TCP/11/16(497) – 17/00471/FLL – Change of use from 4 holiday accommodation units (numbers 1, 2, 4 and 5) to 4 dwellinghouses (class 9), Altamount Park, Coupar Angus Road, Blairgowrie

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TCP/11/16(497) – 17/00471/FLL – Change of use from 4 holiday accommodation units (numbers 1, 2, 4 and 5) to 4 dwellinghouses (class 9), Altamount Park, Coupar Angus Road, Blairgowrie

PAPERS SUBMITTED BY THE APPLICANT

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name	TARGET PROPERTIES LTD
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Contact Telephone 2	
Fax No	
E-mail*	

Agent *(if any)*

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Fax No	
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Mark this box to confirm all contact should be through this representative: ☑

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☑ No ☐

Planning authority	PERTH & KINROSS COUNCIL
Planning authority's application reference number	17/00471/FLL
Site address	Nos 1, 2, 4 & 5, ALTAMOUNT PARK, COUPAR ANGUS ROAD, BLAIRGOWRIE PH10 6JN
Description of proposed development	CHANGE OF USE FROM HOLIDAY ACCOMMODATION TO FULL RESIDENTIAL DWELLINGHOUSES
Date of application	3rd APRIL 2017
Date of decision (if any)	21st JULY 2017

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

Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☑
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☑
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

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

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

1. Further written submissions ☐
2. One or more hearing sessions ☑
3. Site inspection ☑
4 Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THE APPLICANT (OR HIS AGENTS) WOULD LIKE THE OPPORTUNITY TO PRESENT THEIR CASE AND ANSWER ANY QUESTIONS THE PANEL MAY HAVE.

Site inspection

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

	Yes	No
1. Can the site be viewed entirely from public land?	☐	☑
2 Is it possible for the site to be accessed safely, and without barriers to entry?	☑	☐

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

THE MAIN ISSUE AROUND THIS APPLICATION IS THE SITING & AMENITY SPACE AT THE HOUSES - THEREFORE THE ONLY WAY TO JUDGE THIS PROPERLY IS TO VISIT THE SITE.

Statement

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

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

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

SEE ATTACHED SUPPORTING STATEMENT AND OTHER ASSOCIATED DRAWINGS & DOCUMENTS.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes ☑ No ☐

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

1. ESTATE AGENT'S REPORT

List of documents and evidence

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

1) ALL PLANNING APPLICATION DOCUMENTS FOR 17/00471/FLL INCLUDING THE REPORT OF HANDLING & DECISION NOTICE
2) SUPPORTING STATEMENT.
3) DECISION NOTICE & REPORT OF HANDLING FROM ORIGINAL PLANNING APPROVAL – 10/02127/FLL
4) PERTH & KINROS COUNCIL "DRAFT PLACE MAKING GUIDE"
5) "ESTATE AGENTS REPORT ON AMENITY" BY GRAHAM & SIBBALD.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

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

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

Declaration

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

Signed [redacted] Date 20/10/2017

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION (REF: 17/00471/FLL)
ON BEHALF OF TARGET PROPERTIES LTD

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION (REF: 17/00471/FLL)

- The Appellant's application for change of use for four holiday accommodation units to four dwelling houses was refused on grounds of amenity.

- There is no practical or policy-based reason to support this refusal of planning permission.

- The four houses are high-quality, 3-4 bedroom houses located close to all key amenities. These features make for an ideal and straight-forward conversion to full-time residential use.

- All four houses sit in generous plots and offer 2-3 times more private amenity space than that specified in the Council's recently published draft guidance on placemaking.

- The only other amenity-related issues referred to in the Report of Handling – overlooking because of the location of side windows and the sense of privacy between houses – are not significant but, in any case, can be addressed through planning conditions if the Local Review Body considers this necessary.

- The re-siting of windows and a requirement to install screen planting or hedging at boundaries are capable of being dealt with by conditions and are works that could be readily carried out by the Appellant prior to full-time residential use.

- The development complies with the key policies referenced by the planning officer in relation to placemaking and residential development.

- The Appellant has commissioned a report by Graham and Sibbald to support its position on the suitability of the four houses for change of use. The report concludes that the units are of a suitable standard in terms of construction and facilities and could be adapted for full-time residential use without impacting on amenity

- As the four houses were originally constructed as ancillary accommodation to a hotel, following closure of the hotel, the report by Graham and Sibbald considers that a change of use to full-time residential use is appropriate and beneficial for the long-term sustainability of the properties.

- The market for this type of tourist accommodation in the local area is limited. As a result, the four houses are unoccupied for much of the year.

- The four houses have the potential to make a valuable contribution to the local housing supply as high quality, family homes.

Introduction

1.1 This is an appeal by Target Properties Ltd against refusal for an application for planning permission (ref: 17/00471/FLL) for change of use from 4 no. holiday accommodation units (numbers 1, 2, 4 and 5) to 4 no. dwellinghouses (class 9) at Altamount Park, Coupar Angus Road, Blairgowrie PH10 6JN.

1.2 The documents submitted in support of this appeal are set out in Appendix 1.

2 Background

2.1 The development forms part of a group of ten detached houses granted detailed planning permission in March 2011 in terms of planning permission ref: 10/02127/FLL.

2.2 This planning permission contains a restriction in Condition 6 that the houses are approved as holiday accommodation only and are not permitted to be occupied as a sole or main residence.

2.3 This appeal relates to four of the houses only – numbers 1, 2, 4 and 5.

2.4 Notwithstanding this condition on use, the Appellant's position is that the four houses in this appeal are highly suited to Class 9 residential use on account of:

2.4.1 Their scale as substantial 3/4 bedroom dwellings;

2.4.2 High quality construction using the best building materials for modern housing, equal to any executive residential housing development and in full compliance with the Building Regulations, Energy Performance Standards and disabled access requirements applicable to residential dwellinghouses.

2.4.3 Siting in generous and well-maintained plots;

2.4.4 A location within 2km of key amenities (shops, supermarket, primary school, secondary school and health care facilities) in an area zoned for housing within the current local development plan (Perth and Kinross Local Development Plan 2014).

2.5 The key issues are:

2.5.1 The Appeal Site is no longer zoned for holiday use in the current local development plan;

2.5.2 When the houses were originally constructed, the adjacent Altamount House was operating as a hotel. The ten houses (of which the four in this appeal form part) were intended to be used as overflow accommodation for the hotel, especially when it hosted weddings and other large functions. Altamount House was sold approximately four years ago and the new owners attempted to continue as a hotel but the business failed. In 2015, Altamount House became a private residence – accordingly, the

change of use sought in this appeal is compatible with the present use of Altamount House.

2.5.3 The four houses comply fully with the LDP policies PM1A and RD1;

2.5.4 In considering the application, the Planning Officer failed to take account of the Appellant's research, submitted with the application, demonstrating that the amenity of the four houses greatly exceeds the amenity of several recently approved housing developments in nearby locations. Accordingly his decision to refuse the present application is inconsistent and lacks basis.

2.6 The application to which the present appeal relates was then refused by the planning officer on 21 July 2017 for the reason that:

2.6.1 *The proposed amendments to the 'as built' layout would still result in an environment which is not suitable for mainstream residential use and which would offer a low level of residential amenity for future occupiers of the dwelling. To this end, the proposed use of the lodges as mainstream dwellings remains contrary to the aims of Policies RD1 and PM1A of the Perth and Kinross Local Development Plan 2014 which both seek to protect residential amenity.*

3 Grounds of Appeal

3.1 This appeal requires to be determined in accordance with the development plan unless material considerations indicate otherwise.

3.2 In terms of compliance with the key development plan policies referenced in the reason for refusal:

3.2.1 Policy PM1A – The four houses make a positive contribution to the surrounding build and natural environment. The design, density and siting of the development is in keeping with the character and amenity of the place. The generous plots give a sense of space and have been formed to take account of the surrounding established trees and woodland.

3.2.2 Policy RD 1 – The Report of Handling recognises that the application will have no impact on the amenity of existing adjacent residential dwellings. The four houses have been improved to ensure ample amenity for use as full-time residential units rather than holiday accommodation. Further measures can be conditioned (as outlined below) if the LRB feels this is necessary. The proposal will improve the character and environment of the local area by providing homes for local families; currently the four houses are largely unoccupied as there is a limited market for this type of tourist accommodation.

3.3 The material considerations that are critical in this appeal are:

3.3.1 The suitability of the units for Class 9 use; and

3.3.2 The residential amenity of the dwellings.

4 The suitability of the units for Class 9 use

4.1 The main feature of the four houses that the case officer identifies as unsuitable for full-time residential use is the 'as built' layout.

4.2 The impacts of the as built layout on residential amenity, which the case officer goes on to identify – useable amenity space, overlooking from windows and privacy between the four houses – will be considered separately in Section 5 below.

4.3 It is necessary to consider, firstly, the adequacy of the as built layout of the Appeal Site, as the ability to address each of the potential issues in relation to residential amenity is dependent on the physical layout.

4.4 The key issue evident in the case officer's analysis is the sufficiency of the plot size of each of the four houses to support any changes needed for amenity purposes.

4.5 The plot sizes of the four houses are as follows:

4.5.1 No. 1 – 778 Sq. M. (within which 325 Sq. M is provided as private amenity space)

4.5.2 No. 2 – 557 Sq. M. (within which 315 Sq. M is provided as private amenity space)

4.5.3 No. 4 – 646 Sq. M. (within which 310 Sq. M is provided as private amenity space)

4.5.4 No. 5 – 528 Sq. M. (within which 196 Sq. M is provided as private amenity space)

4.6 **These sizes give rise to an average plot size of 627 Sq. M. and an average house to plot size ratio of 15%.**

4.7 The Council's Draft Placemaking Guide does not specify a recommended minimum plot size (adjacent planning authorities quote 400 Sq. M. in guidance) but does indicate (at page 23) that it is good practice to provide a minimum of 60 Sq. M of private space for a 1-2 bedroom house and 80 Sq. M for a 3+ bedroom house.

4.8 All four houses greatly exceed this recommended provision of private space.

4.9 The Supporting Statement (see Appendices 2 & 3) submitted as part of the planning application identifies several examples of residential developments that have significantly less generous plot sizes than the four houses in this appeal:

4.9.1 Guildtown, nr Perth: average plot size of 505 Sq. M. and average house to plot size ratio of 24%;

4.9.2 Kinloch Gardens, Rattray, Blairgowrie: average plot size of 192 Sq. M. and average house to plot size ratio of 28%.

4.10 The four houses greatly exceed these two examples on both average plot size and average house to plot size ratio.

4.11 In the Report of Handling at page 6 the case officer acknowledges expressly that of the four properties - Nos.2, 4 and 5 - provide an adequate level of private amenity space.

4.12 With regard to No. 1, previously its plot extended to 528 Sq. M. An additional area of garden ground has since been acquired for that property so that its plot is now 778 Sq. M.– in excess of that stated in the Council's guidance.

4.13 Accordingly there is no basis for refusing the application or the present appeal for reason of plot size; furthermore, any changes required to be made to the 'as built' layout to address impacts on amenity can be accommodated within the plots of the four houses.

5 The residential amenity of the dwellings

5.1 The Report of Handling raises a number of issues regarding the residential amenity, specifically (1) the allocation of usable private amenity space for each house; (2) the location of windows so as to cause overlooking and (3) the sense of privacy between each of the houses.

5.2 For the avoidance of doubt at page 6, para 1 and 2 of the Report of Handling, the case officer acknowledges the proposed change of use would have little impact on the amenity of existing residential properties adjacent to the Appeal Site.

5.3 The focus is therefore on the potential impacts on amenity for future residents of the four properties if this appeal is granted.

5.4 The perceived inadequacies of the houses are described by the case officer in factual terms, in the 'Residential Amenity/Layout' Section of the Report of Handling at pages 6 – 7.

5.5 Accordingly to demonstrate how these perceived inadequacies have been/are able to be addressed, the Appellant would highlight the following practical steps that can be/have been taken in mitigation, in relation to each house, to ensure sufficient amenity:

House No.	Amenity Impact	Perceived Issue	Mitigating Steps
1, 2, 4, 5	Useable, private amenity space	Insufficient useable, private amenity space	All four houses have always had useable amenity space greatly in excess of the Council's draft placemaking guidance

			as set out at para 4.5 above. Following the acquisition of additional ground, Plot 1 now has 325 Sq. M of private amenity space.
	Overlooking from windows	Lack of privacy from neighbouring dwellings.	The Appellant has already offered (as part of the application) to remove the side window in the ground floor study, and would be prepared to re-position the side window in bedroom 3 on the first floor.
	Privacy relative to the other houses		The privacy offered in the four houses greatly exceeds that in the example developments set out in Appendix 2 & 3 of the Supporting Statement to the application. The generous plot sizes allow for additional screen planting or hedging if this is felt necessary.

5.6 The photographs of the four houses (at pages 5 – 7 of the Supporting Statement) compare favourably with those of Oakbank Road, Guildtown (at pages 9 – 13) indicating post wire fencing with no screening between properties and with those of Kinloch Gardens, Rattray demonstrating small rear gardens and front gardens open to the street.

5.7 The four houses in the present appeal offer a far greater sense of privacy between and from within the plots, particularly on account of the established trees and woodland that surround the properties. The generous plot sizes also offer scope to create additional screening at the boundaries between plots through hedging and planting if occupants felt this would be beneficial.

5.8 If the Local Review Body are minded to grant this appeal but require further amenity measures to be carried out, such as the re-positioning of the ground floor study and first floor bedroom 3 windows or the undertaking of screen planting or hedging between the properties. These matters could be adequately dealt with by way of planning conditions.

5.9 The Appellant would urge the Local Review Body to undertake a site visit so that they can compare the above table as it applies to each of the four houses in person.

5.10 To emphasise that the above table translates to the suitability of the four houses for full-time residential use and, crucially, that all four houses would be saleable in the current housing market, the Appellant has commissioned a report from Graham and Sibbald, prepared by Greg Davidson a partner in the firm with over 20 years' experience in residential property. Following a site visit by Mr Davidson, the report concludes:

5.10.1 The four houses were completed to a modern specification and are considered to be in a condition consistent with age and type. All four houses are considered to have suitable fittings, layouts and floor space consistent with standard residential units.

5.10.2 As the four houses are located within a predominantly residential area, Mr Davidson considers the units are more suitable for standard residential use rather than as holiday homes following the closure of the Altamount House Hotel.

5.10.3 All four units are capable of providing adequate levels of private amenity space. The garden ground of each unit is partially enclosed with fencing (not uncommon in a residential development) and could be adapted to create more privacy if required albeit Mr Davidson considers the privacy requirements for mainstream residential use and holiday homes to be similar.

5.11 Accordingly, on an individual and collective basis, the perceived amenity issues identified by the case officer should not be considered sufficient to prevent full-time residential use of the four houses and the granting of this appeal.

5.12 For the avoidance of doubt, Section 47A of the 1997 Act restricts the ability of parties to introduce new matters at the appeal stage unless they are material to the determination of the case.

5.13 Circular 4/2013: Planning Appeals at para 22 clarifies, however, that the restriction on raising new matters at appeal stage does not prevent the submission of new documents, material or evidence on issues that were before the planning authority. The report by Graham and Sibbald was commissioned to address specifically the issue of whether the properties offer sufficient residential

amenity for occupation as full-time residential dwellings, one of the key issues considered by the Council at the application stage.

6 Other material considerations

6.1 On account of Condition 6, the Appellant is limited to letting the four houses for short-term holiday/tourist accommodation. However, the demand for this type of property for tourist accommodation in the area is relatively week so that the four houses remain largely unoccupied throughout the year.

6.2 In contrast, the residential housing market in the area for family-sized homes is strong so that removal of Condition 6 would allow the properties to become full-time residential units and make a valuable contribution to the local housing supply. Currently the existence of Condition 6 makes the four houses difficult to sell as the occupancy is unacceptable to lenders for the purpose of obtaining a mortgage.

6.3 There were no internal objections from Council departments to the application.

6.4 The Appellant is willing and able to meet any affordable housing and education contributions required for the Development.

7 Further Procedure

7.1 As indicated above, the Appellant asks that the Local Review Body conduct a site visit to the four houses on account of the nature of the issues arising in this appeal.

8 Conclusion

8.1 Accordingly, this appeal should be allowed and planning permission granted.

APPENDIX 1 – APPEAL DOCUMENTS

1.1 Decision Notice dated 21 July 2017

1.2 Report of Handling

1.3 Application Form

1.4 Supporting Statement

1.5 Planning Permission 10/02127/FLL

1.6 Report on Residential Amenity by Graham and Sibbald

1.7 Perth and Kinross Council's Draft Placemaking Guide

1.8 Circular 4/2013: Planning Appeals

PERTH AND KINROSS COUNCIL

Target Properties Ltd
c/o James R Brown
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Perth
PH2 7BY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21st July 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/00471/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 29th March 2017 for permission for **Change of use from 4no holiday accommodation units (numbers 1,2,4 and 5) to 4no dwellinghouses (class 9) Altamount Park Coupar Angus Road Blairgowrie PH10 6JN** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposed amendments to the 'as built' layout would still result in an environment which is not suitable for mainstream residential use and which would offer a low level of residential amenity for future occupiers of the dwelling. To this end, the proposed use of the lodges as mainstream dwellings remains contrary to the aims of Policies RD1 and PM1A of the Perth and Kinross Local Development Plan 2014 which both seek to protect residential amenity.

Justification

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

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

Plan Reference

17/00471/1

17/00471/2

17/00471/3

17/00471/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**17/00471/FLL**	
Ward No	**N3- Blairgowrie And Glens**	
Due Determination Date	**28.05.2017**	
Case Officer	**Andy Baxter**	
Report Issued by		**Date**
Countersigned by		**Date**

PROPOSAL: Change of use from 4no holiday accommodation units (numbers 1,2,4 and 5) to 4no dwellinghouses (class 9)

LOCATION: Altamount Park, Coupar Angus Road, Blairgowrie, PH10 6JN

SUMMARY:

This report recommends **refusal** of an application for the change of use of 4 existing holiday homes to dwellings next to the Altamount House Hotel, 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 outweigh the Development Plan.

DATE OF SITE VISIT: 25 April 2017

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain detailed planning permission for the change of use of 4 existing holiday lodges to mainstream dwellings at the Altamount House Hotel, Blairgowrie. The existing holiday homes were granted planning consent with a planning consent that stated that *'All the lodges have been approved as holiday accommodation only and shall not be occupied as the sole or main residence of any occupant, to the satisfaction of the Council as Planning Authority'.*

The 4 existing lodges are part of a larger development comprising 10 holiday lodges – all of which have been built and are in use.

The existing lodges are located to the south of the Altamount House Hotel in a crescent layout, which is served partly by a shared private vehicular access – which also serves the hotel and the other 6 lodges. The lodges are bounded by an unused chalet site to the north and to the south and west by the other holiday lodges. In between lodge 2 and 4, is another holiday lodge which is not part of this application.

The site has a long planning history relating to proposals to either lift the restrictive conditions, or seek a straight change of use of all, or some of the lodges to private dwellings. All have been refused by the Council, and appeals/reviews dismissed by the Scottish Government and the Local Review Board.

Since the last refusal, it would appears that some trees may have been removed from the area of woodland adjacent to Plot 1 which has expanded a parking area.

SITE HISTORY

A detailed planning application (10/02127/FLL) for the erection of 10 holiday lodges was approved by the Development Management Committee in 2010, subject to a restrictive condition which read *'All the lodges have been approved as holiday accommodation only and shall not be occupied as the sole or main residence of any occupant, to the satisfaction of the Council as Planning Authority'.*

This consent has since been implemented in full, and all 10 of the lodges are in active use.

Further to that planning application, an application to remove the restrictive occupancy condition for all 10 lodges was refused planning permission in 2013 (13/00097/FLL) on the grounds that,

As the 'as built' layout will result in an unacceptable level of residential amenity for future occupiers (in terms of lack of private amenity space and the potential for direct overlooking and loss of privacy to occur), the proposed use of the lodges as main stream 'dwellings' would be contrary to the aims of Policy 56 of the Eastern Area Local Plan 1998 which seeks to protect residential amenity.

In 2015, a planning application seeking the removal of the occupancy condition (14/02228/FLL) was withdrawn prior to it being determined, and later in 2015 another application (15/00769/FLL) for the change of use of holiday lodges (numbers 1-5 inclusive) to dwellinghouses (class 9) was refused.

That application was later considered by the Council's Local Review Body who endorsed the refusal with this text included on the decision notice,

Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that this attractive development had been designed to provide holiday accommodation and not for permanent residential use. There could not be adequate and reasonable levels of privacy secured even with the additional fencing proposed. The refusal by the appointed officer had been the correct application of the Local Development Plan policies. Accordingly the PKLRB concluded that the review application be refused for the following reason:

> *(1) As the 'as built' layout would collectively (lodges 1-5) create an environment which is not suitable for mainstream residential use, the proposed use of the lodges as mainstream dwellings would be contrary to the aims of Policies RD1 and PM1A of the Perth and Kinross Local Development Plan 2014 which both seek to protect residential amenity.*

PRE-APPLICATION CONSULTATION

None undertaken since the previous refusals.

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. Due to the low key nature of this proposal, there are no specific national policies or guidance specifically relevant to this planning application.

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.

Within the Local Development Plan 2014, the site lies within an area which has been identified as being residential with compatible uses, 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.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing (2016)

This policy outlines the Councils position in relation to developer contributions in relation to primary education, transport infrastructure and A9 junction improvements, as well as our Affordable Housing provision requirements.

EXTERNAL CONSULTATION RESPONSES

None undertaken.

INTERNAL COUNCIL COMMENTS

Transport Planning has commented on the proposal in terms of the proposed access and parking provision, and have raised no objection but have offered comment.

Contributions Officer has commented on the proposal in terms of Affordable Housing and Developer Contributions, and confirmed that there will be a requirement for Affordable Housing Provision and also developer contributions in relation to Primary Education.

REPRESENTATIONS

The following points were raised in the 7 representation(s) received:

ADDITIONAL STATEMENTS RECEIVED

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

APPRAISAL

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

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

In terms of other material considerations, the sites (recent) site history and compliance with the Council's policies on Developer Contributions and Affordable Housing are material considerations.

Policy Appraisal

In terms of land use policy issues, the two key policies are *Policies RD1* and also *PM1A* of the Local Development Plan 2014. Both these policies essentially seek to ensure that new developments within existing residential areas do not have an adverse impact on any existing residential amenity, provides a suitable residential amenity for any future occupiers (if residential development is proposed) and that the proposed development contributes positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

For reasons stated below, I consider the proposal to be contrary to both these aforementioned policies.

Residential Amenity / Layout

Whilst the planning application has attracted several objections from local residents, a proposal to change the use of the existing holiday lodges to main stream dwellings would have little direct on any existing residential amenity.

There are a number of existing residential properties to the rear of the existing lodges, however these are set at a lower level and are screened by existing trees. The separation distances between the existing, neighbouring dwellings and the lodges is also considered acceptable and are compliant with the Council's normal separation standards.

As was the case for the previous planning applications, the key issue as to whether or not this planning application is acceptable is ultimately whether a suitable level of residential amenity would be achieved for the new 'residents' of the proposed dwellings.

There is no question that the general layout of lodges is not one which would ordinarily be acceptable for a residential development. Windows at both ground floor and first floor level on both sides of the lodges are located close to the boundaries, and even though a series of fences have been erected between the lodges to try and attempt to negate direct window to window interaction at ground floor level, having

windows so close to a solid fence does not create a pleasant and acceptable environment for future occupiers.

Within the applicants supporting documents, they have highlighted the fact that the some of the windows at ground level are opaque glassing serving bathrooms. They have in the past also suggested that there could be scope to change dining room windows into opaque glass, and that a standard bedroom window on the side elevation on lodges 2, 4 and 5 could be detailed and the existing two united bathroom window reduced to one unit.

I do accept that the erection of the existing fences has to some degree reduced the level of direct window to window interaction at both ground and first floor level; however I'm still not convinced that this is sufficient to make this development acceptable as a residential development.

The sides/entrances to the lodges are extremely open with no level of privacy or sense of personal space. The fences which have been erected only start approx. half way along the gables (where the windows are) which does leave a large area, essentially communal area between the lodges. Whilst the frontage and sides of private dwellings are not always private or enclosed, I consider the arrangement here to awkward and its sheer openness is one which you would not normally expect to see in a residential street.

In addition to this, all of the frontages are gravelled and any usable private amenity space would only be available to the rear, with limited space to the sides. Whilst lodges 2, 4 and 5 would be able to provide an adequate level of private amenity, the usable private amenity space associated with lodge number 1 is limited and would not offer the level of private amenity space which you would expect to see for a family sized dwelling. The area to the rear is extremely narrow, and the available space to the side is essentially all used for parking.

I'm also conscious of the fact that the existing fences which divide the rear gardens are approx. 1m height, which offers little in the form of any screening between the users of neighbouring gardens. Whilst an increase in the height of fence, or new landscaping could be introduced this add simply adds to the case that this layout is not suitable for mainstream units and it would still fail to provide any degree of privacy from first loot level.

Visual Amenity

In terms of visual impact, the proposal will have no impact (adverse or otherwise) on the visual amenity of the area as there are no changes to the units proposed. However, if the units were to become dwellings, there would be potential pressure in the future for changes, including extensions, alterations etc.

Roads and Access

In terms of road and pedestrian safety related matters, I have no concerns regarding the proposal. I understand from the applicant that the intention is keep access the

four proposed ‘dwellings’ via a continued private gated estate, with access limited to the public from the entrance gates to the hotel, the dwelling or the remaining holiday lodges.

To this end, the Council does not require the access to be ungraded or improved; however the lack of an adoptable standard vehicular access may affect the Councils willingness to service the development in terms of refuse collections etc.

Drainage and Flooding

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

Developer Contributions

Primary Education & Affordable Housing

In the event that the proposal is approved, the applicant would be required to accord with the both the Council’s Developer Contributions and Affordable Housing Policies. This would require Developer Contributions for both Affordable Housing and Primary Education provision.

Transport Infrastructure

The site is located outwith the catchment area for Transport Contributions.

A9 Junction Improvements

The site is located outwith the catchment area for A9 Junction Improvements.

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 adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan.

To this end, the proposal is recommended for a refusal.

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, because of the following reasons,

Justification

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

Informatives

None.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/00471/1 - 17/00471/4 *(inclusive)*

Date of Report - 19 July 2017

Application for Change of Use from Holiday Accomodation to Full Residential Use

No`s 1,2,4 & 5 Altamount Park, Coupar Angus Road, Blairgowrie

Supporting Statement

A. Site Location

The four houses are located within a residential area, within a few hundred metres of the town centre and close to all facilities such as shops, supermarkets, primary schools and the local high school, health centre and hospital.
The current "Local Development Plan 2014" shows the area to be generally zoned for housing and recommends that there should be a good mix of different types of properties and residents.

We believe therefore that this area is ideally suited for these family homes with full residential use.

B. The Site and Existing Houses

The four houses - which are part of a row of ten - are substantial 3 /4 bedroom dwellings, which were built in 2010 to a high quality of construction, and in full compliance with all Building Regulations for residential dwellings and with good disability access.

They sit in very generous plots around the edge of the well maintained landscaped gardens of the large mansion of Altamount House, which is now a private residence.

Most people would consider it to be a very sought after high amenity residential area.

C. Planning History

There have been two previous planning applications in respect to the same issue.
The first application (13/00097/FLL - Removal of Condition 6 - for all 10 Houses) was submitted by the previous owner. It was heard by a Planning Committee, but was refused, then went to Appeal, and was refused by the Scottish Government Reporter. (N.B. Condition 6 is the holiday use restriction).

Five of the houses (No`s 1 to 5) were then sold to the current applicant (my client) in March 2014 and thereafter my client submitted a second application - 14/02228/FLL - for Removal of Condition 6 for House No`s 1 to 5 - which was withdrawn on the 5th March 2015.

My client submitted a third application (15/00769/FLL - Change of Use to Residential for Houses 1 to 5) which was delegated to a Planning Officer and was refused.
It then went to the "Local Review Body" and was refused.

It is noted that the Planning Officer, in his report pointed out that the "Local Development Plan 2014" identifies the area as compatible for residential use - therefore his main concern with the houses was the whether or not a suitable standard of "amenity" would be

achieved.

We contend that his decision regarding this matter was unfair and ill judged and inconsistent when compared to other recently approved housing developments in nearby locations - the details of which we describe in section D.

D. Residential Amenity & Layout

We must point out that the Building Regulations in Scotland make no distinction whatsoever between dwellings that are built for full residential use, and those that are only used as holiday accommodation.
They are are all classed as dwellinghouses and these four houses all have a valid, approved Building Warrant.

Even the smallest of the plots (No.5) is 528 sq.m. which gives a house to plot ratio of 18%, and the largest plot (No.1) is 778sq.m. - giving a house to plot ratio of only 12%.
(For plot sizes and House/Plot ratios see Appendix 1)
The average house to plot ratio for all four houses is only 15.21% - which is much lower than the established Planning Department guidline of 25%.

Relative figures from a recently approved residential development in the nearby village of Guildtown (See Appendix 2) show that their plot sizes and the plot/house ratios are much less generous than these houses. For instance they have an average plot area of 503 sq.m. and an average house/plot ratio of approximately 24% - which is very close to the maximum allowed in the guidelines.
The four houses, which are the subject of this application therefore have a an average plot size 24% larger, and an average house/plot ratio 54% greater than this recently approved development in Guildtown.

Another recently approved housing site, which is still under construction in Rattray, Blairgowrie area (see Appendix 3) shows very small plots indeed - with an average area of only 192 sq.m. - and an average house/plot ratio of nealy 28%

Another newly built housing development we have looked site at William Dixon Drive, Rosemount appears to offer poor private amenity and privacy for the residents - with virtually no private gardens at the front and in many cases, with the road paving coming almost up to the front doors. (See photographs in Appendix 4)

When comparing the location and setting of the houses at Altamount Park with the three other residential developments we describe above, we find the previous Planning Officer`s statements regarding the lack of amenity completely baffling, strange and inexplicable.

However - taking into consideration one of the points in the Planning Officer`s previous report - we are proposing to amend the houses by deleting the side window of the ground floor Bedroom 1 of No.s 2,4 & 5 as this will remove an element of overlooking. (See house drawings - Appendix 5) The ground floor Bedroom of No.1 does not overlook and is not overlooked by any other house.

The Officer`s report also criticised the small area of usable garden at House No.1 - therefore my client has obtained a additional 160 sq.m. of land to the NorthEast of the

house to extend the garden ground. (See attached Site Layout Plan)

We believe that these houses could not now be described as anything other than high amenity dwellings by any reasonable person.

E. Economic Viability

This development was actually planned before the financial crisis of 2008, although the houses were not completed until 2010. Unfortuntely by this time the economy had deteriorated to such an extent that the market for large, expensive country house weddings had collapsed and therefore the business model for the holiday homes - which envisaged the houses as mainly being used as accommodation for wedding guests - was no longer viable. The Altamount Hotel was then sold in 2014 as a private residence, and the five larger holiday homes were sold separately to the Applicant.

The market for short-term holiday/tourist accommodation for this type of property is still very weak, and the houses with this holiday use restriction are not sustainable as a business. They are also very difficult to sell as because of Condition 6, no lender will accept the houses as security for a loan.
By contrast, the long term residential housing market is very strong, as (as is very well documented) there is a massive shortage of houses in Scotland.

These four houses are largely unoccupied at present, whereas if they had full time residents they would be making a substantial contribution to the local economy.

F. Summary

We sincerely hope that after studying all the details in this new application your department will re-consider your position and grant approval for this Change of Use.

J R Brown Building Design
5 St Mary`s Drive
Perth
PH2 7BY
tel.01738 635641
jrbrown6636@googleail.com
February 2017

No`s 1,2,4 & 5 Altamount Park, Blairgowrie

House to Plot Area Ratios

Plot No.	House Footprint (SqM.)	Plot Area (Sq.M.)	House to Plot Ratio (%)
1	93.25	778.00	11.99
2	93.25	557.00	16.74
4	93.25	645.57	14.44
5	93.25	528.00	17.66

Total Area of Plots 1,2,4 & 5 = 2508.57
Average Plot Area = 627.14
Average House to Plot Ratio for four plots = 15.21 %

No`s 1 to 5, Altamount Park – December 2016

No.1 from North

House No.1 showing garden to North East

2

No.1 showing front and side gardens.

House No. 2 (Houses are 6.5 metres apart).

3

Front lawned gardens on to private lane.

A & J Stephen – Residential Site for 24 Houses at Guildtown, Nr. Perth

Approximate House To Plot Area Ratios

Plot No.	House Type	House Footprint (Sq. M.)	Plot Area (Sq.M.)	House to Plot Area Ratio
1	315	131.40	516.00	25%
2	307	122.80	510.00	24%
3	315	131.40	550.00	24%
4	307	122.80	512.00	24%
5	315	131.40	577.50	23%
6	323	108.00	584.00	18%
7	309	166.40	760.20	22%
8	323	108.00	465.00	23%
9	305	99.00	416.00	24%
10	319	136.50	754.50	18%
11	325	106.00	495.00	21%
12	304	96.00	616.00	16%
13	338	106.20	321.00	33%
14	338	106.20	372.00	29%
15	305	99.00	423.00	23%
16	323	108.00	449.50	24%
17	315	131.40	544.00	24%
18	323	108.00	436.25	25%
19	323	108.00	542.50	20%
20	324	179.75	816.00	22%
21	323	108.00	470.00	23%
22	323	108.00	470.00	23%
23	331	78.70	272.00	29%
24	331	78.70	259.00	30%
Total Area of 24 Plots			12131.45	
	Average Plot Area =		505.48	
		Average House to Plot Ratio =		**23.66** %

(All figures shown are approximate)

Residential Housing Reference Site

A & J Stephen Builders – Oakbank Road, Guildtown

Open Front Gardens and Front Doors on Main A93 Trunk Road.

Open Front Door with only post/wire fence along side lane

Open Front Door with only post/wire fence along side lane

3

Only 4 metres beteween houses, with Dining Room window and post/wire fence.

4

Completely open back gardens with only post/wire fence - overlooked by other houses.

Residential Site at Kinloch Gardens, Rattray, Blairgowrie

Approximate House To Plot Area Ratios for Plot 1 to 18

Plot No.	House Type	House Footprint (Sq. M.)	Plot Area (Sq.M.)	House to Plot Area Ratio
1	Portsoy	35.00	95.00	37%
2	Portsoy	35.00	117.80	30%
3	Portsoy	35.00	117.80	30%
4	Portsoy	35.00	136.80	26%
5	Huntly	85.05	234.00	36%
6	Huntly	85.05	214.50	40%
7	Dingwall	61.75	200.00	31%
8	Dingwall	61.75	240.00	26%
9	Portsoy	35.00	178.00	20%
10	Portsoy	35.00	163.00	21%
11	Portsoy	35.00	172.50	20%
12	Portsoy	35.00	156.00	22%
13 & 14	Cawdor	67.10	228.00	29%
15 & 16	Cawdor	67.10	237.50	28%
17	Huntly	85.05	321.00	26%
18	Balintore	56.00	264.50	21%
Total Area of 16 Plots			**3076.40**	
	Average Plot Area =		**192.28**	
		Average House to Plot Ratio =		**27.73** %

(All figures shown are approximate)

Residential Housing Reference Site

Kinloch Gardens, High Street, Rattray, Blairgowrie PH10 7DG

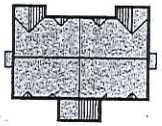
<u>“Huntly” Show House, Plot 5.- (265 sq.m. Area Approx.)</u>
<u>Plot 5 Rear Garden – Approximate area ……..... sq. m.</u>

Plot 5 Rear Garden – Approximate area 72 sq. m.

Plot 38, Front Garden – Open to street.

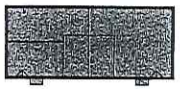
Plot 38 Showing side & rear garden (Plot area approx. 375 sq. m.)

Kinloch Gardens



Cawdor
2 bedroom apartment

Portsoy
3 bedroom semi-detached home



Dingwall
3 bedroom semi-detached home

Balintore
3 bedroom detached home

Huntly Semi
3 bedroom semi-detached home

Huntly Detached
3 bedroom detached home

Beauly
4 bedroom detached home

Residential Housing Reference Site

William Dickson Drive, Rosemount, Blairgowrie

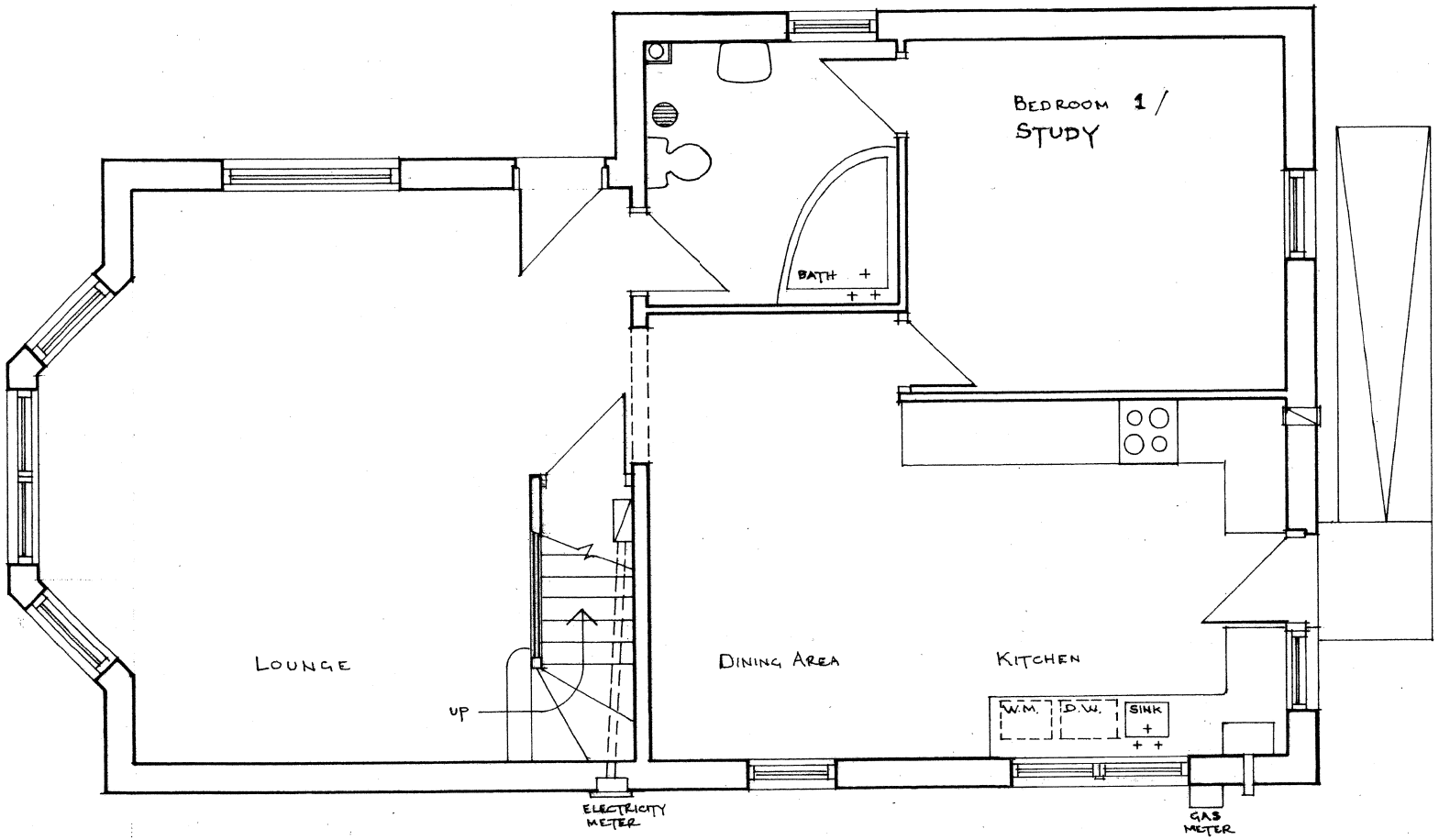
Open Gardens and front doors on to street

Some houses have no garden at front

Separate Parking Area.

Fronts of houses all open to street.

Low Amenity front area.

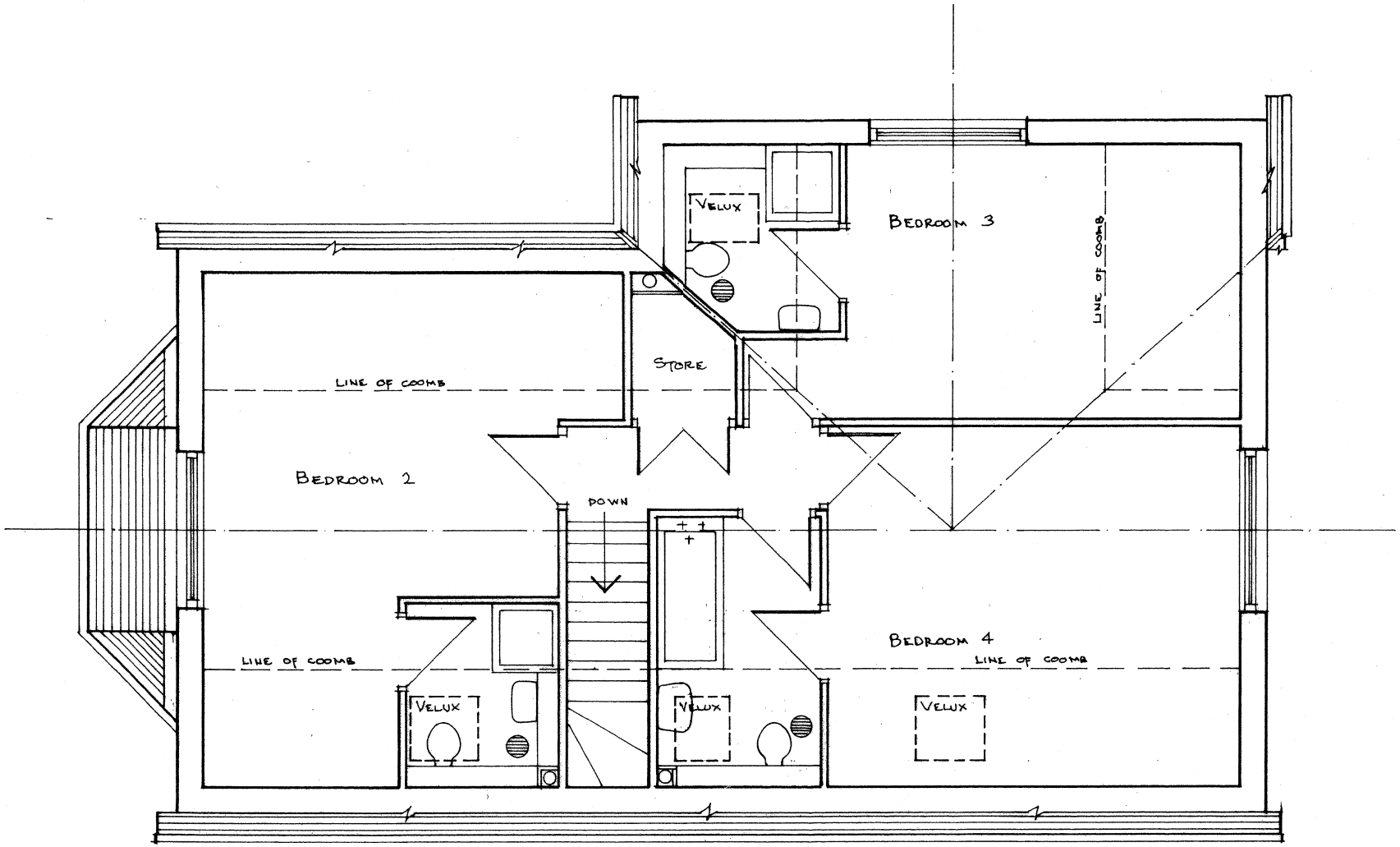


"BEECH" HOUSE TYPE (STANDARD HAND)

GROUND FLOOR PLAN – SCALE 1:50

GROUND FLOOR AREA = 82·68 m²
FIRST FLOOR AREA = 79·58 m²
TOTAL FLOOR AREA = 162·26 m²

DRAWING No. 17/01/03

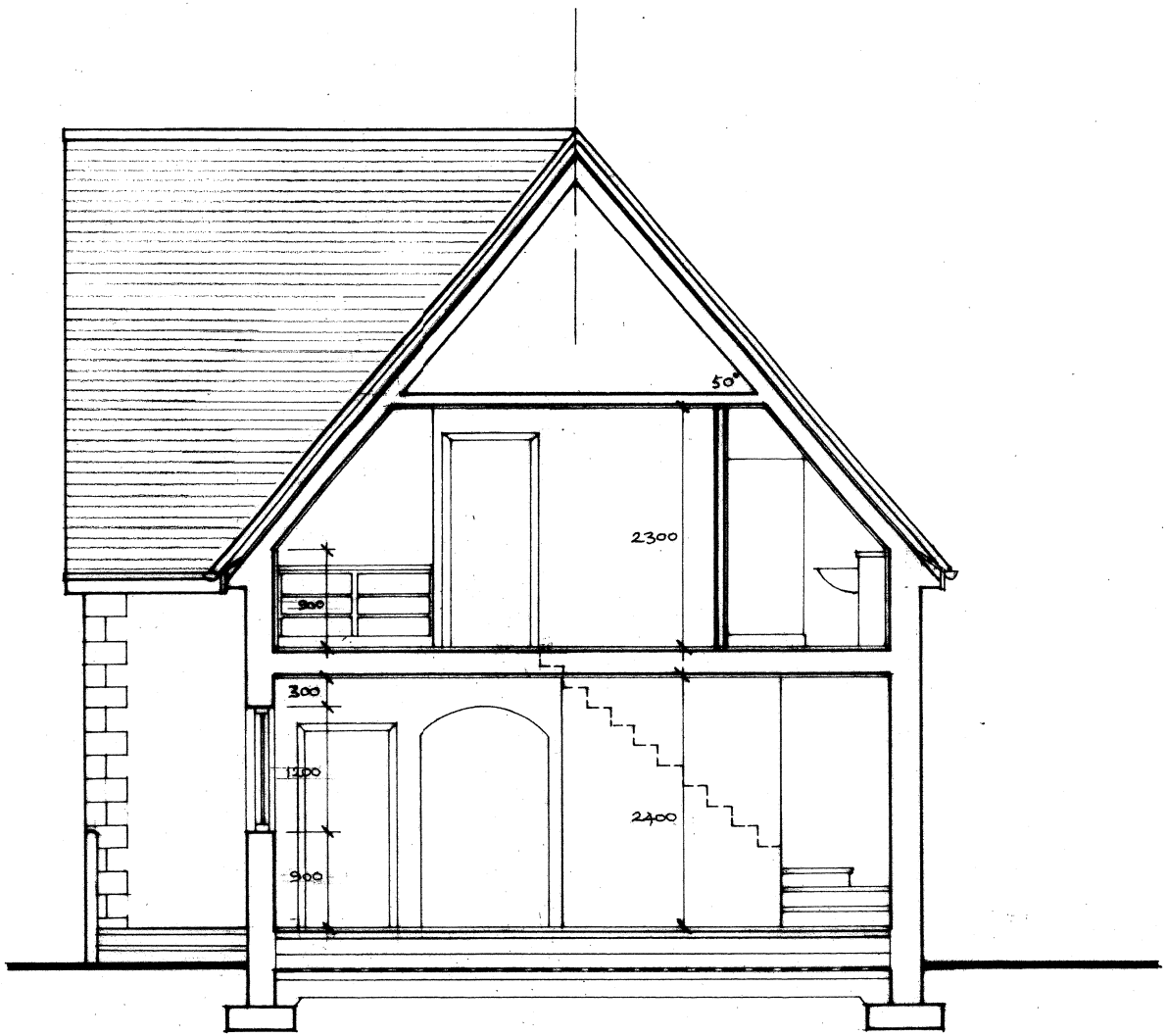


"BEECH" HOUSE TYPE (STANDARD HAND)

FIRST FLOOR PLAN – SCALE 1:50

FIRST FLOOR AREA = 79·58 m²

DRAWING No. 17/01/04



CROSS SECTION

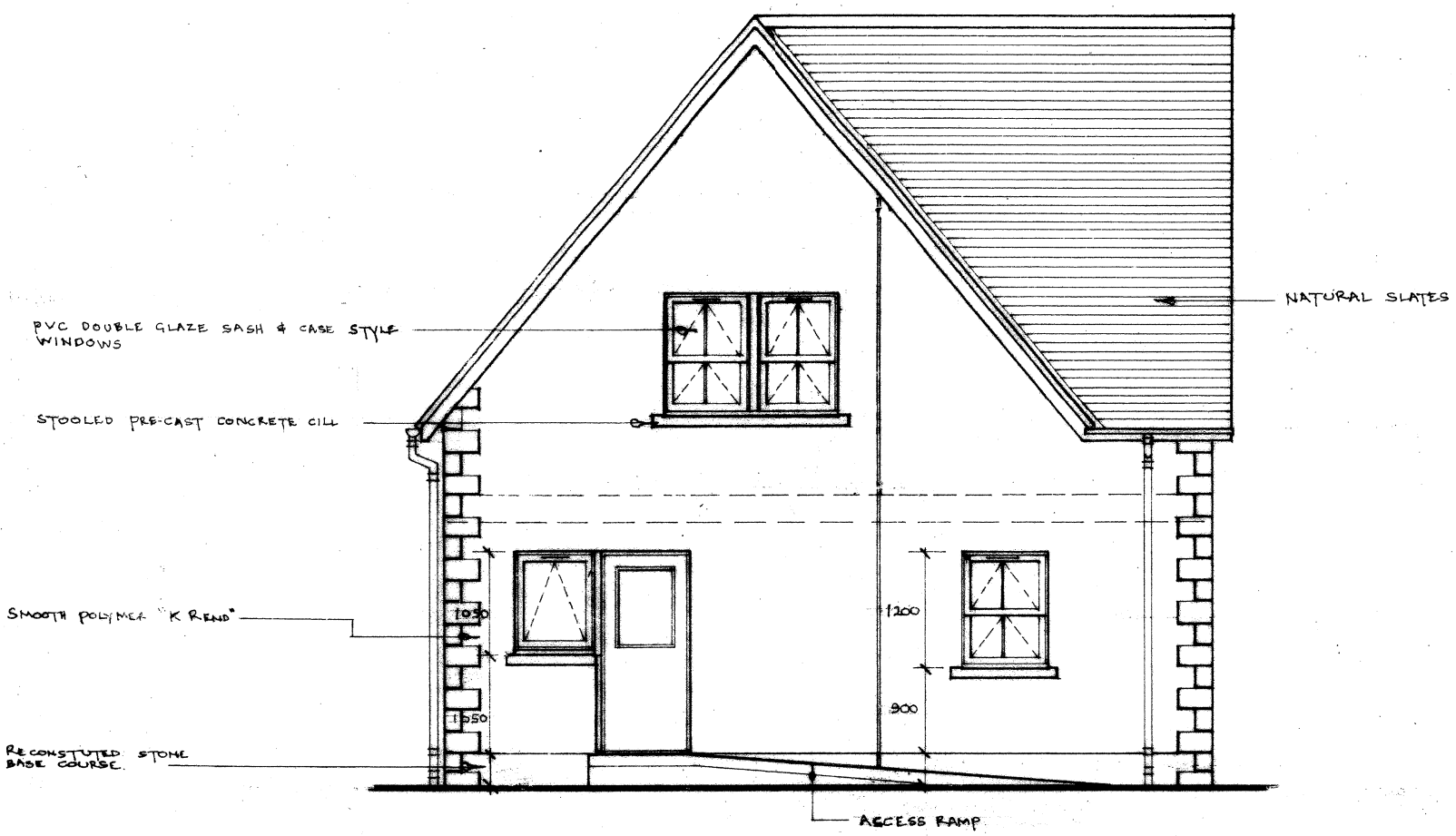
SCALE 1:50

DRAWING No. 17/01/05

FRONT ELEVATION

SCALE 1:50

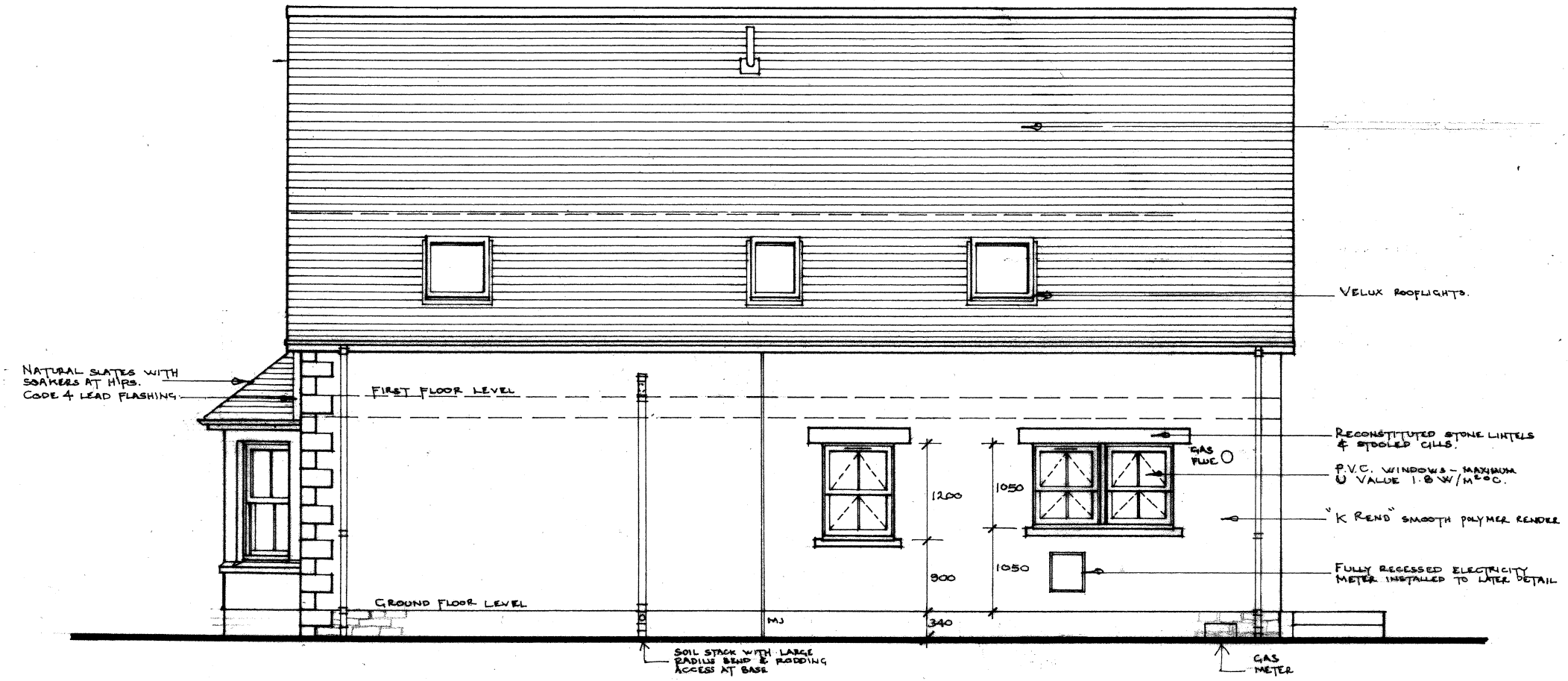
DRAWING No. 17/01/06



REAR ELEVATION

SCALE 1:50

DRAWING No. 17/01/07



SIDE ELEVATION (RIGHT HAND SIDE WHEN VIEWED FROM FRONT)

SCALE 1:50

DRAWING No. 08/24/09A REV. A

SIDE ELEVATION (LEFT HAND SIDE WHEN VIEWED FROM FRONT)

SCALE 1:50

DRAWING No. 17/01/09

PERTH AND KINROSS COUNCIL

Mr Robert MacIntosh
J R Brown Building Design
5 St Mary's Drive
Perth
PH2 7BY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 18 March 2011

Town and Country Planning (Scotland) Acts.

Application Number **10/02127/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 16th December 2010 for planning permission for Modification of existing consent to erect 10 holiday units (10/00494/FLL) - Amendment to site layout and lodge designs Altamount House Hotel Coupar Angus Road Blairgowrie PH10 6JN subject to the undernoted conditions.

Development Quality Manager

Conditions Referred to Above

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

2. The window at first floor level on the rear elevation of lodge type C shall be opaque glass for perpetuity, to the satisfaction of the Council as Planning Authority.

3. No tree(s) shall be removed, unless otherwise agreed in writing by the Council as Planning Authority.

4. The existing boundary hedge along the entire south boundary of the site shall not be lopped, felled or trimmed, unless otherwise agreed in writing by the Council as Planning Authority.

5. All trees which are to be retained must be adequately protected prior to the commencement of any works on site, and during the entire construction period, to the satisfaction of the Council as Planning Authority and in accordance with BS5837 'Trees in Relation to Construction.'

6. All the lodges have been approved as holiday accommodation only and shall not be occupied as the sole or main residence of any occupant, to the satisfaction of the Council as Planning Authority.

7. Precise details of the means of construction of the new access drive shall be submitted for the approval in writing by the Council as Planning Authority within 2 months of this decision notice.

8. The existing tree belt adjacent to the access drive shall be maintained in perpetuity, to the satisfaction of the Council as Planning Authority.

9. Within 2 months of the date of the decision notice, precise details of the boundary treatments between the lodges shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full and thereafter retained in perpetuity to the satisfaction of the Council as Planning Authority.

10. Prior to the occupation of any of the units, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear prior to the occupation of the first lodge and thereafter retained in perpetuity, all to the satisfaction of the Council as Planning Authority.

11. The approved landscaping scheme shall be implemented in full prior to the occupation of any lodge, and thereafter retained in perpetuity to the satisfaction of the Council as Planning Authority.

12. Within 7 days of any proposed tree removal, each tree that is due to be removed shall be surveyed for the presence of red squirrels and bats. The survey must be carried out by a suitably qualified person(s), and the recommendations contained in the subsequent report implemented in full. A copy of the survey / report shall be submitted to the Council as Planning Authority prior to any tree(s) being removed.

Reasons for Conditions

1. To ensure that the development is carried out in accordance with the plans approved.

2. In the interest of residential amenity.

3. In the interest of visual amenity.

4. In the interest of residential amenity.

5. In the interest of proper site management.

6. To prevent permanent residential use of the site.

7-8 In the interest of visual amenity.

9. In the interest of visual amenity and to safeguard the setting of the listed building.

10. In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

11-12 In the interest of proper site management.

Justification

1 The proposal accords with the Development Plan and there are no material reasons to merit a refusal.

Notes

1 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

4 A licence from the Scottish Government will be required for any activity that has the potential to kill, injure, take or sell a Red Squirrel or Bat; to damage, destroy or obstruct access to their place of shelter; or to disturb a Red Squirrel or Bat while it is using such a place.

5 No work shall be commenced until an application for building warrant has been submitted and approved.

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

Plan Reference

10/02127/1	**10/02127/19**	**10/02127/37**
10/02127/2	**10/02127/20**	**10/02127/38**
10/02127/3	**10/02127/21**	**10/02127/39**
10/02127/4	**10/02127/22**	**10/02127/40**
10/02127/5	**10/02127/23**	
10/02127/6	**10/02127/24**	
10/02127/7	**10/02127/25**	
10/02127/8	**10/02127/26**	
10/02127/9	**10/02127/27**	
10/02127/10	**10/02127/28**	
10/02127/11	**10/02127/29**	
10/02127/12	**10/02127/30**	
10/02127/13	**10/02127/31**	
10/02127/14	**10/02127/32**	
10/02127/15	**10/02127/33**	
10/02127/16	**10/02127/34**	
10/02127/17	**10/02127/35**	
10/02127/18	**10/02127/36**	

GRAHAM + SIBBALD

Supporting Statement

Units 1, 2, 4 + 5 Altamount Park
Coupar Angus Road
Blairgowrie
PH10 6JN

On behalf of **Target Properties Limited**

Date of Inspection: 17 October 2017
Our Ref: GD/DFM/2017/10/0031

Contents

Confirmation of Instruction

1.00	Location
2.00	Description
3.00	Accommodation
4.00	General Condition and Remarks
5.00	Statutory Enquiries
6.00	Services
7.00	General Remarks
8.00	Summary and Conclusions

GRAHAM + SIBBALD

Target Properties Ltd
c/o Brodies LLP
15 Atholl Crescent
EH3 8HA

FAO: Ms V Lane

3 Charlotte Street
Perth, PH1 5LW

E: perth@g-s.co.uk

T: +44 (0)1738 445733
F: +44 (0)1738 445833

Our Ref: GD/DFM/2017/10/0031

Date: 19/10/2017

For a full list of Partners visit our website.

www.g-s.co.uk

Dear Ms Lane

1, 2, 4 + 5 Altamount Park, Coupar Angus Road, Blairgowrie, PH10 6JN
Client: Target Properties Limited

I refer to email instructions received in connection with the above properties to prepare a Statement in support of the Appeal being submitted against the refusal of planning consent with reference 17/00471/FLL.

We have been instructed by you to provide our opinion as to the suitability or otherwise as to the properties being used for residential purposes rather than as holiday homes.

The properties were inspected externally on 17 October 2017 by Greg Davidson, a partner in the firm with over 20 years residential experience.

Weather conditions at the time of inspection were dry.

We would now report as follows:-

1.00 Location

1.01 The properties are located within an established residential area within Blairgowrie, approximately 0.5 miles south of Blairgowrie town centre. Day to day amenities can be obtained locally in addition to Perth and Dundee which are both within reasonable commuting distance.

1.02 The properties are accessed from a private road to the west of Coupar Angus Road and this leads to a number of similar neighbouring properties set within the grounds of the former Altamount Hotel. The hotel is now understood to be wholly in residential use.

1.03 All properties are located towards the southern periphery of the former grounds pertaining to the hotel.

2.00 Description

2.01 The subjects comprise four similar properties within a row of ten properties constructed around the same time.

2.02 Each property forming part of this report was constructed around 2011. The walls are formed with a load bearing inner timber frame with block outerleaf mainly finished with a smooth cement render which has been painted. The roofs are of a traditional style, being pitched and slated.

2.03 The properties have been constructed in a traditional manner which would seem to be in compliance with building regulations from the time of construction. Although these have been constructed originally as holiday homes, they are of a standard comparable with standard residential units and are required to meet the same regulations.

2.04 The properties are of a good standard and would meet with all the necessary tolerable standards including adequate provision of heating and hot water and all services relevant to a residential property.

2.05 All properties were constructed under architect supervision and obtained appropriate building warrant consents.

2.06 The properties were originally constructed with a restriction that the properties can only be used as holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

2.07 Each property has garden grounds to the front, side and rear with front/side areas typically providing areas for parking/turning and are currently open plan to the neighbouring land although bounded to the north by the shared access road. To the south of each property, there is a partially enclosed area of garden ground which is bounded on the southern perimeter by mature hedging/vegetation although this area slopes down to adjoining properties. The properties offer good privacy to adjoining properties outwith the original development.

2.08 Timber fencing is present between each property defining rear garden grounds. Whist this type of fencing is not uncommon in residential developments, this could be extended or improved further to create better and more private side boundaries.

3.00 Accommodation

3.01 Each property currently has the following layout:

Ground Floor: Living Room which is open plan to the Kitchen, a second Reception Room/Bedroom and a Shower Room.

Upper Floor: 3 Bedrooms (all with en-suite facilities).

3.02 The layouts are considered to be comparable with standard residential units although it is anticipated that the fourth bedrooms at ground floor level may be more typically used as a second living room/family room.

3.03 The gross internal areas extend to approximately 160 sq m which is considered adequate for a residential family unit.

4.00 General Condition and Remarks

4.01 The properties were completed in or around 2011 to a modern specification and are considered to be in a condition consistent with age and type. As such, all properties are considered to have suitable kitchen and bathroom fittings consistent with a standard residential unit.

4.02 No significant defects were apparent to any of the properties which would be considered to be material.

5.00 Statutory Enquiries

5.01 The properties were originally constructed under planning reference 10/00494/FLL as part of a modification of a previous consent for ten holiday units within the grounds of the Altamount House Hotel.

5.02 It is understood that the properties were originally constructed to be ancillary to and to help promote the hotel as part of the proposed business model as a private wedding venue. The business has not been successful, partly due to changes in the market and the effect of the financial difficulties and recession at that time. As such, since construction, the units have been primarily let out on a temporary basis/holiday home basis separate from the hotel. The hotel is now understood to have ceased trading as a hotel since 2015 and is now understood to have had a change of use to a standard residential dwelling. Detailed investigations have not been carried out in this regard. Given that the properties were originally constructed as ancillary to the hotel, there has been a material change in circumstance and these units now require to be considered as standalone holiday units. As these are located within a predominantly residential area, these are in fact considered to be more suitable for standard residential use rather than as holiday homes such as on the nearby Altamount Park site where there are timber cabins.

5.03 An application was made for a change of use to wholly residential use under application number 17/00471/FLL.

5.04 The reasons for refusal state that the layout would result in an environment which is not suitable for mainstream residential use which would offer a low level of residential amenity for future occupiers of the dwellings. Reasons given are that it is contrary to policies RD1 and PM1A of Perth and Kinross Local Development Plan 2014 which seeks to protect residential amenity.

6.00 Services

6.01 Each property is connected to mains supplies of gas, electricity and water and drainage is understood to be to the main sewer. Each property has a full gas fired central heating system with heating provided from radiators throughout. The central heating also provides the domestic hot water supply. Installations are comparable with residential properties.

7.00 General Remarks

7.01 The local authority has confirmed that the properties provide suitable visual amenity within the site and this is consistent with the original planning consent for construction where conditions 3 and 4 in particular were highlighted as being essential to maintain appropriate visual amenity. The delegated report prepared by the Case Officer, Mr Baxter, as part of the recent submission further confirms that the proposed change of use will have no impact on the visual amenity of the area.

7.02 The report goes into more detail summarising that the general layout of the lodges is not one which would ordinarily be acceptable for a residential development. I do not fully understand why there would be a material difference in privacy levels for use as a holiday home or that as a mainstream residential dwelling and that any concerns with regards to overlooking windows should have been addressed as part of the original consent.

7.03 The internal layouts of the properties are adequate for providing suitable amenity providing living rooms and kitchens on the ground floor with a potential bedroom or second living room and a ground floor accessible shower room. All bedroom accommodation on the upper floors have suitable provision of en-suites directly accessible from each bedroom. As such, the internal layouts are considered to provide good residential amenity.

7.04 The main issue highlighted would therefore seem to be in relation to the garden grounds. Amenity would typically refer to the attractiveness of a place in terms of residential amenity. The properties all have an open outlook over adjoining garden grounds to the north and have private garden grounds to the rear which are partially enclosed with fencing and could be adapted to create more privacy if required. Each property has adequate parking/turning areas suitable for the size of accommodation. Properties are set within mature garden grounds which include mature hedgerow/vegetation along the southern boundary providing an attractive environment. The only outstanding issue in relation to private amenity/privacy would therefore seem to be the usable space associated with each property and it is noted in the report prepared by Mr Baxter that in his opinion, Lodges 2, 4 and 5 would be able to provide an adequate level of private amenity although he did raise concerns regarding the amenity space associated with Unit 1. This has now been addressed by providing an additional area to the side and as such in line with Mr Baxter's comments, I would consider each property to be capable of providing an adequate level of private amenity space.

7.05 Garden grounds are quite open plan at the moment and whilst this is not uncommon in a residential development, measures could be taken to improve privacy. As previously stated however, we would consider privacy requirements to be similar for mainstream residential or holiday home use with each unit likely to be occupied by a single family.

8.00 Summary and Conclusions

8.01 In summary, we are of the opinion that the four units at 1, 2, 4 and 5 Altamount Park, Coupar Angus Road, Blairgowrie could readily be adapted for wholestream residential use without impacting on the visual amenity of the location. Properties are of a suitable standard in terms of construction and facilities for residential use. Some landscaping improvements could however assist in terms of privacy.

8.02 Given that the properties were originally constructed to be ancillary to the nearby hotel and that now this is in private residential use, we would consider it to be appropriate and beneficial for the long term sustainability of the properties that it be appropriate for a change of use to mainstream residential use (Class 9).

We trust this summary statement meets with the requirements and provides additional information to support the proposed change of use.

Yours faithfully

[redacted]

Greg Davidson, BSc (Hons) MRICS
RICS Registered Valuer
For and on behalf of Graham + Sibbald
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Perth & Kinross Council
Draft Placemaking Guide
2017

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1. Introduction

Placemaking has a critical part to play in the success of our cities, towns and villages. It is integral to the environmental, economic and social dynamics that shape our lives and influence our activities.

> "Good placemaking can provide communities with an important cultural context; a sense of pride and belonging; and a sense of local and national identity."
> (Scottish Government)

Perth & Kinross has a tradition of inspiring designers. Sir Patrick Geddes, who is widely regarded as the founder of modern town planning, was educated in Perth and keenly influenced by the conditions he observed as a child. Geddes encouraged exploration and consideration of the "whole set of existing conditions", studying the "place as it stands, seeking out how it has grown to be what it is, and recognising alike its advantages, its difficulties and its defects".

> 'Town-planning is not mere place-planning, nor even work-planning. If it is to be successful it must be folk-planning' (Geddes, 1915)

This document develops the placemaking criteria and gives further guidance on how to achieve the policy requirements provided in the Local Development Plan and provide clear explanations as to how to achieve high quality development that responds to the unique setting of the Perth & Kinross Council area.

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Figure 1: Cafe Quarter, Perth

Figure 2: McRosty Park, Crieff

2. The Placemaking Process

2.1 What is placemaking?

Placemaking is the collaboration of all parties committed to producing high quality places that enhance their surroundings. Delivery of good placemaking is dependent on the following:

- A shared vision
- The appropriate skills
- Working together

When assessing a potential new development, there are many stages within the process, regardless of the size, type or applicant. To demonstrate that you have considered all the issues that apply to a proposal, you need to provide evidence that you have understood the local context and engaged with the key stakeholders.

2.2 Preparing the development proposal

2.2.1 Identify aims and objectives

Whether it is an extension on a house or a strategic development site, there are always aims and objectives for any new development. It is important that you establish these from the outset through an examination of the site or proposal. A quick analysis of the Strengths, Weaknesses, Opportunies and Threats (SWOT) is a valuable way of demonstrating that you have considered the issues that are important to this development.

Strengths	Weaknesses
• Enclosed woodland setting • Good potential vehicular access • Established open space • Good footpath connections • Walking distance of centre	• Narrow access points • Potential bat roosts • Mature trees within site • Sloping site with levels that have been cut and filled
Opportunities	**Threats**
• South facing site • Attractive views out into surrounding countryside • Good recreational facilities including open space and footpaths • Sloping site that could create attractive design • Mixed tenure site	• Loss of mature trees • Loss of habitat for endangered species • Community opposition in terms of access & loss of woodland • Expensive design due to slope

Table 1: Example of SWOT analysis

2.2.2 Collate baseline information

For larger or more sensitive proposals, the collation of baseline data is a crucial part of the process. This can be very detailed environmental data such as local habitats or archaeology within the site but it can also be as simple what type of windows are used in the local street or whether the proposal can be served by Public Waste Water Treatment Works. The size, type and location of the proposal will determine the information that you will need when making an application.

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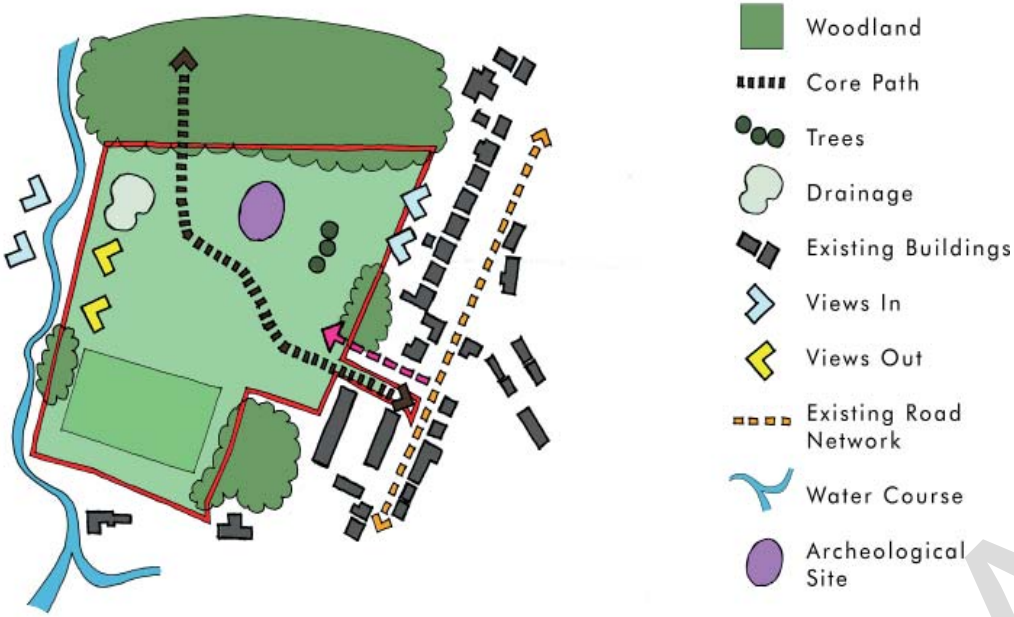

Figure 3: Example of a site analysis diagram

This example demonstrates some of the key issues that will need to be addressed including proximity to a Special Area of Conservation and access points into the site.

2.2.3 Draft a site appraisal

An initial site appraisal can provide you with a wealth of information that will help guide your proposal and identify the key issues. The following areas should be looked at as part of a site appraisal:

Site features

- Existing boundary features, e.g. hedges and stone walls
- Key views into and out of the site.
- Exisiting buildings on the site.
- Watercourses, waterbodies and associated habitats within and adjacent to the site.
- Archaeological or historic interest both in and close to the site, including the setting of listed buildings and conservation areas.
- Contamination

Local context

- Local built character of the surrounding area
- Significance of the site to the area
- Capacity of local community facilities such as schools, surgeries, open space etc.

Linkages

- Access into the site
- Access to public transport
- Links to pedestrian/cycle routes
- Existence of and relationship with green/blue networks
- Power/heat supply

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Figure 4: Kenmore village has a distinctive local character

Figure 5: Aerial image of site at Luncarty

Photographs and aerial mapping can visually support your site analysis and highlight key opportunities and constraints.

2.2.4 Establish site ownership

This can be a vital question if you are proposing to develop a large strategic site that may have multiple owners. Before any investment is made in creating a vision, you should ensure that joint working has been established so that the landowners are in agreement in terms of the development of the site. This is particularly significant for access and developer contributions to community facilities.

2.2.5 Identify Key Stakeholders

Whether it be a local community group, Historic Environment Scotland or your next door neighbours, it is vital that you communicate from the outset about your proposal. Ensure that you have indentified all the local residents, agencies or companies that might be affected by your development.

2.2.6 Implementation planning

For any proposal, you should consider from the outset how you intend to implement your proposal. For minor applications, this might be who you intend to undertake work (architect, builder etc.). A trained architect, planner or landscape architect can support your application and ensure that you meet the requirements in terms of placemaking and design.

In the case of larger sites, an Implementation Strategy forms a vital element of any Masterplan. Any application should describe the arrangement between the partners involved in implementing the development. This should include a single point of contact for the communities during the development stages. The Implementation Strategy should also address existing and potential sources of funding, how these will be secured and likely timescales.

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2.2.7 Illustrate a vision

It is valuable to provide an early vision for the project. Detail what it is you are proposing, how you intend to deliver it and what the end result will be. A simple statement of your main objectives can be extremely helpful in ensuring early consensus and as a continual reference point during the project. This will also be helpful for larger projects to allow the initiation of the feasibility and budget checks.

Preparation Checklist:

- **Identify aims and objectives through SWOT analysis**
- **Collect baseline information regarding a site**
- **Examine site ownership and put in joint working measures**
- **Identify Key Stakeholders**
- **Undertake site appraisal including: analysis of site features, local context and linkages**
- **Draft Implementation Strategy**
- **Develop a vision**

2.3 Engaging with the local community

2.3.1 Contact Community Planning in PKC

For any new development, it is vital that you communicate your ideas at an early stage in the process. In the case of minor applications, this could be simply discussing your idea with your neighbours before you submit an application.

It is also recommended that discussion should take place prior to submitting an application so they can visually see the proposal. For more major projects, you should involve community representatives, including the local community council. Comunity Planning in PKC can provide contact details for local groups in the area. This can assist any proposal to allow community input from an early stage as well as ensure collaborative working and the deliverance of better services. To deliver a truly great place to live, you need to identify local needs and respond to community aspirations.

2.3.2 Contact Development Negotiator for PKC

In parallel with the community planning process, any large development will need to be in close contact with the Council regarding Developer Contributions. This will identify more specific needs within the local area including park provision, education requirements, transport infrastructure and community facilities. Early dialogue is beneficial as these requirements will have a specific impact on how the proposal can be designed and delivered. The Local Development Plan provides requirements for allocated sites.

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2.3.3 Engage with Local Action Partnerships

There are five Local Action Partnerships:

- Perth City
- Kinross-shire, Almond & Earn
- Strathearn & Strathallan
- Highland & Strathtay
- Eastern Perthshire

These Action Partnerships are made up of elected members, communities and public services and can provide direction on local priorities. Early engagement will identify local priorities in terms of social needs and develop an understanding of the potential social inequalities of the area. Any new proposal should respond to these local needs and provide evidence of how they can assist in creating sustainable, successful, new and regenerated communities.

2.3.4 Pre-application consultation

Major developments of 50 or more homes requires a Proposal of Application Notice (PAN) before a planning application is submitted. This will form part of the pre-application consultation (PAC) process to be carried out between the developer and the community. This ensures that communities are made aware of and have an opportunity to comment on certain types of proposals before a planning application is submitted. It is the developer's responsibility to undertake this consultation although the exact format will depend on the nature and scale of the development. A PAC is there to help improve the quality of planning applications. This can also help identify the need for an Environmental Impact Assessment, which will need to be submitted at the planning application stage.

Even for smaller proposals, the same early engagement can ensure that there is a reduction in the number of objections to an application. It is important that all parties are kept informed about issues and requirements.

2.3.5 Engage with key stakeholders

Early engagement with Scottish Environment Protection Agency, Historic Environment Scotland and Scottish Natural Heritage will allow you time to respond to any issues that they raise. This may prevent your proposal delays during the application process. Issues that may involve these government bodies should be identified through the site appraisal process.

Key issues to establish through the PAC:

- **Discuss proposal with PKC Planning Department.**
- **Provide an opportunity for individuals and communities to contribute.**
- **The timing of public involvement and the recognition that early involvement is likely to be more productive.**
- **Provide contact information for project managers and the construction team who can respond to complaints.**
- **Ensure the community know who/where to speak with if they have any problems or questions regarding the proposal.**
- **Always provide evidence of how you feel the consultation went by sending your report to the Community Council prior to submitting it to the Council.**
- **Provide details of any aspects of the development that could change or what is fixed and what is up for debate.**
- **Give the community a chance to contribute to details such as landscaping and materials.**

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Engagement checklist:

- **Contact Community Planning in PKC**
- **Contact Development Negotiator for PKC**
- **Engage with Local Action Partnership**
- **Publicise the Masterplan and organise events**
- **Engage with key stakeholders such as SEPA, HES & SNH**

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3. Applying the 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.**

3.1 The Placemaking Process

There are four key areas to research and respond to in the Placemaking process:

- Environmental considerations
- Built context
- Social issues
- Access and permeability

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3.1 Environmental considerations

3.1.1 Landscape impact

Perth & Kinross is an area with a number of distinct landscape characters, from the lowland river corridors to the highland moorland and plateaus. These features are integral to the shaping of the historic settlements, the traditional industries and the styles of buildings. Placemaking plays a major role in maintaining but also developing these unique characteristics, ensuring that we conserve and evolve our communities for future generations.

There are five broad landscape areas within which settlements sit: Highland glens, lowland valleys, lowland hills. Firth lowlands and lowland basin. New development needs to respond to these features and reflect how this has defined existing settlement patterns through understanding the geology, topography, hydrology and vegetation of the wider area.

Figure 6: The landscape setting of Perth

Figure 7: Ben Vrackie is in a Special Landscape Area

National and local designations:

There are four National Scenic Areas located within the Perth & Kinross region: Loch Rannoch & Glen Lyon, Loch Tummel, the River Tay and the River Earn.

Special Landscape Areas, a regional designation, are spread across the Perth & Kinross area covering about 27% of the land.

There are 42 gardens and designed landscapes that influence the design of any new development.

There are a wealth of protected habitats and species that require national or international protection.

Before proposing any site for development, it is vital to research the designations within that area and check the LDP policy.

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3.1.2 Orientation of development

The landform of an area informs the land cover, land uses, the microclimate and human activity. It inter-relates with waterways and this in turn is interconnected with the siting and shaping of settlements. Any development must consider the wider landform and the hydrology patterns which inform the site.

Views and skylines
Wider views are largely determined by the landform of an area. Highlands, river valleys, woodland and open agricultural land can create enclosure and exposure, influencing how a settlement fits into the landscape. Long, medium and short views into any development require to be analysed, identifying where buildings and viewpoints will be affected. Roads, cycle lanes and footpaths around the site should be assessed, as this will be the first impression someone will have of the development. Using mapping, photographs and illustrations, new developments must provide evidence that the visual impact of the development has been acknowledged.

Ridgelines
New development should not dominate ridgelines and should accommodate appropriate setbacks or planting to prevent conspicuous breaks in the horizon. Trees can provide a backdrop reducing the impact of the built form on the settlement.

Figure 8: View of Invergowrie Primary School from the core path

Figure 9: New houses in the Ochill Hills sit within the landform

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Key points

Any design of a new site should identify areas where new development will be visible from (often called visual receptors). It should provide an understanding of the affect that the new development will have on these views and whether the site can visually fit into the surrounding landscape in the context of these viewpoints.

Figure 10: Analysis of key views into the site

Slopes

Any sites located on slopes should use the existing landform to create the design rather than creating platforms through the cutting and filling of land. The challenge of this can encourage more creative responses to a site design and allow for a distinctive quality that works with the contours rather than challenging them.

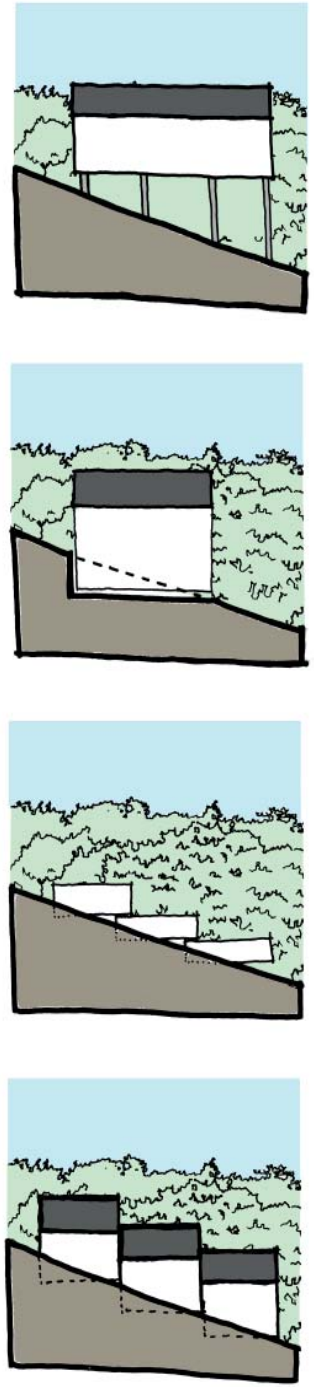

Figure 11: Different approaches to designing buildings on a slope

Challenging site topography is often perceived as a constraint but can actually create an opportunity for innovative design proposals that work with the unique form of the site. Build with the slope, be creative with garden space or consider different housing types. Retain valuable site features that can provide new landmarks and an individual sense of place, presenting opportunities for planting and open space.

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3.1.3 Energy efficiency measures

The design of any development should minimise energy demands, making optimum use of the site layout, design of buildings and use of natural resources. Drawing on the siting and design of traditional Perthshire settlements and buildings, new development should minimise the demand for energy required for heating, cooling and lighting. Furthermore, consideration should be taken in terms of renewable energy technologies for any size of development, whether that is through the development of a district heating system or individual solar panels.

Designs should avoid layouts that conflict with adjacent built forms. A Sunpath Analysis can help assess the effects of building orientation and massing on capturing daylight and issues with overshadowing. The detailed layout of buildings and internal floor plan should be designed to maximise the opportunities for solar gain and natural daylight. The form and density of streets can also enhance energy efficiency, with terraces and row housing experience less loss in heat than detached housing.

The microclimate of a development can assist in the usage of both inside and outside space and provide natural energy sources in terms of lighting and heating. A response to this microclimate is therefore integral to creating sustainable development that working in the long term. Working with the existing landform, streets should be aligned against the prevailing wind direction to avoid wind tunnels. Furthermore, buildings should have a southerly aspect for private spaces and living room, taking advantage of the maximum hours of daylight.

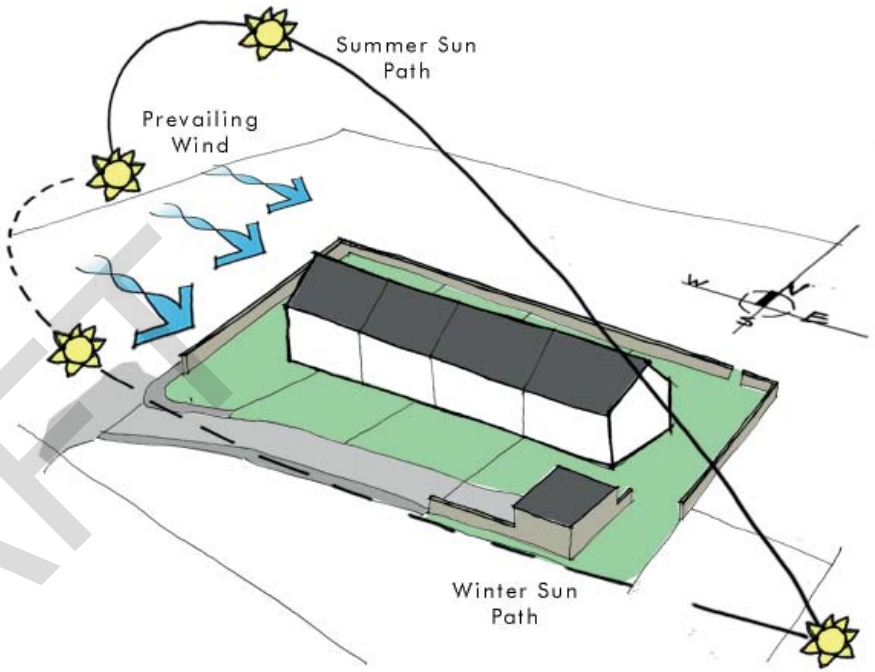

Figure 12: Example of microclimate analysis

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3.1.4 Greenspace

Any development should recognise the wider recreational and access value of the local green networks. Understanding the wider footpath network and open space provision of a settlement helps to identify the local needs and how any new development can create better connections to greenspace. This reaffirms the identity of a place, making it a more attractive place to live. It creates an environment which supports healthy lifestyles and encourages outdoor recreational activities that can improve physical and mental wellbeing. When creating new open space provision, the design should consider how to create attractive linkages into the wider green network through pedestrian/cycle access.

3.1.5 Green/Blue Network connections

Green & Blue Infrastructure is a network providing the “ingredients” for solving urban and climatic challenges by building with nature. The main components of this approach include storm water management, climate adaptation, less heat stress, more biodiversity, food production, better air quality, sustainable energy production, clean water and healthy soils, as well as increased quality of life through recreation and providing shade and shelter in and around villages and towns. Green infrastructure also serves to provide an ecological framework for social, economic and environmental health of the surroundings. The Council’s *Green Infrastructure Supplementary Guidance* provides a guide on incorporating green infrastructure within a development and should be used when designing a new development.

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Figure 13: MacCroisty Park in Crieff provides excellent access into the wider footpath around Crieff

Figure 14: Example of green infrastructure analysis

3.1.5 Shelter belts and habitat connections

In sites where there are conflicting winds, appropriate shelter should be created through planting and the design of the street pattern. Sites with existing trees or woodland adjacent can provide further opportunities for shelter but excessive shading should be avoided as it prevents solar gain.

Tree survey & retention of existing trees
The natural landscape features within a site should be well designed and enhance the local character of the settlement. Woodland and trees can form an attractive visual backdrop to buildings, framing development and enhancing opportunities for local biodiversity. Existing trees and hedgerows should be assessed and retained wherever possible.

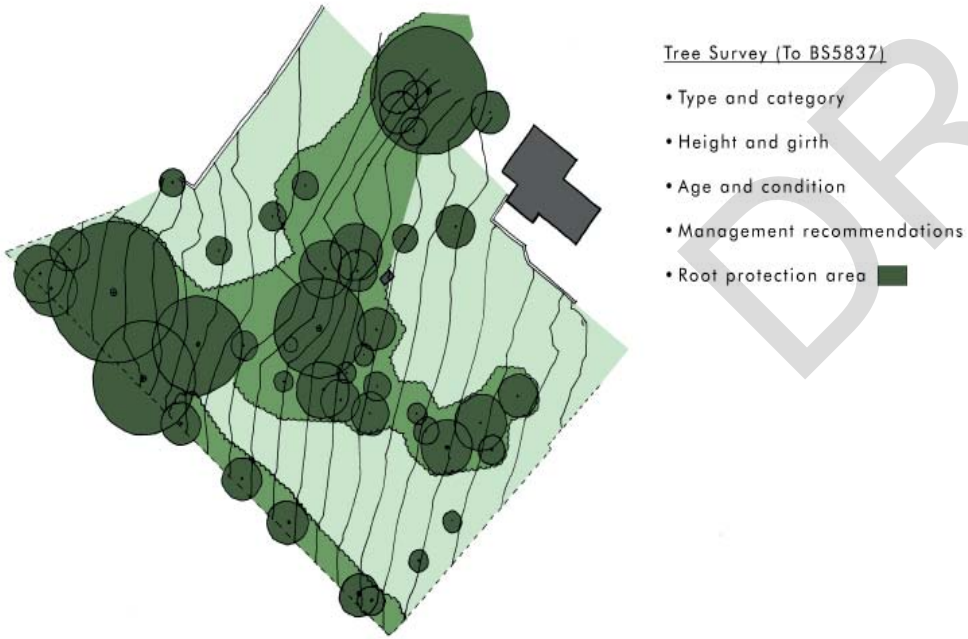

Figure 15: Example of Tree Survey

Habitat connections
Any new development should reinforce the local and wider habitat network, supporting habitat enhancement projects and preventing the fragmentation of wildlife. This can be done through the identification of key linkages between sites and the development of new routes. Animals, just like humans, develop desire lines over generations which, when altered, can have a detrimental effect on the wider habitat. These should be identified early on in the designing of a site to ensure that key routes are retained whenever possible or compensated for.

Site features
Features within the site such as waterbodies and biodiversity should be protected and enhanced. These can help create a greater sense of place for the future residents. Any natural features should be exploited and used to provide a natural landscape framework for the development. If natural features exist off site, the developments should be designed to provide new opportunities for green networks and biodiversity and which link with those out with the site.

Figure 16: Muirton brownfield meadow is home to a wide range of biodiveristy whilst providing attractive greenspace for local residents

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3.1.6 Planting & landscaping requirements

New planting should reflect the local patterns of vegetation within an area, using it to define private and public spaces, creating a more attractive streetscape and assisting in the existing biodiversity networks. Appropriate types of vegetation that should be considered that will define the character of the area and allow local flora and fauna to flourish.

Edge of settlement

As towns and villages expand, the edge of settlements is often the siting of new developments. These can be prominent sites in terms of visibility, often the point of entrance into a settlement and the transition between countryside and town. This edge requires careful consideration, incorporating the possibility of longer term growth with shorter term visual impact. An overall visual composition of the settlement boundary including buildings, rooflines, boundary treatments and structural landscaping should all be assessed to create a positive edge to the settlement and the surrounding countryside. A landscape framework such as a tree belt or an attractive open edge with appropriate planting should be an integral part of the design.

Figure 17: Harsh edge to settlement with no landscaping

Figure 18: Village entrance responsive to landscape and local character

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3.1.7 Drainage & SUDS requirements

The proposal will need to conserve any existing water bodies within the site and address how they could be incorporated into the design of development. In addition, any potential flooding issues should established early on the process and highlight whether there is a need for a flood risk assessment. See the Council's *Flooding Supplementary Guidance* for more details. In terms of handling water, designs should promote the use of porous surfaces in order to minimise run off, particularly during periods of intensive rain. Planting of trees and shrubs can also reduce issues with localised flooding as well as balancing ponds and Sustainable Urban Drainage Systems. Green roofs can help reduced heating and cooling needs for a building as well as minimising rain water runoff.

Figure 19: Attractive example of SUDS at North Inch Community Campus which enhances the local biodiversity

Sustainable Urban Drainage Systems should be approached in a holistic manner, considering house and road layouts and the natural hydrology of the area. It should complement the topography of the site, providing blue/green corridors to the surrounding area whilst protecting water quality. SUDS can contribute to the open space elemnt of a site, allowing for biodiversity, recreational uses and a focal point within the site. Rain gradens that are used to drain roads of surface water can also be used to form traffic calming measures such as "build outs".

Figure 20: Innovative design at Wolfhill with green roofs

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3.1.8 Recycling facilities and initiatives

It is vital to minimise the waste produced from a development, both in terms of construction and afterwards, once the buildings are lived in. The recycling of materials present on the site or sourced locally is promoted to reduce building waste and encourage the use of resources that fit with the built character of the area. In terms of water usage, harvesting rain water using runoff from roofs can provide an alternative source for grey water or irrigation. Onsite composting and recycling should be provided if possible and any storage needs for recycling should be designed sufficiently to provide good access for collection. These issues need to be integrated into any design scheme at an early stage.

3.1.9 Regional & local infrastructure impact

Sustainable development requires the provision of services that can meet the needs of a growing population. To ensure that infrastructure capacity keeps pace with local requirements, any new development should analyse current capacity and potential future demand. Section 75 Planning Obligations enable of site infrastructure provision, affordable housing provision, financial contributions for services and facilities and the phasing of proposals. For sites within the Local Development Plan, key requirements have been identified.

Environmental checklist:

- **Landscape impact**
- **Orientation of development**
- **Energy efficiency measures such as District Heating**
- **Greenspace and Green/Blue Network connections**
- **Shelter belts and habitat connections**
- **Tree survey & retention of existing trees**
- **Planting & landscaping requirements**
- **Drainage & SUDS requirements**
- **Recycling facilities and initiatives**
- **Regional & local infrastructure impact**

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3.2 Built context

3.2.1 Building and street heritage

The towns and villages of Perth & Kinross offer us a wealth of visual stimulus, with a huge range of architectural styles, building uses and landscapes. A medieval core for many settlements provides a herring bone pattern with pends, wynds and vennels that is scaled at a very human level, designed long before the influence of cars. The formal approach of the Georgian period can be seen with townhouses adhering to the classical rules of symmetry. In smaller villages, row housing is often present, terraces with a mixture of sizes and forms. The late 19th and early 20th century saw the advent of villas, larger detached or semi- detached houses that sat back off the street with front gardens. The latter part of the 20th century saw considerable expansion of settlements, with development that is less responsive to its locality and landscape.

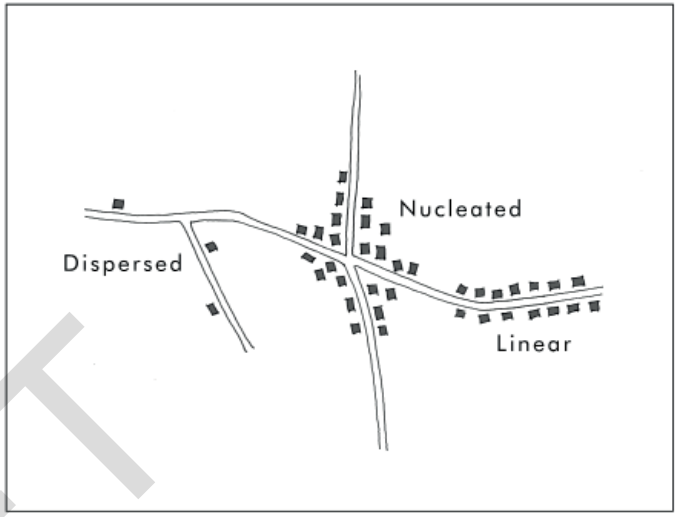

Figure 22: Examples of different types of settlement pattern

Figure 21: Early 20th century homes in Birnam with large front gardens

Settlement patterns are determined by their origins, with layers of development providing distinctive form and density. New development requires to be connected to these features, acknowledging the local buildings and streets rather than standard house types and road geometries.

In more rural locations, understanding the settlement distribution and origins of human habitation can be assisted through the use of historic maps and local site analysis.When making an early analysis of the built heritage, always check for Listed Buildings or Conservation Areas to ensure your design does not have an adverse impact on the local heritage setting.

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Existing buildings & structures

In cases where there are existing buildings within the site, conversion should be considered as part of the proposal. Often these buildings or structures can provide a focus for the development and further the sense of identity within an area. In cases where they are a significant landmark to the settlement or area, the building/s should retain the outer façade to identify their original use. Where the buildings are listed, these will have to be preserved and enhanced through conversion and should be incorporated into the proposal. There will be a presumption against their demolition.

Creation of new focal points and landmarks

New development has the opportunity to create new landmarks and focal points both within the site and for the wider area. This can be done through the design of key buildings that demonstrate a meeting point or crossroads. These can be created though thinking about the long views into a site and by establishing a hierarchy of building forms within the streetscape. The creation of public space within a site can also provide a focus, reinforced through public artwork and street furniture.

Figure 23: The Museum & Art Gallery is a listed building and an iconic landmark within Perth

Figure 24: Perth Concert Hall has created a new focal point within the city

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3.2.2 Material, colour and details

Although the predominant, and therefore most noticeable, traditional buildings in Perth and Kinross tend to be simple rural houses, cottages and steadings in stone, harling and slate, the district does contain a wealth of various building styles reflecting the history of building development in the area.

Materials
Local buildings were traditionally built in materials sourced within the area and have often contributed to the unique character of a settlement.

Figure 27: Whinstone in Pitlochry

Figure 25: Harling and slate roof in Dunkeld

Figure 26: Red sandstone in Kinross

Figure 28: Ashlar finish in Perth

New development should reflect this and source high quality, sustainable materials from local sources whenever possible. Use of timber can provide a high quality, natural finish if sensitively designed. Whilst local materials might not always be feasible, the use of stone detailing, individual walls or boundary treatments can assist in the overall sense of local character.

Figure 29: Use of timber and slate on Loch Tay

Figure 30: Harling and timber finish in Muirton

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Colour

Choice of colour can have a clear visual impact on the surrounding area. An individual house in the rural setting can dominate the landscape if the choice of colour does not fit with the local palette. Colour can also define specific parts of a building. Contrasting colour on doors or windows can create simple detail that enhances the overall design and creates visual interest. On a larger development, a consistency in terms of colour can help unify a new site and create a sense of place for residents.

Figure 31: Colour uniformity in Muirton

Figure 32: Windows and doors in Birnam development creates local identity through use of colour

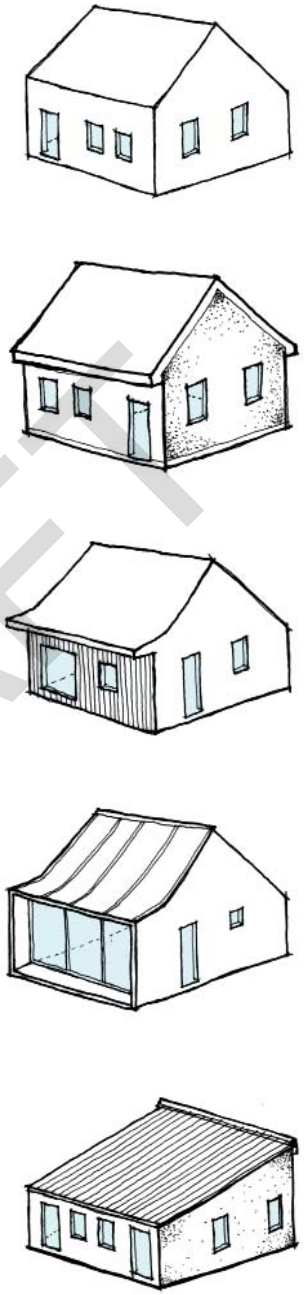

Figure 33: Examples of how the form of a building can determine details such as window openiings and roof pitches

Detailing

Careful consideration of finishes and detailing can allow development to integrate effectively into the local context. A key principle is to look for, identify and use good examples of local building characteristics which can be found in the area and around the site. This can help build a new house which is in harmony with its neighbours and can ensure that extensions and conversions respect the existing building.

Good detailing will not only improve the appearance of the house but will make it more durable and weatherproof. There is considerable scope for modern architecture and building techniques to support new lifestyles but an honest contemporary approach can be matched with local building characteristics to provide attractive modern living in. It requires sensitivity and care by the designer but will not necessarily result in additional expenditure.

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The physical structure of a place is defined by a network of streets and spaces. A figure ground analysis of the local built form can be a useful way of understanding the pattern of building to street or space. This helps define the “urban grain” of an area, whether it is narrow, informal streets or larger, regular blocks. Frontage, plot widths and boundary treatments all contribute to the character of an area, as well as the roof pitch and frontage design of the buildings.

The front of the buildings within a street should create an active frontage, with windows and doors overlooking the street. This creates opportunities for eyes on the street, providing a sense of safety and welcoming appearance. When gables face the street, these should incorporate windows or other openings, providing further opportunities for passive surveillance. Building frontages should positively address the main streets within the development, representing their civic role within the settlement.

Public spaces

Centrally placed and overlooked public spaces that are easily accessed can provide an important focal point within a development or a settlement. The existing public spaces of Perth & Kinross are extremely popular both as a service to their local community and as a focus for the wider public, attracting visitors and tourists through a range of uses including Highland Games and farmers markets.

New public space requires to be considered from the outset of the design process, avoiding the creation of left over space that has little purpose or function. Open spaces should be sited and orientated to provide sunny, accessible areas that are sheltered from the prevailing wind and defines the character of the area.

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Figure 34: Kinross High Street creates a sense of passive surveillance

Figure 35: South Inches in Perth is used for a wide range of activities all year round

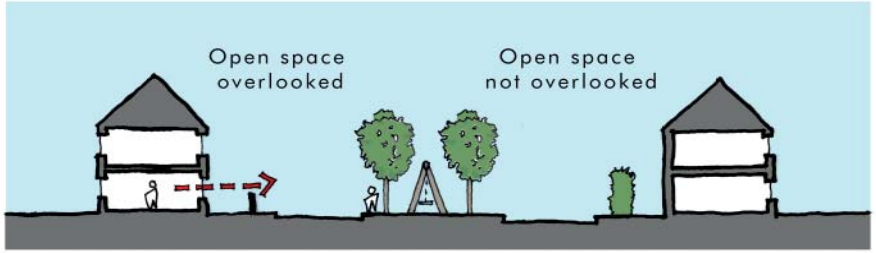

Figure 36: Windows and door opening face onto

Semi-private spaces
Semi-private spaces, such as small front gardens, closes and courtyards, have traditionally been defined through the buildings and residents that live within them. These spaces were often to mark the transition between public external space and private living areas. A clear distinction between public and semi-private should be made in any new development, with boundary treatments that provide an attractive and long-lasting edge that provides a sense of enclosure.

Private garden spaces
All new houses should benefit from private garden space, for drying clothes, accommodating pets, children's play, quiet enjoyment, etc. Front gardens do not constitute private garden space. Private spaces require to be sized appropriate to the property they serve, proportionate to the size and layout of the building. Appropriate screening with hedges, walls or fencing may be necessary to ensure that the garden space is not overlooked from surrounding houses or gardens. Private spaces must be designed so that residents have a reasonable amount of sun/daylight. They should not be closely bounded by high wall or buildings.

As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for 3+ bedrooms. Each dwelling should have a minimum garden depth of 9 metres.

Figure 38: Shared courtyard space at Cuthill Towers

Figure 39: Semi private space at Gannochy

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4.2.4 Scale, height and massing

New development should acknowledge the scale and form of the surrounding buildings. This can make a huge difference to the visual impact of a development. Whilst it is not desirable to copy traditional buildings, it is important to harmonise with them. The vernacular of rural Perth & Kinross was rectilinear, single storey structures with gabled ends or hipped roofs. The urban equivalent was larger but retained a similar rhythmic pattern that provided a harmonious form. Frontage width versus plan depth should be addressed by looking at the local context.

Figure 40: Extension to Dunning Primary School compliments the traditional building with a contemporary response

3.2.5 Density

The design of a development should create a strong sense of local identity that complements its surrounding area. New development should form pleasant, walkable neighbourhoods that support local facilities and reduce the need for cars. The settlements of Perth & Kinross have traditionally evolved over time with a mixture of uses located within close proximity to allow the community to access a range of services.

In recent years, density within new development has been focused on detached or semi-detached housing, often located on the edge of settlements. Sometimes, this has resulted in new development having little variation and difficult to read in terms of navigation. The creation of higher density around new nodes or focal points can not only provide a strong sense of place but also sustain any new local services. Creating new neighbourhoods through a range of densities, built form and layout can allow for a local sense of identity. This requires careful consideration of house types, building groups and proportionate spaces between buildings.

Figure 41: Traditional high density within the centre of Crieff

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Proportion

Proportion is a fundamental element of architecture, and relates to the building as a whole and also as sections working harmoniously together. Individual elements of a building must work together to create a coherent design that balance. The building envelope, windows and doors eaves and roof ridgeline should all work in balance with each other. Whether symmetrical or asymmetrical, the overall composition should be balanced and proportionate. If window openings are too small or too close to the eaves, the building can look out of balance. Traditional houses maintained a balance of proportions between walls and openings. By responding to the local character through the building lines, eave heights and lintel heights, new development can relate positively to their local surroundings whilst allowing for contemporary design.

Roofs

Modern housing can sometimes lack the balance between plan depths to roof mass, resulting in visually dominant roofs. Roof massing in the context of the building envelope should create a proportionate balance, reflecting or interpreting the traditional form. In developments of more than one house, the design of the group roof forms should be carefully considered, designing the overall visual composition and rhythm of the roofline. Steeper roof pitches are considered more durable and easily maintained. They can also can provide useful storage or habitable accommodation within the roof space.

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Figure 42: 5A Melville Street in Perth reflects the building proportions within the street but provides a modern alternative

Figure 43: Steep roof pitches for a new development in Kenmore addresses local microclimate

3.2.6 Streetscape

A wide variety of types and styles currently characterise and may be considered acceptable within Perth and Kinross streetscapes. The scale of built form should be respected, ensuring that the pattern and form of building lines, setbacks, rooflines and elevations are harmonious with the surrounding townscape. New design does not need to reproduce good design from the past but should rather create new cultural heritage for future generations. Street proportions, open space and focal points should all be scaled appropriate to their local area.

Historic streets

Historic windows and doors are a key part of the special character of most historic buildings and original architecture. Their inappropriate alteration or replacement erodes that character and destroys valuable historic fabric, design and the original craftsmanship. Modern replacement windows may appear convincing from a distance, but up close often fail to match the quality of the originals. Different opening patterns can seriously disrupt the character of an elevation when open. Therefore in the first instance encouragement will be given to the repair of windows not only is it a sustainable option but it will retain the original character of the building and can often be cheaper than replacement.

Figure 44: Traditional row housing in Pitlochry

Figure 45: Vibrant streetscape in the centre of Perth

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Street lighting

Lighting can have a significant contribution to safety, reduction in crime, creating a sense of safety and enhancing the appearance of an area at night-time. It can help to create a sense of hierarchy in terms of streetscape and make a place more navigable. The design of street lighting can also ensure greater footfall in the evening providing a nighttime economy for areas of mixed use. Any lighting strategy should be designed at the outset with careful thought to new planting and the location of buildings.

Figure 48: Attractive lighting in Perth supports the night time economy

Figure 49: Sculpture creates attractive riverside walk along the Tay in Perth

Figure 50: Artwork in Birnam celebrating connection with Beatrix Potter

Street furniture

Street furniture can also assist in creating a sense of place and should be planned as part of the overall design concept. It should encourage human activity and not place barriers on key pedestrian routes. New street furniture should be of direct benefit for it's users and integrated into the overall apprearance of a new development. The deisgn should be creative and reflect its locality whether a conservation village or an urban street. Avoid clutter on footways and use build-outs. There may be times when street furniture such as textured surfaces, benches and planting can guide pedestrians to ensure safety.

Public Art

Public art can contribute to a sense of place and create a local identity. They can create significant landmarks for an area that eventually become synomous with the character of a place. Artwork provides a context to our public experience, demonstrating our view of the area, a reference to the current economic or social climate, a statement to future generations. The creation of artwork by local artists should be encouraged in new developments, reflecting the Council's commitment to innovation, local identity and contermporary culture. To promote this, there may be a requirement for a public art percentage from new developments in the Perth & Kinross area.

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3.2.7 Boundary treatments

The quality and character of boundaries between public and private space play a significant role in the creation of legible and attractive streets. Boundary treatments can define an area and are an active part of the public realm. As such, they require special attention in any new development's design. Traditional boundary treatments such as course rubble walls and non-coniferous hedges can help anchor any new development to its local setting. Maintenance for these should be considered from the outset.

Figure 51: A range of different materials being used in Cuthill Towers

Figure 52: Stone wall in Brinam

Figure 53: Beech hedge in Gannochy

Built context checklist:

- **Building and street heritage**
- **Material, colour and details**
- **Safer by design**
- **Scale, height and massing**
- **Density**
- **Streetscape**
- **Boundary treatments**

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3.3 Social impact

3.3.1 Mixed of uses

A mix of uses within new development can help create more sustainable communities, providing opportunities for facilities and services that can serve the wider community. Traditionally, settlements have had a mix of housing industry and shops all within walking distance, allowing for people to live and work within their local community. Although the invention of the car has allowed us to travel greater distances to access employment and services, the principle of providing a community with a range of opportunities that creates safer, inclusive places. This mix of uses could be housing, shops, community facilities, open spaces or employment, producing potential focal points around which residential development can be concentrated.

Figure 54: Mix of uses in the restored Stanley Mill inlcuding residential and workshops

3.3.2 Mixed tenure

A mixture of housing can further assist in a local sense of community and social cohesion, which allows for owner occupiers, rented and shared ownership. A variety of tenure that is visually integrated into new development and distributed evenly across the community allows for greater inclusivity. “Pepper-potting” or more structured “clustering” of social housing is considered to improve social mobility and prevent the segregation of different socio-economic groups.

Figure 55: Mix of tenure in Muirton

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3.3.3 Affordable housing

There is a range of affordable housing that can be provided within a development. Scottish Planning Policy defines affordable housing as “housing of a reasonable quality that is affordable to people on modest incomes… affordable housing may be in the form of social rented accommodation, mid-market rented accommodation, shared ownership, shared equity, discounted low cost housing for sale including plots for self-build, and low-cost housing without subsidy”. The following types are recognised as affordable:

“Affordable Rent” can be social rented accommodation from a council or a housing association at an affordable rent or mid-market rented accommodation which is slightly higher than social rents but lower than private rent.

“Low cost ownership” can be housing where a household buys a share of a house at 25%, 50% or 75% and pays an occupancy charge for the remaining share of the property or shared equity where the buyer purchase 60-90% of a property and the remaining portion of held by the Scottish Government with no occupancy charge.

Any new development with affordable housing requirements should offer a range of suitable housing that will assist the local area.

Figure 56: Muirton affordable homes

3.3.4 Community facilities

New development can have a significant impact on community facilities. In order to ensure sustainable communities, proposals should research local needs and identify whether the proposal can support the improvement of local resources. This is linked closely with the infrastructure capacity process but can also help support existing resources such as community halls, local toilets, car parking and sports facilities. These types of issues can be identified through close communication with the Community Planning Partnership groups.

3.3.5 Access for all

To create a truly sustainable community, places should be adaptable and able to provide for lifetime neighbourhoods. The location, design and layout of any new development should be considered in terms of adaptability and longevity. New development should provide places that support independent living for all, from the design of the streets to the adaptability of buildings. For larger developments, a range of homes should be provided with services and facilities easily accessible to ensure social inclusion. Travel routes and the supporting infrastructure should be considered carefully in order to cater to a wide range of users, and the co-location of key services such as healthcare and social care facilities can allow for ease of access.

Figure 57: Blairgowrie Community Campus provides a hub for a range of services including the high school, library and sports facilities

Figure 58: Broxden Dental Centre not only serves the local community in terms of dental treatment but is an outstanding educational facilitiy for trainees

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Social impact checklist:

- **Mix of uses**
- **Mix of tenure**
- **Affordable housing**
- **Community facilities**
- **Access for all**

3.4 Accessibility & permeability

3.4.1 Transport Assessment

Any site whether new or reused should address the potential development and the connections it needs to integrate into the existing settlement. Designs must address not only the potential for new routes but ensure that it does not prevent existing access. Roads, cycle paths and footpaths should all be linked into the existing network.

The Transport Assessment should investigate the following:

- Accessibility within the site boundaries
- Accessibility on foot within the site
- Pedestrian crossings and safety
- Access by bicycle,
- Access to and from bus stops and railway stations
- Access for vehicular traffic

Once this initial research has been carried out, an in-depth look at the impact that the new development will have on the local area should be analysed. Key issues include:

- Integration of the site into the surrounding area
- Safety in terms of the volume and mix of traffic
- Environmental impacts of the site in terms of traffic increase on noise levels and air quality
- Road and traffic impacts
- Parking impact on the local area

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3.4.2 Roads

Human settlements have always been focused in areas that could access food and water. Longer distance routes have therefore been a vital part of the economic growth of Perth & Kinross, from drover's tracks to military roads, and the success of settlements has relied heavily on access to resources. This is still crucial and presently promoted through the focus of development within the tiered settlements of Perth & Kinross (see TAYplan). Proximity to existing transport networks, utilities and community infrastructure should all be considered when siting and designing development.

Placing pedestrians above cars in the hierarchy of movement should be explored. Reducing driver visibility distances through tight building lines can slow speeds. Shared surfaces and reduction of kerb heights can encourage shared use of the road and can calm traffic. The narrowing of carriageways or use of on street parking should also be explored. These approaches should be investigated carefully, with attention paid to vulnerable road users who rely on kerb lines. Furthermore, in areas where there are more than 100 vehicles per hour, the benefits of these approaches are lessened.

Figure 59: Recent works in Kinross have paved road and pedestrian surfaces to encouraged reduced speeds and allow for a pedestrian dominant High Street

Figure 60: Recent works in Kinross have paved road and pedestrian surfaces to encouraged reduced speeds and allow for a pedestrian dominant High Street

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When designing a new development, it is important to consider buildings and spaces before creating the road network. Streets should be shaped by the activities that take place within in them, promoting interaction, ease of movement and the role that they play within civic life. Design should therefore respond to the following:

- Site features
- Arrangement of buildings
- Streetscene & spaces

Figure 61: Examples of urban grain analysis

3.4.3 Access and paths

"Desire lines" are the most likely routes people will walk from one place to another. Identifying the routes that people are most likely to take through the site informs its design and ensures the integration of any new routes into an existing settlement. New development should also create permeable places where development relates to the surrounding routes. It is desirable where possible to provide more than one through route into a new site as this provides a number of opportunities for people travelling into the development as well as through it.

The footpath network should be analysed to establish the hierarchy of existing streets. This will assist in creating the most permeable design, merging the new site into the existing network of footpaths. Sites work best if they provide a range of choices, avoiding excessive separation of car users and pedestrians. The access network is extensive throughout Perth & Kinross, and provides an invaluable recreational facility for residents and tourists. It is essential that existing access is preserved and enhanced through new development and is particularly integral to edge of settlement developments. Rights of access are a material consideration of planning applications. The Core Path Plan details existing rights of way within the area.

Figure 62: Pedestrian route in Muirton

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3.4.4 Cycle routes and cycle friendly infrastructure

Cycle routes and infrastructure should be considered as part of any new development. Access to safe and direct routes for cyclists can reduce car usage significantly so providing links to the existing cycle network can help to create attractive new places. The following are considerations for any new cycle infrastructure:

- Create safe routes that provide consistency and allow for a wide range of users
- Identify the most logical route for cyclists, allowing navigable and accessible destinations
- As with pedestrian routes, identify key desire lines that minimise detours and delays
- Create surfaces that are smooth and well maintained with gentle gradients
- Create attractive new routes that make cycling an attractive option

3.4.5 Alternative transport modes

Access to public transport should be considered from the outset and is linked directly to the street hierarchy that is designed in larger developments. It is important that new developments can accommodate public transport routes and discussions with local public transport operators should be initiated during the identification of key stakeholders. A swept path analysis can help to determine whether streets can accommodate larger vehicles.

Provision for bus stops and access to railway stations can significantly reduce car usage. Providing a realistic alternative for people within the new development will, however, depend on the size and density in terms of service levels as well as the locality of the site. Sites that are located near public forms of transport are far more desirable than those that have little or no provision.

The siting of public transport stops and the relationship that this has to key pedestrian desire lines should be identified and exploited. Locating bus stops near junctions creates greater access to them. Ensuring that they are overlooked and are of quality design will make them more attractive to use. Creating streetscape features and landmark buildings can allow users to use bus stops more confidently, creating identifiable places that act as nodes within the new development.

Figure 63: Cycle route in North Inch, Perth

Figure 64: Bus stop in Crieff High Street provides residents access to a subsidised bus local service as well as further afield services

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3.4.6 Parking arrangements

The integration of parking should be designed to reduce the visual impact of large numbers of cars and provide flexibility.

On street parking
This can support the reduction of traffic speeds and allow for both residential and visitor car parking. Informal arrangements rather than rigid standards should be explored and an analysis of the positive and negative affects should be undertaken before decisions are made as to the numbers it can accommodate.

Off-street parking
Off-street parking will often be required to accommodate residential parking. Parking provided within the plot should not dominate the front gardens of houses. Courtyards or side parking can provide useful alternatives to this approach. Good natural surveillance should be integrated into any courtyard design.

Parking for disabled people
Parking bays should be designed so that drivers and passengers can access the car easily. Consider the width and the use of dropped kerbs to allow for easy access to footways.

Figure 65: Informal spaces set within landscaping

Accessibility & transport checklist:

- **Transport Assessments**
- **Roads**
- **Access and paths**
- **Cycle routes and cycle friendly infrastructure**
- **Alternative transport modes**
- **Parking arrangements**

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4. Next Steps

4.1 Technical Notes

The Council is in the process of drafting more detailed Technical Notes that will provide specific guidance on the following:

- Masterplanning
- Housing in the countryside
- Infill/brownfield sites
- Extensions
- Windows & Doors

These will offer more information regarding these different types of development and give best practice examples that can be used by applicants and Development Management to support the pre-application and planning application process.

The aim of these technical notes is not to be proscriptive regarding design but to ensure that the Placemaking process has been followed when applying for planning permission for a new development, regardless as to the size, cost or location of a proposal.

The Technical Notes will reflect the messages in the Placemaking Guide and be published alongside the Adopted Supplementary Guidance.

4.2 Consultation

Through the Local Development Plan, Perth & Kinross Council made a commitment to prepare Supplementary Guidance on Placemaking to provide further detail to support the Plan and associated policies.

The draft Supplementary Guidance is being consulted upon and comments are invited between 13th July 2017 and 31st August 2017.

The documents are available to view and/or download from the Councils website at **www.pkc.gov.uk/placemaking** and are also available to view in hard-copy at the Council's Principal Office at Pullar House, Perth (full address below).

Anyone may make representations on the content of the Guidance should be made via email to **DevelopmentPlan@pkc.gov.uk** or in writing to:

Strategy & Policy, Planning & Development,
The Environment Service, Perth & Kinross Council,
Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.

Comments are due by 31st August 2017.

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CIRCULAR

The Scottish Government
Riaghaltas na h-Alba

4

2013

PLANNING APPEALS

circular

PLANNING SERIES

Scottish Planning Series

PLANNING CIRCULAR 4/2013

PLANNING APPEALS

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Planning Series:

National Planning Framework (NPF) is the Scottish Government's strategy for Scotland's long term spatial development.

Scottish Planning Policy (SPP) is the statement of Scottish Government policy on nationally important land use planning matters.

Designing Streets is the statement of Scottish Government planning, transport and architecture policy on street design.

Creating Places is the statement of Scottish Government policy on architecture and place.

Circulars contain Scottish Government policy on the implementation of legislation or procedures.

Statements of Scottish Government policy in the above documents may be material considerations to be taken into account in development plans and development management decisions.

The West Edinburgh Planning Framework has the same status in decision making as the SPP and NPF.

Planning Advice Notes provide advice and information on technical planning matters.

Further information in the Scottish Government's role in the planning system is available on http://www.scotland.gov.uk/Topics/Built-Environment/planning

CIRCULAR 4 /2013
PLANNING APPEALS

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INTRODUCTION

1. This circular covers the requirements of the Town and Country Planning (Appeals) (Scotland) Regulations 2013 – SSI 2013/156 (The 2013 Regulations)[1]. These bring together amendments made previously to the 2008 version of these regulations and make a number of further amendments. The 2013 Regulations came into force on 30 June 2013.

2. The 2013 Regulations set out the detailed statutory requirements for appeals within the framework of the primary legislation contained in the Town and Country Planning (Scotland) Act 1997 as amended[2] (the 1997 Act) and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended[3] (The Listed Buildings Act). They also set out the procedures for dealing with applications called in for determination by Scottish Ministers under these Acts.

3. The planning system should operate in support of the Government's central purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. For decision-making this means providing greater certainty of process, including being timely and transparent, as a means to achieve better places for Scotland. Scottish Planning Policy outlines both general planning and subject policy considerations to be given due account in decision-making. The appeal process, as explained in this circular, is intended to ensure that examination procedures are proportionate and efficient; that the appeal process is transparent and fair; and that decisions are both robust and based upon a review of the proposals that were originally considered by the planning authority.

4. Appeals to Scottish Ministers are processed on their behalf by the Directorate for Planning and Environmental Appeals (DPEA). References to submitting appeals, documents or responses to Scottish Ministers or the appointed person should be read as submitting them to DPEA at:

   Directorate for Planning and Environmental Appeals
   4 The Courtyard
   Callendar Business Park
   Callendar Road
   FALKIRK
   FK1 1XR

   E-mail: DPEA@scotland.gsi.gov.uk Telephone: 01324 696 400

[1] http://www.legislation.gov.uk/ssi/2013/156/contents/made
[2] http://www.legislation.gov.uk/ukpga/1997/8/contents The changes to the 1997 Act with regard to appeals were made by the Planning etc. (Scotland) Act 2006.
[3] http://www.legislation.gov.uk/ukpga/1997/9/contents

THE CHANGES

Consolidation

5. The 2013 Regulations include a number of changes made previously to the Town and Country Planning (Appeals) (Scotland) Regulations 2008 (the 2008 Regulations), namely:

- modifications for appeals relating to planning obligations and good neighbour agreements;
- the inclusion of procedures for listed building consent and conservation area consent cases; and
- minor changes to requirements (e.g. include copies of decision notices with an appeal, allow for no further procedure as an option for parties) and textual changes.

6. Regulation 34(1) of and schedule 5 to the 2013 Regulations revoke the 2008 Regulations and the provisions of statutory instruments which amended the 2008 Regulations.

Changes made by the 2013 Regulations

7. In addition to the above, the 2013 Regulations:

- include provisions for appeals to Ministers and applications called-in by Ministers for determination under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 as amended (the 1984 Regulations);
- amend regulation 9 on further procedure to allow appointed persons discretion to, for example, require additional information of a non-controversial nature without initiating all of the requirements on circulating it for comments;
- include an “opt-in” procedure for use, primarily, in cases with large numbers of representations;
- amend the definition of a hearing statement so that the requirement is that it “fully sets out” the case to be made at the hearing rather than “outlines” the case to be made at a hearing;
- amend Rule 4(b)(ii) in both the Hearing Session Rules and Inquiry Session Rules with regard to the list of regulations which already require information on appeals to be made available to the public;
- include national security provisions – to allow the processing of cases involving security sensitive information which cannot be made generally available to the public on grounds of national security; and
- apply certain of the regulations to applications for planning permission for urgent Crown development made directly to Ministers under section 242A of the 1997 Act.

SCOPE OF THE REGULATIONS

8. Certain planning applications have a right to a review by the planning authority instead of a right of appeal to Scottish Ministers, and the 2013 Regulations do not generally apply to such cases. The right to a review applies where applications for planning permission[4] for local development[5], or applications for consent, approval or agreement required by a condition attached to such permission, are delegated to an appointed officer for decision. Applications for review are conducted by the local review body of the planning authority and there is no right of appeal to Scottish Ministers against their decision.

9. Where a review is sought on the grounds that the appointed officer has not issued a decision on the application within the period allowed and the local review body of the planning authority fails to issue a decision within three months, the application is automatically refused planning permission. In this situation the applicant has a right of appeal to Scottish Ministers and may do so within three months. The 2013 Regulations would apply to such an appeal.

10. The requirements in relation to reviews are contained in the 1997 Act and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (SSI 2013/157)[6]. Further information can be found in Circular 5/2013 on Schemes of Delegation and Local Reviews.

11. Where such applications for local development are not so delegated for decision, then the applicant has a right of appeal to Scottish Ministers, as they do in relation to major developments and national developments.

12. The 2013 Regulations and this circular apply to appeals in relation to the following:

The Town and Country Planning (Scotland) Act 1997

- decisions on planning applications, or the failure to take such decisions (section 47 - including those appeals recalled for a decision by Scottish Ministers);
- refusal or the failure to take a decision on an application for the modification or discharge of planning obligations (section 75B);
- refusal or the failure to take a decision on an application for the modification or discharge of good neighbour agreements (section 75F);
- enforcement Notices (section 130);

[4] References to planning permission include planning permission in principle unless separate provision is mentioned for the latter.
[5] Local developments are those not specified either as either a national development in the National Planning Framework or a major development in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (SSI 2009/51) http://www.legislation.gov.uk/ssi/2009/51/contents/made
[6] http://www.legislation.gov.uk/ssi/2013/157/contents/made

- refusal of certificates of lawful use or development or failure to determine an application in this regard (section 154);
- notices requiring replacement of trees (section 169); and
- amenity Notices (section 180).

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- decisions on applications for listed building consent or the failure to take such decisions (section 18);
- decisions on applications for the variation or discharge of conditions on listed building consent or the failure to take a decision (section 18 applied by section 17);
- decisions on applications for conservation area consent, or the failure to take such decisions (section 18 as applied by section 66); and
- enforcement notices in relation to listed building consent (section 35) and conservation area consent (section 35 as applied by section 66).

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

- decisions on applications for advertisement consent or the failure to take a decision (section 47 of the 1997 Act as applied by regulation 21 of the 1984 Regulations);
- discontinuance Notices (section 47 of the 1997 Act as applied by regulation 21 of the 1984 Regulations); and
- enforcement Notices (section 130 of the 1997 Act as applied by regulation 25 of the 1984 Regulations).

Applications called-in for determination by Scottish Ministers

13. The 2013 Regulations also set the relevant processes for handling applications called-in from planning authorities for decision by Scottish Ministers under section 46 of the 1997 Act and section 11 of the Listed Buildings Act.

Other cases

14. There remain certain cases within the wider planning regime where the 2013 Regulations do not yet apply. For example, the right to be heard remains in relation to appeals and called-in applications for hazardous substances consent under the Planning (Hazardous Substances) (Scotland) Act 1997. Such cases are dealt with under the Town and Country Planning (Inquiries procedure) (Scotland) Rules 1997 (SI 1997/796) or Annex F of Circular 17/1998. The principles underpinning the 2013 Regulations will be applied wherever possible.

PLANNING APPEAL PROCESS

15. This section describes the appeal process with regard to applications for planning permission and for approval, consent or agreement required by a condition attached to a planning permission. Subsequent sections describe how this process is applied with any modifications in relation to appeals in other types of case and applications called-in for determination by Scottish Ministers to which the 2013 Regulations apply.

Notice of appeal

16. An appeal to Scottish Ministers against a decision on a planning application (or a failure to make a decision) needs to be made in writing. Regulation 3 requires the notice to be given in a form obtained from Scottish Ministers. Appeals may be submitted online; forms and guidance for doing so are available at www.eplanning.scotland.gov.uk .

17. The notice of appeal needs to be served within a period of three months beginning with the date of the decision notice or, in the case of an appeal against non-determination, beginning with the date of expiry of the period allowed for determining the application. For example, if the date of the planning authority's decision notice were 1 September, an appeal would have to be received by DPEA on or before 30 November. An appeal submitted on 1 December would be out of time and not accepted. If the period within which the planning authority had to make a decision expired on 17 March, without one being issued, an appeal on the grounds of failure to determine would need to be made by 16 June. There is no discretion to accept late appeals[7].

18. The period allowed for determining an application is specified in regulation 3(2). With applications for planning permission for major or national development or where environmental impact assessment is required, the period allowed for determination is four months. With any other application for planning permission or for approval, agreement or consent required by a condition attached to a planning permission, the period is two months. Where the applicant and planning authority agree in writing to an extension to these statutory periods, such extended period counts as the period allowed for determination.

19. Regulation 3 sets out what is required to accompany a notice of appeal to Scottish Ministers. The notice of appeal must include the following information:

- the name and address of the appellant;
- the date and reference number of the relevant planning application;
- the name and address of any representative of the appellant for correspondence purposes;

[7] Not appealing on the grounds of non-determination does not affect the applicant's right to appeal against the planning authority's eventual decision on the application.

- a statement setting out full particulars of the appeal including a note of what matters the appellant considers should be taken into account in determining the appeal and by which procedure (or combination of procedures) the appellant would prefer the appeal to be conducted; and
- where the appeal is against the planning authority's decision, a copy of the decision notice.

20. The appeal form provided by the Scottish Government will prompt the provision of all of this information. While DPEA will request any missing information, if the statutorily required information is not submitted within the period for making the appeal, the appeal will not be accepted.

21. Regulation 3(5) specifies that all matters that the appellant intends to raise in the appeal must be set out in the notice of appeal (on a form obtained from Scottish Ministers) or in the accompanying documents. All documents, including a copy of the planning application and all accompanying certification and copies of plans submitted to the planning authority and any other evidence that the appellant intends to use to support his or her case must also accompany the notice of appeal.

22. Section 47A restricts the ability of parties to introduce new matters at the appeal stage unless they are material to the determination of the case. The restriction on raising new matters on appeal does not prevent the submission of new documents, material or evidence on issues that were before the planning authority.

23. Section 47A applies only in relation to appeals under section 47(1) against refusal or a grant with conditions in relation to applications for:

    - planning permission;
    - consent, agreement or approval required by a condition attached to a planning permission;
    - approval required under a development order;
    - consent to display advertisements; and
    - consent, agreement or approval required by a condition on a consent to display advertisements.

24. Regulation 3(6) makes clear that the appellant may only raise additional matters or submit further documents, materials or evidence in accordance with and to the extent permitted by the 2013 Regulations. That is, in accordance with:

    - regulation 4(3), in commenting on the planning authority's response to the appeal;
    - regulation 5(6), in commenting on the interested parties' responses to the appeal;
    - regulation 11, where the appointed person seeks further written submissions;
    - the Hearing Session Rules; or
    - the Inquiry Session Rules.

25. These requirements are intended to ensure that the relevant matters and items of information are provided efficiently at the start of the appeal process, rather than at varying points throughout the process.

26. Section 32A of the 1997 Act specifies that an application is not to be varied after an appeal has been made. This provides clarity about the extent to which the appeal process should focus on the proposal that was considered by the planning authority. Where an applicant considers that it would be beneficial to revise a proposal, a new planning application should be submitted for consideration by the planning authority.

Intimation to the planning authority

27. At the same time that the appellant gives notice of appeal to Scottish Ministers, the appellant must also inform the planning authority. Regulation 4 requires that the appellant sends to the planning authority a copy of the notice of appeal and a list of all documents, materials and evidence which the appellant intends to rely upon and which accompanied the notice of appeal. There is no need for the appellant to send the planning authority copies of documents that the appellant has already submitted to that authority. The appellant must, however, also send to the planning authority a copy of any documents, materials and evidence which had not already been provided to the planning authority while it had been considering the application.

Planning authority response

28. Having received the notice of appeal from the appellant, regulation 4(2) requires the planning authority to provide a response within 21 days, beginning with the date of receipt. It is important that authorities meet this deadline as any delay at this stage has a particularly detrimental effect on the running of the appeal as a whole. The planning authority should send to Scottish Ministers and the appellant:

- a note of the matters that the planning authority considers should be taken into account in determining the appeal and by what procedure (or combination of procedures) the authority thinks these should be examined;
- a copy of the documents (other than those specified by the appellant in his or her list of documents, materials and evidence) which were taken into consideration by the planning authority in making its decision;
- a copy of any Report on Handling of the planning application; and
- the conditions that the planning authority consider should be imposed in the event that planning permission is granted.

The DPEA provide a form to assist the drafting of this submission. The form is available at:

http://www.scotland.gov.uk/Topics/Built-Environment/planning/Appeals/appealformsguidancenotes

29. Regulation 4(3) allows that, having received the planning authority's response, the appellant can, within 14 days beginning with the date of receipt, send to Scottish Ministers and to the planning authority any comments on matters raised by the planning authority which had not previously been addressed in the decision notice. At the same time, the appellant can also provide any further documents or other evidence in support of those additional comments. Planning authorities are expected to provide full reasons in their decision notice and so this provision should not normally be needed. This is not intended to be a chance for appellants to add to their response to issues raised in the decision notice.

30. Under the terms of the 2013 Regulations, no additional response will routinely be sought from the planning authority; although the appointed person may specifically request further submissions from the appellant, planning authority and any other specified party through a subsequent procedure notice (see paragraphs 36 to 56).

Notification to interested parties

31. Regulation 5 requires planning authorities to give interested parties notice of the appeal within 14 days of the authority being notified of the appeal. "Interested parties" are any statutory consultees or any other persons who made representations to the planning authority during the authority's consideration of the planning application, which were not subsequently withdrawn. Interested parties should be advised of where the notice of appeal can be inspected, and also that the representations they previously made will be sent to Scottish Ministers and the appellant by the planning authority.

32. As representations previously made and lodged with the planning authority by interested parties will be taken into account before a decision is reached on the appeal, there is no need or expectation for the same matters to be raised again with Scottish Ministers. Nevertheless, regulation 5(4) allows that interested parties may make further representations to Scottish Ministers in respect of the appeal within 14 days beginning with the date notice is given of the appeal. In turn, the 2013 Regulations require Scottish Ministers to send a copy of any representations received by them to the appellant and to the planning authority, each of whom are provided with an opportunity to respond within a specified period, being not less than 14 days after the copies were sent.

33. The planning authority are to make all the relevant appeal papers available for inspection and for copying at an office of the planning authority (regulation 6). The legislation does not rule out electronic provision in this regard; however, it must be possible to view the information effectively.

Deadlines for provision of statements and other evidence

34. As noted above, the 2013 Regulations set a number of statutory deadlines for the provision of:

- the planning authority's response to the appeal (21 days);
- the appellant's further comments (14 days);
- the planning authority's notification to interested parties (14 days);
- further representations from interested parties (14 days); and
- the appellant's and planning authority's comments on representations from interested parties (specified date, not less than 14 days).

In the interests of efficiency in decision-making, the Scottish Government expects parties to provide this information at the earliest opportunity.

Matters which may be raised in an appeal

35. See paragraphs 21 to 25 on limitations under section 47A and regulation 3 on the introduction of new matters (i.e. issues relevant to the decision) and of documents, materials or evidence in relation to new matters or those matters which were before the planning authority.

Procedure for determination

36. Once the exchange of information set out in the paragraphs above has been completed, and where the person appointed to decide the appeal has sufficient information to make a decision, regulation 7 allows the decision to be made, without there being any further procedure or information gathering. It is at the appointed person's discretion whether further procedure is needed. For example, a request by the appellant or the planning authority for a hearing session or an inquiry session does not mean that such a session would be arranged.

Further evidence

37. However, if the appointed person decides that further information or additional representations are required to enable him or her to determine the appeal, the appointed person may do this by one of, or by a combination of, the procedures set out in regulation 9 (further written submissions, hearing sessions, inquiry sessions or a site inspection). The appointed person will identify each of the matters on which further information is needed, and also the procedure to be used to obtain it. This will be clearly set out to the parties involved in what the regulations refer to as a "procedure notice".

Opt-in notice

38. Where further information is required, regulation 8 allows the appointed person to write to interested parties seeking their confirmation that they wish to be involved in the further processing of the case (e.g. hearing or inquiry sessions). Interested parties will be given a specified period (being at least 14

days from when notice is given) within which to give confirmation, otherwise they may lose the opportunity to be involved. In any event, their original representation will still be given due consideration and they will be informed of the decision on the appeal in due course.

39. The intention is that this "opt-in" procedure would be used in those cases where there are a significant number of interested parties; for example, where a large number of representations had been made by petition or by standard letter. The aim is to identify those interested parties who wish to play an active role in any further procedure in the appeal and to avoid repeatedly sending information about the progress of an appeal to people who, though they may be interested in the case and want their original views to be considered, do not want to be involved in any further appeal procedure.

Site inspections

40. The appointed person may, at any stage of an appeal, decide to carry out an inspection of the appeal site. Regulation 12 sets out details about site inspections. These may be either unaccompanied or accompanied. Where the appointed person intends to make an unaccompanied inspection of the site they will inform the appellant and the planning authority. If, for any reason, the appointed person considers that an accompanied site inspection would be appropriate, then the appellant, the planning authority and all interested parties (subject to any "opt-in" procedure – see paragraphs 38 and 39) will be informed of the arrangements, including the date and time. The appointed person is not obliged to defer the site inspection if any of the parties or interested persons are not present or available on the set date.

41. The purpose of the site inspection, even if accompanied, is to allow the appointed person to see the site and is not an opportunity for parties to discuss with him or her the merits of the case.

Pre-examination meetings

42. In some instances it will be helpful for the appointed person to hold a pre-examination meeting to consider how the appeal or a particular stage of it can best be conducted efficiently and expeditiously. Regulation 10 provides a procedure for this and for involving the appellant, the planning authority and the interested parties (subject to any "opt-in" procedure – see paragraphs 38 and 39). The arrangements for holding and giving notice of such a meeting and for deciding the matters to be discussed are for the appointed person to determine. It is likely that pre-examination meetings will only be required in a small number of complex cases.

Written submissions

43. Regulation 11 sets out the procedure for seeking further written submissions on an appeal. The appointed person is free to seek additional representations or information from the appellant, the planning authority or from any other body or person. The procedure notice will set out what information is required

and by what date and will provide details of those who have been requested to provide the additional information.

44. Parties providing such further information (a procedure notice response) to the appointed person should at the same time send copies to all parties specified in the procedure notice, including the appellant and the planning authority. All of these parties then have an opportunity to send comments on a procedure notice response to the appointed person within 14 days from the date they received it, again providing copies to the appellant, planning authority and others specified in the procedure notice. The timetables for the provision of this information must be observed; late submissions might not be taken into consideration in the final decision.

Hearing sessions

45. Schedule 1 to the 2013 Regulations sets out the Hearing Session Rules. These provide the appointed person with scope to determine what procedure should be followed at a hearing on the specified matters or topics that are set out in the procedure notice. The hearing is intended to take the form of a discussion led by the appointed person. Formal cross-examination of participants will not be allowed. While the rules provide discretion for the procedure the appointed person thinks appropriate to follow during the hearing, they also provide a framework to ensure that the relevant parties have clear notice of the hearing session, the other participants in the process and clarity about the issues and evidence to be considered.

46. Where the appointed person intends to hold a hearing session, he or she must give written notice to the appellant, to the planning authority and to those parties who made representations on the specified matters (subject to any "opt-in" procedure – see paragraphs 38 and 39). Any party intending to participate in the hearing session must inform the appointed person within 14 days of the date of the notice as set out in rule 2. Only those matters specified in the procedure notice will be considered at the hearing: consequently, only those who made related representations are required to be given notice of the hearing. The appointed person may also give notice to any other body or person who is to provide further representations on the specified matters.

47. It is for the appointed person to give those entitled to appear notification of when and where the hearing is to take place, and to give whatever notice he or she considers to be reasonable in the circumstances (rule 3). Those who are entitled to appear at a hearing session may be required to send a hearing statement and any supporting documents to the other parties entitled to appear at the hearing and to the appointed person (rule 4). This will not be required in every case and will be for the appointed person to determine. Rule 4(5) confirms a hearing statement to be a written statement which fully sets out the case relating to the specified matters on which the appointed person has sought information in the procedure notice, together with a list of supporting documents to be relied upon and a list of any persons who are to speak at the hearing session, including the matters to be covered by each

person and their relevant qualifications. The rules are intended to ensure that all parties are clear on the issues and evidence to be considered at the hearing session.

48. At the start of the hearing session, the appointed person is to explain the procedure that they intend to adopt, taking into account submissions made by any of the parties entitled to appear. Parties may be represented or, where two or more persons have a similar interest, one or more may appear for the benefit of some or all. The appointed person may proceed with the hearing in the absence of anyone entitled to appear.

Inquiry sessions

49. Schedule 2 to the 2013 Regulations sets out Inquiry Session Rules. In common with the procedure for hearing sessions, the inquiry sessions will examine only those matters specified in the procedure notice issued under rule 1. The parties entitled to appear at inquiry sessions will be:

- the appellant;
- the planning authority;
- any interested party who made representations in relation to specified matters; and
- those who the appointed person wishes to make representations on the specified matters.

50. Those provided with written notice of the inquiry session by the appointed person must confirm their intention to attend the session within 14 days of the date of the notice.

51. Rule 3 requires the appointed person to provide such notice of the date, time and place fixed for holding the inquiry session as he or she considers reasonable to those parties entitled to appear at the inquiry session. However he or she may also require the planning authority to take one or more of the following additional steps to publicise the inquiry session:

- publish notices in a local newspaper and on a website not less than 14 days before the inquiry session; or
- serve notice of the inquiry session in a form and on such parties as the appointed person specifies.

52. Where required to by notice from the appointed person, those entitled to appear at the inquiry session need to provide copies of an inquiry statement to the appointed person and to the appellant and planning authority. This should set out the particulars of the case relating to the specified matters, a list of documents to be relied upon, and a list of any persons who are to speak at the inquiry session including the matters to be covered by each person and their relevant qualifications. The appointed person will provide those entitled to appear at the inquiry session with details of when information should be submitted.

53. The appointed person's notice will also specify the date by which the documents listed in the inquiry statement must be submitted to the appointed person and to the appellant, planning authority and other persons entitled to appear at the inquiry session. It will also specify the date for submission of precognitions setting out the evidence to be given by the witnesses listed in the inquiry statement. The Inquiry Session Rules require that precognitions should not exceed 2,000 words in length.

54. The rules provide the appointed person with scope to determine the procedure at the inquiry session but he or she is to state at commencement of the session what the procedure will be, taking account of submissions from those entitled to appear. The rules require the appointed person to explain the order in which specified matters are to be considered and the order in which those entitled to appear are to be heard. Parties may be represented or, where two or more persons have a similar interest, one or more may appear for the benefit of some or all.

55. Those entitled to appear at an inquiry session may call evidence, cross-examine witnesses and make closing statements. However, the appointed person can refuse to permit this wherever he or she considers that to be irrelevant or repetitious.

New evidence

56. Where, following conclusion of any further procedure, such as a hearing session or inquiry session, the appointed person intends to take into account new evidence, the 2013 Regulations require him or her to give the appellant, the planning authority and other relevant parties described in the 2013 Regulations an opportunity to make representations on the new evidence before a decision can be made on the appeal. Regulation 13 defines "relevant party". Where new evidence relates to a specified matter which was the subject of a hearing or inquiry session, everyone entitled to appear at that session is a relevant party. Where new evidence relates to a matter on which further written representations or information was sought by a procedure notice under regulation 11, a relevant party is anyone to whom the procedure notice was sent.

APPEALS AGAINST ENFORCEMENT NOTICES, TREE REPLACEMENT NOTICES AND AMENITY NOTICES UNDER THE 1997 ACT AND ENFORCEMENT NOTICES UNDER THE LISTED BUILDINGS ACT

57. Part 4 of the 2013 Regulations provides (under regulations 14-16) some detailed procedural requirements for appeals against:

- enforcement notices[8] (section 130 of the 1997 Act - including as applied by the 1984 Regulations);
- tree replacement notices (section 169 of the 1997 Act);

[8] The Planning etc. (Scotland) Act 2006 removed the ground of appeal against an enforcement notice that planning permission should be granted or the relevant condition or limitation be discharged.

- amenity notices (section 180 of the 1997 Act); and
- enforcement notices (section 35(2) of the Listed Buildings Act),

which are different from the processes for considering planning application appeals described above.

58. The 2013 Regulations supplement the provisions in the 1997 Act and the Listed Buildings Act: setting out the procedure for providing information in support of these appeals, exchanging relevant information and informing other parties in a way that is consistent with the provisions for planning application appeals.

59. Appeals in these cases must be made before the date (specified in the notice) on which the notice takes effect.

Statement of appeal

60. The 1997 Act and the Listed Buildings Act require that a statement should be provided by an appellant specifying the grounds of appeal and providing such other information as may be prescribed. Regulation 14 requires that the statement should include the following information, consistent with the approach for planning permission appeals:

- all matters which the appellant intends to raise in the appeal;
- the name and address of the appellant;
- a copy of the notice against which the appeal is made;
- the name and address of any representative of the appellant for correspondence purposes; and
- a note of what matters the appellant considers require determination and by what procedure they should be examined.

61. The statement is to be accompanied by copies of all documents, materials and evidence which the appellant intends to rely upon in the appeal and these should make the appellant's full case. Regulation 14(5) specifies that the appellant may only raise additional matters (i.e. new issues) to those set out in the statement of appeal and accompanying documents either:

- in response to particular matters raised by the planning authority (regulation 15); or
- where further information or evidence is specifically requested by the appointed person (whether through written submissions (regulation 11), hearing sessions or inquiry sessions).

Intimation to the planning authority and response

62. At the same time as giving notice of appeal to Scottish Ministers, regulation 15 requires the appellant to send to the planning authority a copy of the notice of appeal, the statement of appeal and all supporting documents, materials and evidence to be used to support his or her case. The planning authority has a

period of 21 days, beginning with the date of receipt of this information, within which it must provide its response to Scottish Ministers and the appellant.

63. The authority's response is to take the form of a statement incorporating a response to each ground of appeal, stating the matters that the planning authority consider require determination and by what procedure the authority wish the appeal to be conducted. The planning authority must also send to the appellant and to Scottish Ministers copies of all documents that were before them and taken into account in reaching the decision to issue the notice which is the subject of the appeal.

64. The appellant is entitled to send to Scottish Ministers and the planning authority comments on the planning authority's response. This must be done within 14 days, beginning with the date of receipt of the planning authority's response. Regulation 15(4) requires that the planning authority is to make copies of the appeal papers available for inspection at an office of the planning authority. The legislation does not rule out electronic provision in this regard; however, it must be possible to view the information effectively.

Notification to other parties

65. Regulation 16 requires that the planning authority must give notice of the appeal to each person, other than the appellant, on whom the original enforcement, amenity or tree replacement notice was served. This is to be done no later than 14 days following notification of the appeal. This notice of the appeal is to set out the following information:

- the name of the appellant and the address of the land which is the subject of the appeal;
- the steps required by the notice;
- that representations can be made to Scottish Ministers; and
- an explanation of how and when these can be made and where a copy of the notice of appeal can be inspected.

66. The period allowed for making responses is to be no less than 14 days from the date on which notice is given by the planning authority.

67. Parts 1, 3, 9 (except regulation 29 – see paragraph 101) and 10 of the 2013 Regulations and the schedules containing Hearing Session and Inquiry Session Rules apply to these appeals in the same way as they do to planning permission appeals.

APPEALS AGAINST DECISIONS OR THE FAILURE TO TAKE DECISIONS UNDER THE LISTED BUILDINGS ACT (SECTION 18)

68. Part 5 (regulations 17 and 18) of the 2013 Regulations relate to appeals against:

- a decision to refuse, or grant with conditions, listed building consent (section 18);

- a decision to refuse, or grant with conditions, consent for the variation or discharge of conditions on listed building consent (section 18 as applied by section 17);
- a decision to refuse, or grant with conditions, conservation area consent (section 18 as applied by section 66); and
- the failure of the planning authority to take a decision on an application for any of the above (section 18 and that section as applied by sections 17 and 66).

69. Any appeal in relation to the above is to be served on Scottish Ministers within three months beginning with the date of the decision letter or the date of expiry of the period allowed for determination[9] of the application.

70. Certain provisions of Part 2 of the 2013 Regulations apply to an appeal under section 18 of the Listed Buildings Act:

- regulation 3(4) to (6) on the content of notices of appeal, accompanying information and that the subsequent introduction of new matters, documents, materials or evidence can only be in relation to procedures under regulations 4, 5 and 11 and the Hearing Session and Inquiry Session Rules (see paragraphs 21 to 25 above);
- regulation 4 on the appellant notifying the planning authority of the appeal and the planning authority's response (except in relation to regulation 4(2)(c) on Reports on Handling);
- regulation 5 on notifying interested parties; and
- regulation 6 on the planning authority making the appeal documents available to the public.

71. When making an appeal under section 18 of the Listed Buildings Act, the appellant must also notify the owners[10] of the building to which the appeal relates (regulation 18). If the appellant is unable to identify the owners, he or she must place a notice in a local newspaper. The forms of the notice and newspaper notice are set out in schedule 3 to the 2013 Regulations.

72. The notice to owners allows them to make representations on the appeal to Scottish Ministers.

73. When submitting the appeal the applicant must certify that at the beginning of the prescribed period[11] either:

- that they were the only owner; or
- that they have notified all the other owners (giving their names, addresses and the dates of notification); or

[9] That is two months from the date of receipt by the planning authority of the application or any extension agreed upon in writing by the applicant and the planning authority.
[10] In this context, the owners at the beginning of the period of 21 days which ends on the date notice of the appeal was given to Scottish Ministers.
[11] Being 21 days ending with the date on which notice of the appeal was given.

- that they have been unable to notify every owner (giving the names addresses and dates of notification of those they have notified).

74. Where they have been unable to notify all of the owners, they must have taken all reasonable steps to identify the names and addresses of the owners and certify to that effect (giving details of the steps taken and giving the date and place of publication of the newspaper notice).

75. Parts 1, 3, 9 and 10 of the 2013 Regulations and the schedules containing Hearing Session and Inquiry Session Rules apply to these appeals in the same way as they do to planning permission appeals.

APPEALS IN RELATION TO THE DISPLAY OF ADVERTISEMENTS

76. The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (the 1984 Regulations) apply certain provisions of the Act to the control of advertisements. Part 6 (regulations 19-20) of the 2013 Regulations concerns appeals in relation to applications for advertisement consent and against discontinuance notices regarding advertisements. Appeals against enforcement notices served under regulation 24 of the 1984 Regulations are covered by Part 4 of the 2013 Regulations (see paragraphs 57 to 67).

Appeals relating to applications for advertisement consent

77. Regulation 19 relates to appeals against:

- the refusal of an application for advertisement consent or a grant of such consent with conditions;
- the refusal of any application for consent, agreement or approval required by a condition on an advertisement consent or the granting of it subject to conditions; and
- the failure to determine such applications.

78. The regulations contained in Parts 3 and 9 of the 2013 Regulations and in the Hearing Session Rules and the Inquiry Session Rules apply in such cases, as do the savings and transitional provisions and revocations in Part 10 of the 2013 Regulations (see paragraphs 106 to 108).

79. Part 2 of the 2013 Regulations (on giving notice of the appeal to Scottish Ministers, the planning authority and interested parties, the responses of the authority and interested parties to such notice and the publication of appeal documents) applies with modifications. These modifications are:

- references to “permission”, “development” and “the land to which development relates” are changed to, respectively, “consent to display advertisements”, “advertisement” and “the site where the advertisement is to be displayed”;
- the requirement to submit a Report on Handling does not apply;

- the time period for determining applications is two months from the date of receipt of the application by the planning authority (rather than from the "validation date" – which has a specific meaning in relation to other applications); and
- the period for making an appeal will remain six months for those applications where the right to appeal arose before 30 June 2013. For other cases the period is three months.

Appeals in relation to discontinuance notices

80. Where a planning authority serve a notice requiring the discontinuance of the display of an advertisement under regulation 14 of the 1984 Regulations, the recipient has a right of appeal to Scottish Ministers. Regulation 20 makes provision in this regard, including applying other provisions in the 2013 Regulations to such appeals.

81. A discontinuance notice will specify the period after which the notice takes effect. Notice of an appeal against it must be served on Scottish Ministers (and the planning authority) before the end of either that period, or any extension to this period made under regulation 14(5) of the 1984 Regulations.

82. The notice of appeal must contain the same information listed in paragraph 60 in relation to statements of appeal regarding enforcement notices. The notice of appeal must be accompanied by copies of all of the documents, materials and evidence which the appellant intends to rely on in the appeal.

83. Regulation 15 of the 2013 Regulations on the intimation of an appeal to the planning authority and the planning authority's response applies in relation to discontinuance notice appeals, subject to modifications of the requirements relevant to such appeals.

84. The planning authority must give notice of the appeal to the other recipients of the discontinuance notice within 14 days following notification of the appeal by the appellant. This notice must:

- state the name of the appellant and specify the advertisement or the site to which the appeal relates;
- describe the steps required by the discontinuance notice;
- state that representations may be made to Scottish Ministers and provide information as to how and by when (being not less than 14 days from the date on which notice is given) such representations may be made; and
- state where a copy of the notice of appeal and of the planning authority's response may be inspected.

85. As with enforcement appeals, the procedures for determining cases with or without further procedure are as set out in Parts 3 and 9 (except regulation 29 – see paragraph 101) and in the Hearing Session and Inquiry Session Rules in the 2013 Regulations.

APPEALS IN RELATION TO PLANNING OBLIGATIONS, GOOD NEIGHBOUR AGREEMENTS AND CERTIFICATES OF LAWFUL USE OR DEVELOPMENT

Appeals in relation to planning obligations

86. Where an application is made under section 75A of the 1997 Act for the modification or discharge of a planning obligation and is refused, the applicant can appeal under section 75B. The same right of appeal applies should the planning authority fail to issue a decision within two months. Regulation 21 covers such appeals.

87. Notice of appeal must be given to Scottish Ministers within three months beginning with the date of the decision notice refusing the application or, where the planning authority fail to determine the application, within three months beginning with the date of expiry of the two month period for determination of the application (see paragraph 17 on examples of when such three month periods begin and end).

88. The following provisions, in common with the processes for considering planning application appeals, apply in relation to appeals regarding planning obligations:

- regulation 3(4) to (6) on the content of notices of appeal, accompanying information and that the subsequent introduction of new matters, documents, materials or evidence can only be in relation to procedures under regulations 4, 5 and 11 and the Hearing Session and Inquiry Session rules (see paragraphs 21 to 25);
- the same provisions for notifying the planning authority and for the response to that as set out in regulation 4 (see paragraphs 27 to 30) with the exception of the requirements for Reports on Handling and proposed planning conditions;
- the same provisions on notifying interested parties as set out in regulation 5 (see paragraphs 31 to 33), except regulation 5(2) and (3)(c) and that the description of development is modified to refer to the obligation and the instrument within which it is contained;
- the same provisions in regulation 6 on making appeal documents available to the public;
- the provisions of Parts 1, 3 and 9 of the 2013 Regulations; and
- the Hearing Session Rules and the Inquiry Session Rules.

Appeals in relation to good neighbour agreements

89. Regulation 22 deals with appeals in relation to applications to modify or discharge good neighbour agreements (section 75F of the 1997 Act). Appeals against a decision on such applications must be made within three months beginning with the date of the decision notice. Where the planning authority has not issued a decision on such an application within two months after the date the application was made, the applicant has three months, beginning with the date of expiry of the two month period, to appeal on the grounds of non-determination.

90. The following provisions, in common with the processes for considering planning application appeals, apply in relation to appeals regarding good neighbour agreements:

- regulation 3(4) to (6) on the content of notices of appeal, accompanying information and that the subsequent introduction of new matters, documents, materials or evidence can only be in relation to procedures under regulations 4, 5 and 11 and the Hearing Session and Inquiry Session rules (see paragraphs 21 to 25);
- the same provisions for notifying the planning authority and for the response to that as set out in regulation 4 (see paragraphs 27 to 30 above) with the exception of the requirements for Reports on Handling and proposed planning conditions;
- the same provisions on notifying interested parties as set out in regulation 5 (see paragraphs 31 to 33), except regulation 5(2) and (3)(c) and that the description of development is modified to refer to the obligation and the good neighbour agreement within which it is contained;
- the same provisions in regulation 6 on making appeal documents available to the public;
- the provisions of Parts 1, 3 and 9 of the 2013 Regulations;
- the Hearing Session Rules and the Inquiry Session Rules.

Appeals in relation to certificates of lawful use or development

91. Regulation 23 supplements the provisions in section 154 of the 1997 Act on appealing against refusal or failure to determine an application for a certificate of lawful use or development (CLUD) within the prescribed period. The regulation requires the notice of appeal to be served within three months beginning with the date of the decision or from the expiry of the period allowed for determining the application (two months beginning with the date of receipt of the application and fee or any extended period agreed upon in writing between the applicant and the planning authority).

92. The following provisions, in common with the processes for considering planning application appeals, are required in relation to a CLUD appeal:

- the same provisions for notifying Scottish Ministers of the appeal as set out in regulation 3(4) to (6) (see paragraphs 19 to 25);
- the same provisions for notifying the planning authority and for the response to that as set out in regulation 4 (see paragraphs 27 to 30) with the exception of the provisions for reports on handling and planning conditions;
- the same provisions in regulation 6 on making appeal documents available to the public, except in relation to the notices to interested parties and responses to these, as specified in regulation 5(1), (4) and (6), which do not apply to these appeals;
- provisions in Parts 1, 3 and 9 (other than regulation 29 – see paragraph 101) of the 2013 Regulations; and
- the Hearing Session Rules and the Inquiry Session Rules.

CALLED-IN APPLICATIONS AND APPLICATIONS FOR URGENT CROWN DEVELOPMENT

93. Regulation 24 confirms that the definitions set out in Part 1 of the 2013 Regulations, the procedures set out for determining appeals in Part 3, the general provisions in Part 9 as well as the Hearing Session Rules and the Inquiry Session Rules, generally apply to applications called-in for determination by Scottish Ministers (section 46 of the 1997 Act) in the same way as they do to planning application appeals under section 47. Technical modifications are made in the application of these provisions to allow for the fact that decisions will be made by Scottish Ministers rather than an appointed person.

94. Regulation 29, on the compliance with consultation and notification procedures associated with an application when it was before the planning authority (see paragraph 101), applies to a called in application as it would to an appeal in relation to the same type of application.

95. Regulation 25 relates to applications for planning permission for urgent Crown development made directly to Scottish Ministers under section 242A of the 1997 Act. The 2013 Regulations are applied along similar lines to called-in applications, although regulation 29 does not apply as no application was previously before the planning authority.

GENERAL PROVISIONS

96. Part 9 of the 2013 Regulations sets out general provisions covering a number of aspects of the procedures in the 2013 Regulations.

Non-delegated appeals

97. Regulation 26 relates to non-delegated appeals, where the decision on an appeal will be taken by Scottish Ministers rather than delegated to an appointed person. It applies the provisions in Parts 1, 3 and 9 of the 2013 Regulations and the Hearing Session and Inquiry Session Rules with the same technical amendments as in relation to called-in applications.

National security

98. Regulation 27 deals with national security. It allows that where an appellant withholds security-sensitive information on the grounds that public disclosure would not be in the national interest, that does not invalidate an appeal. The appeal must be accompanied by a written statement explaining that this is the reason for withholding the information.

99. Where the relevant Secretary of State in the UK Government or, after consultation with that Secretary of State, Scottish Ministers direct that such information should not be subject to public disclosure, the special procedures in schedule 4 on Closed Evidence will apply to the case. The Planning

(National Security Directions and Appointed Representatives) (Scotland) Rules 2006 (SSI 2006/265)[12] apply to the making of directions restricting the availability of evidence, and to the appointed representatives who can view evidence and act on behalf of parties not able to view closed evidence.

Further copies of documents

100. Regulation 28 enables the appointed person to require any party who has submitted documents, materials or evidence under the 2013 Regulations to provide him or her or other parties with such additional copies as he or she specifies. He or she may also require the planning authority to make copies of the documents, materials or evidence available for inspection at an office of the planning authority until the appeal is determined and to allow anyone reasonable opportunity to inspect the documents, and where practicable to take copies of them.

Compliance with notification and consultation procedures

101. Regulation 29 sets out, for the various types of appeal in relation to applications made to the planning authority, requirements on the appointed person to comply with any consultation and publicity requirements in relation to the application where this has not already been done by the planning authority. In cases relating to appeals against enforcement or discontinuance notices, for example, there is no application, so regulation 29 does not apply.

Appointment of assessors

102. Infrequently Scottish Ministers may appoint an assessor to sit with the appointed person at a hearing session or at an inquiry session to advise on such matters as Scottish Ministers may specify – regulation 30. Where this happens Scottish Ministers must notify every person entitled to appear at the inquiry or hearing session of the name of the assessor and of the matters that the assessor is to advise upon.

Decision notice

103. The appointed person is required by regulation 31 to give notice of the decision (the decision notice) to the appellant and to the planning authority, and to notify every person who has made and not withdrawn representations in respect of the appeal that a decision has been made and where a copy of the decision notice is available for inspection.

Electronic communication

104. Regulation 32 enables key transactions under the 2013 Regulations to be carried out electronically and to have the same effect as if they had been provided in paper copy. There are certain conditions to be met in order to facilitate this use of electronic communications:

[12] http://www.legislation.gov.uk/ssi/2006/265/contents/made

- the recipients have agreed or are deemed to have agreed to receive the information electronically;
- any person sending information electronically is to be taken to have agreed to the use of electronic communication for the purpose of the appeal; and
- the transmitted document is capable of being accessed by the recipient, that it is legible and sufficiently permanent for subsequent reference.

105. Consent to use electronic communication can be withdrawn by parties by giving notice and this will take effect not later than seven days from that notice.

TRANSITIONAL PROVISIONS

106. Regulation 33 contains a transitional provision for appeals against decisions on, or the failure to determine, applications for advertisement consent. In bringing these cases within the modernised appeals process, the period for making an appeal in such cases is reduced to three months. The transitional provision means that where the right of appeal arose before 30 June 2013, the six month period for making an appeal will remain.

107. The period for making an appeal against a discontinuance notice is also amended so that a recipient can appeal in the period before the discontinuance notice takes effect instead of within the previously stipulated 28 day period.

108. Regulation 34 and schedule 5 set out the revocation of the previous 2008 Regulations and subsequent amendments to them which are now incorporated in the 2013 regulations. This regulation also preserves the version of the Hearing Session Rules and Inquiry Session Rules contained in the 2008 Regulations where notice of such session was issued prior to 30 June 2013. These rules have been amended slightly with regard to hearing statements and the making available of information to the public (see paragraph 7).

FURTHER COPIES AND ENQUIRIES

109. Any enquiries about the content of the Circular should be addressed to The Planning and Architecture Division, Scottish Government, 2H - South, Victoria Quay, Leith, Edinburgh, EH6 6QQ (Telephone 0131 244 7888). Copies of the circular may be obtained from the Scottish Government website at www.scotland.gov.uk/planning .

The Scottish Government
Riaghaltas na h-Alba

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17/00471/FLL

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA https://www.eplanning.scot

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	Jame R
Surname		Surname	Brown
Company Name	Target Properties Ltd.,	Company Name	J R Brown Building Design
Building No./Name	C/O	Building No./Name	5
Address Line 1	J R Brown Building Design,	Address Line 1	St Mary`s Drive
Address Line 2	5 St Mary`s Drive,	Address Line 2	
Town/City	Perth	Town/City	Perth
Postcode	PH2 7BY	Postcode	PH2 7BY
Telephone	01738 635641	Telephone	01738 635641
Mobile	07796 794850	Mobile	07796 794850
Fax		Fax	
Email	jrbrown6636@googlemail.com	Email	jrbrown6636@googlemail.com

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

No`s 1, 2, 4, & 5, Altamount Park, Coupar Angus Road, Blairgowrie, Perthshire PH10 6JN

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

4. Type of Application

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

- Planning Permission ☒
- Planning Permission in Principle ☐
- Further Application* ☐
- Application for Approval of Matters Specified in Conditions* ☐
- Application for Mineral Works** ☐

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

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

Reference No: _____ Date: _____

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

Application for Change of Use from holiday accommodation to full residential use.

Is this a temporary permission? Yes ☐ No ☒

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

Have the works already been started or completed? Yes ☒ No ☐

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

Date started: Date completed: 2010

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

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given? Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name: Date: Ref No.:

7. Site Area

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

Hectares (ha): 0.0258 Square Metre (sq.m.) 2584

8. Existing Use

Please describe the current or most recent use:

Holiday Homes

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☐ No ☒

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☒

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? 8

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces) 8

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes ☐ No ☐

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

Yes, connecting to a public drainage network ☐
No, proposing to make private drainage arrangements ☐
Not applicable – only arrangement for water supply required ☐

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

Discharge to land via soakaway ☐
Discharge to watercourse(s) (including partial soakaway) ☐
Discharge to coastal waters ☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed) ☐
Other private drainage arrangement (such as a chemical toilets or composting toilets) ☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes ☐ No ☐

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

Are you proposing to connect to the public water supply network? Yes ☐ No ☐

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

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes ☐ No ☐

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

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

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

12. Trees

Are there any trees on or adjacent to the application site? Yes ☐ No ☐

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

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes ☐ No ☐

If yes, please provide details and illustrate on plans.
If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes ☐ No ☐

If yes how many units do you propose in total?

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

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

Does you proposal alter or create non-residential floorspace? Yes ☐ No ☐
If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☒ Don't Know ☐

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

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

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

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

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☐ N/A ☒

Signature: J R Brown Name: James R Brown Date: 14/3/2017

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

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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

CERTIFICATE A

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

I hereby certify that -

(1) No person other than the applicant ☒ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒

(2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed: J R Brown

On behalf of: Mr Steven Pimlott

Date: 14/3/2017

CERTIFICATE B

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

I hereby certify that -

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

Name	Address	Date of Service of Notice

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

or

(3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

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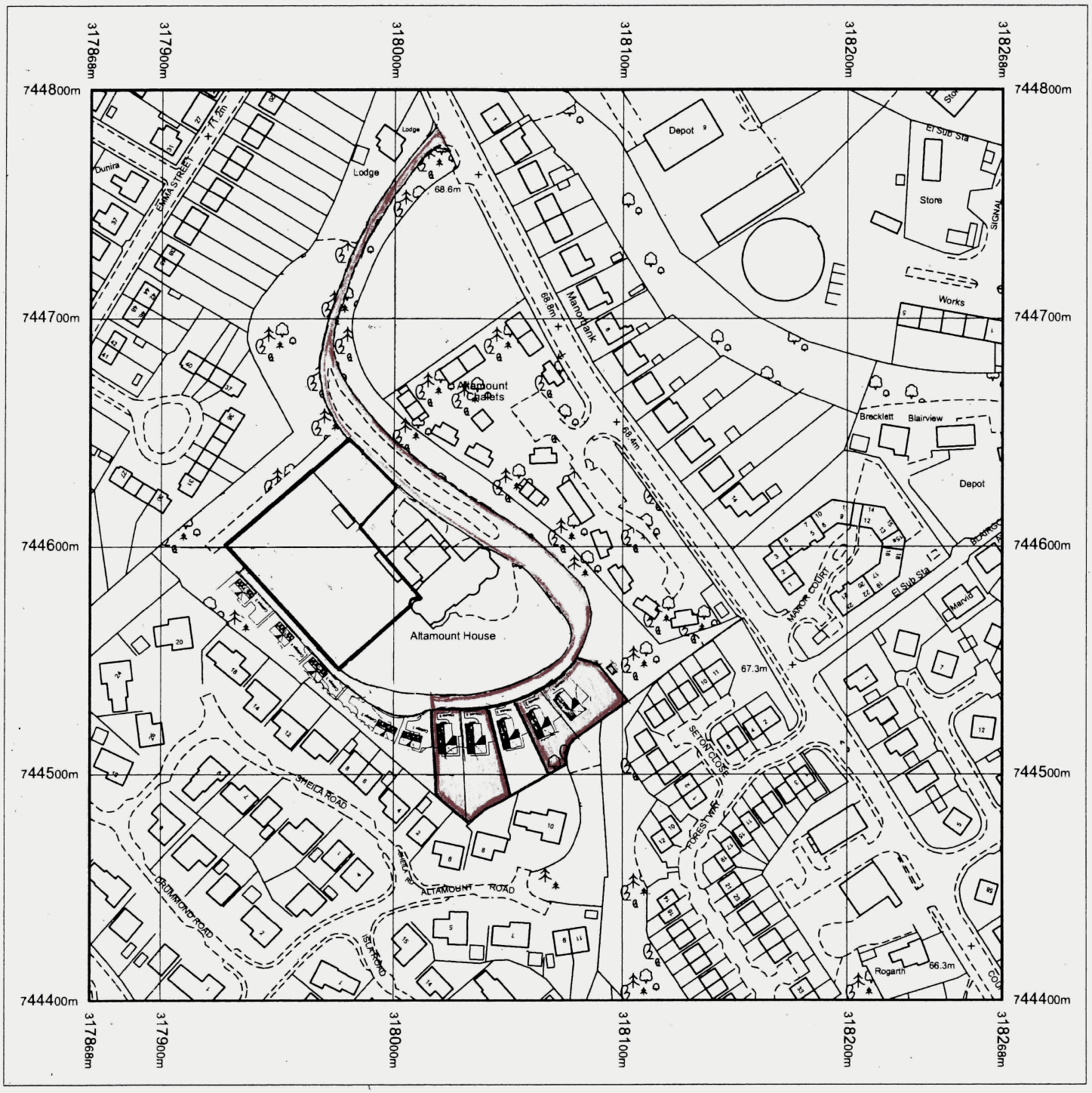

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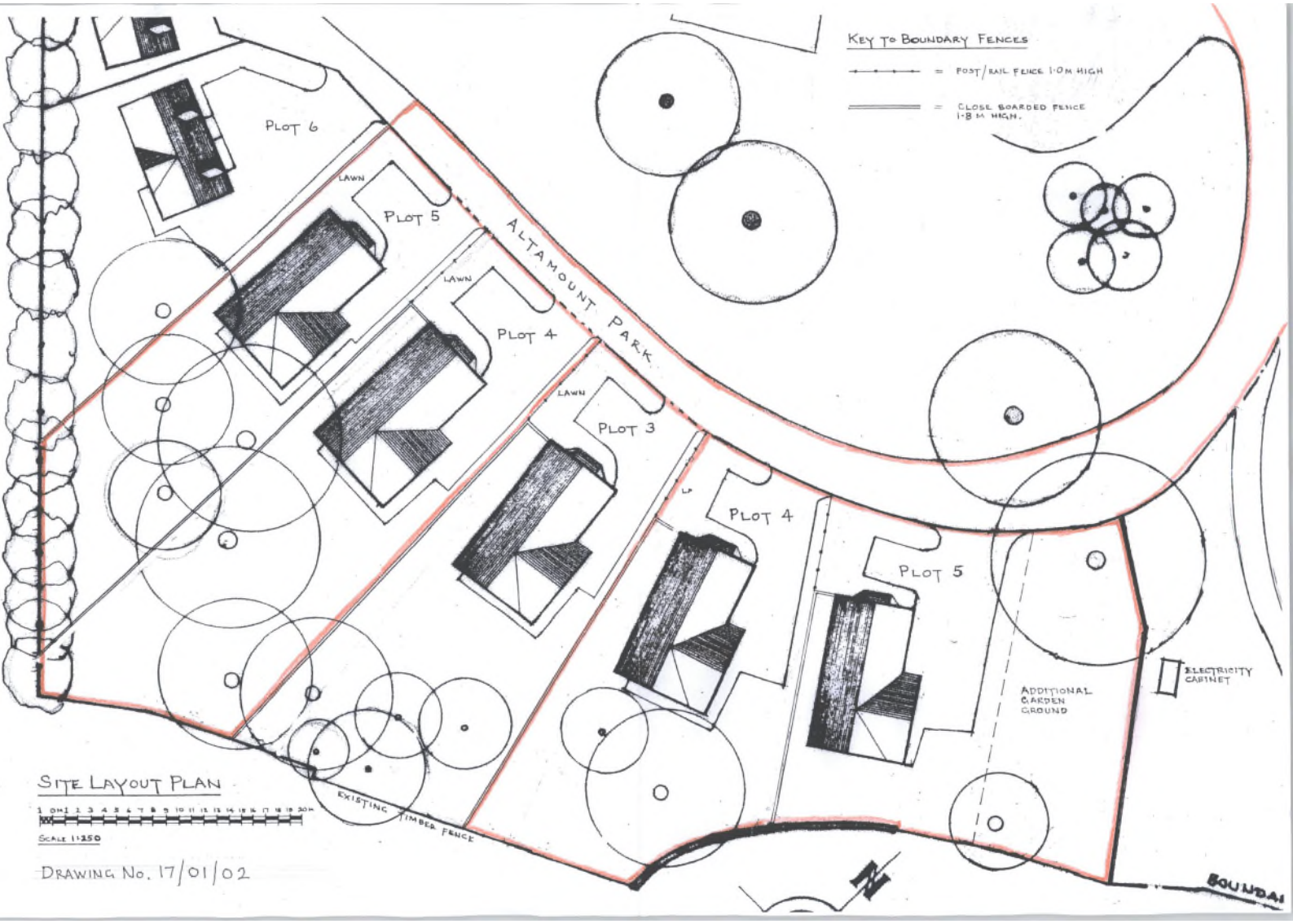
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= POST/RAIL FENCE 1·0M HIGH
= CLOSE BOARDED FENCE 1·8M HIGH.
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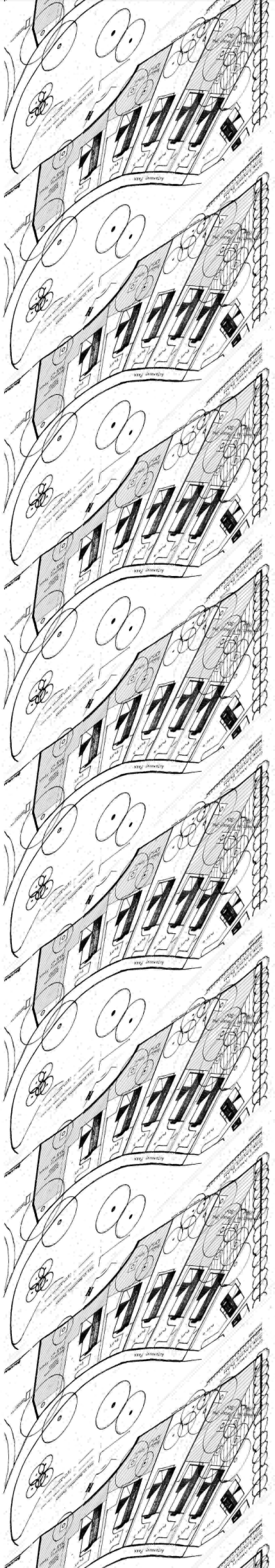
LAWN
PLOT 5
LAWN
PLOT 4
LAWN
PLOT 3
ALTAMOUNT PARK
PLOT 4
PLOT 5
ADDITIONAL GARDEN GROUND
ELECTRICITY CABINET
EXISTING TIMBER FENCE
SITE LAYOUT PLAN
SCALE 1:250
DRAWING No. 17/01/02



TCP/11/16(497) – 17/00471/FLL – Change of use from 4 holiday accommodation units (numbers 1, 2, 4 and 5) to 4 dwellinghouses (class 9), Altamount Park, Coupar Angus Road, Blairgowrie

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 27-28)*

REPORT OF HANDLING *(included in applicant's submission, see pages 29-36)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 37-67 and 155-156)*

TCP/11/16(497) – 17/00471/FLL – Change of use from 4 holiday accommodation units (numbers 1, 2, 4 and 5) to 4 dwellinghouses (class 9), Altamount Park, Coupar Angus Road, Blairgowrie

REPRESENTATIONS

AMB

Claire Fletcher

From: Ryder, Peter [redacted]
Sent: 05 April 2017 11:56
To: Development Management - Generic Email Account
Subject: 17/00471/FLL
Attachments: altamount house.docx

Dear Sir/Madam

With reference to the communication received today regarding Application 17/00471/FLL and my responses to numerous previous Applications (see below).

Based on this – my previous objections are still apply/valid.

ENTERED IN COMPUTER
- 5 APR 2017

Regards,
Peter Ryder (10 Altamount Road)

Peter Ryder
[redacted]

From: Ryder, Peter [redacted]
Sent: 12 August 2015 09:19
To: CHX Planning Local Review Body - Generic Email Account <PlanningLRB@pkc.gov.uk>
Subject: RE: TCP/11/16(372)

Dear Sir/Madam,

My objections based on 14/02228/FLL & 15/00769/FLL still apply

May I also highlight that the owner of these 'Holiday Lets', seems to be presently trying to 'rent them out' longer term

The Next Home Estate Agent paperwork, CLEARLY highlights they are NOT suitable as a sole/main residence.

I'm surprised they're able to let them out on a more permanent basis, seeing they are seen as Holiday lets ('holidays' being a few days to a couple of weeks 'max' – my opinion obviously)

One of my neighbours seems to think that one of the other holiday lets has been used by the same 'person/s' for a number of months now (some holiday – sorry, a touch of sarcasm on my part)

So, I'm not sure if the owner is sticking two fingers up at everyone !!

I'm also intending to contact Environmental Health, as I have a feeling they are dumping grass cuttings against (or close to) the hedge between our house and the back of one of the Holiday lets

Regards,
Peter

Peter Ryder

[redacted]

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/00471/FLL	**Comments provided by**	Katrina Walker
Service/Section	Strategy & Policy	**Contact Details**	**Planning Officer:** Katrina Walker Tel: [redacted] Email: [redacted]
Description of Proposal	Change of use from 4no holiday accommodation units (numbers 1,2,4 and 5) to dwellinghouse (class 9)		
Address of site	Altamount Park, Coupar Angus Road, Blairgowrie, PH10 6JN		
Comments on the proposal	**NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.** THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE. **Affordable Housing** With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing. This application is for the change of use of 4 of the10 holiday units on the site to residential. The current proposal therefore falls below the threshold for the affordable housing policy. However, paragraph 7.21 of the Developer Contributions and Affordable Housing Supplementary Guidance states that developing a site in phases of less than 5 units specifically to avoid the application of the affordable housing policy will not be acceptable. Should any subsequent applications come forward for a change of use to residential of more of the holiday units, then the affordable housing policy will be applied retrospectively. **Primary Education** 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. This proposal is within the catchment of Newhill Primary School.		

Recommended planning condition(s)	**Summary of Requirements** Education: £25,840 (4 x £6,460) **<u>Total</u>: £25,840** **Phasing** It is advised that the preferred method of payment would be upfront of release of planning permission. Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement. If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days after occupation. Payment for each open market unit will be £6,460 (£25,840 / 4 = £6,460).
Recommended informative(s) for applicant	**Payment** **Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.** **Methods of Payment** On no account should cash be remitted. **Scheduled within a legal agreement** This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice. **NB:** The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue. **Other methods of payment** Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

	Remittance by Cheque The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued. Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House 35 Kinnoull Street Perth PH15GD **Bank Transfers** All Bank Transfers should use the following account details; **Sort Code:** 834700 **Account Number:** 11571138 Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136 Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand: a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. **Indexation** All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index. **Accounting Procedures** Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.
Date comments returned	6 April 2017

AMB

RECEIVED
10 APR 2017

4 Sheila Road
Blairgowrie PH10 6RP.

ENTERED IN COMPUTER
10 APR 2017

PERTH & KINROSS COUNCIL
Planning and Development,
PULLAR HOUSE
35 Kinnoull Street,
PERTH PH1 5GD.

Planning Application Ref: 17/00471/FLL M

Again we feel we have to object to this planning application. It seems like MR. S. Pilmott of Target Properties LTD wants to try every way he can to obtain change of use for Holiday Villas 1, 2, 4 and 5 at Altamount Park Coupar Angus Road Blairgowrie.

As far as we are concerned Edinburgh High Court told him he had to wait 10

years to wait to change usage from holiday to residential homes.

Every year we seem to get a letter from yourselves discussing this planning application when it is quite clear the 10 years is not up.

We feel that access to the villas is not suitable as the road is a private one to the Altamount Hotel.

We hope you treat this objection favourable.

Elizabeth Hepburn (Mrs)

G Hepburn (Mr)

P.S. According to original plans submitted they have still to be acted upon.

Planning Reference 17/00471/FLL

We are the owners of Altamount Lodge at the bottom of the drive from Altamount House. We have lived here for 30 years. All vehicles going to the lodges and Altamount House have to pass our house and driveway.

We object to the sale of the holiday accommodation units as permanent homes. The original planning permission for them was only passed because they were to be holiday houses ONLY (part of the Altamount House Hotel complex) and never meant to be individual houses which could be sold to the public. A previous owner of the hotel had applied for permission to build 3 houses on the site with the aim of selling them on to acquire funds for running the hotel and this was turned down (it went as far as the Scottish government reporter) as this was not thought a suitable reason to build and sell permanent homes.

This means removing condition 6 from the planning permission which was rejected in 2013 and again in 2015. It seems to be a recurring application every 2 years! We don't see why this decision should change just to suit someone's changing circumstances.

We also object to the sale of the holiday units as we feel there would be an increased flow of traffic on the drive which is not suitable for two-way traffic. There is also no speed limit on the drive and we have seen vehicles travelling up and down the drive at considerable speed. There is a sign further up the drive at the V junction which states 5 mph.

During the building of the lodges there was considerable erosion of the road from the gate pillars to our drive. Similarly when McCarthy Stone built Darroch Gate next to us they required access via the bottom of the drive which has meant more wear and tear. In our missives it states that we are liable for a tenth of the upkeep of the road from the gate pillars to our drive. This may result in increased cost to us. Also we are no longer sure who owns the drive with all the owners of the different parts of the estate! McCarthy Stone have landscaped the areas next to the drive with turf – vehicles are already going on to it to pass each other when they meet on the drive and this will soon churn up the turf especially in wet weather. We have had to take action ourselves to prevent vehicles coming on to our property to pass each other.

Ian and Jenny Oswald
Altamount Lodge
Coupar Angus Road
Blairgowrie
PH10 6JN

[redacted]

OBJECTION

RECEIVED
21 APR 2017

Perth & Kinross Council

Planning & Development

Pullar House

35 Kinnoull Street

Perth PH1 5GD

19th April 2017

Objection to 17/00471/FLL Change of use

Dear Sir,

A few years ago we were flooded from our home. Our insurers found a property in Blairgowrie, No 1 Altamount Park and we stayed for four months, until our house was fit to live in again. The house and its surroundings were amazing. I feel that this type of property should be available in case of emergencies such as ours. Our insurance company said they always had difficulty finding suitable properties for a less than six month term, we were very fortunate to find Altamount Park. The four bedroomed properties are stunning and fully equipped, as we had no furnishings it was a blessing for us to be able to stay there.

Kind Regards

[redacted]

Polly Beecroft

Millburn House

Bonnington Road

Blairgowrie PH10 7JA

ENTERED IN COMPUTER
21 APR 2017

Comments for Planning Application 17/00471/FLL

Application Summary
Application Number: 17/00471/FLL
Address: Altamount Park Coupar Angus Road Blairgowrie PH10 6JN
Proposal: Change of use from 4no holiday accommodation units (numbers 1,2,4 and 5) to 4no dwellinghouses (class 9)
Case Officer: Andrew Baxter

Customer Details
Name: Mr Adam Lindsay-Finan
Address: 24 Abbey Park, Auchterarder PH3 1EN

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Out of Character with the Area

Comment:We stayed in the houses for a brief time in-between permanent accommodation. Blairgowrie struggles to provide rental property and these houses are ideal for people who need a bigger property and space for a short let.

Changing usage will remove these good sized properties from the market and will unlikely be replaced.

Comments for Planning Application 17/00471/FLL

Application Summary
Application Number: 17/00471/FLL
Address: Altamount Park Coupar Angus Road Blairgowrie PH10 6JN
Proposal: Change of use from 4no holiday accommodation units (numbers 1,2,4 and 5) to 4no dwellinghouses (class 9)
Case Officer: Andrew Baxter

Customer Details
Name: Mr Nicholas Lungley
Address: Altamount House, Coupar Angus Road, Blairgowrie PH10 6JN

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Noise Pollution

Comment:We are no longer running a hotel and the Altamount House is now a private residence. I believe that a primary dwelling situated so close to our house will increase noise levels. Please consider my objection to the plan. Thank you

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/00471/FLL	**Comments provided by**	Niall Moran
Service/Section	Transport Planning	**Contact Details**	[redacted]
Description of Proposal	Change of use from 4no holiday accommodation units (numbers 1,2,4 and 5) to 4no dwellinghouses (class 9)		
Address of site	Altamount Park Coupar Angus Road Blairgowrie PH10 6JN		
Comments on the proposal	Insofar as roads matters are concerned I do not object to the proposed change of use.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	25 April 2017		

AMB.

RECEIVED

01 MAY 2017

Perth & Kinross

Planning Dept

Perth

26th April 2017

Dear Sirs

Objection to Change of use of Properties at Altamount Park 17/00471/FLL

I fear that if a change of use is granted then the houses will be sold, and that will be a loss of the only real quality accomodation in Blairgowrie.

Yours Sincerely [redacted]

Sandra Gauld

Tilly Whalley House

Milnathort

Kinross

KY13 0RN

ENTERED IN COMPUTER

- 1 MAY 2017

CHX Planning Local Review Body - Generic Email Account

From: Ryder, Peter (BHGE) [redacted]
Sent: 30 October 2017 07:08
To: CHX Planning Local Review Body - Generic Email Account
Subject: RE: TCP/11/16(497)
Attachments: altamount house.docx

Dear Sir/Madam,

I confirm ONCE AGAIN, that I object (no matter how many times this guy tries) to the change of these holiday homes to permanent dwellings.

My objections of TCP/11/16(372), 14/02228/FLL & 15/00769/FLL still apply

Original planning permission clearly states the purpose of these builds – they should remain as !!!!!!!

I'll also refer you to the attached

I'd also like to highlight (once again) that it seems that some of these 'houses' ARE being used by the same people (long term lets – so definitely NOT 'holidays')

Regards,
Peter Ryder
10 Altamount Road
Blairgowrie

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10 Mary Young Drive, Coupar Angus Road, Blairgowrie

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Part Furnished

A rare opportunity to let this stunning 2 BEDROOM DETACHED VILLA situated within the Ava Estate. The property offers spacious open plan accommodation over 2 floors and all appliances are included. Viewings are highl...

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MAP

A rare opportunity to let this stunning 2 BEDROOM DETACHED VILLA situated within the Ava Estate. The property offers spacious open plan accommodation over 2 floors and all appliances are included. Viewings are highly recommended.

A rare opportunity to let this stunning 2 BEDROOM DETACHED VILLA situated within the Ava Estate. The property is quietly tucked away within the manicured garden grounds and has the benefit of feeling semi rural which an abundance of wildlife on your door step yet is just minutes from the town centre. The property offers spacious open plan accommodation over 2 floors. Heat is by gas central heating, windows are fully double glazed and all appliances are included. This well presented property can be available fully furnished or part furnished. Viewings are highly recommended. This property is not suitable for use as a sole or main residence and is ideally suited as a short term/temporary let.

CHX Planning Local Review Body - Generic Email Account

From: Victoria Lane (Brodies Solicitors) <victoria.lane@brodies.com>
Sent: 28 November 2017 21:19
To: CHX Planning Local Review Body - Generic Email Account
Cc: Neil Collar (Brodies Solicitors); James R Brown
Subject: FW: TCP/11/16(497) [BRO-D.FID4168890]
Attachments: 17.11.17 - Letter to Agent (497).pdf; TCP-11-16(497) - 17.10.30 - Representation from Interested Party (Ryder).pdf

CONFIDENTIAL MESSAGE - INTENDED RECIPIENT ONLY

Paige

Further to the previous correspondence, our response to the representation dated 30 October 2017 is as follows:

- The representation refers to previous planning decisions where the individual has also submitted representations. Since these decisions, there have been a number of significant changes in circumstances at the properties covered by this appeal so that the issues discussed in previous appeal decisions and representations are less relevant.

- The representation refers to the restriction on the use of the properties as preventing the current appeal from being granted. The appeal statement sets out at length that, with regard to relevant planning matters, the circumstances are such that this restriction on use is no longer necessary or justified. The representation does not engage with this analysis provided by the appellant.

- The advertisement attached to the representation is for one of the houses (numbers 6-10) which neither comprise one of the four properties subject to this appeal nor is owned by the appellant.

Regards,

Victoria

Victoria Lane
Senior Solicitor
Edinburgh, UK
www.brodies.com

Direct Line +44(0) 131 656 0127