

LRB-2021-48
21/01028/FLL – Change of use from open space to form extension to garden ground and erection of a fence, 10 Almond Grove, Huntingtowerfield, Perth

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LRB-2021-48

21/01028/FLL – Change of use from open space to form extension to garden ground and erection of a fence, 10 Almond Grove, Huntingtowerfield, Perth

**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 EWAN CAMPBELL

Address 10 ALMOND GROVE
HUNTINGTOWER

Postcode PH1 3NA

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name [REDACTED]

Address [REDACTED]

Postcode [REDACTED]

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

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 PKC

Planning authority's application reference number 21/01028/FLL

Site address 10 ALMOND GROVE

Description of proposed development CHANGE OF USE FROM OPEN SPACE TO FORM
EXTENSION TO GARDEN GROUND AND ERECTION OF
A FENCE

Date of application 6/7/21 Date of decision (if any) 10/8/21

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Statement

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

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

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

ACCOMPANYING DOCUMENT

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.

I SENT THE DOCUMENT INCLUDED TO PKC PLANNING AND RECIEVED ACKNOWLEDGMENT IT HAD BEEN PASSED TO THE PLANNING OFFICER. ON THE SAME DAY I ALSO RECIEVED MY REFUSAL.

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.

SUPPORTING LETTER
PRE - APPLICATION ACCEPTANCE
REFUSAL

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

Checklist

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

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

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

Declaration

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

Signed

Date15/10/21

To whom it may concern:

Document to accompany Notice of Review for refusal of Application Reference: 21/01028/FLL

Change of use from open space to form extension to garden ground and erection of a fence

10 Almond Grove Huntingtowerfield Perth PH1 3NA

I am writing this to accompany the notice of review for the refusal of the above planning application refused on the 10/08/21.

In the refusal the first point was:

1. *The proposal is contrary to Policy 1A: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as the proposal does not contribute positively to the quality of the surrounding built and natural environment due to extending the garden/fence line hard against the existing footpath links. This fails to respect the character and amenity of place as it results in the loss of existing landscape planting a biodiversity resource, it fails to provide appropriate intervisibility between path junctions and creates oppressive corridor footpath links to the Right of Way and Core Path network that runs along the River Almond.*

However, in the pre-planning application acceptance (25/03/21) it states:

In respect to Policies 1A & B and Policy 17, it is considered the proposed change of use raises no significant issues. The use of the area of ground as additional garden ground will not substantially alter the existing appearance of the site or impact on the character or amenity of the area. This modest site appears to be scrub land and was originally open space associated with the wider housing development but no longer appears to be maintained or in use to any significant degree.

Additionally, the second point in the refusal states:

2. *The proposal is contrary to criterion (a) Policy 1B: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as it erodes the previous coherent structure of streets, spaces and buildings.*

In the estate at the moment there exists a number of corridors, some with lighting but the majority without. They have been here since before I arrived 5 years ago and curiously some were formed by householders who made comments when the application was first placed on the planning website. Additionally, these photos show that 6ft fences are common throughout Huntingtowerfield.



In support of this I attach the comments made by John Williamson, PKC Planning Officer, in his reply to my pre-planning application on the 25th of March 2021. (Ref No 21/00100/PREAPP)

Landscape/Visual Impact

The proposed change of use does not raise any concerns in respect to landscape or visual amenity. The area in question is visible from the adjacent core path but the path is already bound by a number of fences which serve the rear gardens of other properties and therefore the is not considered to impact significantly on the visual amenity of the area from the core path.

Moreover, lighting for these pathways has now been undertaken by residents with a number of solar power light attached to recently constructed fences. The proposed fence would also be illuminated by PKC streetlamps as shown. Also, in my experience of Huntingtower the darker paths are not only due to the absence of lighting but also the tree cover and the proposed fence has no tree cover and so will have a higher visibility.



Currently, the area behind my house is in disarray. Not only is it overgrown and unkempt but people allow their dogs to foul it and recently people have started dumping garden waste in it.



When I did my pre-planning application for a fence to extend my garden the above scenario was confirmed by the PKC planning (Ref No 21/00100/PREAPP) and it was upon this basis that I purchased the land from Greenbelt

Planning Principle

The use of the area of ground as additional garden ground will not substantially alter the existing appearance of the site or impact on the character or amenity of the area. This modest site appears to be scrub land and was originally open space associated with the wider housing development but no longer appears to be maintained or in use to any significant degree. The inclusion of this area is considered to be a logical extension to the garden ground of the existing house.

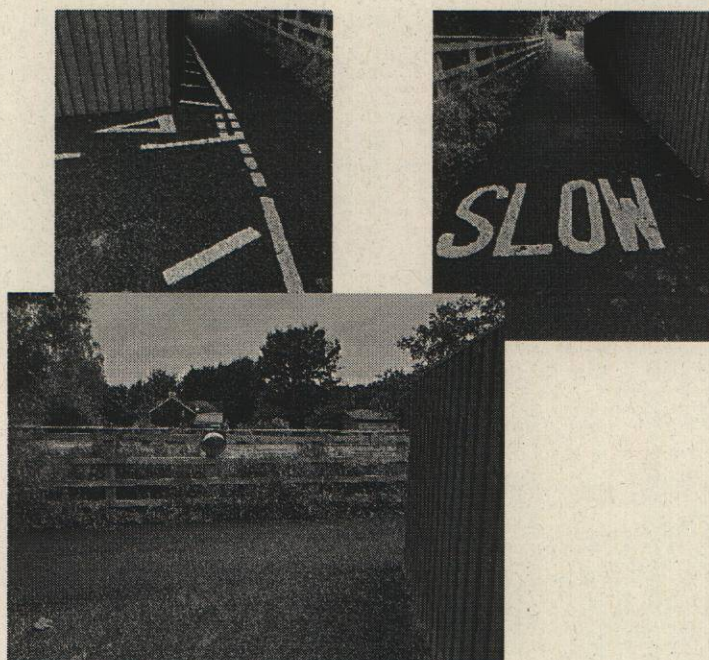
The fact that certain residents are making this greenspace area that neighbours my existing garden worse by dumping and lack of dog control highlights the need to erect a fence and prevent the erosion mentioned in point 2 of the refusal.

Additionally, my intention is to increase the biodiversity of the area by creating an allotment/orchard in the new section of my garden would environmentally improve an area considered to be scrubland by PKC (Ref No 21/00100/PREAPP)

Biodiversity and Trees

The site is not considered to have any significant biodiversity value given its scrubland nature. Whilst the site is located adjacent to the River Tay Special Area of Conservation, no physical works are proposed, and the development only relates to a change of use and as such there is not considered to be any risk of silt leaching into the watercourse. Any trees on site should be retained in the interests of biodiversity and these should be marked on the submitted plans.

With respect to the comments made about concerns presented by the junction of the path and the NC77, a number of Almond Grove houses (16-22) have fence gates that open onto NC77 and there have been no accidents involving residents and cyclists in recent years. Also, road markings have been placed on NC77 to help prevent any accidents. Additionally, Mr Mitchell (No 3 Almond Place) has placed a visibility mirror to further improve path safety at that point. I believe he is also in the process of amending his fence structure to provide better visibility and while I appreciate the concerns expressed in the comments made about the planning application safe use of a cycle paths is an aspect of cyclists and pedestrians respecting each other and a common-sense approach to walking on a path used by all.



Finally, I would like to thank all concerned for their time and consideration in this process.

Respectfully

Ewan Campbell

Below I have included the comments made about the original application as I believe I have addressed them.

1.Comment submitted date: Mon 02 Aug 2021

As regular user of the Recently upgraded ever popular River Almond Path / NCN 77 Cycle Route.

On approach to this path from the current housing estate at Almond Place / Almond Grove this fence in subject would cause no Visibility causing an obscured view in both direction from the housing estate to the current right of Way to Almond Grove / Almond Crescent.

This area would now become a complete blind spot and due to this area also not being lit by street lighting this will therefore increase this risk of an accident for ALL users.

Only just yesterday a family members were subject to the oncoming of two cyclists at speed coming from the river path into the housing estate, caused by the obscure fence erected by Mr Mitchell. Both parties were shaken at what could have become a much more serious accident.

ALSO, Use of this path is currently deemed to be the ONLY safe walking route for the local school children in the catchment area to attend Bertha Park High School.

2.Comment submitted date: Mon 02 Aug 2021

The main concern with approving this application is the precedence this sets for planning policy. Development Plan Policy has been clear requiring developers to include "green space" in their developments. This application removes a "significant" area of green space. It would be a clear precedent that green belt land can be consumed to the detriment of neighbours who had expectations when they acquired their homes that these areas would be protected.

A 6ft fence would provide a narrow corridor impacting on the safety of users of the path within the housing development but also on the river path. Recent positive enhancements to the river path has seen a big increase in the number of path users including cyclists. The fence will block the visibility on to the path making it dangerous given the speed of some of the cyclists using it. It is only a matter of time before there is an accident given the removal of any visibility from the left and also from the right if the illegally constructed fence is not removed (3 Almond Place).

In summary, there is a considerable loss of "green space", the extent of the change of use makes the new area look completely out of character with the area, it has a negative impact on the visibility of the area, and is a risk to the safety of users of the paths adjacent to the property. Given the Local Authority insist that developments include "green space" this change of use is contrary to this policy.

3.Comment submitted date: Mon 02 Aug 2021

I object to this application as this land is designated Greenspace and when we purchased our house it had a premium on it due to the open aspect at the back.

The Council have just completed a £250k upgrade to the NCN77 cycle/footpath to the rear of our properties and any high fencing will block visibility both ways when accessing the path from Almond Place and Almond Grove as well as creating a dark tunnel effect with no street lighting. This is a safety concern for local dog walkers/ walkers and cyclists.

This path will also be the safe walking/cycling route for local children to get to Bertha Park school so any high fencing and lack of street lighting will have an adverse effect on that.

4.Comment submitted date: Thu 29 Jul 2021

With no offence intended to my neighbours, I feel I must object to this planning application.

A further 6 foot fence around which used to be open green space will now become an enclosed alley way which raises security concerns due to lack of lighting.

Another factor of concern is the increased safety concerns that there is no clear view when accessing the NCN77 which is heavily used by dog walkers, joggers & cyclists (some of whom travel at excessive speeds). During winter months this will only become worse due to reduced lighting and poorer path conditions.

This development will also lead to reduced green space which is already at a premium.

5.Comment submitted date: Tue 27 Jul 2021

Whilst I have no objection to people acquiring land, the erection of another 6 foot fence will not only enclose the paths, creating an unsightly alley, it will create a narrow, dark alley resulting in safety and security issues. There is street lighting between Almond Crescent and Almond Place, will the council provide secure lighting?

The fencing will also create a blind spot to access to the NCN 77, which is a busy cycle and walking path, with many cyclists going at excess speed. Not being able to see cyclists, is likely to result in accidents, especially children and pets running in the area.

This is also out of character with the rest of the area.

Loss of open space. This is one of the last areas of open space in this area, and whilst it is unkempt, surely maintaining the land would serve the community better

So many trees have and are being lost in this area. Trees nature's way of protecting environment from pollution and draining away water, if trees are felled, application does not make this clear, this is unnecessary loss.



Planning & Development
Head of Service David Littlejohn

Pullar House
35 Kinnoull Street,
PERTH PH1 5GD

Tel 01738 475300

RefNo 21/00100/PREAPP

Date 25 March 2021

Ewan Campbell
10 Almond Grove
Huntingtowerfield
Perth
PH1 3NA

Dear Sir/Madam,

Town and Country Planning (Scotland) Act, 1997

RE: Change of use of open space to garden ground and erection of a fence at 10 Almond Grove Huntingtowerfield Perth PH1 3NA

Please find attached a response to your pre application enquiry.

Yours faithfully

John Williamson

Planning Officer

Pre-Application Service



**PERTH &
KINROSS
COUNCIL**

HOUSEHOLDER PRE-APPLICATION ADVICE

All comments are based on the information submitted and are made without prejudice to any decision Perth & Kinross Council may make in the future. It is not usually possible for an officer to visit the site or consult on a proposal at the pre-application stage but these are part of the formal planning application process, as is public notification. Additional issues may arise as a result of detailed analysis of any submitted application, associated plans and supporting documentation.

Further discussion on a revised proposal will normally require to be the subject of a fresh pre-application enquiry. Clarification of comments contained below can be provided by the case officer but no further discussion will be entered into at this stage as to how the policies are interpreted or applied.

CASE DETAILS	
Reference number of pre-app	21/00100/PREAPP
Site Address/location	10 Almond Grove Huntingtowerfield Perth PH1 3NA
Details of Proposal	Change of use of open space to garden ground and erection of a fence
Case Officer	John Williamson
Date	25 March 2021

SITE DESIGNATIONS AND CONSTRAINTS
Adjacent to core path
Potential flood risk
River Tay Special Area of Conservation
RELEVANT PLANNING POLICIES AND GUIDANCE

<p>Perth & Kinross Local Development Plan Policies</p> <p>www.pkc.gov.uk/developmentplan</p>	<p>The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.</p> <p>The principal policies are :</p> <p>Policy 1A: Placemaking</p> <p>Policy 1B: Placemaking</p> <p>Policy 6: Settlement Boundaries</p> <p>Policy 15: Core Path and Rights of Way</p> <p>Policy 17: Residential Areas</p>
<p>Other Policies and Supplementary Guidance</p> <p>https://www.pkc.gov.uk/ldp2guidance</p>	<p><u>National</u></p> <p>Creating Places: A policy statement on architecture and place for Scotland 2013</p> <p>Designing Streets: A Policy Statement for Scotland 2010</p> <p><u>Perth & Kinross Council</u></p> <p>Flood Risk and Flood Risk Assessments</p> <p>Placemaking Guidance 2020</p>
<p>SUMMARY OF CONSIDERATIONS</p>	
<p>Planning Principle</p> <p>The main relevant policy of LDP2 are policies 1A & B relating to placemaking, Policy 6 'Settlement Boundaries' and Policy 17 'Residential Areas'.</p> <p>In respect to Policies 1A & B and Policy 17, it is considered the proposed change of use raises no significant issues. The use of the area of ground as additional garden ground will not substantially alter the existing appearance of the site or impact on the character or amenity of the area. This modest site appears to be scrub land and was originally open space associated with the wider housing development but no longer appears to be maintained or in use to any significant degree. The inclusion of this area is considered to be a logical extension to the garden ground of the existing house.</p> <p>Landscape/Visual Impact</p> <p>The proposed change of use does not raise any concerns in respect to landscape or visual amenity. The area in question is visible from the adjacent core path but the path is already bound by a number of fences which serve the rear gardens of other properties and therefore the is not considered to impact significantly on the visual amenity of the area from the core path.</p>	

Details of the proposed fence and any proposed planted boundaries for site should be submitted with the application and marked on the submitted plans.

Biodiversity and Trees

The site is not considered to have any significant bio diversity value given its scrubland nature. Whilst the site is located adjacent to the River Tay Special Area of Conservation, no physical works are proposed and the development only relates to a change of use and as such there is not considered to be any risk of silt leaching into the watercourse. Any trees on site should be retained in the interests of bio diversity and these should be marked on the submitted plans.

Residential Amenity

Depending in the topography of the land in question it may result in overlooking to neighbouring private garden ground and houses and this should be taken into account in the placement of boundary treatments to ensure overlooking and impact on neighbouring properties does not occur.

Roads and Access

There are no road safety or access implications associated with this proposed development.

Drainage and Flooding

The site is identified to be at potential risk from river flooding according to SEPA's flood maps, however the change of use to garden ground is not considered to alter the flooding characteristics of the area.

Core Path

The path alongside the River Almond is part of the Core Path network and therefore policy 15 of the LDP2 is applicable. This policy seeks to ensure that the core path is not blocked during both construction and upon completion of the development. The path is also part of a Sustrans cycle network and therefore you may wish to consider setting back the boundary fence alongside the core path by approximately 0.5m to ensure that it does not result in a pinch point on the path or negatively impact on the use of the path and cycle network.

Conservation Considerations

There are no issues or concerns in respect to conservation considerations.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Likely Consultees

Conclusion

Any future development proposal will be considered primarily in relation to the policies of the Council and the guidance of the Scottish Government, in particular the Development Plan for the area, which in this case comprises the Tayplan 2016 and the Local Development Plan (LDP) 2019. The contents and requirements of each of these policies should be considered in full prior to any submission being made to establish the level of information which will be required to accompany the planning application.

It is only by submitting a formal application that a measured and comprehensive response to a proposed development can be given as quickly as resources permit. A formal application involves considering a proposal in terms of the Development Plan and the Council's policies on the basis of detailed plans and any further information and justification which is considered necessary. Formal assessment will also involve visiting the site and the surrounding area; researching the planning history of the site and the surrounding area; carrying out any necessary consultations; and taking account of any comments received from notified neighbours and the wider public.

You should note that I have not necessarily identified all the policies or material considerations which might influence the determination of any planning application. The Council would not in any event be bound by such advice in the event that you submit a planning application. Based on the information submitted it is considered that the proposed change of use has potential to accord with the Development Plan and therefore be supported subject to addressing the matters identified above.

PLANS AND DOCUMENTS REQUIRED WITH PLANNING APPLICATION SUBMISSION

For information on what you will need to submit with your application please see our [application checklists](#) which can be found on our website at www.pkc.gov.uk/planning . The document [Additional Supporting Information Guidance](#) identifies the circumstances where further information will be required to allow us and consultees to fully consider your planning application. Failure to provide this information at the time of submission may delay the consideration of your application.

PLEASE NOTE THAT THIS RESPONSE IS THE CONSIDERED OPINION OF A PLANNING OFFICER. NO FURTHER DISCUSSION WILL BE ENTERED INTO AS TO HOW THE POLICIES ARE INTERPRETED OR APPLIED.



Mr Ewan Campbell
10 Almond Grove
Huntingtower
PH1 3NA

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: 10th August 2021

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: 21/01028/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 6th July 2021 for Planning Permission for **Change of use from open space to form extension to garden ground and erection of a fence 10 Almond Grove Huntingtowerfield Perth PH1 3NA**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 1A: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as the proposal does not contribute positively to the quality of the surrounding built and natural environment due to extending the garden/fence line hard against the existing footpath links. This fails to respect the character and amenity of place as it results in the loss of existing landscape planting a biodiversity resource, it fails to provide appropriate intervisibility between path junctions and creates oppressive corridor footpath links to the Right of Way and Core Path network that runs along the River Almond.
2. The proposal is contrary to criterion (a) Policy 1B: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as it erodes the previous coherent structure of streets, spaces and buildings.
3. The proposal is contrary to Policy 15 Public Access of the Perth and Kinross Local Development Plan 2 (2019) as the proposed fence line creates a corridor effect along the footpath with kinks and blind spots. There is no intervisibility at junction locations and this will reduce the safety of pedestrian and cyclists using path network. Consequently, the proposal has an adverse impact upon the integrity of the core path, right of way and well used routes.

4. The proposal is contrary to criterion (c) of Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) as the proposal will not improve the character and environment of the area as it results in the loss of an area of open space that should be retained (in part) as a recreational and amenity resource.
5. The proposal is contrary to criterion (a) of Policy 39: Landscape of the Perth and Kinross Local Development Plan 2 (2019) as it erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience.

Justification

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

Notes

The plans and documents 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

01

02

03

04

LRB-2021-48

21/01028/FLL – Change of use from open space to form extension to garden ground and erection of a fence, 10 Almond Grove, Huntingtowerfield, Perth

PLANNING DECISION NOTICE *(included in applicant's submission, pages 185-186)*

REPORT OF HANDLING

REFERENCE DOCUMENTS

REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/01028/FLL	
Ward No	P5- Strathtay	
Due Determination Date	5th September 2021	
Draft Report Date	10th August 2021	
Report Issued by	JW	Date 10 August 2021

PROPOSAL: Change of use from open space to form extension to garden ground and erection of a fence

LOCATION: 10 Almond Grove Huntingtowerfield Perth PH1 3NA

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

In this instance, a physical visit to the site was considered necessary. The application site was visited on **6 August 2021**.

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is located to the north of 10 Almond Grove, Huntingtowerfield. The area in question extends from the rear (north) boundary of the existing towards the River Almond and towards a footway which links Almond Grove with the footway long the edge of the River Almond. This application is for the change of use of open space to private use. The proposal is to remove the existing fence line on the north and east boundaries, extend the garden ground into the area of open space and erect a new 2m high timber fence long the north west and north east boundaries

adjacent to the footways referred to above. The footpath on the eastern side of the site provides access from the housing estate to the Salmon Run - National Cycle Route 77 which is also a Right of Way and Core Path.

A similar application for change of use of an adjacent area of open space to the north into garden ground at 3 Almond Place(ref:21/00455/FLL) was recently refused as being contrary to policies 1A, 1B, 15, 17 and 39 of the Perth and Kinross Council Local Development Plan 2019 (LDP2). This proposal has very similar issues and therefore the assessment below will be similar to that undertaken for application 21/00455/FLL.

Approval was granted for the change of use of a smaller area of open space to extend the garden ground at 4 Almond Place (20/01878/FLL) as this, due to its limited size, was considered to have limited impact on the footpaths and cycle routes in the area and was not considered to impact on the visual amenity of the area unlike the application referred to above.

A further application (ref:21/01138/FLL) at 8 Almond Grove to the immediate east of this application site, also to extend the garden ground into an area of open space (in retrospect), is currently under consideration.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: 21/00100/PREAPP

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 14A: Open Space Retention and Provision: Existing Areas

Policy 15: Public Access

Policy 17: Residential Areas

Policy 39: Landscape

OTHER POLICIES

CONSULTATION RESPONSES

INTERNAL

Structures and Flooding – no objection

Community Greenspace – objection due to impact on trees, loss of green space, proposed position and height of fencing would impact on amenity of area.

Biodiversity/Tree Officer – objection regarding impact on trees and loss of habitat

Environmental Health (Contaminated Land) – no response

EXTERNAL

None

REPRESENTATIONS

The following points were raised in the 6 representations received all of which object to the application.

- Contrary to Development Plan
- Excessive height of fencing
- Inappropriate land use
- Loss of open space
- Loss of trees
- Out of character with area
- Impact on safety for users of paths and cycle way

- Light pollution
- Road safety concerns
- Adverse effect on visual amenity

The above issues are addressed within the appraisal section of the report below.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	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 and the adopted LDP2.

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

Policy Appraisal

The site is open space and is associated with a residential development at Huntingtowerfield. The proposal is to change the use of the open space some 354 sqm in area and incorporate into the curtilage of 3 Almond place which some 658sqm in area.

The placemaking policies 1A and 1B are also of relevance, these require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

Policy 17: Residential Areas of the adopted Local Development Plan 2 is applicable, and this notes that small areas of private and public open space will be retained where they are of recreational or amenity value.

Policy 14A: Open Space Retention and Provision: Existing Areas
And Policy 39: Landscape are also applicable

Due to proximity of the footpaths along with a right of way and a core path to the west of the site Policy 15: Public Access is also applicable.

The fundamental issue to consider in this case is whether the amenity land to be incorporated into the garden ground/private use should be retained as amenity space taking account of visual amenity, public access and biodiversity/nature conservation values.

A pre application enquiry was undertaken (ref: 21/00100/PREAPP) where based upon a desk top based exercise only a relatively positive response was provided. This response, however, was provided without the benefit of a site visit. Following a visit to the site by the case officer and following review of the letters of representation there are considered to be a number of planning policy concerns with the proposal which have not been addressed in the submission. These are outlined below.

Land Use and Placemaking

The land use issue on this case is whether this amenity land/open space should be incorporated into the garden ground of 10 Almond Place or whether it should be retained as amenity land for the wider public to benefit.

While the site may not be afforded the same protection as zoned open space it is nevertheless a resource that has recreational and amenity value. The amenity space interacts with the housing estate footpath network which links to the right of way, corepath and Salmon Run - National Cycle Route 77 (NCR 77) which is a well-used resource that facilitates access between Almondbank and Perth. Hemming in the housing estate footpath reduces its attractiveness and useability (it effectively creates a corridor with kinks and blind spots) while the loss of landscaping will significantly reduce the amenity value associated with the permeable links. When visiting the site the hemmed in nature of the footpaths given the position and height of the fencing was very evident. This concern was identified in the pre application enquiry where a set back of the proposed fencing was recommended, no such set back is proposed in the submission. The value of the open space and its relationship with the adjacent National Cycle Route was also much more evident than during the desk top based pre application exercise. Following the site visit by the case officer it was evident that there may be scope to incorporate some of the amenity land into the curtilage of 10 Almond Place, similar to the recommendations made on the determination of a similar application at 3 Almond Grove, however this would require a revised scheme with the fence line repositioned/reduced in height to allow improved intervisibility between the footpaths, particularly in and around the junctions with a new open space planting plan taking account of the advice contained within PKC Guidance Open Space Provision for New Developments Supplementary Guidance.

As it stands the proposal conflicts with Policy 14A and Policy 17 Residential Areas which seeks to retain public open space where it is of recreational and amenity value.

With regards to placemaking it is contrary to policy 1A: Placemaking as the proposal does not contribute positively to the quality of the surrounding built and natural environment. Criterion (a) of 1B: Placemaking refers to the structure of streets, spaces and buildings. This development erodes the existing coherent street, space and building structure.

The proposal is not considered to result in any overlooking or overshadowing issues to neighbouring properties.

Access

The position of the fence line creates a corridor with kinks and blind spots. There would be no intervisibility at junction locations and this will reduce the safety of pedestrian and cyclists using this resource. The proposal has an adverse impact upon the integrity of the core path, right of way and well used routes contrary to Policy 15 Public Access.

There are no road safety concerns.

Landscape

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross, as detailed in Policy 39: Landscape.

The removal of the existing landscape and erection of a close boarded timber fence will hem in the footpath along almost its entire length from Almond Grove to the NCR 77. It erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience contrary to criterion (a) of policy 39.

Drainage and Flooding

There are no drainage or flooding concerns.

Natural Heritage and Biodiversity/Trees

The proposal will result in the erection of a timber fence immediately adjacent to a line of trees which from an edge to the NCR 77. No indication has been provided on what the intentions are for these trees and these are not marked on the submitted plans despite this being a request as part of the pre application response. The proposed fence could potentially result in damage to their root system and cutting back. As a consequence this will reduce the bio-diversity resource at the site. Any follow up application should be supported by a detailed plan which indicates the retention of these trees and their root protection areas and how any revised fence position relates to these trees.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

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

Precedent

Although each application has to be decided on its own merits. Court and appeal decisions have established that it is legitimate for decision makers to give weight to the possibility of creating an undesirable precedent when considering whether to grant permission contrary to planning policy or principles. While a clear harm has been identified with this application on its own it is worth noting that if approved this would set a dangerous precedent and may result in a cumulative impact with other areas of amenity space being fenced to the detriment of the landscape, visual amenity and public access.

VARIATION OF APPLICATION UNDER SECTION 32A

There have been no variations to the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is refused on the grounds identified below:

Reasons for Refusal

The proposal is contrary to Policy 1A: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as the proposal does not contribute positively to the quality of the surrounding built and natural environment due to extending the garden/fence line hard against the existing footpath links. This fails to respect the character and amenity of place as it results in the loss of existing landscape planting a biodiversity resource, it fails to provide appropriate intervisibility between path junctions and creates oppressive corridor footpath links to the Right of Way and Core Path network that runs along the River Almond.

The proposal is contrary to criterion (a) Policy 1B: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as it erodes the previous coherent structure of streets, spaces and buildings.

The proposal is contrary to Policy 15 Public Access of the Perth and Kinross Local Development Plan 2 (2019) as the proposed fence line creates a corridor effect along the footpath with kinks and blind spots. There is no intervisibility at junction locations and this will reduce the safety of pedestrian and cyclists using path

network. Consequently, the proposal has an adverse impact upon the integrity of the core path, right of way and well used routes.

The proposal is contrary to criterion (c) of Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) as the proposal will not improve the character and environment of the area as it results in the loss of an area of open space that should be retained (in part) as a recreational and amenity resource.

The proposal is contrary to criterion (a) of Policy 39: Landscape of the Perth and Kinross Local Development Plan 2 (2019) as it erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience.

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

01

02

03

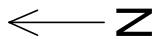
04



Date: 24.6.21
Scale: 1:1000 @ A4

Grianach
Cairneyhill Road
Bankfoot
Perth PH1 4AG

Telephone: 01738 787567
Mobile: 07775 802630
Email: iangstokes@tiscali.co.uk



Title: 10 Almond Grove
Huntingtowerfield
Perth PH1 3NA
Site Survey

Date: 24.6.21

Scale: 1:500

IAN STOKES

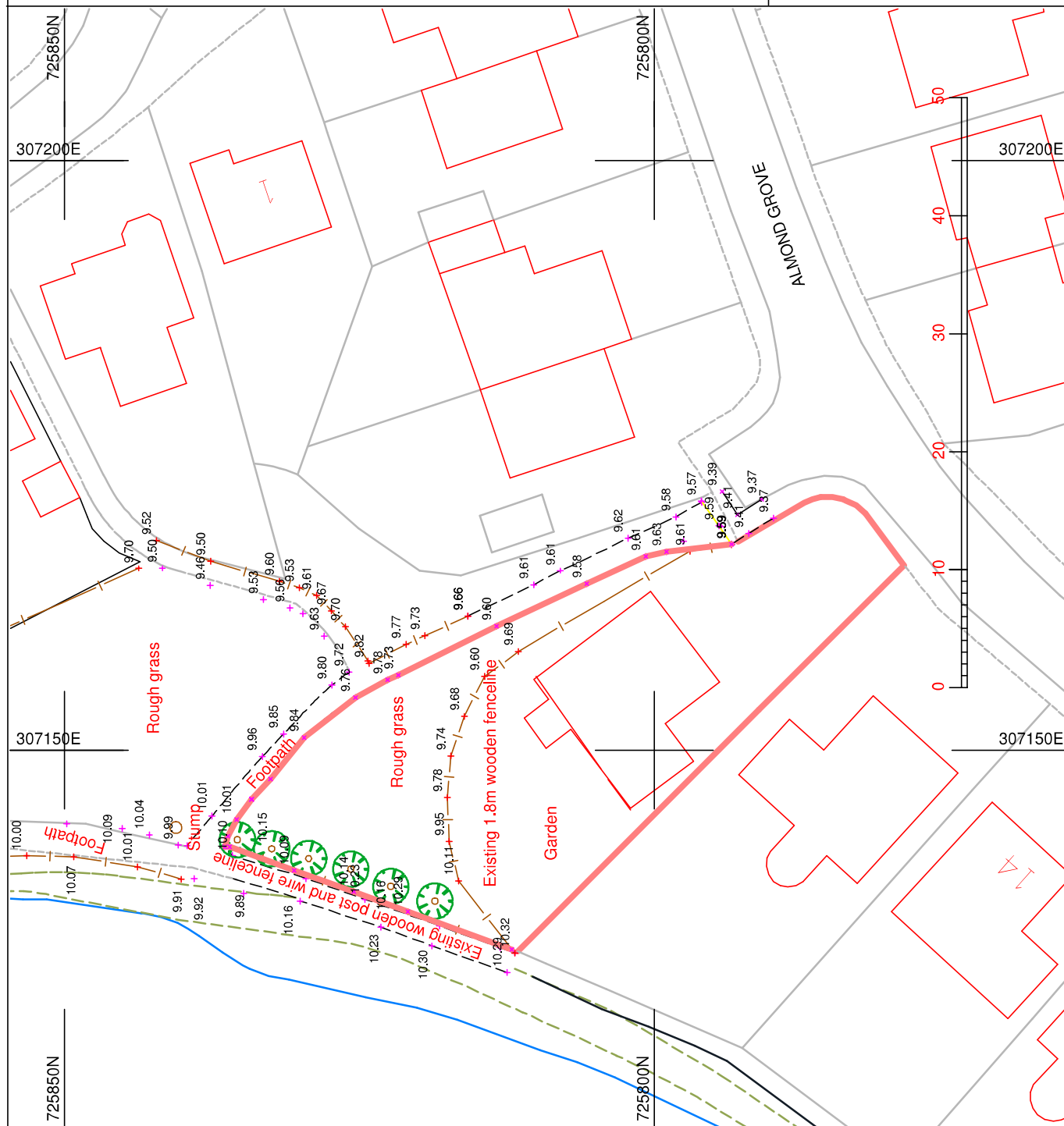
SETTING OUT AND LAND SURVEYING

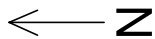
Grianach
Cairneyhill Road
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Perth PH1 4AG

Telephone: 01738 787567

Mobile: 07775 802630

Email: iangstokes@tiscali.co.uk





Title: 10 Almond Grove
Huntingtowerfield
Perth PH1 3NA
Proposed Site Plan

Date: 24.6.21

Scale: 1:500

IAN STOKES

SETTING OUT AND LAND SURVEYING

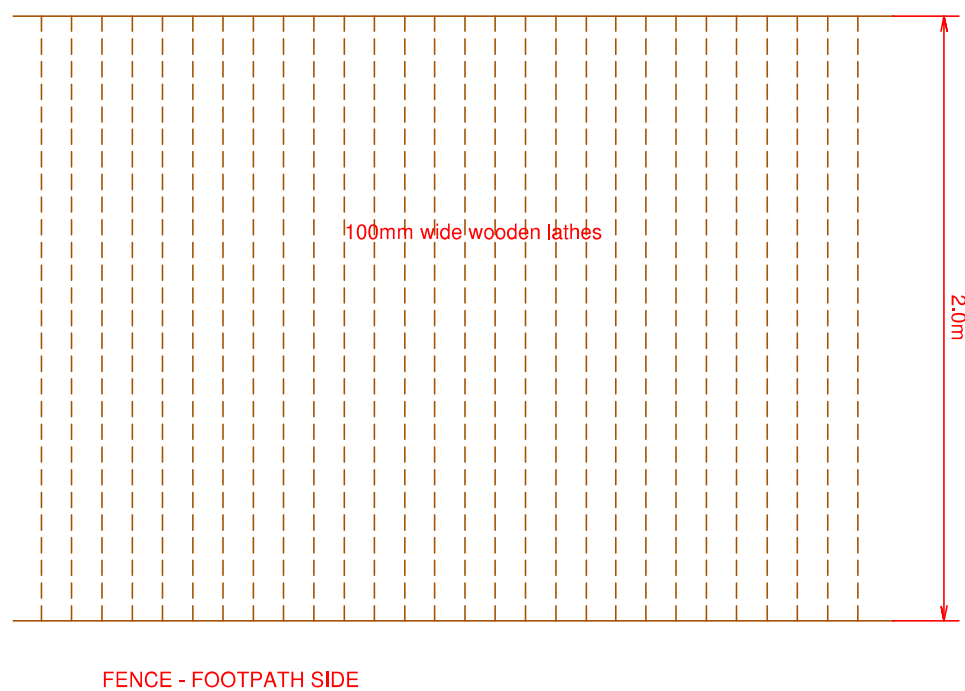
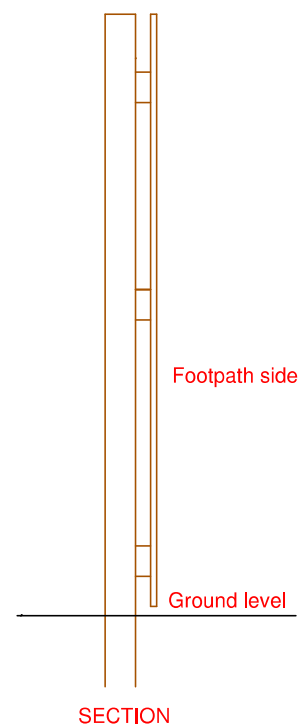
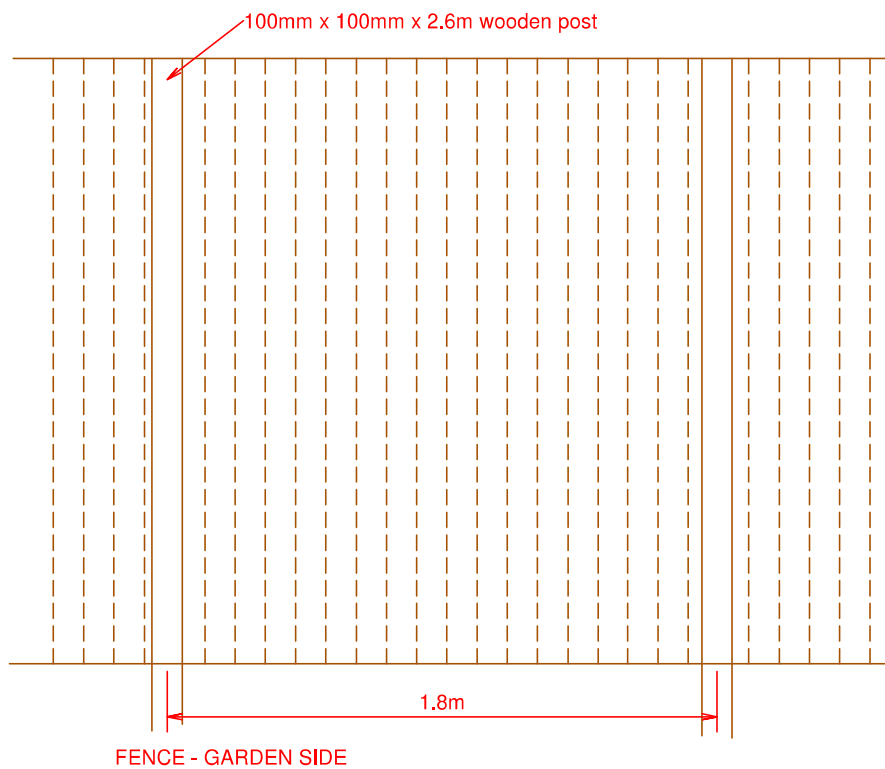
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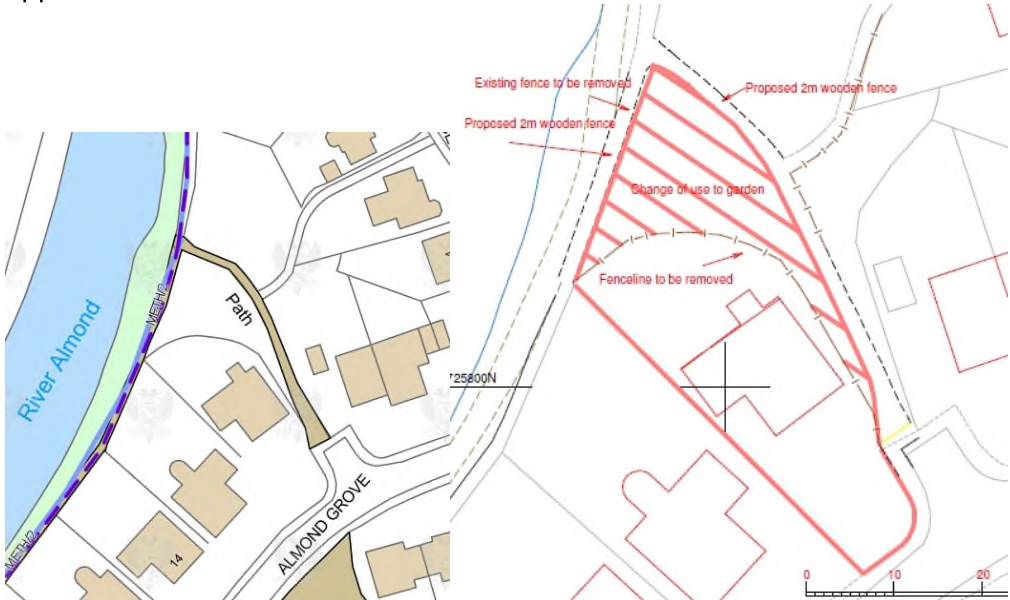
Title: 10 Almond Grove
 Huntingtowerfield
 Proposed Fence Design
 Scale: 1:25 Date: 1.7.21

LRB-2021-48

21/01028/FLL – Change of use from open space to form extension to garden ground and erection of a fence, 10 Almond Grove, Huntingtowerfield, Perth

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01028/FLL	Comments provided by	Jane Pritchard
Service/Section	Community Greenspace	Contact Details	jpritchard@pkc.gov.uk Tel 01738 475332
Description of Proposal	Change of use from open space to form extension to garden ground and erection of a fence		
Address of site	10 Almond Grove Huntingtowerfield Perth PH1 3NA		
Comments on the proposal	<p>The proposed change of POS to enclosed garden ground is immediately adjacent to well used and important paths being core path METH/2 ROW 2/2 Tay & Almond Riverside Walk and the connecting path to this from Almond Grove, both routes are within green corridors maintained by the Council as amenity greenspace. The riverside route is wooded with mature trees with spreading canopies. Any change to garden ground under these canopies may result in them being cut back to the boundary to the detriment of the trees, biodiversity and public amenity. These are important green corridors which must not be impinged upon. The proposed extent of the garden ground is too large being right up to the boundary of the path, the proposed 2m high wooden fencing replacing the existing post and wire fence would detract from the amenity of the remaining POS area. CG therefore objects to the application.</p> 		
Recommended planning condition(s)	Refuse the application to safeguard important public amenity within the green corridors of core path METH/2 ROW 2/2 being the riverside walk and the connecting path with Almond Grove.		
Date comments returned	13.7.21		

Comments for Planning Application 21/01028/FLL

Application Summary

Application Number: 21/01028/FLL

Address: 10 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use from open space to form extension to garden ground and erection of a fence

Case Officer: John Williamson

Customer Details

Name: Mrs Audrey McIntyre

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Out of Character with the Area

Comment: Whilst I have no objection to people acquiring land, the erection of another 6 foot fence will not only enclose the paths, creating an unsightly alley, it will create a narrow, dark alley resulting in safety and security issues. There is street lighting between almond crescent and almond place, will the council provide secure lighting?

The fencing will also create a blind spot to access to the NCN 77, which is a busy cycle and walking path, with many cyclists going at excess speed. Not being able to see cyclists, is likely to result in accidents, especially children and pets running in the area.

This is also out of character with the rest of the area.

Loss of open space. This is one of the last areas of open space in this area, and whilst it is unkempt, surely maintaining the land would serve the community better

So many trees have and are being lost in this area. Trees nature's way of protecting environment from pollution and draining away water, if trees are felled, application does not make this clear, this is unnecessary loss.

Thurs. 29th July 2021.

re - APPLICATION 21/01028/FLL.
(10 ALMOND GROVE. PH13NA.)

Planning Dept.
Perth & Kinross Council.

Dear Sir / Madam,

With reference to the above I
have no objection to the application.

I would however make a request.
I would ask that the fence is kept back a few feet
from the path to open up the alleyway.

Having been very close to being
savaged by an unleashed Bull-Terrier on the river pathway
two years ago; I am very conscious of the safety aspect.

Yours Sincerely,

Bryan Irwin

Comments for Planning Application 21/01028/FLL

Application Summary

Application Number: 21/01028/FLL

Address: 10 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use from open space to form extension to garden ground and erection of a fence

Case Officer: John Williamson

Customer Details

Name: Mrs Heather McRitchie

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Loss Of Open Space
- Out of Character with the Area

Comment: With no offence intended to my neighbours, I feel I must object to this planning application.

A further 6 foot fence around which used to be open green space will now become an enclosed alley way which raises security concerns due to lack of lighting.

Another factor of concern is the increased safety concerns that there is no clear view when accessing the NCN77 which is heavily used by dog walkers, joggers & cyclists (some of whom travel at excessive speeds). During winter months this will only become worse due to reduced lighting and poorer path conditions.

This development will also lead to reduced green space which is already at a premium.

Comments for Planning Application 21/01028/FLL

Application Summary

Application Number: 21/01028/FLL

Address: 10 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use from open space to form extension to garden ground and erection of a fence

Case Officer: John Williamson

Customer Details

Name: Mrs Morna Allan

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Land Use
- Light Pollution
- Loss Of Open Space
- Out of Character with the Area
- Over Intensive Development
- Over Looking
- Road Safety Concerns

Comment: I object to this application as this land is designated Greenspace and when we purchased our house it had a premium on it due to the open aspect at the back.

The Council have just completed a £250k upgrade to the NCN77 cycle/footpath to the rear of our properties and any high fencing will block visibility both ways when accessing the path from Almond Place and Almond Grove as well as creating a dark tunnel effect with no street lighting, This is a safety concern for local dog walkers/ walkers and cyclists.

This path will also be the safe walking/cycling route for local children to get to Bertha Park school so any high fencing and lack of street lighting will have an adverse effect on that.

Comments for Planning Application 21/01028/FLL

Application Summary

Application Number: 21/01028/FLL

Address: 10 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use from open space to form extension to garden ground and erection of a fence

Case Officer: John Williamson

Customer Details

Name: Mr Derrick Allan

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Land Use
- Loss Of Open Space
- Out of Character with the Area
- Over Intensive Development

Comment: The main concern with approving this application is the precedence this sets for planning policy. Development Plan Policy has been clear requiring developers to include "green space" in their developments. This application removes a "significant" area of green space. It would be a clear precedent that green belt land can be consumed to the detriment of neighbours who had expectations when they acquired their homes that these areas would be protected.

A 6ft fence would provide a narrow corridor impacting on the safety of users of the path within the housing development but also on the river path. Recent positive enhancements to the river path has seen a big increase in the number of path users including cyclists. The fence will block the visibility on to the path making it dangerous given the speed of some of the cyclists using it. It is only a matter of time before there is an accident given the removal of any visibility from the left and also from the right if the illegally constructed fence is not removed (3 Almond Place).

In summary, there is a considerable loss of "green space", the extent of the change of use makes the new area look completely out of character with the area, it has a negative impact on the visibility of the area, and is a risk to the safety of users of the paths adjacent to the property. Given the Local Authority insist that developments include "green space" this change of use is contrary

to this policy.

Comments for Planning Application 21/01028/FLL

Application Summary

Application Number: 21/01028/FLL

Address: 10 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use from open space to form extension to garden ground and erection of a fence

Case Officer: John Williamson

Customer Details

Name: Mrs Laura Dawson

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use

Comment: As regular user of the Recently upgraded ever popular River Almond Path / NCN 77 Cycle Route.

On approach to this path from the current housing estate at Almond Place / Almond Grove this fence in subject would cause no Visibility causing an obscured view in both direction from the housing estate to the current right of Way to Almond Grove / Almond Crescent.

This area would now become a complete blind spot and due to this area also not being lit by street lighting this will therefore increase this risk of an accident for ALL users.

Only just yesterday a family members were subject to the oncoming of two cyclists at speed coming from the river path into the housing estate, caused by the obscure fence erected by Mr Mitchell.

Both parties were shaken at what could have become a much more serious accident.

ALSO, Use of this path is currently deemed to be the ONLY safe walking route for the local school children in the catchment area to attend Bertha Park High School.

I object on the aspect of Safety for ALL path users.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01028/FLL	Comments provided by	Stuart Taylor
Service/Section	HE/Flooding	Contact Details	
Description of Proposal	Change of use from open space to form extension to garden ground and erection of a fence		
Address of site	10 Almond Grove Huntingtowerfield Perth PH1 3NA		
Comments on the proposal	No objection - Applicant should be advised that new layout borders area of medium risk of river flooding.		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.		
Date comments returned	06/08/2021		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01028/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Change of use from open space to form extension to garden ground and erection of a fence		
Address of site	10 Almond Grove Huntingtowerfield Perth PH1 3NA		
Comments on the proposal	<p>Policy 40: Forestry, Woodland and Trees</p> <p>The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>The proposed change of public open space to enclosed garden ground is immediately adjacent to well used and important paths being core path METH/2 ROW 2/2 Tay & Almond Riverside Walk and the connecting path to this from Almond Grove, both routes are within green corridors maintained by the Council as amenity greenspace. The riverside route is wooded with mature trees with spreading canopies. Any change to garden ground under these canopies may result in them being cut back to the boundary to the detriment of the trees, biodiversity and public amenity.</p> <p>These trees are part of an important green corridor providing habitat and foraging opportunities for wildlife species. I object to this proposal because it is detrimental to the protection of trees.</p> <p>If a plan could be created to shown all trees and their root protection areas will be protected and this can be required of the applicant for the long term protection of trees, this could be considered as a possible way forward.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	10 August 2021		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Service Manager

Your ref 21/01028/FLL

Our ref KIM

Date 11/08/ 2021

Tel No (4)76442

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

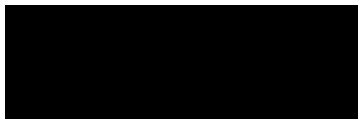
Consultation on an Application for Planning Permission

PK21/01028/FLL RE: Change of use from open space to form extension to garden ground and erection of a fence 10 Almond Grove Huntingtowerfield Perth PH1 3NA for Mr Ewan Campbell

I refer to your letter dated 20 July 2021 in connection with the above application and have the following comments to make.

Informative

An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was formerly a railway land on the site. There is therefore the potential for the area of the proposed extended garden area to be impacted by contamination associated with this previous development. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.



CDS Planning Local Review Body

From: Morna Allan [REDACTED]
Sent: 16 December 2021 14:22
To: CDS Planning Local Review Body
Subject: Re: LRB-2021-48
Attachments: Decision Notice.pdf

Good afternoon

I would like to make a further representation regarding my objection to the above appeal for 10 Almond Grove.

There have been 4 refusals from the Council this year for this area and each one is because the applicants are applying to turn Greenspace into Garden ground.

Each application has been refused as it's in the original Development Plan that these areas remain open space. This area in question borders the recent NCN77 that the council have just upgraded at a cost of £250k, the high fence that has been erected at 3 Almond Place WITHOUT PLANNING PERMISSION highlights just how dangerous this area has become for pedestrians, dog walkers and cyclists because of the lack of visibility. This footpath/ green corridor is also the only safe walkway for pupils walking/ cycling to the new Bertha Park School, there is NO street lighting from Almond Grove or Almond Place that lights these green corridors of paths.

The mirror erected on the river path by 3 Almond Place serves no purpose and doesn't allow you to see what's coming from the left or right.

As for the comments re dog fouling- this happens all over the country and erecting a high fence will not stop this- the dog will just do it's business on the footpath! If the applicant has witnessed a neighbour dumping garden waste on his land then this should be reported to the council. These are not good enough reasons for this application to be approved!

The Councils planning policy of providing Greenspace within Developments would be completely compromised by approving this application and sets a dangerous precedent for other Greenspace to be acquired.

Morna Allan

Sent from my iPad

CDS Planning Local Review Body

From: Derrick Allan [REDACTED]
Sent: 17 December 2021 14:26
To: CDS Planning Local Review Body
Subject: Re: LRB-2021-48

Thank you for the opportunity to respond to this review. I would like to reiterate the points I previously raised. In both phase 1 and phase 2 of this development, planning insisted, as they do in most other developments, that areas be provided as open green spaces. The change of use of these areas a number of which have been submitted and rejected, would undermine this policy and would set a precedent for existing and other new developments.

It would suggest to developers that despite agreeing with planners to provide such areas it is actually possible that in the future these areas be consumed for other purposes.

The proposal here is completely out of keeping with the area and a high fence along the new boundary of ownership would be dangerous as well as being visually unacceptable.

The original response from Planning made some suggestions as to how this could be managed as these suggestions seemed reasonable.

Derrick Allan

CDS Planning Local Review Body

From: Audrey Miller [REDACTED]
Sent: 17 December 2021 10:22
To: CDS Planning Local Review Body
Subject: Re: LRB-2021-48
Attachments: IMG_20211217_100136.jpg

Thank you for your email, my previous comments/objections remain. The existing path between Almondgrove and NCN 77 is narrow, as per attached photo. The existing fences between Almond place & NCN77 already create blind spots and an unsafe passage. To add further fencing will add to safety issues and set a precedent for future acquisition of green space.



10 Almond Grove

Huntingtower

PH1 3NA

05/01/22

Dear Ms Simpson,

Re: LRB-2021-48

Thank you for your email dated 22nd Dec 2021. I hope you have had a healthy and relaxing festive season. I have attached the 3 representations to my reply for ease of access. I shall also attach my preplanning and planning application replies:

I would first like to address the reference to greenspace. When I first decided to buy the land to extend my garden, I did a pre-planning application to the council on 25th of March. It stated:

In respect to Policies 1A & B and Policy 17, it is considered the proposed change of use raises no significant issues. The use of the area of ground as additional garden ground will not substantially alter the existing appearance of the site or impact on the character or amenity of the area. This modest site appears to be scrub land and was originally open space associated with the wider housing development but no longer appears to be maintained or in use to any significant degree.

I recognise that the pre-planning application is not a binding document for the planning office, but it does state that the modest site is scrub land, not maintained and not in use as a public amenity. Frankly, it is an eyesore and many residents would like it fenced as it detracted from the tidy nature of the wider housing development.

With respect to the reference to high fences, I again refer to the pre-planning application if only because it highlights the common sense aspect of my application:

The proposed change of use does not raise any concerns in respect to landscape or visual amenity. The area in question is visible from the adjacent core path but the path is already bound by a number of fences which serve the rear gardens of other properties and therefore the is not considered to impact significantly on the visual amenity of the area from the core path.

Again, I know that this is not a binding document but it highlights that there are fences all the way along NC77 as it passes by Huntingtower. My request for a site visit is because I believe this is evident to anyone who walks along the path or who lives in the area.

Morna Allen's opinion that a high fence makes the area dangerous is unfounded. As I previously mentioned, high fences are evident all the way along the NC77 as it passes behind the residences of Almond Grove 16-22 and in the 6 years that I have lived here there have been no incidences. The council has put in place signage and road markings to make all path users aware of the proper use of the path and additionally the residents of 3 Almond Place and 5 Almond Grove have put in additional lighting and a visibility mirror. As there was no street lighting before the fence at No3 Almond Place was built many residents agree that the area has never been better lit or taken care of.

Re: the comments about dog fouling and dumping. With the best will in the land I cannot stop anti-social behaviour if I don't see it being done. However, a fence will encourage people to dispose of waste in a proper manner.

I do not want to get into a petty squabble of opinions and counter arguments with other residents but I feel that I have been left no choice. Derrick Allen who has voiced many opinions through all this process does not reside in Huntingtower. He is Morna Allen's ex-husband. I do not know what standing being a resident has on any opposition, but I felt I should draw attention to this.

Simply put, because an area has grass does not make it a green space. I want to turn a modest area of scrub land into a garden thus improving biodiversity and tidy up the area behind my house and this was encouraged by the council planning department when first I asked about it. I feel my application is a logical decision and this is echoed in the planning principle of the pre-planning application:

Planning Principle

The use of the area of ground as additional garden ground will not substantially alter the existing appearance of the site or impact on the character or amenity of the area. This modest site appears to be scrub land and was originally open space associated with the wider housing development but no longer appears to be maintained or in use to any significant degree. The inclusion of this area is considered to be a logical extension to the garden ground of the existing house.

Ms Simpson, I thank you for your time and diligence in this affair and wish you a good start to 2022.

Yours Sincerely,

Ewan Campbell