

TCP/11/16(533) – 17/01743/IPL – Erection of a dwellinghouse (in principle) on land 40 Metres south east of The Cottage, Golf Course Road, Blairgowrie

INDEX

- (a) Papers submitted by the Applicant (***Pages 69-86***)
- (b) Decision Notice (***Pages 89-90***)
 - Report of Handling (***Pages 91-97***)
 - Reference Documents (***Pages 83-85 and 99-114***)
- (c) Representations (***Pages 115-154***)

TCP/11/16(533) – 17/01743/IPL – Erection of a dwellinghouse (in principle) on land 40 Metres south east of The Cottage, Golf Course Road, Blairgowrie

**PAPERS SUBMITTED
BY THE
APPLICANT**



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100068958-002

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: McKenzie Strickland Associates

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="The Cottage"/>
First Name: *	<input type="text" value="."/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): *	<input type="text" value="Golf Course Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Blairgowrie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH10 6LF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="743379"/>	Easting	<input type="text" value="318034"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Erection of Dwelling house in Principle

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Refer to uploaded statement

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

☒ Yes ☐ No

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

Refer to uploaded application form

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

Refer to uploaded application form

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/01743/IPL

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

05/10/2017

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

04/12/2017

Review Procedure

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

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

none known

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mrs Siobhan Johnston

Declaration Date: 01/03/2018

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 R & S SMITH

Address 

Postcode 

Contact Telephone 1 —

Contact Telephone 2 —

Fax No —

E-mail* —

Agent (if any)

Name MCKENZIE STRICKLAND ASSOCIATES


Address 23 BANK STREET
ABERFELDY

Postcode PH15 2BB

Contact Telephone 1 01887 829228

Contact Telephone 2 —

Fax No —

E-mail* 

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

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

17/01743/1PL

Site address

LAND 40M SOUTH EAST OF
THE GOTTAGE, GOLF COURSE ROAD, BLAIRGOURIE

Description of proposed
development

ERECTION OF DWELLING HOUSE
(IN PRINCIPLE)

Date of application

5/10/17

Date of decision (if any)

4/12/17

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

BENEFICIAL TO UNDERSTAND SITE & ENVIRONMENT BETTER.
ADDITIONAL STATEMENTS CAN BE MADE AVAILABLE.

Site inspection

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

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

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.

PLEASE REFER TO SEPARATE DOCUMENT.

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

Yes ☒ No ☐

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

PLOT ANALYSIS & JUSTIFICATION RESPONSE TO THE
POINTS RAISED IN PLANNING OFFICERS HANDLING REPORT.
& REFUSAL NOTICE CONDITIONS.

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.

LOCATION PLAN	1097/PL/01, REV A
EXISTING SITE PLAN	" /02, REV A
PROPOSED SITE PLAN	" /03, REV A
PLOT SIZE ANALYSIS	" /05

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

01/3/18

FOR & ON BEHALF OF MSA.

NEW HOUSE at THE COTTAGE, GOLF COURSE ROAD, BLAIRGOWRIE, PH10 6LF

for MR & MRS SMITH

REASONS FOR NOTICE OF REVIEW REQUEST

To be read in conjunction with Notice of Review application and relevant MSA drawings outlined in application form

Original application reference: 17/ 01743/IPL

The above referenced application was refused on the grounds that it did not comply with Local Development Plan Policies CF1, PM1 and RD1.

We would note that as our application was an 'in-principle' application for a residential development, no detail of the proposed house, position within plot, visual appearance or size of house was submitted so as a result the application cannot be judged on whether the proposals contribute to the visual amenity of its environs and local context in terms of design which is primarily what Policy PM1 is concerned with.

The planning refusal conditions state that the application was refused on the grounds of erosion of open space zoning (policy CF1) and character of the area in terms of plot size (policy PM1)

Following the original submission, it was ascertained the applicant had replaced the dilapidated fence which separated rear garden of The Cottage from the adjacent open space. This new fence had been misaligned by the fencing contractor and included a portion of the adjacent ground which is also under the applicant's ownership. The land in question did not form part of the original garden and was in fact paddock – presently zoned as open space under the current PKC planning policy for Blairgowrie and Rattray. This was a genuine error and one which the Applicant has now corrected and the fence has been placed in the original position. Thus, we can confirm that there will be no residential development within the open space ground and therefore the application site will not be contrary to policy CF1: Open Space Retention and Provision. We appreciate however the planning department had to consider the application as presented to them.

The Planning Officer in the Report of Handling notes that the residential site would be reduced to circa 1,000m² in plot area and that we concur with. We would however draw attention to the PO's appraisal of the site in that she confirms it is 'largely located within an area zoned for residential and compatible uses'. Excluding the 330m² of open ground designation from the site we can confirm that the remaining 1,000m² of site will therefor wholly comply with Policy RD1: Residential Areas

We would note that the planning boundary declared on our application could be retained provided we ensure the area of open land is maintained as that in terms of this review.



**McKenzie
Strickland
Associates**
Chartered Architects

www.msa-architects.com
info@msa-architects.com

Perth Office:
159 Dunkeld Road,
Perth PH1 5AU
T: 01738 445 983

Aberfeldy Office:
23 Bank Street,
Aberfeldy PH15 2BB
T: 01887 829 228

Vat: 206 222 945

*Exceeding Your Expectations
in Design, Quality & Service*

Our analysis using Ordnance Survey data of the area surrounding The Cottage reveals a number of residential plots which are smaller than the residentially designated application plot area (1,000m²). MSA drawing 1097/PL/05: Plot analysis indicates that there are residential plots as small as 796m² in the immediate vicinity of the application site. In fact, there appear to be 5 sites being less than the minimum area that the PO states in the Handling Report ("general density ranges from 1800sq metres to 4000sq metres"). On this basis we believe that the proposal for residential grounds does meet the criterion for respecting the density in terms of Policy PM1: Placemaking and on that basis the applicant's proposal should not have been refused.



**McKenzie
Strickland
Associates**
Chartered Architects

Prepared by McKenzie Strickland Associates

1st March 2018

www.msa-architects.com
info@msa-architects.com

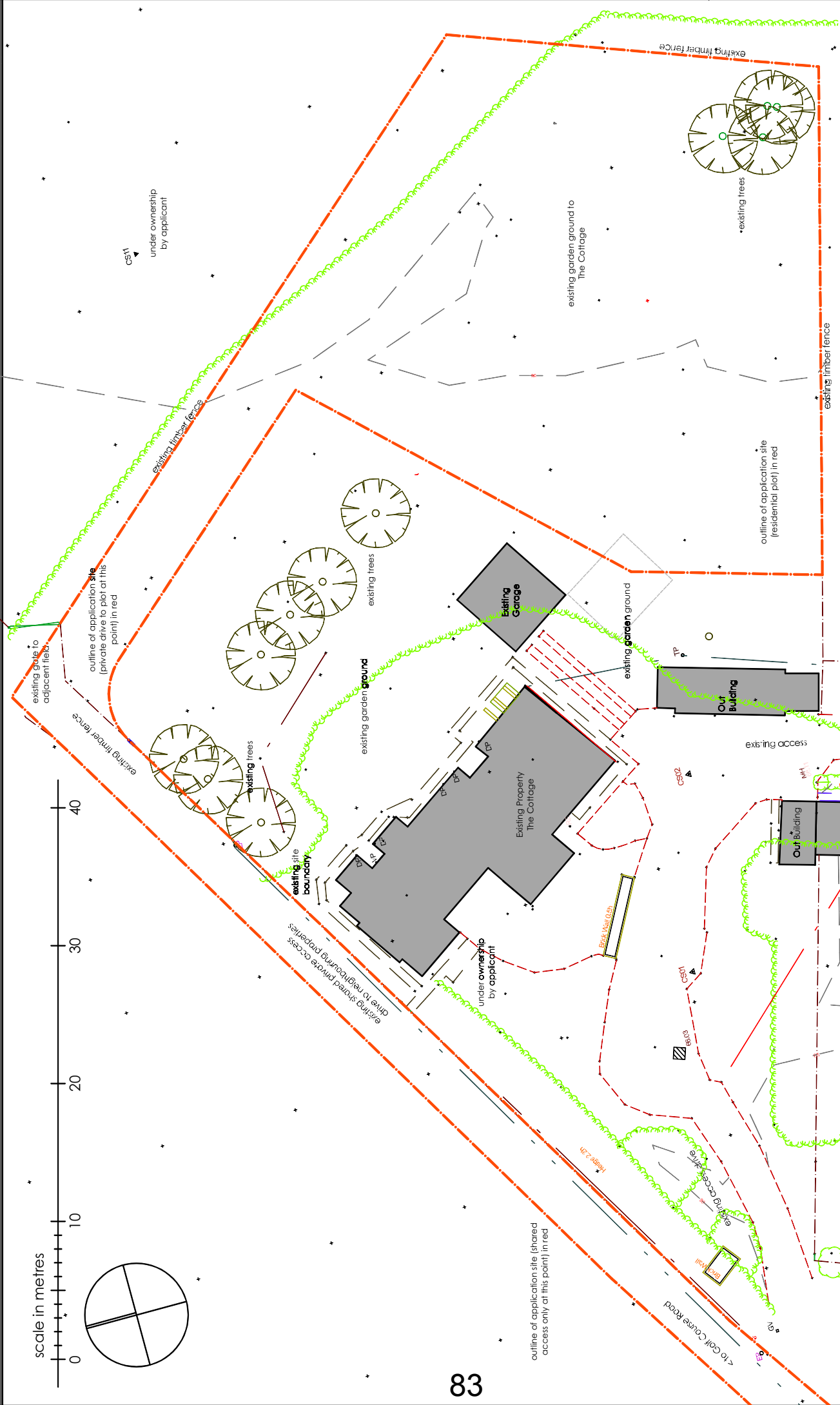
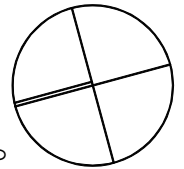
Perth Office:
159 Dunkeld Road,
Perth PH1 5AU
T: 01738 445 983

Aberfeldy Office:
23 Bank Street,
Aberfeldy PH15 2BB
T: 01887 829 228

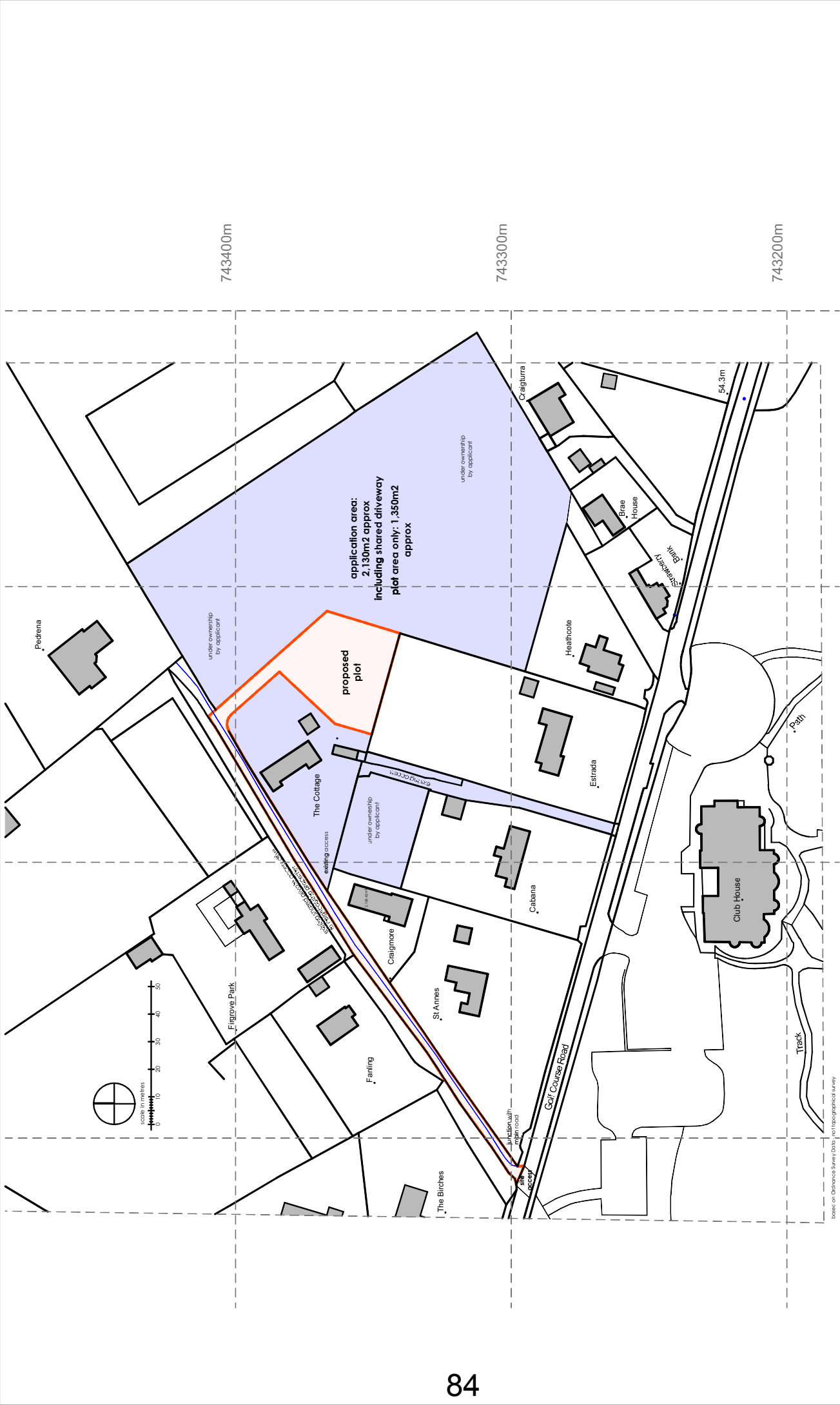
Vat: 206 222 945

Exceeding Your Expectations
in Design, Quality & Service

scale in metres



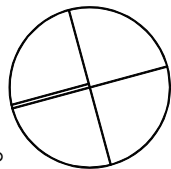
McKenzie Strickland Associates 23 Bank Street, Aberfeldy PH15 2BB. T: 01887 829 228 e: info@msa-architects.com 159 Dunkeld Road, Perth, PH1 5AS. T: 01738 445 983		All Contents Copyright All Rights Reserved	
rev	date	description	
A	10/10/17	updated	
JOB TITLE:		NEW HOUSE at THE COTTAGE, GOLF COURSE ROAD, BLAIRGOWRIE, PH10 6LF for MR&MRS SMITH	
DRAWING TITLE:		PLANNING IN PRINCIPLE	
SCALE:		1:250 @A3	
DRAWING NUMBER:		1097/PL/02	
DRAWN BY:		SJ	
CHECKED BY:		RJ	
DATE:		SEPTEMBER 2017	
REVISION:		A	



McKenzie Strickland Associates
23 Bank Street, Aberfeldy PH15 2BB. T: 01837 829 228
e: info@msa-architects.com
159 Dunkeld Road, Perth, PH1 5AS. T: 01738 445 983

All Contents Copyright All Rights Reserved

rev	date	description	JOB TITLE:		
			NEW HOUSE at THE COTTAGE, GOLF COURSE ROAD, BLAIRGOWRIE, PH10 6LF for MR&MRS SMITH		
			DRAWING TITLE:	DRAWN BY:	
			location plan	SJ	
A	10/10/17	updated	SCALE:	REVISION:	CHECKED BY:
			1:1250 @A3	A	RJ
			DRAWING NUMBER:	DATE:	
			1097/PL/01	SEPTEMBER 2017	



rev	date	description		JOB TITLE: NEW HOUSE at THE COTTAGE, GOLF COURSE ROAD, BLAIRGOWRIE, PH10 6LF for: MR&MRS SMITH	DRAWING STATUS: PLANNING IN PRINCIPLE	DRAWN BY: SJ	CHECKED BY: RJ
	10/10/17	updated					
DRAWING TITLE: site plan possible arrangement			SCALE: 1:250 @A3				
DRAWING NUMBER: 1097/PL/03			REVISION: A	DATE: SEPTEMBER 2017			

				30 MILL LANE NEW HOUSE at THE COTTAGE, GOLF COURSE ROAD, BLAIRGOWRIE, PH10 6LF for MR&MRS SMITH					
DRAWING TITLE: Plot size analysis		SCALE: 1:1250 @A3		DRAWING STATUS: PLANNING IN PRINCIPLE		DRAWN BY: SJ		CHECKED BY: RJ	
DRAWING NUMBER: 10977/PL/05				REVISION: --		DATE: January 2018			



TCP/11/16(533) – 17/01743/IPL – Erection of a dwellinghouse (in principle) on land 40 Metres south east of The Cottage, Golf Course Road, Blairgowrie

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, see pages 83-85)*

PERTH AND KINROSS COUNCIL

Mr R And S Smith
c/o McKenzie Strickland Associates
Siobhan Johnston
23 Bank Street
Aberfeldy
PH15 2BB

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 4th December 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01743/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 11th October 2017 for permission for **Erection of a dwellinghouse (in principle) Land 40 Metres South East Of The Cottage Golf Course Road Blairgowrie** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy CF1 Open Space Retention and Provision as it would set a precedent in the erosion of small areas of the wider open space zoning in Rosemount which would be detrimental to the wider character of the area.
2. The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy PM1A Placemaking and Policy RD1 Residential Areas as the proposed site would not reflect the overriding character of development in the area of large detached dwellings in large plots.

Justification

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

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

Plan Reference

17/01743/1

17/01743/2

17/01743/3

17/01743/4

17/01743/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/01743/IPL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	10.12.2017	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 40 Metres South East Of The Cottage Golf Course
Road Blairgowrie

SUMMARY:

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

DATE OF SITE VISIT: 10 November 2017

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for erection of a dwelling in principle at Land 40 metres south east of the Cottage, Golf Course Road, Blairgowrie. The site forms unused garden ground as part of the wider property holding which includes a paddock to the east.

The site is within the settlement boundary of Blairgowrie and located in an area characterised by small groupings of dwellings interspersed with paddocks.

The proposed site for the dwelling is to the southeast of the cottage with the access along the east boundary.

The site has been recently subdivided with a fence erected around the existing dwelling and low ranch style fence to the adjacent paddock.

SITE HISTORY

01/01296/FUL Erection of a sun lounge at 27 September 2001 Application Permitted

17/01208/FLL Alterations and extension to dwellinghouse 5 September 2017 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: 16/00360/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 PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy RD1 - Residential Areas

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

Policy 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 CF1A - Open Space Retention and Provision

Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

OTHER POLICIES

Supplementary Developer Contributions Guidance

CONSULTATION RESPONSES

Contributions Officer	Conditions required if approved
Transport Planning	No objection, conditions required
Scottish Water	No objection

REPRESENTATIONS

The following points were raised in the 3 representations received (2 objections, 1 support):

- Removal of trees and discrepancies on plans regarding trees
- Extension of the dwelling boundaries into adjacent paddock.
- Further development concerns
- Use of private road

- General support for development

Concerns about wider development in the adjacent paddock are not relevant to this application and would be considered separately should an application be received.

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

This site is situated within the settlement boundary of Blairgowrie and Rattray and is largely located within an area zoned for residential and compatible uses under Policy RD1 Residential Areas also a small area has been included within the site which is part of a larger open space designation within the settlement where Policy CF1A: Existing Areas applies.

The existing dwelling is located within an area zoned under Policy RD1 Residential Areas. This supports infill residential development at a density which represents the most efficient use of the space. Proposals should be compatible with the amenity and character of the area.

The Policy CF1A endeavours to protect designated open spaces from any development that does not necessarily contribute to recreational or amenity purposes for the local community, as well as protecting and enhancing local biodiversity. Given that this proposal uses part of the open space allocation to develop a private dwellinghouse, the community would not gain any value from this loss of open space.

Policy PM1 Placemaking requires that the density of development respect the character and amenity of the place.

The plot area is 1350 sq metres, 343sq metres of which has been gained from the zoned open space to the northeast. The plot area therefore without this extension would be 1000sq metres within the zoned residential uses.

As the plot has been extended into the open space to increase the site area, I cannot support the principle of development as this will only serve to undermine the policy designation and could lead to further erosion of these open space areas.

Policy PM1 and Policy RD1 requires that development density of development respect the character of the place. The immediate area is characterised by large dwelling in equally large plots, with the exception of one plot Craigmore. The general density ranges from 1800sq metres to 4000sq metres.

The proposal would result in a site 1350 sq metres and I consider that this would not reflect the existing character of development in the area which comprise of larger plots.

Design and Layout

No details have been provided in relation to an indicative house type or location within the plot.

It is considered however that a dwelling could be accommodated within the site without detrimentally impacting on existing or proposed residential amenity but as stated above this is due to an extension into the zoned open space.

Landscape/Trees

As stated in letters of representation contrary to the planning submission there is no grouping trees in the southeast corner of the site. A row of trees does exist to the northeast of the existing dwelling. Any trees on neighbouring plots and their impact would need to be considered in the detailed design.

Residential Amenity

The application is in principle and no details have been provided in relation to an indicative house type or location within the plot. It is considered however that a dwelling would be able to be accommodated without detrimentally impacting on neighbouring residential amenity.

Roads and Access

The access is taken from a private track serving a number of dwellings. Transport Planning have no objection to the proposal and consider that the traffic generation from one additional dwelling could be accommodated

Drainage and Flooding

There is no drainage or flooding implications.

Developer Contributions

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

This proposal is within the catchment of Newhill Primary School. A condition would be required to cover any possible developer contributions.

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 not 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 refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

1 The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy CF1 Open Space Retention and Provision as it would set a precedent in the erosion of small areas of the wider open space zoning in Rosemount which would be detrimental to the wider character of the area.

2 The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy PM1A Placemaking and Policy RD1 Residential Areas as the proposed site would not reflect the overriding character of development in the area of large detached dwelling in large plots.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/01743/1
17/01743/2
17/01743/3
17/01743/4
17/01743/5

Date of Report 04/12/2017

**PROPOSED NEW HOUSE AT
THE COTTAGE, GOLF COURSE ROAD, BLAIRGOWRIE, PH10 6LF
for MR & MRS SMITH**

**ARCHITECTURAL STATEMENT
TO ACCOMPANY PLANNING IN PRINCIPLE SUBMISSION**

September 2017

Prepared by McKenzie Strickland Associates
23 Bank Street, ABERFELDY, PH15 2BB
Tel: 01887 829228
E-mail: info@msa-architects.com



CONTENTS

INTRODUCTION

- Background to the application

THE SITE

- Site location
- Site access
- Site description
- Adjacent properties

PROPOSED SCHEME

- Development of proposals and objectives
- Site, setting and context
- Relationship to skyline
- Architectural treatment and response to built environment
- Materiality
- Site servicing
- Landscaping response
- Flooding

CONCLUSION

APPENDICES

- Appendix 1: Location details
- Appendix 2: drawing schedule

INTRODUCTION

Background to the application

This report, to be read in conjunction with relevant site location drawings form the basis of a “planning in principle” application for a single residential house on a well-defined plot located within the curtilage of an existing property off Golf Course Road, Blairgowrie.

The proposed residential site is by Roy and Susan Smith who approached McKenzie Strickland Associates with the intention of establishing the feasibility of developing the garden ground to their property as a separate residential development and thereafter of assisting the Smiths with progressing the outline proposals for the new property.

The rationale for the project is to provide a new architect designed property for a medium sized family within a short distance of local town amenities but within a secluded and sought after residential area location.



THE SITE

Site location

Located on the southern periphery of Blairgowrie, the site is part of the garden ground of an existing residential plot, called The Cottage. It is located behind the existing houses that line the roadside and is semi concealed from the main vehicular thoroughfare by both these houses and mature landscaping. The area is secluded and quiet which makes the area a desirable suburban location

Access to the original house is via a private driveway located to the west and which runs parallel to the Smiths property boundary. It is shared by a number of other houses and forms a dead end just to the north of the development site. A secondary access via a more private but narrower access road to the south between neighbouring houses, is also available.

The proposed plot is an area of rough grass that is relatively flat with virtually no topographical contouring to it. There are a number of mature pine trees within the garden of The Cottage but little else in the way of planting

The location of the site is relatively quiet and not a main vehicular route to the town centre which makes it a perfect secluded location for domestic dwelling. It is within walking distance for able bodied residents although may require vehicular assistance for more mature couples



Site Access

The proposed site is part of the grounds of the existing house. At the present time it is only accessible through the existing garden and once subdivided would require a new independent access. It is proposed that the new plot would gain admission via the existing private tarmacadam drive which joins Golf Course Road and is a shared between a number of surrounding properties and fields

The new access would require opening up of the existing timber fence and formation of a partial bell mouth to facilitate access in and out of the plot due to the tightness of any new turn in. A secure gate would be provided set back from the boundary line to ensure that vehicles could stop without blocking the shared access when the gate is in the process of opening.



Site description

The site is situated wholly within the boundaries of Blairgowrie and Rattray as illustrated in the relevant Perth & Kinross Council Local Plan 2014 in an area called Rosemount. The application site is located to the east of the existing house, on a well-defined, roughly trapezoidal shaped area of land which is currently unused garden ground and is approximately 1,350m² in area excluding the shared access drive. The site has a few mature evergreen trees to the south-east corner which dominate the site, but has little domestic planting of note elsewhere.

A new access would need to be formed to ensure privacy of the existing cottage is maintained and the logical location for this access would be along the north boundary linking up to the previously described shared access.

The well-defined boundaries of the original garden consist of timber fencing comprised of sturdy posts and horizontal slat fencing. All new boundaries between the two properties would be constructed to match these existing fences and new native species hedging provided to reinforce and soften them



Adjacent properties

The site sits on the edge of a large cluster of informally arranged residential properties with mature gardens lining the main road. These houses vary in age and architectural quality however are generally substantial in footprint but mainly single or 1 1/2 story.

The paddock to the east is also owned by the applicant but is unused for the time being. A riding school is located directly opposite the application site to the north west and is regularly in use

The majority of land to the north and east is open ground used as paddock and small woods interspersed with residential properties

PROPOSED SCHEME

Development of proposals and objectives

The Cottage and adjacent paddock has been owned by the Applicants for a short time and they are keen to develop the ground to provide small to medium sized contemporary home for a member of his close family and the brief to MSA was to establish feasibility for the proposals in the first instance. We believe that due to the nature and location of the site that the principle for creating a new house within the grounds of an existing well defined residential garden had potential however to secure viability it was agreed that a planning in principle application would be submitted with further applications following in due course which developed the scale and appearance of the new house.

Although any consent will result in a reduction in garden ground, the former tennis court to the south of The Cottage is due to be landscaped to form an improved amenity / garden to house.



Site, setting and context

Although there is no detail submitted as part of the PinP application, in terms of the development of any plot, it is essential to ascertain whether that plot has the necessary potential for development in terms of access, size, site planning and amenity prior to developing the form and massing of the built structure

Most proposed residential sites provide the designer with the logical location, orientation and setting for designing the site and buildings within in it. The existing flat site topography permits flexibility in positioning while orientation to maximise the views to the east across the paddock while still benefiting from western sunshine through the mature trees on the adjoining plots.

The arrangement of the house in the site would require to sympathetically reflect the suburban arrangement and scale seen elsewhere in the area thus ensuring the property would have minimal impact on the overall cluster form and hence be in keeping with the existing plan forms.

Fenestration will be dictated by the position of neighbouring houses and the preservation of their amenity and privacy, while the appearance of the new house will take precedent from what is around it to ensure that it does not look out of place in terms of scale or presence within the area

The existing mature trees to the south-east corner are to be retained and both that cluster as well as those being retained by The Cottage help to provide screening to the site



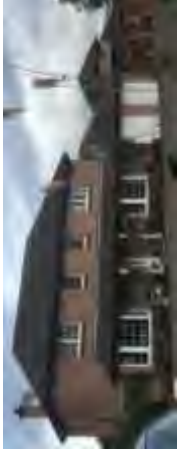
Architectural treatment and response to built environment

Following positive feedback from this planning in principle application, a full detailed design exercise will be carried out on the property although the analysis provided within this document will provide a basis for future design concepts to be developed on the grounds of scale form and materiality

The locality of the site is suburban in form with predominantly single with the occasional 1 and ½ storey domestic properties, the length of the main road. However, the nearby golf course adds a more commercial scale building structure. Generally, the materiality of the area is rendered facades with small details picked out in timber or brick. Roofs are a mix of slate, red / brown tile with the occasional profiled metal sheet to ancillary buildings. Windows and doors are generally consistently spaced rectangular openings. The large footprint of many of the properties results in a number of them having predominantly large roofs which are broken up with mixed success through the use of roof lights, chunky dormers and tall slender chimneys

The architectural response should reflect architecture of the existing building cluster, which though it varies in age and design quality, centres on traditional massing and vernacular materiality. Thus, any new design approach should reflect conventional proportions and forms with modern day internal spatial flexibility while including for modern day approach to for home working, which will be incorporated into the fully realised design proposal.

Contemporary design should to be the core of the proposals but with the emphasis on the incorporation of traditional and locally sourced natural materials where practical. Stone, render, slate, timber profiled roof cladding would not look out of place within any new development in the area as there is precedent for these materials in the near



vicinity. However, the scale of the forms need to be carefully judged to ensure the dwelling as a whole fit into the scale of the residential environment

Site servicing

Prior to any further applications pertaining to either site, a course of investigations will be carried out to further clarify the soil conditions with respect to foundation requirements and site drainage

Sewage treatment: it is assumed that relevant connections to mains sewage may not be feasible due to the location of the plot to the main, but confirmation of this will be obtained during the course of the following months and if not feasible, an alternative strategy will be developed

Surface Water: A SUDS type drainage system into soakaways from hardstanding areas will be incorporated.

Water supply: Mains water is provided to the area and relevant connections will be applied for in the coming months

Power: Requests for electricity connection to the existing mains will be requested at an early stage.

Landscaping response

Landscaping will consolidate and enhance the existing setting with minimal impact on the surrounding woodland backdrop. With the site and immediate environs being relatively flat it is assumed the intention will be to provide domestic scale planting with a low-key arrangement to fit in with the existing area

A new access will be provided in the existing fence which runs along the shared driveway but will be equally domestic in nature to the adjacent properties. New fencing will reflect existing on site and be no higher than circa 1.2m high.

Parking standards and turning facilities in accordance with current legislation will be provided though integrated into the existing topography to minimise its impact.

Flooding

Consulting the SEPA river and costal flood risk maps indicate that the site is not apparently at risk of flooding although there are a few small pockets of localised surface water areas to the north east within the nearby wooded area but it is not felt that this would be an issue on this site.

CONCLUSION

From the reasoning outlined within this document, it is believed that the feasibility of the proposed residential site at has been demonstrated on the following basis: -

- The site is fully identifiable on all boundaries providing a complete enclosure to the site through existing fencing,
- The current privately shared access route is available with a satisfactory surface finish
- Access to the site can be provided by incorporating a new independent gate from the shared access route
- Assurance is given that the proposed residential developments will meet and exceed the quality of design and amenity as required in Local Authority Planning Policy and still be sympathetic to the adjacent properties in scale form and materiality
- It can be demonstrated that the proposals meet with relevant siting criterion with respect to enclosure and backdrop

In conclusion the proposal outlined in submission should be given support by Perth & Kinross Council as Planning Authority in advance of future more detailed applications.

Appendix 1: Location details

Site address : The Cottage,
Golf Course Road,
Blairgowrie,
PH10 6LF

Map reference : NO179 433

Latitude : 56.574567

Longitude : -3.3369963

Parish : Blairgowrie Parish

Council : Perth and Kinross

Distance to major habitable areas

Perth : 15.3 miles

Edinburgh airport : 54.9 miles

Glasgow airport : 82.7 miles

Appendix 2: drawing schedule

Drawing description	Drawing number
Location plan	1097/PL/site_01
Site plan - existing	1097/PL/site_02
Site plan - proposed	1097/PL/site_03
Location plan	1097/PL/site_04

TCP/11/16(533) – 17/01743/IPL – Erection of a dwellinghouse (in principle) on land 40 Metres south east of The Cottage, Golf Course Road, Blairgowrie

REPRESENTATIONS

18th October 2017



Perth & Kinross Council
Pullar House 35 Kinnoull Street
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 Local Planner

SITE: PH10 Blairgowrie Golf Course Rd Lnd 40M SE Of Cott
PLANNING REF: 17/01743/IPL
OUR REF: 752219
PROPOSAL: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the **Linthrathen** Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- There is currently sufficient capacity in the **Blairgowrie 1970** 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 us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

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

Scottish Water infrastructure of a Water Main running through the area of the proposed development.

The applicant should identify any potential conflicts with Scottish Water assets. I can confirm that I have made our Asset Impact Team aware of this proposed development and someone from the Service Relocation Team will be in contact with you directly.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Megan Innes

Technical Analyst

Megan.Innes2@scottishwater.co.uk

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01743/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 40 Metres South East Of The Cottage, Golf Course Road, Blairgowrie		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 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.</p> <p>RCO00 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.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	19 October 2017		

Tracy McManamon

From: Alexander Matossian [REDACTED]
Sent: 30 October 2017 16:36
To: Development Management - Generic Email Account
Subject: F.A.O. Development Quality Manager - re. planning appl ref: 17/01743/IPL

ENTERED IN COMPUTER

31 OCT 2017

Dear Sir or Madam,

I am Mr Alex Matossian and I am one of the notified neighbours. I live at [REDACTED] situated adjacent to and immediately south of the relevant 'site location'.

Please be aware that in all living memory until this spring there existed a compact wooded area at the north of my land (c15-20 metres wide on my side) up to and beyond the fence between [REDACTED] ground and the 'site location' and stretching approximately another c15-20 metres north of that fence up to the previous fence (now removed) which had previously delineated the division between the ground surrounding 'The Cottage' and the field beyond (referred to in the application as a paddock - I am aware that this field was previously designated as 'agricultural ground' and I recall that an application for building houses in that field some c25 years ago was refused partially because it was agricultural). The canopy of this small wooded area was continuous over the fenceline and gradually thinned in the last few metres to smaller trees/overgrown shrubs at the north fringe. It had its own small habitat which regularly provided refuge for Red Squirrels, Rabbits, Blackbirds, Thrushes, Jays, Tawny Owls, various finches and other passerines, Woodpigeons, Crows, the local pair of Buzzards which nest in the wood north of there, Toads and other regular/occasional visitors such as Roe Deer, Brown Hares, Weasels, Woodpeckers, Sparrowhawks, Pheasants, Frogs etc.

I wish to make the following representations in time by the 3rd November deadline concerning the above-detailed application - however I will also wish to impart, in a separate email, a flavour of the actions/attitude I (and another elderly neighbour) have experienced of the applicants and their contractors in the weeks/months since their purchasing the property ('The Cottage', tennis court, field/paddock) earlier this year.

.....

*The application 'report' states on p.4 (Site Location) that '... the site is part of the garden ground of an existing residential plot, called The Cottage' and continues 'The proposed plot is an area of rough grass that is relatively flat with virtually no topographical contouring to it'.

Please be advised that the original fence at the north extent of 'The Cottage' ground which delineated the division between the land surrounding that residence and the field beyond (which I understand is classified as an 'Agricultural Holding') was bulldozed by contractors using massive diggers under direction of the applicants in the Spring of 2017 along with all the shrubs and numerous mature substantial trees (which, together with the still-existing very high mature trees on my side of the division, had formed part of the continuous small woodland referred to above). In the wake of these actions by the applicants there only now remains the very high mature trees on my side of the land division exposed on their north side where previously both their root structure and their upper parts were sheltered, supported and stabilised by the adjacent trees throughout approximately the last 100 years of their growth. (Please note that Mr and Mrs Smith both assured me that their motivation for clearing the area was to create an enclosed area for their dog to roam free in). In the days following the destruction of those trees there was certainly, at the very least, a very stressed pair of Jays lamenting vociferously in a near-continuous, loud and disturbing tirade the likes of which I have never heard before.

Mr Smith subsequently directed a fencing contractor to locate a fence enclosing the north and east perimeters of what is now the 'application site' however the location/length of these fences do not

correspond with the original extent of 'The Cottage' ground but annex a significant wedge of what was the field beyond.

Whilst it is accurate to describe the application site as now 'an area of rough grass', this description disguises the fact that it had, until only months ago, been a maybe 80-100 year old wooded area forming part of a canopy with the trees on my ground.

*The application 'report' states on p.5 (Site Access) "The proposed site is part of the grounds of the existing house".

In my view this is a false claim as the proposed access is I believe wholly within the above-mentioned significant wedge of the field beyond the grounds of 'The Cottage' grounds which the new fenceline annexes.

*The application 'report' states on p.6 'The site has a few mature evergreen trees to the south east corner which dominate the site, but has little domestic planting of note elsewhere'.

Again, in my view this is a false claim as the 'application site' in fact has no trees whatsoever remaining to the south-east corner (they were all bulldozed under the applicants' direction this Spring). There are of course some substantial mature trees which now overlook the site but they are the remaining trees on my side.

*The application 'report' p.9 (Site, Setting and Context) states "The existing flat site topography permits flexibility in positioning and orientation to maximise the views to the east across the paddock while still benefiting from western sunshine through the mature trees on the adjoining plots". It continues "The existing mature trees to the south-east corner are to be retained and both that cluster as well as those being retained by The Cottage help to provide screening to the site"

These statements are also misleading or even false . . there is only one adjoining plot (my land). The only sunshine the site would likely receive would be for a brief period from the east in the early morning. I believe sunshine from the south and south-west to that site is almost or wholly completely obscured by my mature trees and only in the very height of summer might the site receive some brief late-evening sunshine from the west. As previously stated my trees are the only ones near the S.E. corner and there is no 'cluster' in that corner within the site.

*The application report p.13 (Conclusion) states "The site is fully identifiable on all boundaries providing a complete enclosure to the site through existing fencing".

Whilst this is strictly currently accurate it again disguises the fact that this existing fencing does not represent the correct delineation between registered 'The Cottage' ground and the field to the North/East beyond.

*On both the 'existing' and the 'proposed' site plans (1:250: 1097/PL/02 and 1097/PL/03) there is shown a cluster of 'existing trees' which is referred to on more than one occasion in the application report, as I have already highlighted above.

I understand these plans were drawn in September 2017 and accordingly I can only describe the 'existence' of those trees as an intentional fabrication - there are no trees at that location and there hasn't been since the applicants' unilaterally-conceived and unilaterally-enacted tree-bulldozing spree in Spring 2017.

Also as I have previously highlighted above, the 'existing timber fence' captioned on these plans at the North and East extent of the proposed plot actually extend the area significantly beyond the registered 'The Cottage' ground, annexing a substantial wedge of the field.

*On the 'Planning application' p.3 under 'Existing Use' the site is described as 'domestic garden ground'.

As detailed above a significant wedge of the proposed plot is annexed from the field, rather than 'The Cottage' garden. Also as detailed above, the majority of the proposed plot was until spring 2017 a wooded area of mature trees.

*On the 'Planning Application' p.4 (Trees) the response to the question "Are there any trees on or adjacent to the application site?" is the placement of an X in the 'yes' box. The application form then continues "If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposed site and indicate if any are to be cut back or felled." None of the accompanying drawings mark any of my relevant adjacent trees or their canopy spread - indeed the 1:250 plans stop entirely at the south edge of the 'proposed plot' without even acknowledging any ground beyond. Instead these plans, as stated above, only show a cluster of claimed 'existing trees' and their supposed canopy . . trees which in fact do not exist at all.

*On the 'Planning Application' p.5 (Certificates and Notices) the response to the question "Is any part of the land part of an agricultural holding?" is the placement of an X in the 'No' box. As stated above the new fencelines which were erected at the north and east extent of the 'proposed plot' according to the applicants directions actually annexe a significant wedge of the field (which I believe was/is classified as an 'agricultural holding') and according I suspect the 'no' response here to be false.

In conclusion, for the above reasons, I find it absolutely necessary to object to this application.

Please also note that, should the Planning Authority consider granting permission for the applicants' proposal as it is now or in the future, that this be only with specific requirements/condition/s to the effect that either there can be no subsequent application by the applicants or subsequent owners of the plot for trees on [REDACTED] and to be cut back or felled and/or that it will be the applicants' (or any subsequent owners') full responsibility (both financial and otherwise) to resolve the applicant-conceived issue (. . of the now-exposed 'north face' of my treeline over-looking the 'void' created by the applicants' tree-bulldozing spree . .) to my (or [REDACTED] owners') full satisfaction and that any tree-related (or consequent fence-dismantling/re-instating etc) works/noise/disturbance which may ensue therefrom be time-restricted such as to be prohibited during the 'breeding season' months of March to July.

Yours sincerely,
Alex Matossian

Comments for Planning Application 17/01743/IPL

Application Summary

Application Number: 17/01743/IPL

Address: Land 40 Metres South East Of The Cottage Golf Course Road Blairgowrie

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Joanne Ferguson

Customer Details

Name: Mr Ivan Clark

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area
- Over Looking
- Supports Economic Development

Comment: This proposed house would be visible to me from my upper floor but is far enough away to not be out of character to me and most other houses and in addition it is natural infill which is already happening in this neighbourhood.

The applicant has already improved their existing house and gardens and this too would be an improvement to the ambience of the area.

The only caveat I have is that the proposed access being created is shown as being over a length of private driveway which is on ground owned by us and fronting our house but I am amenable to this happening subject to the usual legal agreements being put in place. The private roadway is very lightly used presently due to there being a very few number of houses present and in creating this access there is only one last house at road end so I hardly think there being any issues or concerns of overuse.

> Good afternoon

> I have called the planning office a few times to disappointingly not get a call back from yourself!

> My husband and I are concerned about the above planning as we have had no neighbour notification regarding this and wondered why? We did receive previous notification for the extension they are planning. Everyone else I see has had notification apart from us.

> I would also like to have noted that I see a picture of our house also in this, which we knew nothing about being taking!!

> There seems to be a lot of things going on with this property since Mr & Mrs Smith have bought it. Change of boundary fences to make their garden look bigger which was agricultural land previously, also numerous trees cut down around the grounds, which is really sad, as there were a lot of Red squirrels and bats living within the trees and deer and foxes seen daily in the agricultural land, which is now fenced off where the dogs run.

> The private road where they are trying to get access from is a concern, as we are the only people who use it past the cottage, we obviously don't want cars coming up and down there, [REDACTED]

> I feel there seems to be a hidden agenda somewhere. If they get planning for this house are they going to build more house's on the field?

> We were told by the council that when we moved into our house, there was no plans for any development in the area for at least 10 years, especially in the fields around our house, as it was a green or brown belt area.

> I had been told the previous owner tried to get planning unsuccessfully, this was also the hold up trying to sell the house and one of the reason we did not bid for house ourselves, giving us peace of mind no houses were to be built here.

>

> I look forward to hearing from you.

>

> June Graham

>

> Sent from my iPad

>

> Securing the future... - Improving services - Enhancing quality of

> life - Making best use of public resources.

>

> The information in this email is solely for the intended recipients.

>

> If you are not an intended recipient, you must not disclose, copy, or

> distribute its contents or use them in any way: please advise the

> sender immediately and delete this email.

>

> Perth & Kinross Council, Culture Perth and Kinross and TACTRAN do not

> warrant that this email or any attachments are virus-free and does not

> accept any liability for any loss or damage resulting from any virus

> infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

>

> The information contained in this email may not be the views of Perth

> & Kinross Council, Culture Perth and Kinross or TACTRAN.

> It is possible for email to be falsified and the sender cannot be held

> responsible for the integrity of the information contained in it.

>

> Requests to Perth & Kinross Council under the Freedom of Information

> (Scotland) Act should be directed to the Freedom of Information Team -

> email: foi@pkc.gov.uk

>

> General enquiries to Perth & Kinross Council should be made to

> enquiries@pkc.gov.uk or 01738 475000.

>

> General enquiries and requests under the Freedom of Information

> (Scotland) Act to Culture Perth and Kinross should be made to

Additional Comments

Tracy McManamon

SENSITIVE

From:

Alexander Matossian - [REDACTED]

Sent:

03 November 2017 17:07

To:

Development Management - Generic Email Account

Subject:

F.A.O. Development Quality Manager - re. planning appl ref: 17/01743/IPL

ENTERED IN COMPUTER

6 NOV 2017

Early this year 'The Cottage', the adjoining tennis court and the large field adjacent to 'The Cottage' ground was sold after a period on the market. the area covered by that land surrounds the rear half of my land at [REDACTED] on three sides.

As I mentioned in my earlier submission on this proposal . . in all living memory until this spring there existed a compact wooded area at the north of my land (c15-20 metres on my side) up to and beyond the fence between [REDACTED] ground and the 'site location' and stretching approximately another c15-20 metres north of that fence up to the original fence (now removed) which had previously delineated the division between the ground as registered to "The Cottage" and the field beyond (referred to in the application as a paddock - I am aware that this field was previously designated as agricultural ground): The canopy of this small wooded area was continuous over the fenceline and gradually thinned in the last few metres to smaller trees/overgrown shrubs at the north fringe. It had it's own habitat which regularly provided refuge for Red Squirrels, Rabbits, Blackbirds, Thrushes, Jays, Tawny Owls, various finches (including Bullfinches) and other passerines, Woodpigeons, Collared Doves, Crows/Jackdaws, the local pair of Buzzards which nest nearby in the wood to the north of the field, Toads, and other regular/occasional visitors such as Roe Deer, Brown Hares, Weasels, Woodpeckers (Great Spotted and Green), Sparrowhawks, Pheasants, Frogs as well as Redwing, Fieldfare and Waxwing winter migrants (even Otters may occasionally pass through - although I have never actually observed one in my garden - as I have seen an otter killed on the road very nearby on a couple of occasions).

A few weeks after the purchase (of "The Cottage" etc) I heard very heavy machinery and went out back to find that the fence between 'The Cottage' and the field was torn down and there were huge diggers and a team of men progressively ripping out/bulldozing the shrubs and smaller trees at the northern fringe of the wood. I asked what was happening and was told I should speak to the owner Mr Smith. I found Mr Smith (whom I had never met before) and expressed concern about the destruction of the trees I was witnessing. I was concerned that it may leave the trees on my side exposed and potentially ultimately with compromised stability . . he told me he was just clearing an enclosed area to fence in for his dog to roam freely in and he eventually admitted that he was indeed removing all the trees up to the fenceline. . I expressed concern firstly at the noise close to my land (as I had exotic bird species on eggs only 20 metres or so away at that time) and whether he had sought any approval before commencing this; he replied that he would tell the workers to keep noise to a minimum and that he himself had checked if there were any nests in the trees but that there had been none so there was no issue as far as he was concerned. I returned to my home whereupon my elderly neighbour Mr Logan of 'Heathcote' chapped at my door - he was also concerned at the destruction of the trees and was going to contact the Council (which I believe he subsequently did). I went again to speak to Mr Smith and advised him that another neighbour was also concerned enough to complain . . Mr Smith took the opportunity to advise me that, as well as fencing in the immediate area behind my land (supposedly for his dog) that he also intended to fence the whole of the large field beyond. I told him not to touch the fence between the east edge of my land and the field without speaking to me and that he should also advise Mr Logan of his plans. . Mr Smith replied that he would not touch my fence and that he intended removing the rickety secondary fence (which had been erected to prevent the horses which previously had occupied the field from leaning on the main fence) a yard or so on his side and replacing it with a robust stock-proof fence a yard within the existing fence. (As previously stated - In the days following the destruction of those trees there was certainly, at the very least, a very stressed pair of Jays lamenting vociferously in a near-continuous, loud and disturbing tirade the likes of which I have never heard from Jays before. Jays can be loud and raucous however this

was on an extreme level and I am fairly sure that the loss of a nest, eggs and/or chicks is the most likely explanation for that phenomenon).

A few days later, one morning as I was preparing to go to work I heard loud repetitive cracking thuds which almost made the ground shake and I went out to investigate what was the source of the sound which was coming from east. As I rounded the corner of my garage I immediately noticed that the east fence between my garden and the field beyond had been torn down. Across toward the south-east corner of the field were fencers operating a large tractor with a hydraulic ram bashing a strainer post into the ground. I approached the operator and asked what justification he had for having pulled down my fence - he replied very dismissively that he was contracted by Mr Smith to build a fence round the field and that, as he deemed it a perimeter fence he didn't need permission from me. I advised him not to touch anything further at my fenceline and not to dare to operate that deafening machine closer to my land but he replied, using an expletive, that he'd do what he wants and he'll shortly be using the machine to drive in another strainer at the edge of my land - I chastised him for swearing without reason and replied that he would not use it there. I immediately went around to speak to Mr Smith. Mr Smith denied knowledge of the fence having been pulled down and he appeared apologetic saying that the fencer was not supposed to do that (it has been a feature that Mr (& Mrs) Smith unilaterally initiate significant irreversible actions then deny responsibility after the fact and pass the buck to the contractors who likewise do the same - ultimately they are all responsible and I have come to believe their infringing actions are defiantly deliberate with little or no pre-meditation for the concerns and rights of other relevant residents - I learned from my elderly neighbour Mr Logan of 'Heathcote' only very recently that he had seen the fencer pulling my fence down a little earlier that morning and had also gone out to tell him that he shouldn't be doing that . . . but was told impolitely by the fencer to mind his own business). I told Mr Smith that the tractor ram could not be used closer to my land at that time as it will cause losses and harm to my brooding birds and that the fence they had inexcusably torn-down would have to be left as it was for a number of weeks until the most sensitive period had passed. Mr Smith agreed to this saying he would tell the fencer to work well away at another part of the field, he stated he would re-instate the torn-down fence a few weeks hence and have another secondary fence erected a metre inside as he had previously promised. I made my way to work somewhat late.

A few mornings later again whilst readying for work I became aware of activity at the north fence of my land and went to investigate. To my shock and utter disbelief I found the fencers in the process of dismantling the metal fence (they having removed the netting and wires) and I told them to stop . . . the fencers' dog was also wandering about off the lead back and forth onto my land - I told them to get it off my land and under control to which the older fencer dismissively replied that it was o.k. for him to wander about and the dog doesn't do any harm: I told him to get the dog off my land immediately and keep it on a lead or in the vehicle. I then went around to Mr Smith to inform him of the fencers' latest infringement, however this time Mr Smith was defiant claiming that it was his fence to do with as he saw fit - his reasoning being that the netting was affixed to his side of the fence and that he believed it to be his and that accordingly he hadn't needed to speak to me about it as I had no say in the matter. I advised him that not only was it not his fence and began to detail that I had, in fact, built part of the fence myself . . . when the fencer impatiently interrupted dismissively accusing me of lying and stating that the fence was probably at least 100 years old. I responded that the original fence was indeed that age but that I had previously measured/compared the length of the fenceline against the registered plans of my ground and that the fence was actually marginally within my lands, that the arrangement of the metal strainer brace-supports clearly show that it delineates the extent of [REDACTED] (not "The Cottage") and that I had myself indeed previously renovated the fence (removed the broken/corroded fence posts and renewed them, drilled them for wiring and Hammerited all the posts and renewed the wire and netting). Mr Smith went quiet . . . then again stated that he just wished to fence in an area for his dog - a fence therefore needed to be re-instated somehow without delay but the fencer using his tractor-mounted hydraulic ram was not an option as it would definitely cause huge irreversible disturbance/harm to my brooding birds. Mr Smith said that if it was o.k. with me he would have the fencer replace new wires to the existing metal strainer corner posts and new netting affixed. I agreed to this as I was once again late for work and it seemed the

only immediate option given the situation which Mr Smith and his fencers had now presented me with but I advised him that the resulting fence would not be his property and that it is still located marginally on my land which he acknowledged before we walked away . . I was however concerned enough that the fencer may yet demolish my fence so before leaving for work I went to my shed where I still had some spare new 2 metre replacement metal T-section fence posts I had kept since renovating the fence many years ago and walked back to show him as he sat having a snack in his 4WD. That night when I returned from work late evening I discovered that the fencers had driven in wooden stobs alongside the existing metal posts and had affixed the wires and netting only to the wooden stobs. I took the same spare metal fence post I had shown to the fencer as well as the original [REDACTED] title deeds and the property/land plan therein showing the dimensions/perimeter of my land . . Mr Smith said that he felt we had got off on the wrong foot, the last thing he wanted to do was to cause upset or disturb my birds - Mrs Smith interrupting that they would delay any noisy work for a couple of weeks . . I said that it would have to be for several weeks, not a couple, to which Mr Smith agreed and said I could advise him when it was safe. I hoped that a lasting understanding may have been reached but was not entirely convinced and I remained apprehensive.

Several weeks later I spoke with Mr Smith . . he now seemed impatient again and informed me that the fencers would be back in the next day or so to erect the fence at the east perimeter of my garden/adjacent to the field. He said I had asked for a couple of weeks delay and that 5 weeks had now passed and he wasn't waiting any longer - I replied that I had never suggested that a couple of weeks was sufficient rather that it had been Mrs Smith who had said that and I had advised that it would have to be for several weeks . . I advised however that it should now just about be o.k. to proceed.

Soon thereafter, in the morning as I was preparing to leave for work I again heard the hydraulic ram and had a look to see what was happening. The fencer was using the tractor-mounted hydraulic ram to drive in a strainer but positioning it on my land, not a yard inside the field as had been agreed. He told me he had been told to build a single fence. I advised him that the strainer he was driving in would have to be moved. He agreed to do so and moved it 2-3 feet east. They had cut back some branches of my trees and a younger lad was dragging these on to my land (as they were entitled so to do) to be there discarded. When I returned from work I was able to examine the completed fence - although the wires were anchored at the south end (of the fence) to the new wooden strainer post they had driven in just at/off the east edge of my land, at the north end of the fence the wires were anchored to the original metal strainer post at the north-east corner of my land . . and there was no secondary fence. I was upset by the fact that all the remains of the original fence which they had pulled down without permission/consultation several weeks before had been left and/or dumped on my land.

In the following days/weeks the fencers were also erecting a 6ft solid wood-panel fence around "The Cottage" including along northern section of the west perimeter of my land. Again they had cut back some overhanging branches of my trees and the lad was again dragging the offcuts onto my land but he was stepping all over some box-profile sheets I had stored there without a care and I had to tell him to walk on the ground, not on the sheets which I needed.

I have previously received in July the neighbour notification of the Smith's proposal for an extension to "The Cottage" and I could not foresee any issue with it so didn't even view the proposal online . . when I subsequently received notification of 17/01743/IPL I immediately realised it had potential implications (particularly tree-related) for me and I thought to submit (not necessarily an objection but . .) comments and suggested recommendations/conditions: However when I eventually had the opportunity to view and study the application in detail on a friend's computer (my old laptop doesn't download) it became clear that it was essential that I submit a detailed objection.

Yours sincerely,
Alex Matossian

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01743/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	██████████ ██████████████████
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 40 Metres South East Of The Cottage Golf Course Road Blairgowrie		
Comments on the proposal	Insofar as the roads matters are concerned, I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	13 November 2017		

Subject: F.A.O. Gillian Taylor/Audrey Brown re . . TCP-11-16(533) . . request for Review of Decision - Planning Application 17/01743/IPL

From - Notified Neighbour: Mr Alex Matossian
"Estrada", Golf Course Road, Blairgowrie, PH10 6LF

Thank you for informing me of the request for the above-detailed Review. As indicated in a subsequent telephone conversation I intended to make further representation. These representations are in addition to both of my previous submissions and all should be read in conjunction and in detail.

The decision to refuse application 17/01743/IPL was because the proposal is contrary to Perth & Kinross Development Plan 2014 - Policies CF1 (open space zoning), PM1A (placemaking) and RD1 (residential areas). The gist of the applicants'/agents' request for Review appears to rely solely on the fact that they have had to admit that the then-relocated North/East fence had annexed a wedge extending to c10 metres wide (c343 metres squared in total) from the adjacent paddock and that the applicant has since had that fence-line moved back to the position of the original North/East boundary between 'The Cottage' garden and the paddock. The applicants/agent claim that . . (1) as the application was 'in principle' - with no specific detail - and that there are another couple of local residences of a similar or smaller plot size, that it supposedly therefore cannot be judged contrary to Policy PM1 . . (2) that the re-revised/corrected North/East fence-line now does not extend into the paddock 'open space' and so (despite the fact that the extent of the application plot remains unchanged and still extends into the paddock) supposedly cannot be judged contrary to Policy CF1 and . . (3) as the re-revised/corrected fence-line is within the area zoned for residential and compatible uses and so (despite the fact that the application plot size remains unchanged and still extends into the paddock) supposedly the application is not contrary to Policy RD1. All other considerations appear to be disregarded.

I have reviewed the original application documents as well as those for the Review Request and I noticed what I believe to be another significant error in the original Planning Application Form which I had not previously noticed nor highlighted.

*On p.1 of the form is the question "Has the work already been started or completed?" (with options of 'No, 'Yes-started' or 'Yes-completed' to choose from) . . the option 'No' has been selected.

As previously detailed practically the whole of the plot had been mature-wooded/shrubbed . . until that was all flattened as instructed by the applicants in the Spring of 2017 - the original fence ripped out and the trees chopped/bulldozed out of existence (I believe now buried near the north boundary of the paddock). Surely that constitutes 'work already started' . . and accordingly I believe the option 'Yes-started' should have been selected.

I suspect the chosen 'No' selection was to deliberately give a false impression that the Agent's description (in their 'Supporting Statement') of the proposed plot as "an area of

rough grass that is relatively flat with virtually no topographical contouring to it" defines how the site has always been during the medium-to-distant past as well as the present.

It has to be understood that the action last year of destroying that section of existing woodland habitat has already significantly negatively impacted on both the **natural environment** and the **biodiversity** in that immediate area/ecosystem and that (although that woodland destruction pre-dated the actual submission of the Planning application by a few months) the 'started work' has consequently already contravened both Policies **PM1A** and **CF1** respectively.

Please study the first and last images (first . . a view from the driveway leading toward 'The Cottage: last . . a view looking east across the paddock) from the PSPC schedule of 'The Cottage' which show the treelines (around the now-proposed site) when 'The cottage' was still for sale about two years ago - <https://www.pspc.co.uk/schedules/56/56881.pdf> . .

. . Now study the difference in the tree-line/-canopy/-density in these photographs I took in the last few days from almost identical view-points . .





.. and another photograph taken just after midday from the paddock looking west over the proposed site .. clearly illustrating how part of the original woodland/tree canopy has been torn out and how the remaining trees on the adjacent plot (my ground - "Estrada") overlook the proposed plot to a great height and cast it in shadow throughout the day, except early morning. This angle also clearly illustrates that there is no 'cluster' of mature trees within the South-East corner of the site as is falsely claimed/indicated in both the Agent's 'Supporting Statement' and the 'Site plans'.



*Please see top attachment 'Existing Site Plan' (which has been re-submitted with the Request for Review), although there is no 'legend', it has a green line indicating the extent of the original tree canopy before the bulldozing last Spring . . one can see it extended over the whole proposed plot . . this Site Plan (as well as the 'Proposed Site Plan') fail/s to indicate the canopy spread close to the proposed plot (as it is meant to) and so no canopy is shown south of the boundary fence. . indeed the whole Application ignores the adjacent plot ("Estrada" . . my residence plot) or any impact their actions may have thereto.

*In the Agent's additional statement accompanying the Review Request there are a number of claims and assumptions made (Agent's *text in italics*). .

"We would note that as our application was an 'in principle' application for a residential development, no detail of the proposed house, position within plot, visual appearance or size of house was submitted so as a result the application cannot be judged on whether the proposals contribute to the visual amenity of the environs and local context in terms of design which is primarily what Policy PM1 is concerned with."

*Policy PM1 also requires that the development must contribute positively to the quality of the surrounding built **and natural environment** . . The applicants' development, even before any planning permission was sought, fails to comply with Policy PM1 due to (a) the area of natural environment which the applicant has already destroyed, (b) the negative impact that has had on the remaining environment on adjacent ground (mine at "Estrada") and (c) the further negative impact it would have were the development to continue. As regards size/shape/positioning of plot I would think that, with a limited plot size to begin with even before the fence-lines were corrected, it was always going to be a challenge to meet the criteria for compliance of Policy PM1 and now suggesting a significantly smaller plot can only exacerbate that. There is no written acknowledgement of the destruction of trees or mention of the fabricated 'cluster' of trees in the South-East corner: The whole tree issue has been buried . . as deep as the remains of the actual trees themselves - somewhere under the north of the paddock.

"Following the original submission, it was ascertained the applicant had replaced the dilapidated fence which separated rear garden of The Cottage from the adjacent open space. This new fence had been misaligned by the fencing contractor and included a portion of the adjacent ground which is also under the applicant's ownership. The land in question did not form part of the original garden and was in fact paddock - presently zoned as open space under the current PKC planning policy for Blairgowrie and Rattray, This was a genuine error and one which the applicant has now corrected and the fence has been placed in the original position. Thus we can confirm that there will be no more residential development within the open space ground and therefore the application site will not be contrary to policy CF1: Open Space Retention and Provision. We appreciate however the planning department had to consider the application as presented to them."

*It is disingenuous and simply not credible that the 'misalignment' of the relevant fence was a 'genuine error' of the fencing contractor or that at the time of the Application neither the

applicant nor Agent were aware that the proposed plot cut a swathe up to 10 metres wide into the paddock ground. It was obvious to anyone with eyes in their head that the fence was way into the paddock - and similarly it was obvious looking at any of the Site Plans. Please see top attachment . . the Application Neighbour Notification Plan which even indicates the original boundary as well as the erroneous revised fence-lines into the paddock.

To claim that the application site now (even with fence-lines corrected) is not contrary to policy CF1 is surely false and/or wishful-thinking (despite the re-assurance of no further 'musical fences') as the Application site area, extent and all Site Plans still extend the site into the paddock (contrary to Policy CF1).

"The Planning Officer in the Report of Handling notes that the residential site would be reduced to circa 1,000m² in plot area and that we concur with. We would however draw attention to the PO's appraisal of the site in that she confirms it is 'largely located within an area zoned for residential and compatible uses'. Excluding the 330m² of open ground designation from the site we can confirm that the remaining 1,000m² of site will therefore wholly comply with Policy RD1: Residential Areas.

We would note that the planning boundary declared on our application could be retained provided we ensure the area of open land is maintained as that in terms of this review."

*Again, as above, to claim that the application site now (even with fence-lines corrected) is not contrary to policy RD1 is surely false and/or wishful-thinking (despite the re-assurance of no further 'musical fences') as the Application site area, extent and all Site Plans still extend the site beyond the area zoned for residential and compatible uses - with an area of 1350m² . . and this I would suggest is confirmed by the statement '*the planning boundary declared on our application could be retained . . '* - Indeed, the Planning Officer states in the Report of Handling, under 'Design and Layout' . . "It is considered however that a dwelling could be accommodated within the site without detrimentally impacting on existing or proposed residential amenity **but as stated above this is due to an extension into the zoned open space**".

"Our analysis using Ordnance Survey data of the area surrounding The Cottage reveals a number of residential plots which are smaller than the residentially designated application plot area (1,000m²), MSA drawing 1097/PL/05: Plot analysis indicates that there are residential plots as small as 796m² in the immediate vicinity of the application site. In fact, there appear to be 5 sites being less than the minimum area that the PO states in the Handling Report ("general density ranges from 1800sq metres to 4000sq metres"). On this basis we believe that the proposal for residential grounds does meet the criterion for respecting the density in terms of Policy PM1: Placemaking and on that basis the applicant's proposal should not have been refused".

*I am sure the Planning Officer has not suggested in the Report of Handling that there are no residential plots less than 1800sq metres or even less than 1,000sq metres, indeed she states . . "The immediate area is characterised by large dwelling in equally large plots, with the exception of one plot Craigmores".

'Craigmore' at 798m² is in the immediate area and is on the Neighbour Notification List. 'Strawberrybank' which the Agent refers to at 796m² is not in the immediate area (and is not on the Neighbour Notification List) but is fairly close-by. It is not really consistent nor credible for the Agents to now contradict the Planning Officer and to crave approval for smaller plots when they previously detailed in their 'Supporting Statement' at the time of the Application last year, under 'Adjacent Properties' . .

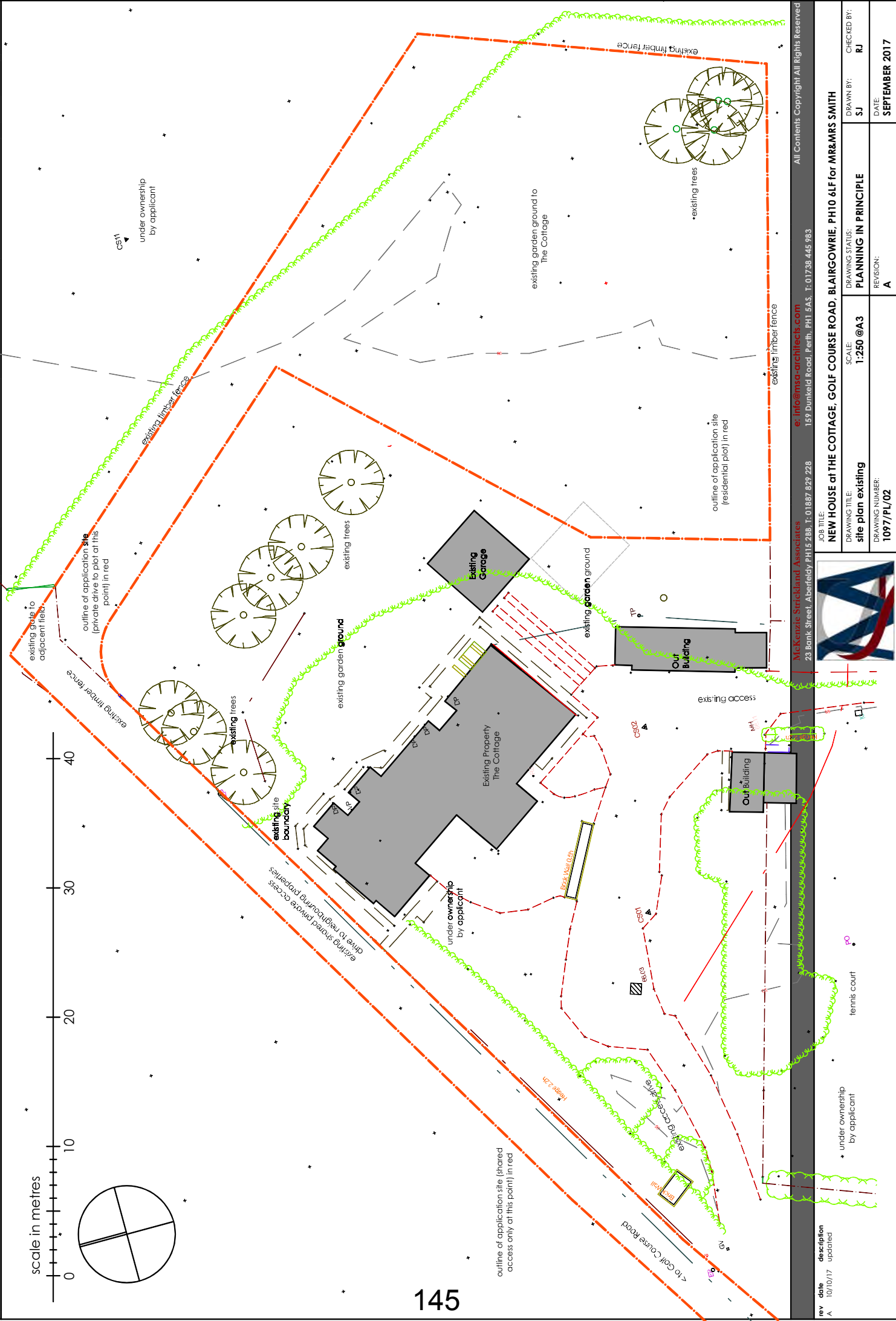
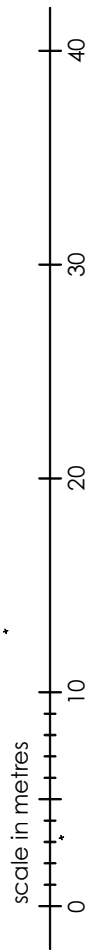
*"The site sits on the edge of a large cluster of informally arranged residential properties with mature gardens lining the main road. These houses vary in age and architectural quality however **are generally substantial in footprint** but mainly single or 1 /1/2 story"*

All these properties however were built before 2014 . . the Perth & Kinross Local Development Plan was adopted in February 2014 and I assume applies only to developments since then, so neither 'Craigmore' nor 'Strawberrybank' are precedents and they do not sway the general conclusion that the area is characterised by large dwellings in large plots. Accordingly the proposal should correctly be judged contrary to Policy PM1.

Furthermore, as previously highlighted in earlier representations, I also have grave concerns from the safety aspect of the plot . . since the applicant's bulldozing of the trees there only remains the very high mature trees on my side of the land division now exposed on their north side where previously both their root structure and their upper parts were sheltered, supported and stabilised by the adjacent trees and which dominate the site as can be seen in the above photo.

In conclusion I support the Planning Department's decision to refuse the Application and urge that, after due process, the Local Review Board uphold that decision. I sustain all the objections I previously submitted . . together with a few more arising from the Request for Review.

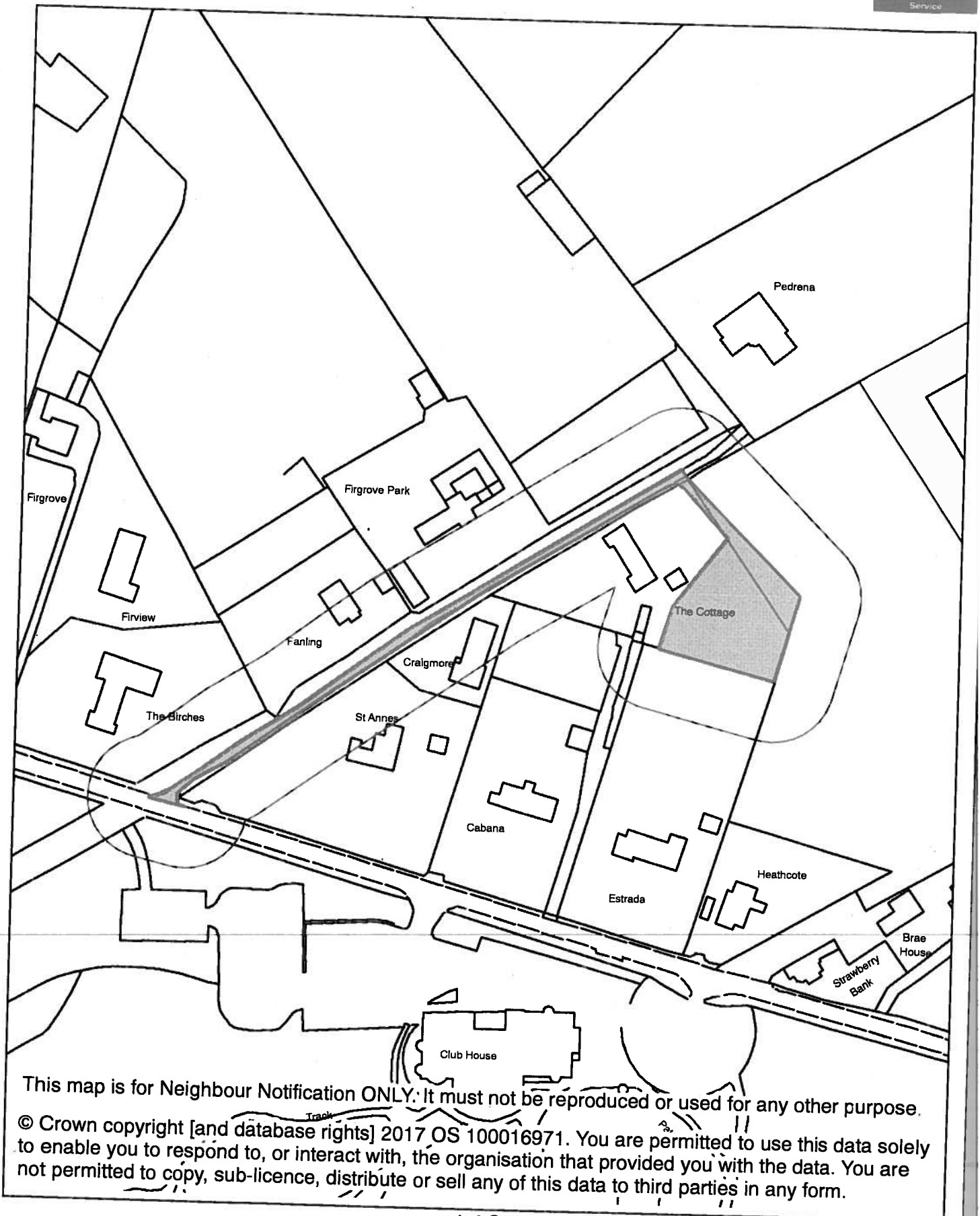
Yours sincerely,
Alex Matossian



Perth & Kinross Council

NEIGHBOUR NOTIFICATION

Location Plan showing planning application site



This map is for Neighbour Notification ONLY. It must not be reproduced or used for any other purpose.
© Crown copyright [and database rights] 2017 OS 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Perth & Kinross Council

NEIGHBOUR NOTIFICATION

Location Plan showing planning application site



This map is for Neighbour Notification ONLY. It must not be reproduced or used for any other purpose.
© Crown copyright [and database rights] 2017 OS 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Perth & Kinross Council

NEIGHBOUR NOTIFICATION

Location Plan showing planning application site



This map is for Neighbour Notification ONLY. It must not be reproduced or used for any other purpose.

© Crown copyright [and database rights] 2017 OS 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

CHX Planning Local Review Body - Generic Email Account

From: June Graham [REDACTED]
Sent: 06 June 2018 22:25
To: CHX Planning Local Review Body - Generic Email Account
Subject: TCP/11/16(533)

Good evening

It has come to our attention that we have been excluded from being a notified neighbour again. We were sent an email last December informing us of the planning decision, so there was no excuse or mistake of having the wrong email address. I find this rather suspicious!

It does say you will be given copies of the original representation but I have enclosed it again just incase of any other mishaps!! I have also attached a picture of how the property looked before Mr & Mrs Smith moved in and to me the back garden was always just in front of the row of trees as you can see from the below picture.

Many thanks

June Graham

“Good afternoon

I have called the planning office a few times to disappointingly not get a call back from yourself!

My husband and I are concerned about the above planning as we have had no neighbour notification regarding this and wondered why? We did receive previous notification for the extension they are planning. Everyone else I see has had notification apart from us.

I would also like to have noted that I see a picture of our house also in this, which we knew nothing about being taking!!

There seems to be a lot of things going on with this property since Mr & Mrs Smith have bought it. Change of boundary fences to make their garden look bigger which was agricultural land previously, also numerous trees cut down around the grounds, which is really sad, as there were a lot of Red squirrels and bats living within the trees and deer and foxes seen daily in the agricultural land, which is now fenced off where the dogs run.

The private road where they are trying to get access from is a concern, as we are the only people who use it past the cottage, we obviously don't want cars coming up and down there,
[REDACTED]

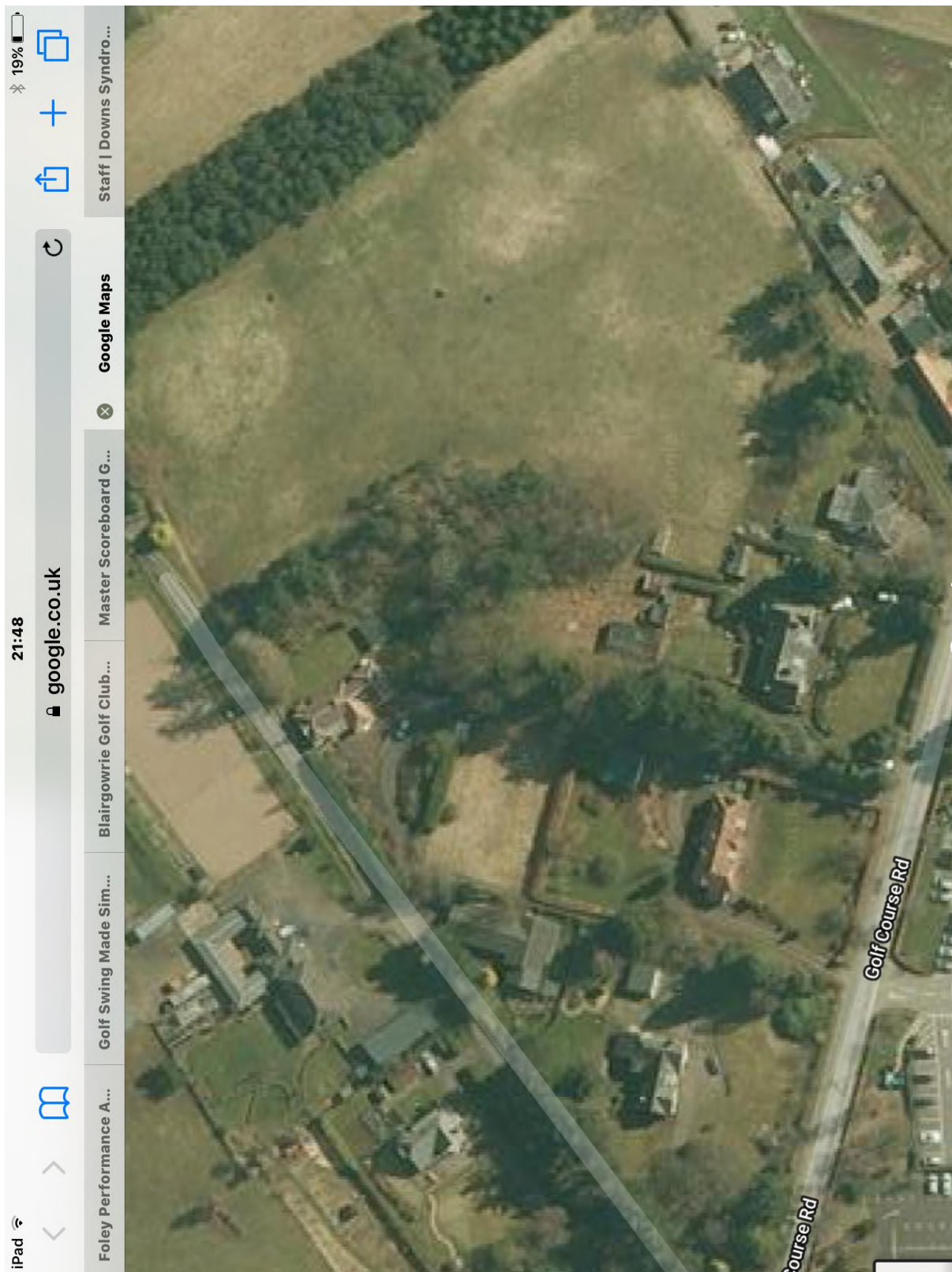
I feel there seems to be a hidden agenda somewhere. If they get planning for this house are they going to build more house's on the field?

We were told by the council that when we moved into our house, there was no plans for any development in the area for at least 10 years, especially in the fields around our house, as it was a green or brown belt area.

I had been told the previous owner tried to get planning unsuccessfully, this was also the hold up trying to sell the house and one of the reason we did not bid for house ourselves, giving us peace of mind no houses were to be built here.

I look forward to hearing from you.

June Graham”





**McKenzie
Strickland
Associates**
Chartered Architects

Perth and Kinross Council,
Council Building,
2 High Street,
PERTH,
PH1 5PH
For the attention of Clerk – Gillian Taylor

27th June 2018

(by email and post)

Dear Sirs,

**Ref Town & Country Planning (Scotland) Act 1997
The Town & Country Planning (Schemes of Delegation & Local Review
Procedure) (Scotland) Regulations 2013
Application Ref: 17/01743/IPL – Erection of a dwellinghouse (in principle)
on land 40 Metres south east of The Cottage, Golf Course Road,
Blairstownie – Mr and Mrs Smith**

We write in relation to your letter of 15th June 2018 and the enclosures. We respond as follows.

1. Representation from J. Graham esq.

We have no comment in relation to the neighbour notifications as this is a matter for PKC to answer rather than our clients.

- a. The picture taken of the Grahams house was not intended to cause offence – we were merely trying to illustrate the quality of their house design in the wider context of the surrounding area.
- b. The boundary fence in question was moved and we have commented on this formally under separate cover. This was a genuine error and there was absolutely no intention to extend the applicants garden without due process. Our clients did not appreciate they would need to have consent to utilise the land, which they already own, as part of their garden. The fence has been relocated exactly to its original position. This can be verified at any time by PKC.
- c. All of the trees were in the clients garden ground. The removal of their trees did not require consent – this was fully explored and checked with PKC before any tree removal work was undertaken.
- d. There is no hidden agenda on our clients part – they fully appreciate the field to the rear of their property, which they own, is not likely to gain support from the local authority under the current planning policy. This land is deemed as public open space. Fundamentally this house is for their son as securing land in the area to build a home for a young family is increasingly difficult.

www.msa-architects.com
info@msa-architects.com

Perth Office:
159 Dunkeld Road,
Perth PH1 5AU
T: 01738 445 983

Aberfeldy Office:
23 Bank Street,
Aberfeldy PH15 2BB
T: 01887 829 228

Vat: 206 222 945

Exceeding Your Expectations
in Design, Quality & Service

2. Representation from A. Matossian esq.

The submission from the objector is extensive thus we will respond to each of the comments, where comment is needed, in groups to assist.

- a. Trees. There was no attempt to give a false impression about their removal in relation to the commencement of the works. No consent was needed to remove the trees given they were all growing in the private garden ground belonging to the applicants. This was checked with PKC months ahead of the application and they were removed months before the application was made. The trees were thoroughly checked for squirrel dreys, protected species and such like prior to felling by a competent woodsman.
- b. Boundary location. The applicants completely respect the objectors point of view in relation to the fence. It is clear there is unlikely to be any common consensus in this regard.

We have stated, beyond all doubt, that the fence was in the wrong place for the reasons previously given. The fence line is now in its original location. PKC have been given opportunity to review this and confirm it is in the right location – the offer has not been taken up.

In consultation with the planning officer it was confirmed the area beyond the fence line could, in theory, be amenity space providing it is not part of the application. Indeed it is presently amenity space given it has been zoned as public open space. This space can be used for the purpose desired by the policy now and in the future. There is no change.

- c. Plot size. The plot sizes we have stated are correct. This application compares more than favourably with houses in the vicinity of the application site. The ordnance survey digital
- e. extract was used to verify the sizes. It is accepted there are larger plots in the area – there are also smaller plots – this is fact. The type of houses and plot sizes in the area give character to the areas and a mix of housing types and sizes results. It is this that makes the area attractive. The fact that houses have been build before 2014 is not relevant – they are there now and set precedent.

We trust you find the above to be in order and we look forward to hearing from you.

Yours sincerely,

Robert K. D. Johnston.

For and on behalf of McKenzie Strickland Associates.

Cc clients and file



**McKenzie
Strickland
Associates**
Chartered Architects

www.msa-architects.com
info@msa-architects.com

Perth Office:
159 Dunkeld Road,
Perth PH1 5AU
T: 01738 445 983

Aberfeldy Office:
23 Bank Street,
Aberfeldy PH15 2BB
T: 01887 829 228

Vat: 206 222 945

*Exceeding Your Expectations
in Design, Quality & Service*