection past on 4th April 2016, but I was not sent any information regarding this application, nor was I sent any information following a telephone conversation requesting information. which prompted a second telephone conversation today. I was made aware of this proposal by my neighbors.

My objections are two- fold.

I believe the trees at the back of Briarton and Millbank are to be felled.

The loss of these trees and rough ground is - well - unacceptable.

Unacceptable for two main reason. Firstly there is a lot of wildlife there, including red squirrels which as you will be aware are protected in this area. Secondly losing the trees will change the whole ambience of this part of Rosemount which, I feel, is very important and the reason we have chosen to live here.

I do hope these objections will be upheld as you are aware that in the last decade a lot of the fields and woodland area in and around Rosemount have simply disappeared under houses.

Thank you for your attention to this communication.

Mrs M L Brown

Sent from my iPad



# *The Pines*

*Brucefield Road, Rosemount, Blairgowrie, PH10 6LA.*

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Greenland House (Greenland)  
Planning Application for David Allan : March 2016

Original Ref : 16/00379/IPL March 2016

Appeal Ref : TCP/11/16(430) August 2016

We, Dr Stuart K Donald and Mrs Teresa D Donald residing at The Pines, Brucefield Road, wish to reaffirm our strong objections to the proposed Planning Application for an additional dwelling House on the adjacent and commonly accessed plot at Greenland House.

We hope that the Review Body will study the substantial evidence submitted by all neighbours, with none supporting the application and uphold the original decision that *'The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.'*

We note that the applicants agent states that "it is a concern that Perth and Kinross Council Planning Department has chosen to refuse the principle of suitable, single house infill development within an existing settlement boundary without either, any dialogue with the applicant" and that "the application has attracted a significant and seemingly orchestrated quantity of representation from both neighbours and other parties not seemingly directly affected by the proposals." From our perspective we wonder why the applicant didn't enter into meaningful discussions with his immediate neighbours who share a common private access road, the Planning Department etc. before taking the unilateral decision to divide his single plot at Greenland House into two with a presumption that Planning Consent was a formality.

The picture shown in Figure 3 on page 7 of the Request for Review – statement, does not show the entrance to the Greenland House Plot as it existed for almost 30 years under the original owners but the newly constructed gates which form part of the applicant's actions to divide the single plot into two without seeking any guidance from the Planning Department and before even applying for planning permission. It is perhaps not that surprising that such a cavalier attitude has set him at odds with his neighbours.

There has been quite a lot of correspondence by email between us and the applicant which we believe clearly demonstrates that the applicant has been less than transparent with his proposals and we are quite happy to supply these for consideration at any review of his application.

The applicant did email the nearest and potentially most affected neighbours in March 2016 to alert us to a Planning application that he was putting in and to the fact that some of us may receive a formal notification of it from PKC Planning Department in due course. However, the claim that he stated that "This is nothing new and I did speak

to you all individually about it but as that was about 2 ½ years ago I thought I had better rehearse it again” is quite untrue. Problems with trees were discussed but certainly no mention of the possibility of a planning application for an additional dwelling house.

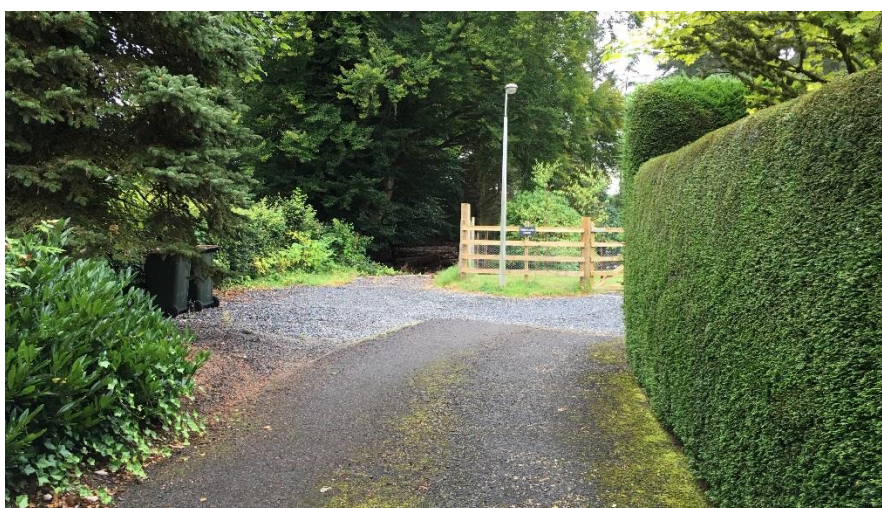
The applicant has claimed that he wishes to get the trees in his plot removed, but has stated that he is completely stymied in getting the trees down by any other methodology other than applying for planning permission for an additional dwelling house and turning the “wooded area” into a field. We don’t understand what authority would prevent the removal of dangerous trees and it is a fact that many have already been felled due to legitimate safety concerns. He also claims that with replanting he would be back in an identical position 15/20 years on, hardly an accurate statement given that the existing trees have been in position for over 40 years.

The first time we suspected that a planning application might be made was when the applicant erected new gates and a deer fence, not on his boundary, but leaving a small space for access (substantially narrower than the existing shared access drive which is quite inadequate) before consulting or applying for Planning Permission. We don’t have a record of when this work was undertaken, however, it was significantly in advance of his application for planning permission and involved the removal of an existing well established Leylandii hedge on the Stapleton side of his new fence planted by the original owners.

The two photographs below (clips from a video) taken in May 2010 show the substantial Leylandii screening hedge between Greenland House and Stapleton which existed before the applicant moved into the property and the original entrance to the Greenland House plot.



The two photographs below taken in August 2016 show the present situation where the buffer between Greenland House and Stapleton no longer exists.



In his August 2016 appeal documentation the applicant refers to “The retention and extension of the existing driveway”, however, as can be seen from the photographs above this is a misrepresentation.

If the existing private road were to be extended it would result in the removal of his existing new fence the lamp post and a few metres of the fenced off part of the garden at Greenland. The existing private access road incorporates an appropriate buffer region adjacent to the adjoining Stapleton property and the buffer (containing services and planted out in shrubs) plus road has a minimum width of 7 metres, far in excess of the width available between Stapleton and the new fence erected within the Greenland property.

The two photographs above taken in August 2016 from the access road adjacent to Plot 2 (The Pines) show how the original private shared access road starts to turn into the last plot 3 (Greenland House) of the development. The narrow access strip between the applicant’s new fence and the property at Stapleton with very large mature trees on the boundary is certainly not a retention and extension of the existing driveway and is totally inappropriate to give safe vehicular passage to any proposed site. Our safety concerns are considerable but were well documented in our first submission in

March 2016 which the review body has access to. A site visit would we think be appropriate to fully assess the situation.

The applicant asserts that “ the application site infills the last remaining plot in the row of properties bounded by Brucefield Road to the east and the old railway line to the west.” This is incorrect as there is no plot 4, but Plot 1 Beechgrove, Plot 2 The Pines and Plot 3 Greenland House all built at the same time in 1982 – 1983 and all part of a common scheme which protects the three parties from inappropriate modification of existing property, further development and with a joint responsibility to maintain the shared private access road. Clearly the planners back in 1982 -1983 thought it appropriate to incorporate a buffer region and not have a road extending up to the boundary with Stapleton. The photograph below taken from The Pines entrance towards Brucefield Road illustrates this well and is in stark contrast to the applicants planning application plans. The boundary with Stapleton is to the right of the shrubs shown on the right hand side of the photograph.



In summary, given the concerns the applicant expresses about the lack of consultation with him, it is rather surprising that the applicant did not discuss the issue of access with his neighbours who are governed by the same common scheme to maintain the private access road and amenity of the THREE (not four) plots. This we would have thought would have been a first step and as we fully intend to enforce the title condition prohibiting further development he could have avoided this whole planning exercise rather than assuming it was a formality and deciding to act first and not wait for a decision by the planning department.

Dr Stuart K Donald & Mrs Teresa D Donald, 25<sup>th</sup> August 2016

CHIEF EXECUTIVES  
DEMOCRATIC SERVICES

25 AUG 2016

RECEIVED

Stapleton,  
Rosemount,  
Blairgowrie,  
Perthshire,  
PH10 6LA

P.21K. Local Review Body 22.08.16  
The Atrium  
Perth

Dear Sir

Ref TCP/11/16 (430)

As circumstances regarding the above  
are unchanged, my views remain  
exactly as they were -  
opposed to this development.

Yours faithfully  
[Redacted Signature]



Gillian Taylor  
The Atrium  
Perth and Kinross Council  
137 Glover Street  
Perth PH2 0LQ



4 Littlewood Gardens  
BLAIRGOWRIE  
PH10 6XZ  
25th August 2016

Dear Clerk to the Local Review Body

Your Ref: TCP/11/16(430) Land 35metres southwest of Greenland

The actual plot cannot be fully seen from a public road and public land as stated by the agent and was fenced off before the original application and after the refusal decision. We can hear and see the trees are still being felled from our property for its backland location and the disturbance to the red squirrels is evident both in their distressed behaviour and the reduction in their numbers from 5 to 2 on the run to our drey.

The red squirrel is protected under Schedule 5 of the Wildlife and Countryside Act 1981 and it is an offence to damage, destroy or obstruct access to any structure or place which a red squirrel uses for protection or shelter.

I do not understand why the advised ecology report was not submitted and has still not been submitted particularly when there was a number of objections to the impact on wildlife and the character of the area. This too would be done by Angus Council who value wildlife and the protection of the red squirrel even more than Perthshire regarding policy PM1A.

Yours sincerely

(Mrs J N Edwards)



**RESPONSES TO FURTHER REPRESENTATIONS - 15 SEPTEMBER 2016    ref. 318 – RESPONSE TO FURTHER REPRESENTATIONS-LODGEMENT.pdf**  
**PERTH AND KINROSS COUNCIL PLANNING APPLICATION REFERENCE 16/00379/IPL**  
**LAND 35 METRES SOUTH WEST OF GREENLAND, BRUCEFIELD ROAD, BLAIRGOWRIE, PH10 6LA**

**LOCAL REVIEW BODY REFERENCE TCP/11/16(430)**

Further to receipt of the further representations from interested parties received by e-mail on 2 September 2016, the applicant wishes to make the following comments :-

The application submitted to Perth and Kinross Council was, an application for 'Planning Approval in Principle', with the understanding that no development approved 'in principle' is possible on the application site until the subsequent approval of an application for Approval of Reserved Matters.

Under the approval of an application for 'planning permission in principle', consent for the final form, size and location of any proposed building, site access or landscaping scheme and any other matter deemed appropriate by the local authority, is almost universally conditioned to ensure additional scrutiny of matters 'reserved' for additional consideration as part of that further application.

The new representations raise no additional material issues relevant to the determination; and as has been demonstrated in the original Request for Review, the proposals comply sufficiently with Policy RD1 (a), Policy PM1A and the only relevant written supplementary Placemaking Guide produced by PKC, to require granting of CONDITIONAL APPROVAL of an application for 'PLANNING PERMISSION IN PRINCIPLE', and therefore to allow this appeal.

**Comments on Donald representations –**

The applicant does not wish to enter into a point by point argument with the representee, particularly when the majority of the issues raised do not have any material bearing on the determination of an application for 'Planning Approval in Principle'.

All remaining issues raised in this further representation have either been assessed by PKC consultees and planning officers and deemed acceptable, are legal considerations out with the scope of the planning system or would be 'reserved matters', subject to further consideration at application for 'Approval of Reserved Matters'.

**Comments on Pyle representations –**

No comment required where no additional issues have been raised by the representation

#### Comments on Edwards representations –

The applicant wishes to confirm that no felling of erect trees has occurred on the application site during his ownership.

A total of 2 no. toppled trees have been chopped up and the timber stockpiled for seasoning within the site, the first toppled tree was cleared in summer 2015 after partially demolished the original boundary fence between Greenland and the application site; the second, was removed after demolishing another section of the same restored boundary fence in late March / early April 2016 (prompting a complaint from a neighbour and site visit from a representative of PKC, who confirmed the acceptability of the works), just after lodgement of the application in question. One can only assume these works may account for the noise of tree felling referred to in this representation.

The applicant is keenly aware of the importance of bio-diversity and would suggest that his actions in not carrying out any substantial tree works prior to making proper application and incorporating a scheme for succession planting as part of the development proposals, reflects a willingness to ensure full and proper consideration of the entirety of the proposals and not the underhand methods suggested in the new representations.

As stated in the Tree Survey accompanying the original application, the existing sitka spruce are, “Approximately two hundred trees, amounting to a small woodland plantation, perhaps planted in 1975. Twenty-five percent of the trees are dead, fallen, leaning into other trees and in the process of wind-throw. Wind throw shall continue through this copse. Such a species is unsuitable for a garden and these trees were presumably planted as a crop and ought to be harvested for milling as originally intended.

The woodland has reached maturity and some of the stems have already become too big for some sawmills to handle.”

As confirmed by the officer in the Handling Report, “the removal of the trees falls outwith the scope of planning control”, the fact remains that these trees, due to their size and density are not sustainable in their current location. Regardless of the outcome of this review the trees will require to be removed in the short term: it was deemed appropriate to submit a stem for stem replanting scheme with the original application to show understanding of the need to carry out succession planting alongside the retention of the more sustainable existing trees on the site, ensuring the longer term bio-diversity of the site and its environs could be maintained.

As the request for an ecological survey from the Council’s Bio-Diversity officer was never referred to the applicant for action during the determination period and as of today, 13-09-16, is still not included in the list of consultation documents contained on the Public Access system of PKC website; the applicant concludes that the officer’s statement in the Handling Report, that “As the trees are not protected via a TPO their removal falls outwith the scope of planning control.”, means that this specific aspect of the application did not constitute a legislative trigger to request an ecological survey. If such a request had been deemed as justified and had been passed to the applicant, the required survey could have been carried out during the 10 week determination period, or, on acceptance of this appeal, as now deemed appropriate as part of any future application.