

LRB-2021-35 - 21/01221/FLL – Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect), land 45 metres south west of 7 Almond Place, Huntingtowerfield

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LRB-2021-35 - 21/01221/FLL – Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect), land 45 metres south west of 7 Almond Place, Huntingtowerfield

**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 Mr and Mrs Alan and Maggie Pettigrew

Address 7 Almond Place
Huntingtowerfield
Perth

Postcode PH1 3FA

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name Andy McLeish

Address am architect
3 Spens Crescent
Perth

Postcode PH1 1PE

Contact Telephone 1 07748 087921

Contact Telephone 2

Fax No

E-mail* info@amarchitect.co.uk

Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No
☒ ☐

Planning authority Perth and Kinross

Planning authority's application reference number 21/01221/FLL

Site address Land 45 Metres SW of 7 Almond Place, Huntingtowerfield, Perth

Description of proposed development Erection of garage and boundary treatments, formation of vehicular access and associated works

Date of application 17th August 2021 Date of decision (if any) 24th September 2021

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) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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.

Refer separate statement prepared by applicant setting out reasons for application and precedent aproval of neighbouring site whish was also part of original housing development soft landscaped open ground.

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.

The applicants statement and accompanying documents show the house approval given on the neighbouring site. This would have been available to the planning officer when considering the application but was not noted in the report of handling so not considered in the determination. The house approval set a precedent for development on the open ground space which was not considered in determination of the applicants site.

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.

202020 Submission to Local Review Panel Statement

202020_EXG_20_001a Extg Site Plan
 202020_PLG_20_001a Floor and Site Plan
 202020_PLG_20_002 NE_SW Elevations and Roof Plan
 202020_PLG_20_004 Garage Views
 202020_PLG_20_005 Fence Elevations
 202020_PLG_90_001 Site Location Plan
 202020_PLG_100_001 Design Statement
 21_01221_FLL-REPORT_OF_HANDLING-1697592
 21_01221_FLL Planning Refusal

202020_PL_90_001_1 Site Location Plan showing applicants and neighbours sites
 Photos of Applicants and Neighbouring Sites

19_01292_FLL-REPORT_OF_HANDLING-1355839

17_01925_IPL-DECISION_NOTICE-1044498

19_01292_FLL-DECISION_NOTICE-1374849

17_01925_IPL-REPORT_OF_HANDLING-1042877

19_01292_FLL-PROPOSED PLANS ELEVATIONS AND SECTIONS-1322727

19_01292_FLL-PROPOSED_SITE_AND_LANDSCAPING_PLAN-1322728

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

Checklist

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

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

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

Declaration

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

Signed



Date

09/10/21

Submission to Local Review Panel - PKC Planning Application 21/01221/FLL

Context

The applicants have resided at 7 Almond Place since the house was constructed in 2000. A family has been raised there, strong local roots maintained and there is a desire to remain so. A growing family has put pressure on the living space of the house and enhancement is sought.

In January 2020 the applicants purchased the piece of land opposite their house. A summary of the recent history of this land was submitted in the design statement which supported application 21/01221/FLL and need not be repeated here.

The applicants wished to utilise the land in the context of extending their house at 7 Almond Place and consequently, upon advice, submitted 2 separate planning applications:-

21/01220/FLL - 7 Almond Place, Huntingtowerfield, Perth.

21/01221/FLL - land 45 metres south west of 7 Almond Place, Huntingtowerfield, Perth.

Application 21/01220/FLL (house extension) was successful with planning consent granted on 17/08/2021. Application 21/01221/FLL (land garage development) was refused on 28/09/2021.

Whilst planning process necessitated the submission of 2 separate planning applications, conceptually this is one single project with the intention of utilising the garage footprint of 7 Almond Place in the enhancement, alteration and extension of the family accommodation. The whole project is therefore predicated on the relocation of a garage to the land under consideration. A sympathetic development with preserved and extended tree cover was envisaged given that this area is the applicant's frontal outlook and that of their long standing friends and neighbours.

The applicants would respectfully request the Local Review Panel to view this submission in the context of both applications.

Reasons for Seeking a Review and Supporting Observations

The crux in the refusal of planning application 21/01221/FLL appears under Policies 1A and 1B: Placemaking of the Perth & Kinross Development Plan 2 (2019) with the key words being *'the introduction of built development on the site results in the loss of the amenity area of open space'* and *'erodes the previous coherent structure of streets, spaces and buildings by introducing built development on an area of amenity open space'*.

The application was considered alongside similar recent applications for change of use of open space ground in the general area. The Report of Handling does not, however, make any reference to planning approval granted in 2019 to the immediately adjacent piece of land specifically:-

17/01925/IPL - Erection of Dwelling House (in principle)

19/01292/FLL- Erection of Dwelling House

The applicants were fully aware of this successful planning application to build a 1 ½ storey house with garage, garden and boundary fence when they purchased the land in question and acted in good faith and with the expectation that their application would be treated in accordance with the

precedent set. Whilst applications 17/01925/IPL and 19/01292/FLL were considered under the 2014 Perth and Kinross Development Plan and the applicant's 21/01221/FLL considered under the 2019 plan, the applicants are advised that the policies are essentially the same in each. The applicants would therefore invite the panel to review the application since the Delegated Reports in each case reach such diametrically opposed conclusions.

The Report of Handling also opposes the application as being contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 as it *'will result in the urbanisation of an area of amenity open space'*. Whilst the land was necessarily partially cleared of overgrown shrubbery (a critical part of the recent NCN77 upgrade) it was not *'open space'* in terms of ability to be used for recreation. It had become overgrown to the point that it occluded a large part of the publicly maintained footway in Almond Place and was impenetrable along its frontage. Whilst the applicant respects the reference to Streetview images in the Report of Handling, it should be noted that these neat images are a decade old and do not represent the land as it was in June 2020 following years without maintenance. The applicant has provided their summary perspective of the nature of the land in their Design Statement.

Whilst there are other points of objection in the Decision Notice they are subsidiary to the main point of opposition which is any development on the land. The applicants invite the Panel Members to review this Decision with reference to the precedent already set by planning applications:-

17/01925/IPL - Erection of Dwelling House (in principle)

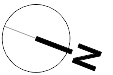
19/01292/FLL- Erection of Dwelling House

In the event that the Review Panel considers this valid grounds for reaching a different conclusion the applicants are willing to address any other matters constructively and collaboratively with the planning authority in achieving a sympathetic, safe and positive development for the local area. No opportunity was provided to the applicant for discourse prior to Decision Notice being issued on 24th September 2021 despite the due determination date being set as 16th October 2021.

A final observation is that despite there being considerable scrutiny and local public objections to applications relative to other 'open' areas of land in the vicinity which were referenced in the Report of Handling, there was no single public objection to application 21/01221/FLL. The Panel may wish to consider that this indicates that the application is not regarded by the local community as *'being to the detriment of the landscape, visual amenity and public access'*.

Alan Pettigrew

6 October 2021.

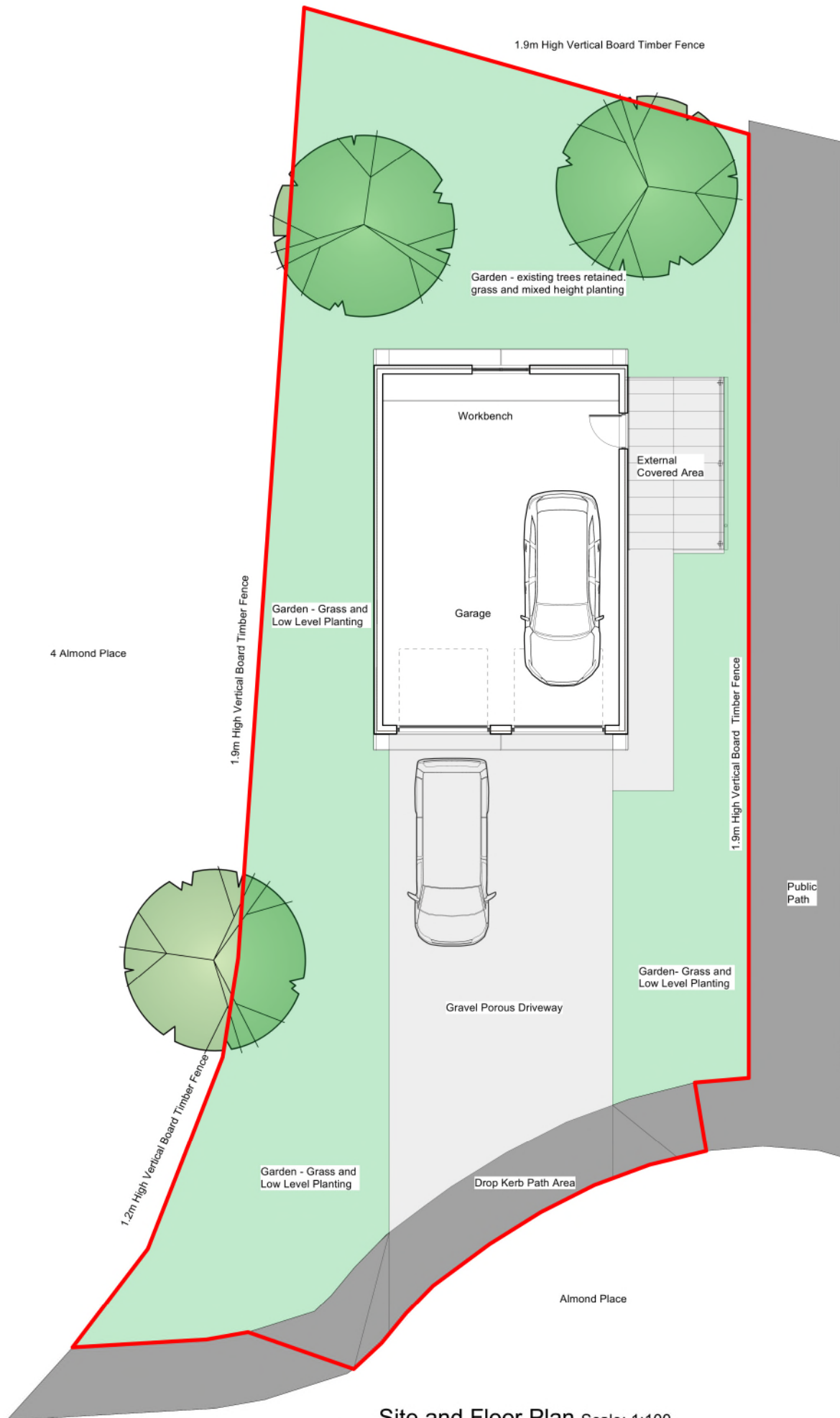
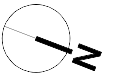


1 Existing Site Plan Scale: 1:100
0 1.0 2.0 3.0 4.0 5.0 M

187

Revisions:
A - 05/08/21
Notes re boundary fencing amended.

Project:
New Double Garage
Land opposite 7 Almond Place,
Huntingtower, Perth
Client:
Mr A and Mrs M Pettigrew
Dwg:
Existing Site Plan
Scale:
1:100
Dwg No:
202022 EXG_20_001
Date:
02/07/2021
Rev:
A



Revisions:
A - 05/08/21
Notes re boundary fencing amended.

Project:
New Double Garage
Land opposite 7 Almond Place,
Huntingtower, Perth

Client:
Mr A and Mrs M Pettigrew

Dwg:
Floor and Site Plan

Scale:
1:100

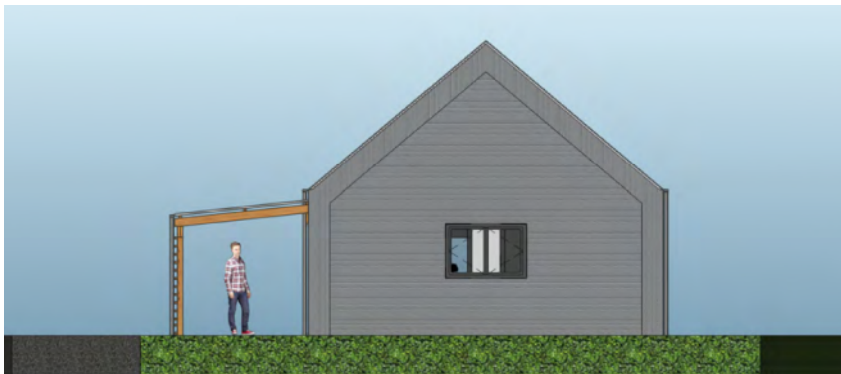
Dwg No:
202022 PLG_20_001

Date:
02/07/2021

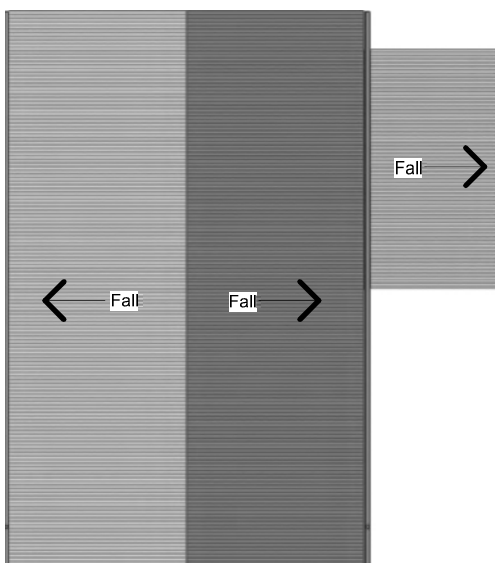
Rev:
A



1 NE Elevation Scale: 1:100
 0 1.0 2.0 3.0 4.0 5.0 M



2 SW Elevation Scale: 1:100
 0 1.0 2.0 3.0 4.0 5.0 M



3 Roof Plan Scale: 1:100
 0 1.0 2.0 3.0 4.0 5.0 M

Proposed Material Notes

Roof

Garage and low pitched covered area roof finished with sinusoidal corrugated metal sheeting.

Grey uPVC RW goods.

Wall Finishes

New walls finished with vertical grey timber boards to sides and forming end frames with horizontal grey timber boards to recessed ends.

Covered area in exposed timber post and beam construction with timber spats to outside face.

Windows and Doors

Install new pre-finished timber framed windows and external doors - frame colour anthracite grey.

Driveway

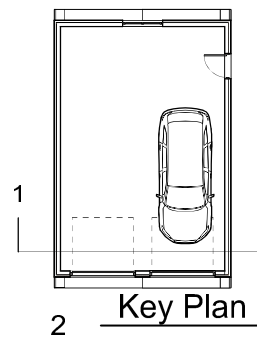
New driveway in gravel in eggcrate style reinforcement and same continued around NW side to form path and base for open area.

Landscaping

Existing ground to be cultivated and tidied with wild shrubs removed but trees to SW end retained.



1 **Section 1-1** Scale: 1:100
0 1.0 2.0 3.0 4.0 5.0 M



Key Plan

Proposed Material Notes

Roof

Garage and low pitched covered area roof finished with sinusoidal corrugated metal sheeting.

Grey uPVC RW goods.

Wall Finishes

New walls finished with vertical grey timber boards to sides and forming end frames with horizontal grey timber boards to recessed ends.

Covered area in exposed timber post and beam construction with timber spats to outside face.

Windows and Doors

Install new pre-finished timber framed windows and external doors - frame colour anthracite grey.

Driveway

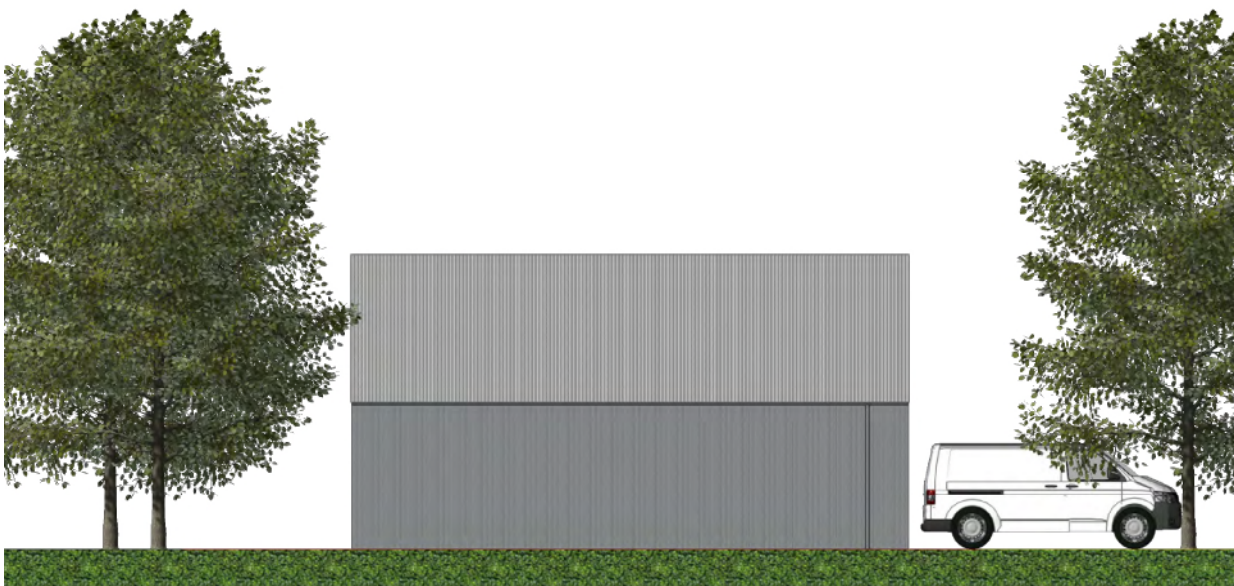
New driveway in gravel in eggcrate style reinforcement and same continued around NW side to form path and base for open area.

Landscaping

Existing ground to be cultivated and tidied with wild shrubs removed but trees to SW end retained.



3 **NW Elevation** Scale: 1:100
0 1.0 2.0 3.0 4.0 5.0 M



4 **SE Elevation** Scale: 1:100
0 1.0 2.0 3.0 4.0 5.0 M



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Proposed Material Notes

Roof

Garage and low pitched covered area
roof finished with sinusoidal corrugated
metal sheeting.

Grey uPVC RW goods.

Wall Finishes

New walls finished with vertical grey
timber boards to sides and forming end
frames with horizontal grey timber
boards to recessed ends.

Covered area in exposed timber post
and beam construction with timber
spals to outside face.

Windows and Doors

Install new pre-finished timber framed
windows and external doors - frame
colour anthracite grey.

Driveway

New driveway in gravel in eggcrate
style reinforcement and same
continued around NW side to form path
and base for open area.

Landscaping

Existing ground to be cultivated and
tidied with wild shrubs removed but
trees to SW end retained.

Revision

Project:
New Double Garage
Land opposite 7 Almond Place,
Huntingtower, Perth

Client:
Mr A and Mrs M Pettigrew

Dwg:
Garage Views

Scale:
1:100

Dwg No:
202022 PLG_20_004
Date:
26/06/2021

2 Rear Perspective



1 Street Perspective



3 Isometric





Proposed N Boundary Fence Elevation to River Almond Link Path



Upgraded S Boundary Fence Elevation (from applicant site) to No 4 Almond Place Boundary

Proposed Material Notes

Fence
Vertical board solid hit and miss style timber fence with brown stain finish and chamfered cap.
Height varies between 1.9m and 1.2m heights as shown.

Revisions

Project:
New Double Garage
Land Opposite 7 Almond Place
Huntingtower
Perth

Client:
Mr A & Mrs M Pettigrew

Dwg:
Fence Elevations

Scale:
1:100

Dwg no:
202020_PLG(20)005

Rev:
Date:
16th August 2021



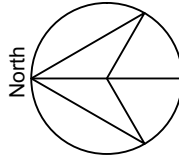
Proposed NW Boundary Fence Elevation to River Almond





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Revisions

Project:
New Double Garage
Land opposite 7 Almond Place
Huntingtower
Perth

Client:
Mr A & Mrs M Pettigrew

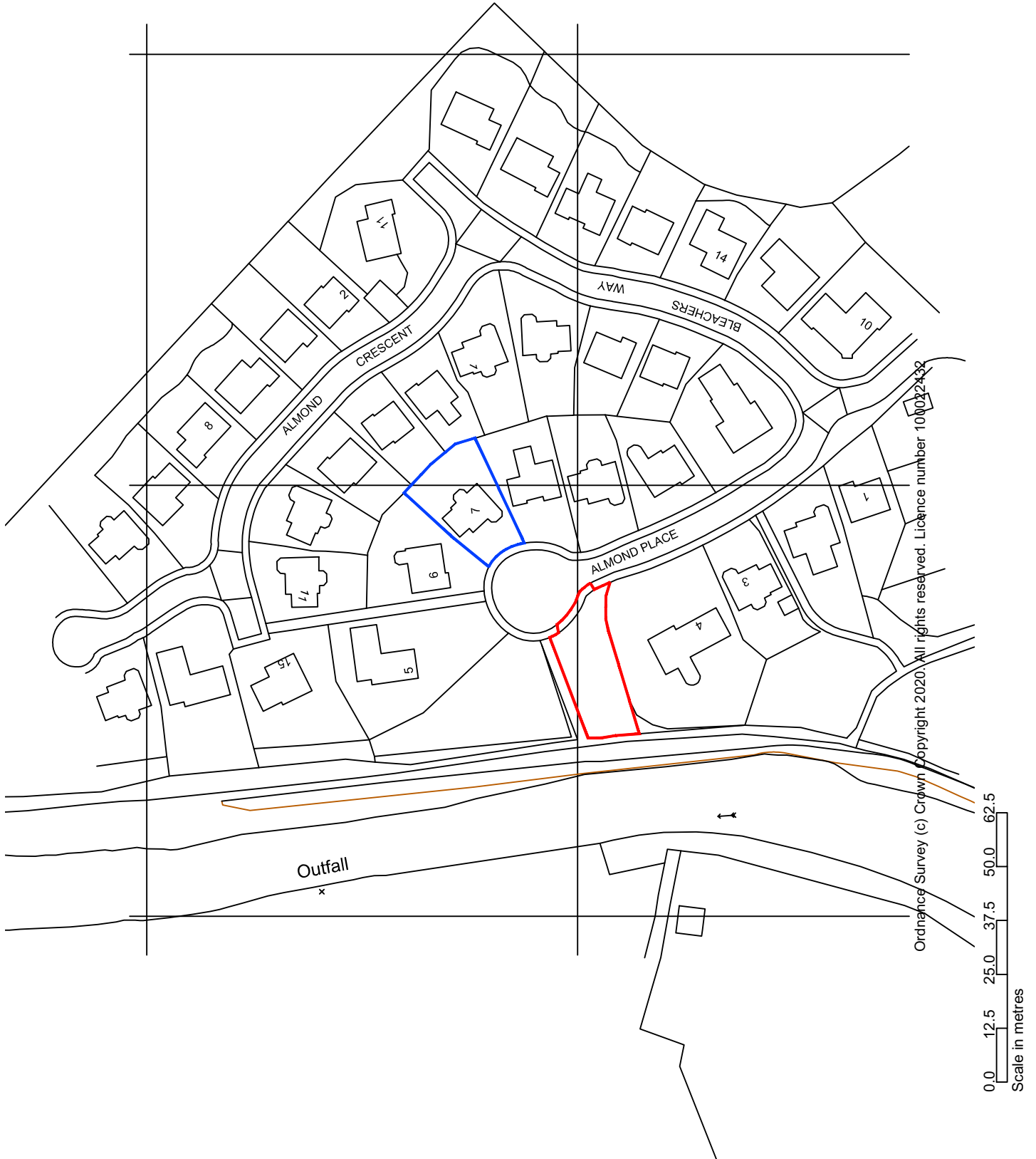
Dwg:
Site Location Plan

Scale:
1:1250

Dwg no:
202020_PLG(90)001

Rev:
-

Date:
02nd July 2021





202020_PLG(100)001

Design Statement for

Proposed New Double Garage & Landscaping

Land 45m SW of 7 Almond Place

Huntingtower

PERTH

PH1 3FA

For

Mr & Mrs Alan and Maggie Pettigrew

05th August 2021



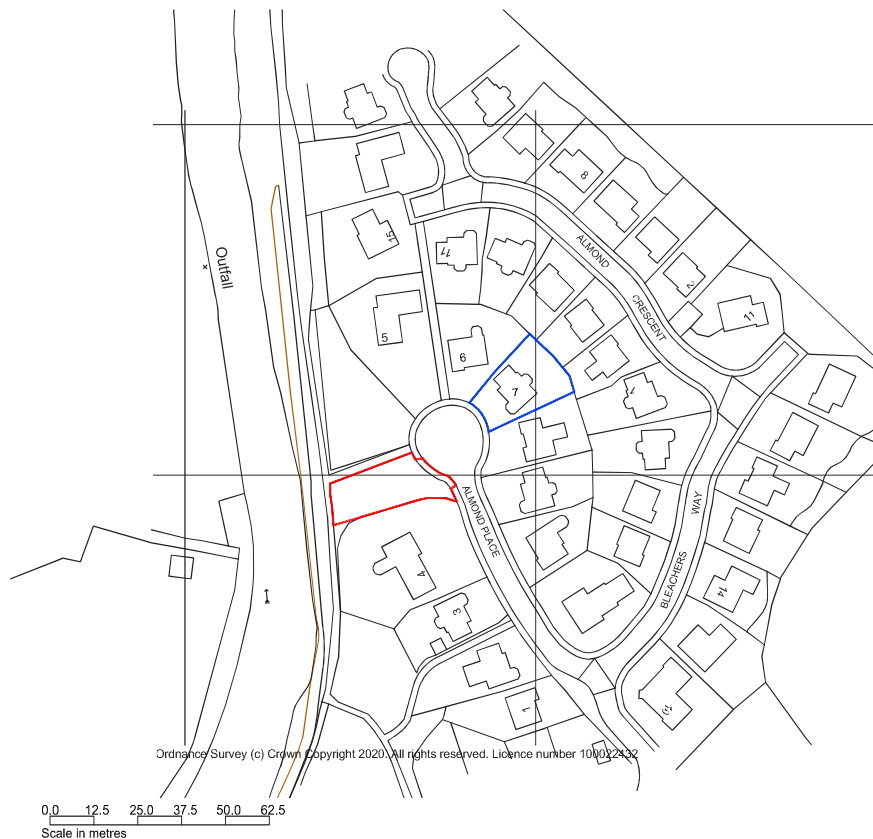
Contents

- 1 - Site Location & Context
- 2 - Site History & Client Brief
- 3 - Scheme Design
- 4 - Sustainability & Ecology

1 - Site Location & Context

The site is part of undeveloped land originally maintained as greenbelt landscaping on completion of the new housing estate at Huntingtower in the early 2000's.

It sits opposite the applicants house at no 7 Almond Place and alongside a public path accessing the path and cycle track which follows the River Almond from Almondbank to Perth.



2 - Site History and Client Brief

The ground that the proposed garage site is on was one piece of various pockets of land that were unbuilt on in the estate at the conclusion of the house building. The applicants bought their house from new in 2000 and the building was still ongoing for a year or two after this. The applicant understands the land was transferred from GS Brown to a Greenbelt company who were to maintain it as green space. There was planting and maintenance carried out for some years however this petered out. They understand that the original Greenbelt company went out of business and some form of Greenbelt 2 company stepped in taking ownership of the land but inheriting none of the original responsibilities. Maintenance all but disappeared. What is now the applicants piece of ground became entirely overgrown, albeit easy on the eye with it's mature trees mingling with the thicket that grew out of some of the original greenbelt plantings. The area adjacent to the pavement was impenetrable and certainly not maintained as local amenity. The area toward the river was a bit more accessible and utilised mainly as a garden waste dumping area by local residents.

In late 2019 the Greenbelt company sought to sell off all the pockets of land at auction as a single lot. The land did not sell so the applicants made an independent approach to Greenbelt to purchase the piece immediately in front of them in order to protect their outlook against any future outside developments. About the same time, Perthshire Countryside Trust were undertaking their public consultations around the upgrade of NCN77 cycle track which run along side the property.

The applicants purchased the land in January 2020. The only work carried out was clearing the overgrown frontage which obscured a large part of the pavement. On 26th June 2020 Perthshire Countryside Trust advised all local residents that construction works on NCN77 upgrade were to start on 29th June. The main access, works storage and construction area was indicated to be the ground that the applicant owned with no prior consultation.

Coincidentally they had a tree surgeon attending on 29th June to clear the overgrown frontage. Negotiations with the contractors was amicable and productive and the applicants learned that it had been the contractors intention to clear the area in any event, albeit they had no idea the applicants owned the ground and they appeared to have been working on the presumption that the land was freely accessible to them.



The land served as a construction and storage site until the end of August when the contractors finished that phase and that was the point the boundary fence was erected, completed on 31st August 2020.

The land has lain undisturbed since with the exception of some weeks in in April/May this year when the contractors returned to finish the final phase of the NCN77 upgrade and lower the kerb to the access path. Again, the applicant afforded the contractor free and unrestricted access to the ground to facilitate the project and minimise the inconvenience to their neighbours and visitors that would have resulted from the temporary loss of road space.

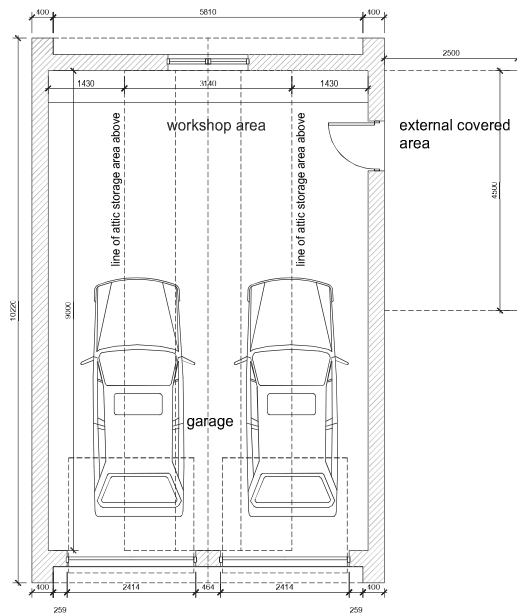


The applicants approached am architect in autumn 2020 to prepare sketch designs for a new garage with workshop and covered external space on the site. Keen on cycling and outward bound activities, the workshop and covered area would be for maintenance and cleaning of bicycles and other outdoor equipment. They were also keen to investigate if a home office could be incorporated and ensure the existing mature trees should be retained and new indigenous landscaping introduced ensuring good visual amenity and appeal.

3 - Scheme Design

Early scheme options focused on the creation of an attic office and storage space, with a toilet also being added to the plans. Three options were reviewed with the roof orientated in different directions and the massing of the side stairwell being developed to try and allow for a sympathetic scale of building. Render or timber clad walls were discussed with either a slate roof or metal sheet roof. These early sketch designs, whilst allowing the space the applicant wished, were all of a scale that was inappropriate and which it was felt would overdevelop the site.

The clients core uses were for a double garage, workshop area and external covered area so an option 4 was developed which provided this and allowed an appropriate reduced scale of building. To give the building greater visual interest the use of a framed 'proscenium arch' style end was adopted. Timber walls with metal roof were agreed as appropriate for the building type and also would allow the garage to harmonise with the existing and desired planting.



The site edge has already been defined and enclosed with a vertical timber fence to the 2 sides bordering the paths to the River Almond and to the link path from Almond Place. The boundary fence to no 4 Almond Place was also upgraded.

The garage is to replace the small garage on the side of 7 Almond Place and the intention is to landscape the open space to make the garage development discreet and partially screened, ideally with the appropriate addition of further indigenous trees and planting for wildlife and visual appeal and preserve something of the original outlook. The covered outside area will provide an all season facility for the occasional cleaning and maintenance of bicycle and outdoor equipment. No other household functions are planned with the applicants existing house continuing to provide garden leisure and clothes drying functions.

4 - Sustainability and Ecology

The garage is designed with a close eye on sustainability.

Timber is one of the most sustainable materials that can be used and the use of timber from accredited managed sources will be adopted, with a timber internal frame proposed to an external leaf of timber cladding. The roof will be finished with a metal sheet, typical of garage and buildings of this type. Natural lighting will reduce the dependency on artificial lighting but where and when this is required it will be at least 50% low energy light. The garage will be unheated so there will be no ongoing heating energy use.

The planting of new indigenous and wild flower style trees and plants will create a natural biodiversity for insects and wildlife. This will be managed to ensure it does not become overgrown and create a meadow style landscape.

REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/01221/FLL	
Ward No	P5- Strathtay	
Due Determination Date	16th October 2021	
Draft Report Date	24th September 2021	
Report Issued by	JW	Date 24 Sept 2021

PROPOSAL: Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect)

LOCATION: Land 45 Metres South West Of 7 Almond Place Almond Place Huntingtowerfield

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 **27 August 2021**.

SITE PHOTOGRAPHS







BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to an area of open space located to the north of 4 Almond Place, Huntingtowerfield. The application has been made by 7 Almond Place which is located to the north east of the application site on the opposite side of the cul-de-sac at the northern end of Almond Place and seeks to erect a double garage building, form new boundary treatments and form a new vehicular access all of which is proposed to be used by 7 Almond Place although it would not form part of the curtilage of 7 Almond Place. The area in question extends from the cul-de-sac at the northern end of Almond Place, towards the River Almond and towards a Salmon Run, National Cycle Route 77 (NCR 77) and Core Path which runs along the River Almond. The application site is bound to the north by a footpath which links Almond Place to the NCR 77, to the east by Almond Place, to the south by 4 Almond Place and to the west by the NCR77. The garage building is proposed to be finished in a mixture of horizontal and vertical grey timber cladding on the walls and a corrugated metal sheeting on the roof. The garage is proposed to be 5.5m to ridge and 68sqm in footprint. A gravel porous driveway is proposed to link the double garage to Almond Place.

A Design Statement, submitted with the application indicates that the land was purchased by the applicant in January 2020 after formerly being maintained by the now defunct Greenbelt Company. The maintenance of the landscaped area, according to the submission, petered out and the land became overgrown. Nevertheless, the land still served a function as landscaped open space and contributed to the landscape character and visual amenity of the area. The land was utilised by contractors when carrying out improvements works to the NCR in Spring/Summer 2020 and was cleared of much of its vegetation at that point. Details of various design options for the proposed garage are included within the Design Statement.

Similar applications for change of use of open space into garden ground at 3 Almond Place (ref:21/00455/FLL) and 8 Almond Grove (21/01138/FLL) were 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 and 21/01138/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 applications referred to above.

It should be noted that the original planning permissions (PK/97/1228- condition 8) and (01/01407/FUL) for the housing development on this site include conditions which require the ongoing maintenance of these areas of open space to the satisfaction of the Planning Authority. The requirements of these conditions pass onto any future landowner.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: None

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

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance 2020

Open Space Provision for New Developments Supplementary Guidance 2021

CONSULTATION RESPONSES

INTERNAL

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

Transport Planning – no objection

Biodiversity/Tree Officer – concerns expressed regarding loss of landscaping and impact on trees

Structures And Flooding – no objection

EXTERNAL

Scottish Water – no objection

REPRESENTATIONS

None received

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	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	None submitted

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 associated with the residential development at Huntingtowerfield. The proposal seeks to erect a garage and utilise the site as part of the garden ground of 7 Almond Place, despite it being physically remote from the plot which contains 7 Almond Place.

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 and 40B Trees 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 a private use area or should be retained as amenity space taking account of visual amenity, public access and biodiversity/nature conservation values.

Land Use and Placemaking

The land use issue on this case is whether this amenity land/open space should be utilised for domestic purposes associated with 7 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, core path and Salmon Run - National Cycle Route 77 (NCR 77) which is a well-used resource that facilitates access between Almondbank and Perth.

The application seeks permission for the retrospective erection of a 1.9m high fence along the northern boundary, adjacent to the footpath linking Almond Place to the NCR and also along the western boundary along the NCR, both of which are in place but do not have planning permission. This hems in the NCR and reduces its attractiveness and useability while the loss of landscaping and erection of a double garage will significantly reduce the amenity value associated with the permeable links. When visiting the site the hemmed in nature of the NCR, given the position and height of the fencing, was very evident. The value of the open space and its relationship with the adjacent National Cycle Route was also evident. Following the site visit by the case officer, similar to other decisions relating to the open space around Almond Place and Almond Grove, it was evident that there may be scope to incorporate some of the amenity land as land associated with 7 Almond Place, similar to the recommendations made on the determination of the similar applications at 3 Almond Place and 8 and 10 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 along the north and west boundaries of the site and at the junction between the footpath and the NCR. A new open space planting plan taking account of the advice contained within PKC Guidance Open Space Provision for New Developments Supplementary Guidance would also be required to make up for the loss of planting and shrubs which has occurred on the site. Furthermore whilst part of the area could be utilised for private use, the erection of a double garage, extending to 5.5m in height and the proposal to utilise a grey timber cladding fails to respect the established character of the area and will fundamentally alter the visual amenity and landscape value of this amenity land to its detriment and any revised proposal for the site should not involve new built development as this is considered to be contrary to the requirements of the placemaking policies of the LDP2.

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 along the NCR and limits the visibility between the footpath and the NCR. There would be limited intervisibility at this junction location which 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, Trees and Visual Impact

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. The area subject to the application site was specifically designated as landscaped open space in order to improve the overall amenity of the surrounding housing development. 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 existing mature trees on the site and the remaining shrubs and bushes contribute to the landscape character and visual amenity of the area. It is clear that some of the planting on the site has been removed and this is evident when comparing streeview images of the site and those presented in the Design Statement with the current situation. This appears to have taken place when the site was utilised by contractors carrying out works to the NCR 77. Whilst the plans indicate that the trees adjacent to the NCR will be retained it is not clear if the proposed development would impact on the retained trees and their root protection areas. It is noted that the Design Statement indicates that indigenous tree and shrub planting is proposed on site but no detail of this is provided. Policy 40B of the LDP2 relates to Trees and Woodland and requires that a tree survey be submitted where there existing trees on the site. This should provide details on the root protection areas of the retained trees and demonstrate that these will not be affected by the proposed built development. As no tree survey has been submitted, the application is contrary to Policy 40B of the LDP2.

The erection of a garage on the site, introduction of hardstanding and the fenced boundaries along the northern and western edges of the site and removal of the shrubs and bushes which has taken place erodes local distinctiveness, the visual and scenic qualities of the landscape and the quality of the landscape experience contrary to criterion (a) of policy 39. This could be resolved by setting back the fence line on the north and west boundaries of the site and deleting the garage building and hardstanding from the proposal and proposing a replacement landscaping and planting scheme for the site.

Drainage and Flooding

There are no drainage or flooding concerns.

Natural Heritage and Biodiversity/Trees

The development involves the erection of a timber fence immediately adjacent to a line of trees which from an edge to the NCR 77 and the proposed garage building and hardstanding area are also in close proximity to the mature trees. Whilst the

trees are marked for retention on the submitted plans, as mentioned above no tree survey has been submitted to demonstrate the extent of impact on these trees. The fence could potentially have resulted in damage to their root system and cutting back and the garage may also impact upon them. 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, a tree survey, deletion of the garage and hardstanding and detail on how any revised fence position relates to the existing 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 and built development erected to the detriment of the landscape, visual amenity and public access.

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.

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 the introduction of a fence line hard against the existing footpath and cycle links. The introduction of built development on the site results in the loss of the amenity area of open space. This fails to respect the character and amenity of place as it results in the loss of existing landscape planting and a biodiversity resource, it fails to provide appropriate intervisibility between the path junction and National Cycle route and creates an oppressive corridor footpath link along 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 by introducing built development on an area of amenity open space.

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 Right of Way and Core Path which runs along the River Almond. There is limited 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 result in the urbanisation of an area of amenity open space and 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.

The proposal is contrary to Policy 40B of the Perth and Kinross Council Local Development Plan 2 (2019) as there are existing trees on the site and no tree survey has been submitted to demonstrate the extent of impact which the proposed development would have on these trees.

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

05

06

07

08

09

10

11



Mr and Mrs Alan and Maggie Pettigrew
c/o Am | Architect
Andy McLeish
3 Spens Crescent
Perth
PH1 1PE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **24th September 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/01221/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 17th August 2021 for Planning Permission for **Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect) Land 45 Metres South West Of 7 Almond Place Almond Place Huntingtowerfield**

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 the introduction of a fence line hard against the existing footpath and cycle links. The introduction of built development on the site results in the loss of the amenity area of open space. This fails to respect the character and amenity of place as it results in the loss of existing landscape planting and a biodiversity resource, it fails to provide appropriate intervisibility between the path junction and National Cycle route and creates an oppressive corridor footpath link along 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 by introducing built development on an area of amenity open space.

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 Right of Way and Core Path which runs along the River Almond. There is limited 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 result in the urbanisation of an area of amenity open space and 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.
6. The proposal is contrary to Policy 40B of the Perth and Kinross Council Local Development Plan 2 (2019) as there are existing trees on the site and no tree survey has been submitted to demonstrate the extent of impact which the proposed development would have on these trees.

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 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

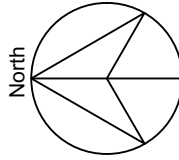
Plan Reference

01	10
02	11
03	
04	
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06	
07	
08	
09	



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Revisions

Project:
New Double Garage
Land opposite 7 Almond Place
Huntingtower
Perth

Client:
Mr A & Mrs M Pettigrew

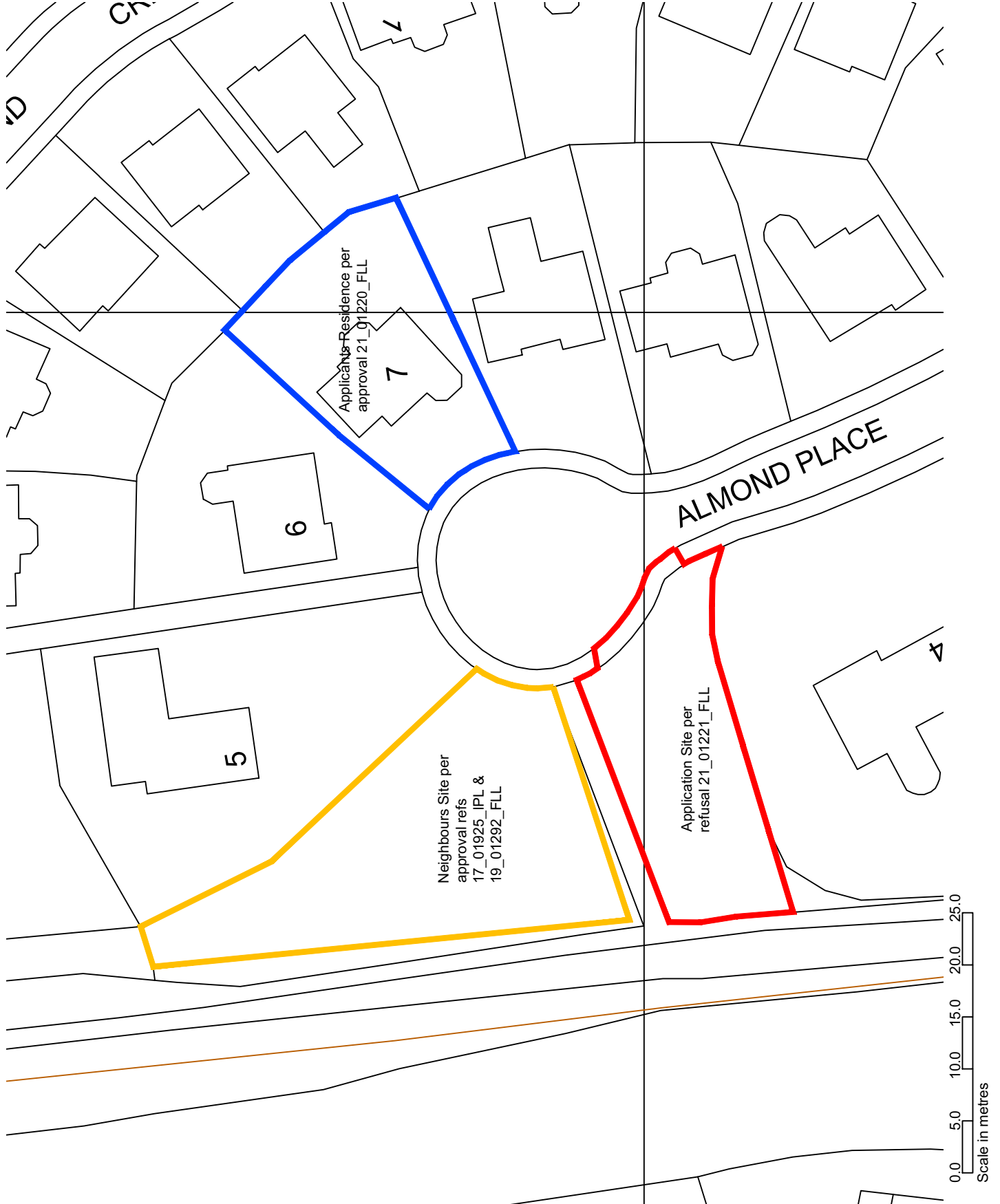
Dwg:
Site Block Plan showing
applicants and neighbours sites

Scale:
1:1250

Dwg no:
202020_PLG(90)001_1

Rev:
-

Date:
08th October 2021





Photos of Applicants and Neighbouring Sites

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/01292/FLL	
Ward No	P5- Strathtay	
Due Determination Date	20.10.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 30 Metres South West Of 5 Almond Place Almond
Place Huntingtowerfield

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 3 September 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for erection of a dwellinghouse at Land 30 Metres South West Of 5 Almond Place Huntingtowerfield. The site forms part of a larger housing development and is bound by an existing dwellings to the north/east and the riverside path to the south and west.

The site has an in principle permission granted and this application is for the detailed plans to develop a 1 ½ storey dwelling with integral garage to the south of the site with the access taken from the existing cul-de-sac.

SITE HISTORY

17/01925/IPL Erection of a dwellinghouse (in principle) 19 December 2017
Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: 17/00041/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 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy RD1 - Residential Areas

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

Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

OTHER POLICIES

No other policies

CONSULTATION RESPONSES

Transport Planning

No objection

Scottish Water

No objection

Development Negotiations Officer	Transport Infrastructure Contribution required.
Structures And Flooding	No objection
Scottish Natural Heritage	No response, scale of proposal would be referred to SNH standing guidance. Site located within an existing residential area no impact on SAC considered.
Environmental Health (Noise Odour)	No objection, condition recommended

REPRESENTATIONS

The following points were raised in the 1 representation received:

Overlooking/loss of privacy

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The principle of development has been established through an in principle permission granted on the site. This application is to consider the details of the dwelling proposed on the site.

The application is considered under Policy PM1 Placemaking. This policy seeks to ensure that the design, density and siting of development should respect the character and amenity of the place.

The proposal, for reasons detailed in subsequent sections of the report, is considered to comply with policy.

Design and Layout

The proposal is to erect a two storey dwelling to the south of the site with the access located to the east. The upper floor of the dwelling will be partially accommodated within the roof space served by roof lights and wall head dormers. The dwelling has an integral double garage to the front with a turning and parking area. The siting of the dwelling within the plot also gives in excess of 250 sq metres of amenity space.

The finish materials are off white wet dash render, natural stone, larch cladding and grey concrete roof tiles.

The site is located at the end of a cul-de-sac and there is a variation of house types within the area. The material finishes differ from the existing dwellings which feature dry dash render in beige tones however overall design and finishes will not be out of place.

Residential Amenity

The site boundaries narrow towards the north and the dwelling has been located to the south of the plot. The plot arrangement also means that there is a dwelling boundary running along the east of the site where it narrows. This dwelling is the applicants own house.

The proposed dwelling is two storey which results in upper floor windows which face north towards the neighbouring property (the applicant's home) and another dwelling beyond. The council guidance is that windows should be located a minimum of 9 metres to boundaries and 18 metres for directly facing windows which is adequate to mitigate any significant overlooking. It is considered that in residential areas there will be a degree of mutual overlooking but if above guidelines are followed then this can reduce any potential impacts. In this case the proposed first floor window furthest east is 10.4m from the nearest property boundary (applicant's home), the next property boundary beyond that is located 30m north. The windows in this case are located in excess of 9 metres from the rear boundaries with adjoining properties. It is therefore considered that any detrimental impact on residential amenity has been sufficiently mitigated by the dwelling location within the plot.

The proposal includes a woodburning stove with the flue exhaust terminating below the highest roof ridge of the dwellinghouse. Environmental Health (EH) consider that under certain meteorological conditions the applicant will be aware of smoke/odour; however this should not adversely affect neighbouring properties due to the location of flue and distance to those neighbouring properties. The output of the stove is below the range to be assessed and EH have no adverse comments to make regards air quality.

Visual Amenity

The site is located within a residential area and the development of the plot is not considered to have a significant impact on the overall visual amenity.

Roads and Access

The site access is proposed to be taken to the southeast corner of the plot onto Almond Place. Transport Planning have no objection to the proposal but note that an existing lighting column will require to be re-located clear of the proposed vehicle access.

Drainage and Flooding

The Flood Team have considered the information provided in this application and they highlight that the proposed development lies adjacent to the functional floodplain of the River Almond, as indicated by the SEPA Flood Maps.

A Review of the Almondbank flood scheme model results indicates that the proposed development is located outwith the 1 in 200 year functional floodplain of the River Almond. Therefore, they have no objection on flood risk grounds but recommend that finished floor levels are set above existing ground levels (this is noted on the plans as being above).

There is currently sufficient capacity in the Turret Water Treatment Works and Almondbank Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

Developer Contributions

Primary Education

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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Ruthvenfield Primary School.

The proposal is for a single house. Within the Ruthvenfield primary school catchment developments of less than 20 units are exempt from the primary education contribution requirement.

Transport Infrastructure

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. Transport Infrastructure contribution of £3,549 is therefore required. The applicant has indicated that this would be by upfront payment to release the permission.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2 The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

Reason: To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/01292/1

19/01292/2

19/01292/3

19/01292/4

19/01292/5

Date of Report 07.10.19

PERTH AND KINROSS COUNCIL

Mr And Mrs K Stewart
c/o Craig McDowall Architectural Services Ltd
Craig McDowall
7 Poplar Crescent
Perth
PH1 1HR

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 15th November 2019

Town and Country Planning (Scotland) Acts.

Application Number **19/01292/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 21st August 2019 for planning permission for **Erection of a dwellinghouse** at Land 30 Metres South West Of 5 Almond Place Almond Place Huntingtowerfield subject to the undernoted conditions.

Head of Planning and Development

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

Reason: To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.

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 and Document Reference

19/01292/1

19/01292/2

19/01292/3

19/01292/4

19/01292/5



Craig McDowell
 Architectural Services
 7 Poplar Crescent
 Perth
 PH1 1LH
 01738 969537 - 07760 371107
 www.craigmcowell.co.uk
 info@craigmcowell.co.uk

PROPOSED NEW-BUILD DWELLING
 LAND AT 5 ALMOND PLACE
 HUNTINGTOWERFIELD
 PERTH

Client MR & MRS STEWART
Purpose PLANNING APPLICATION
Drawing PROPOSED SITE PLAN
Drawing No. PL02
Revision
Scale as shown @ A2
Project Ref. 18-110
Date August 2019
Drawn CSM

I CERTIFY THAT THIS IS A TRUE COPY
OF THE INFORMATION SUBMITTED IN THE
PLANNING WARRANT APPLICATION

SIGNED CSM **DATED** 6/19

NOTE: All proprietary goods and materials are to be fitted in accordance with the manufacturer's instructions. Relevant codes of practice and British C11 standards are to be followed. The drawings are to be used for the construction of the proposed development. The drawings are to be used for the construction of the proposed development. The drawings are to be used for the construction of the proposed development.

© This drawing is Copyright and may not be reproduced in whole or in part without prior written permission.

PERTH AND KINROSS COUNCIL

Mr And Mrs Keith And Susan Stewart
c/o MBM Planning And Development
Mark Myles
Algo Business Centre
Glenearn Road
Perth
PH2 0NJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 19 December 2017

Town and Country Planning (Scotland) Acts.

Application Number **17/01925/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 1st November 2017 for planning permission for **Erection of a dwellinghouse (in principle) at Land 30 Metres South West Of 5 Almond Place Huntingtowerfield** subject to the undernoted conditions.

Interim Development Quality Manager

Conditions referred to above

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 3 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 4 Further to Condition 1 above, a landscaping plan which details replacement planting along the west and south boundary shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 3 The applicant should be advised that there may be street lighting cable present beneath the access. Construction design guidance of required street lighting ducting should be sought from Perth & Kinross Council Street Lighting department.
- 4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

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 and Document Reference

17/01925/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/01925/IPL	
Ward No	P5- Strathtay	
Due Determination Date	31.12.2017	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 30 Metres South West Of 5 Almond Place
Huntingtowerfield

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 20 November 2017

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for erection of a dwellinghouse (in principle) at Land 30 Metres South West Of 5 Almond Place Huntingtowerfield. The site forms part of a larger housing development and appears to have formed a landscape buffer between the development and the riverside path. The site is bound by an existing dwelling to the east and the riverside path to the south and west.

A pre-application enquiry on this site had been submitted prior to this application. It was observed at this time that the site appeared to be landscaped (from areal imagery). On visiting the site it was observed that the landscaping has been recently cleared from the site.

The proposal is in principle and no details of the plot layout or house type have been provided.

SITE HISTORY

No recent site history

PRE-APPLICATION CONSULTATION

Pre application Reference: 17/00041/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 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy RD1 - Residential Areas

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

Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy NE2A - Forestry, Woodland and Trees

Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

OTHER POLICIES

Supplementary Developer Contributions Guidance
Housing in the Countryside Guide 2012

CONSULTATION RESPONSES

Transport Planning No objection

Contributions Officer Conditions required

Scottish Water No objection

Local Flood Prevention Authority

Scottish Natural Heritage No objection

REPRESENTATIONS

No letters of representation were received in the notification period. One late comment has been received. This comment has raised concerns regarding the area being a landscaped zone related to a previous application, impact on access to footpath and impact on overall amenity of the area.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The application is for erection of a dwelling in principle. The site is located within the settlement of Huntingtowerfield. The LDP appears to have a discrepancy as the area is not located within the settlement boundary for Perth and has not been noted as a settlement in its own right. The proposal would therefore technically fall to be considered under Policy RD3 although Policy RD1 is also considered to be relevant.

The Council originally included the application site and the surrounding area within the Perth settlement boundary in the Proposed Local Development Plan (January 2012).

At the Local Development Plan examination, the issue of the exact shape of the Perth settlement boundary was raised and considered by the Reporter as part of his consideration of the unresolved issue of Almond Valley Village (issue 21). The Reporter made a recommendation to amend the plan to include a new proposal: H73 Almond Valley Village.

An unforeseen consequence of this recommendation is that the Perth settlement boundary became defined by the plan accompanying planning application reference 08/00678/IPM (minus the part of that site which is to be allocated site E38) as specified by the Reporter. Consequential amendments were made to the Perth settlement boundary at West Huntingtower to more clearly and logically define the settlement edge.

Since the application site currently under consideration and its surrounding area are not part of the Almond Valley Village (as defined by 08/00678/IPM) they have become inadvertently excluded from the Perth settlement boundary as a consequence of the Reporter's recommendation.

The policy team therefore recommend that in addition to the other Development Plan policies, the application is also assessed as if it were still in the settlement boundary i.e. Policy RD1 since that was the Council's original intention, although technically not applicable.

To this end in line with Policy RD1 the application site follows this established character and is a similar size to the neighbouring properties. I am therefore satisfied that the principle of development on this site relates to the established character and density levels of this part of Huntingtowerfield.

Landscaping

It should be noted that the site has been recently cleared of planting with a number of trees removed. It has also been indicated that this site formed part of a landscaping area approved as part of the wider housing site. The landscaping area is not zoned as open space and the trees have no Tree Preservation Orders on them. It must therefore be considered if a dwelling can be accommodated within the site without a detrimental impact on the wider visual amenity of the area. I consider the site could be developed with landscaping incorporated along the boundaries to compensate for the loss of planting

Design and Layout

The application is in principle and no details of the house type or location within the plot has been provided. The plot is considered large enough to accommodate a dwelling.

Residential Amenity

It is considered that the position of the plot and area could accommodate a dwelling with an adequate level of residential amenity for the proposed and existing dwellings.

Roads and Access

Transport Planning have no objection to the principle of providing an access at this location. Full access details will be required at the detailed stage.

Drainage and Flooding

The Flood Team have been consulted and have no objection to the proposal.

Developer Contributions

Primary Education

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. As the proposal is in principle a condition will be added so that a contribution, if required, can be sought at the detailed stage.

Transport Infrastructure

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

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

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken

account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

2 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

3 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with

particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

4 Further to Condition 1 above, a landscaping plan which detail replacement planting along the west and south boundary shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

3 The applicant should be advised that there may be street lighting cable present beneath the access. Construction design guidance of required street lighting ducting should be sought from Perth & Kinross Council Street Lighting department.

- 4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/01925/1

Date of Report 19.12.17

LRB-2021-35 - 21/01221/FLL – Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect), land 45 metres south west of 7 Almond Place, Huntingtowerfield

PLANNING DECISION NOTICE *(included in applicant's submission, pages 212-213)*

REPORT OF HANDLING *(included in applicant's submission, pages 200-210)*

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 187-199)*

Extg public path and River Almond

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remains with am | architect
and should not be reproduced,
passed to other parties or used
for any purpose without
express written consent.



4 Almond Place

Extg 1.8m High Timber Fence

Extg 1.8m High Timber Fence

Garden - existing trees retained,
grass and mixed height planting

Garden - Grass and
Low Level Planting

Garage

Workbench

External
Covered Area

Extg 1.8m High Timber Fence

Public
Path

Garden- Grass and
Low Level Planting

Gravel Porous Driveway

Garden - Grass and
Low Level Planting

Drop Kerb Path Area

Almond Place

1 **Site and Floor Plan Scale: 1:100**
0 1.0 2.0 3.0 4.0 5.0 M
243

Project:
New Double Garage
Land opposite 7 Almond Place,
Huntingtower, Perth
Client:
Mr A and Mrs M Pettigrew
Dwg:
Floor and Site Plan
Scale:
1:100
Dwg No:
202022 PLG_20_001
Date:
02/07/2021

Rev:





LRB-2021-35 - 21/01221/FLL – Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect), land 45 metres south west of 7 Almond Place, Huntingtowerfield

REPRESENTATIONS

Monday, 30 August 2021



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Land 45 Metres South West Of, 7 Almond Place, Huntingtowerfield, PH1 3FA
Planning Ref: 21/01221/FLL
Our Ref: DSCAS-0047471-CDX
Proposal: Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect)

Please quote our reference in all future correspondence

Audit of Proposal

I have carried out an audit of the below listed drawings and I'm pleased to confirm that Scottish Water has no objection to the development proceeding.

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Please Note

No new connections will be permitted to the public infrastructure. The additional surface water will discharge to the existing private pipework within the site boundary.

General Notes

For all extensions that increase the hard-standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

This response is in relation to the information you have provided. If there are any changes to your proposed development, you may be required to submit the proposed amendments for review.

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below.

Yours sincerely,

Pamela Strachan

Planning Team Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Consultation Response to a Planning Application

Consultee		Planning App. Ref:	Request Date	Response Date
Paul Kettles Enforcement Officer (Trees)		21/01221/FLL	27.08.21	30.08.21
Proposed Development		Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect)		
Site Address		Land 45 Metres South West Of 7 Almond Place Almond Place Huntingtowerfield		
Introduction	An application has been submitted for a garage, boundary treatments, and access at the above location. This application should be considered in part retrospect, as it has been effectively been subject to works resulting in clearance of a landscaped public open space, and new fencing has already been erected without planning permission.			
Planning History	It should be stated that the site was formerly an area of amenity open space, that was approved as part of the development of this residential area built by G S Brown, under planning permission ref: 97/01228/FUL. The landscape scheme was approved (design & maintenance) in compliance with planning conditions, required implementation and subsequent maintenance. The imposition of conditions requiring open space was a fundamental requirement for the residential development, without which it would not have been approved.			
Planning Breach	Without planning permission, the applicant has removed many mature trees and shrubs, that contributed both to biodiversity and amenity of this area, that were well established at the site. The removal of trees and shrubs has affected the formerly vegetated character of the site and is contrary to the approved plan and planning conditions relative to the planning permission. The tree and shrub removal is a direct loss of amenity and a breach of planning control which has resulted in planning harm. The applicant has also erected fencing without planning permission, that is illustrated on the plan for the north boundary.			
Policy Implications	The site which was previously a soft landscaped area with mature trees, younger trees, and shrubs, is now denuded of all vegetation and has become entirely sterilised. The loss of trees and the proposed development is contrary to the aspirations of Policy 40 A & B, of Perth and Kinross’s Local Development Plan 2. The loss of existing landscaped areas and proposed development is considered contrary to Policy 39 of the LDP2, which seeks enhancement of landscaped areas. The loss of trees and shrubs will have undoubtedly resulted in an impact on habitats at the site or adjacent to the site, impacting biodiversity. The development is therefore considered contrary to Policy 41 of PKC adopted Local Development Plan 2.			

Assessment	<p>The development proposal is considered contrary to Policy 42 – Green Infrastructure which seeks to protect and enhance open space infrastructure. The proposal has eroded the former open space areas that existed.</p> <p>The loss of mature & younger established trees, shrubs, and potential habitats has not had the means of professional assessment (tree survey, habitat survey, bat survey) which would ordinarily have been required to properly consider the environmental and amenity impact of proposed development. This opportunity is not possible due to the actions of the applicants.</p> <p>The site appearance and condition before the unauthorised works, is capable of being viewed on Google Streetview, and shows a well-established landscaped area with excellent tree and shrub cover, which has now been completely changed.</p> <p>The inference in the supporting statement is that the site was overgrown, when in reality, some reductive pruning would have addressed the issues of encroachment & maintenance.</p> <p>The proposal to erect a garage, boundary treatments, and access, is a material change of use of land from public open space to private garden ground.</p> <p>The erection of the screen fence along the north boundary adjacent to the River Almond pathway, has now created an enclosed pathway directly impacting public safety, resulting in path users feeling vulnerable.</p> <p>The proposal to enclose the site with fencing, erection of a garage and formation of the access will result in further sterility and loss of amenity at the site.</p> <p>No details are shown for the trees shown on the site plan.</p>
Conclusion	<p>An application has been submitted which is in part retrospect, which in effect seeks to regularise a breach of planning control, and gain approval for a garage, access, and boundary treatments. The proposed development will result in a significant loss of public open space, contrary to policies of the local plan, listed above.</p>
Recommendation	<p>Refuse the application for reasons as stated above, and formal enforcement action be taken to remedy the breach of planning control to reinstate the site to a fully landscaped area of public open space.</p> <p>Paul Kettles Planning Enforcement Officer (Trees) 30.08.21</p>

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/01221/FLL	Comments provided by	Jane Pritchard
Service/Section	Community Greenspace	Contact Details	
Description of Proposal	Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect)		
Address of site	Land 45 Metres South West Of 7 Almond Place Almond Place Huntingtowerfield		
Comments on the proposal	<p>The proposed development is sited on land which is designated as public open space (POS). POS is valuable for public amenity and biodiversity and in this locality provides a green corridor for both the popular NCN77 route which is both the core path METH/2 and (ROW 2/2 Tay & Almond Riverside walk), and the connecting path.</p> <p>It is noted that the ground has been enclosed with fencing which does not have permission. The fence is too close to the paths reducing the valuable green corridors and too high detracting from the enjoyment and potential safety of those using the paths. The trees associated with the POS along the NCN77/core path are valuable public assets and should be safeguarded which can not be ensured if within private ground.</p> <p>CG therefore objects to the application.</p>		
Recommended planning condition(s)	Refuse the application to safeguard important public amenity particularly within the green corridors of core path METH/2 ROW 2/2 being the riverside walk and the connecting path with Almond Place.		
Date comments returned	23.9.21		

