

**LRB-2021-01 – 20/01220/FLL – S42 application to delete condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL, Altamount House, Coupar Angus Road, Blairgowrie**

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**LRB-2021-01 – 20/01220/FLL – S42 application to delete condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL, Altamount House, Coupar Angus Road, Blairgowrie**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name MS CATHY KELLY

Address GRACEFIELD HOTELS LTD,  
22/26 KING STREET,  
KINGS LYNN

Postcode PE30 1HU

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail\* [REDACTED]

## Agent (if any)

Name JAMES R. BROWN

Address JAMES R BROWN BUILDING DESIGN,  
5 ST MARY'S DRIVE,  
PERTH

Postcode PH2 7BY

Contact Telephone 1 01738 635641

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail\* [REDACTED]

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

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

20/01220/FLL

Site address

NO'S 1 TO 10, ALTAMOUNT PARK, COUPAR ANGUS ROAD,  
BLAIRGOWRIE PH10 6JN

Description of proposed development

S42 - APPLICATION TO DELETE CONDITION 6 (OCCUPANCY: TO PERMIT USE AS DWELLINGHOUSES) - OF PERMISSION 10/02127/FLL

Date of application

31/08/2020

Date of decision (if any)

1/11/2020

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:

APPLICANT WOULD LIKE THE OPPORTUNITY TO EXPLAIN HIS CASE IN DETAIL.

**Site inspection**

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

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

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

**Statement**

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

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

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

SEE ALL THE FOLLOWING ATTACHED DOCUMENTS :-

1. Application form.
2. Photos of houses in Altamount Park
3. Supporting Statement from Applicant.
4. Appendix 1 - House area to Plot area ratios for the house at Altamount Park.
5. Appendix 2 - House area to Plot area ratios for new housing development in Guildtown.
6. Appendix 3 - House area to Plot area ratios for new houses at Kinloch Gardens, Rattray.
7. Appendix 4 - Photos of new housing development at Dickson Avenue, Rosemount, Blairgowrie.
8. Appendix 5 - Floor Plans of houses in Altamount Park.
9. Appendix 6 - Altamount Park site layout plan.

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.

SEE REASONS IN SUPPORTING STATEMENT FROM APPLICANT.

## List of documents and evidence

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

1. Application form.
2. Photos of houses in Altamount Park
3. Supporting Statement from Applicant.
4. Appendix 1 - House area to Plot area ratios for the house at Altamount Park.
5. Appendix 2 - House area to Plot area ratios for new housing development in Gildtown.
6. Appendix 3 - House area to Plot area ratios for new houses at Kinloch Gardens, Rattray.
7. Appendix 4 - Photos of new housing development at Dickson Avenue, Rosemount, Blairgowrie.
8. Appendix 5 - Floor Plans of houses in Altamount Park.
9. Appendix 6 - Altamount Park site layout plan.

**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

13/1/21

## Photos of the Existing Houses at Altamount Park



No.1 Altamount Park



No`s 2,3 & 4 Altamount Park





No`s 5,6 & 7 Altamount Park



No`s 3, 4, 5, 6 & 7 Altamount Park

In response to the refusal of our application 20/01220/FLL to remove Condition 6 on the 1<sup>st</sup> November 2020.

Reminder : Condition 6 states that the property shall not be occupied as the sole or main residence of any occupant. This Condition was not discussed or even mentioned during the original application and the first we were aware of it was when it was imposed upon the Approved Permission.

This decision to refuse the removal of Condition 6 was not made considering the merits of the application, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We moved to Blairgowrie in 2004 when we bought the Altamount Hotel sitting in its 8 acres in the centre of town. It was a run down Hotel surrounded by 70 years of un managed, self seeded woodlands, unkempt gardens and derelict outbuildings. In the ten years between 1994 and our purchase in 2004 there had been 5 owners of the property who had failed to properly invest in the property and the business. We arrived with enthusiasm and sufficient funds to invest heavily in the structure and fabric of all the areas needing attention and the business experience to build a successful thriving business which we achieved.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I explained that I was an experienced business man, willing to invest in my ideas to further my hotel business, by offering an excellent and fair experience for my customers, an opportunity to local suppliers to grow with us and to recruit well trained local loyal staff. I saw the business as a platform to encourage tens of thousands of tourists to the area which would also be beneficial to many other local business's.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I am also willing to meet anywhere and discuss the above, to meet here at the Altamount and physically show the land as it currently lies. I have always maintained that if anyone wants to see our premises all they have to do is phone and make an appointment, I have never refused to show anyone anything.

[REDACTED]

Having studied the various Planning Policies that have over the years affected the Altamount, I can conclude that they are so vague, ambiguous and unintelligible, that any officer of the planning department can refuse or approve any application as is their whim.

Very little is calculable and most is open to interpretation by any individual, which may be completely different from another's plausible view. The application 20/01220/FLL was refused by two reasons of 'amenity'. Both reasons for refusal apparently applies to 'New Developments' as listed in the Perth & Kinross Local Plan 2 2019. The ten Houses and Cottages in question were built in 2011 and are therefore not a New development. All ten properties were granted Completion Building Warrant Certificates in 2011. Nonetheless Amenity can mean one thing to one person and something else to another. If they lacked amenity to our clients, then we would not be able to rent them out, nor would we get hundreds of return clients. There may be a couple of windows that cross look, all easily fixed with either fences we have erected or frost glazing or a net curtain.

Although amenity cannot be defined or measured , it can be compared to neighbouring properties in the immediate vicinity or within the same Local Development Plan Area as long as they were built at a similar time under similar



rules. Once viewed in comparison, one can only reasonably conclude that the refusal of application 20/01220/FLL to remove condition 6 imposed at the time, was not based on its merits, [REDACTED]

Examples:

In late 2010 we started the building of the Ten houses and Cottages. The Footprints of the drives and houses were scraped of the topsoil and neatly heaped on what was to be the back lawns of the properties. A PKC planning officer arriving threatening to shut down the building project unless we off loaded the top soil from the site, only to have to bring it back on site to landscape 14 weeks later. The cost of double handling the topsoil was £23,000, it was unnecessary according to our arborist experts and involved about 200 lorry journeys, no thoughts by the PKC planning officer about carbon footprints at the time. We had deliberately started the project in the early winter, when any trees were at their most dormant.

In early 2011 my architect asked for a site meeting concerning the proposed roof heights of the Ten houses and Cottages and asked if we could raise the height of the roofs by about 200mm to allow slightly higher and wider head room in the upstairs bedrooms. The Meeting was attended by a local councillor, myself, the architect and a PKC Planning Officer. The architect asked for it to be classed as a minor amendment, to which the PKC planning officer replied, No, it would have to be classed as a major amendment and an extra planning fee of £6,000 to be paid, [REDACTED]  
[REDACTED]

I felt we'd been unfairly treated, so did the architect and councillor. I did not complain, as I could see what was happening since my letter of complaint 3 years earlier.

There is a blanket Tree Protection Order covering all the trees on the Altamount Estate.

In or about 2005 we engaged a tree expert to produce a detailed survey of all the trees on the eight acres of Altamount Estate in the centre of Blairgowrie Town, with his recommendations for crowning of specimen trees and pruning of any dead, damaged, dying, dangerous or diseased trees. This was the first showing of any tree management since 1939. Because of the TPO, permission would have to be granted before any works commenced. The process took ages and not much credence was given to our expert consultants. The whole process was similar to pulling wisdom teeth, long winded and painful.

In 2011, the severity of managing our trees became apparent when a PKC planning enforcement officer arrived and accused us of felling a tree in the woods without his permission. We knew nothing about it until on inspection a self sown weed tree in the woods had been felled and was laying on its side. It had been felled without our knowledge or permission by BT Engineers who were erecting a new telegraph pole.

Even if we had known about it, I would have given our permission as it was a non specimen self sown skinny trunked tree with a small amount of brush on the top, shaped by its struggle to compete for light in the over crowded woods. The PKC officer read the riot act to me as if I had committed some sort of capital crime. Being civil, and customer friendly didn't seem to be part of PKC's customer liaison training of their planning staff, despite the fact that many of the other departments within PKC are extremely polite and helpful.

In about 2009 a well known Perth Building development firm built a housing estate on our south east boundary on top of an old quarry, later to be named Forrest Way. Before the building works commenced a late application was submitted to cram even more houses on to it. This was immediately granted, which meant that the banks of the quarry were bulldozed back forming a cliff edge east of Altamount Road and our south eastern boundary. All the trees were felled including a line of 120ft 15 ton fir trees along Coupar Angus Road, this same line of trees continued onto our Altamount Chalets site, which we aren't allowed to touch even though one was blown over and smashed its way across our pavement, across Coupar Angus Road, across the pavement on the other side of this main trunk road into Blairgowrie, and through the hedge of Manor Park. Fortunately no pedestrians or cars were hit as it happened at 3:30 am on a weekday morning. If it had landed on pedestrians it is likely they would have died as would the passengers in any car or bus that may have been hit. There are five of these same trees lining Coupar Angus Road, Two are virtually dead and the other three are close to perishing. We have asked that we be allowed to remove them, but the tree officer won't let us [REDACTED]

A similar sized tree was blown over further in the Altamount Chalets site in January 2016. It smashed through the roof, the walls, two bedrooms, crushed the beds and smashed through the floor of the Chalet writing it off. Fortunately it was empty. The day before the 'once in a lifetime ' storm, which now occurs every year, was occupied by a young couple and their two children here on a hiking holiday.

After explaining the situation and difficulty in being allowed to manage the trees on our own site, our insurance company have stated that they will hold PKC responsible for any damage or death, caused by trees which come down, that we have been refused permission to fell.

In 2018 the residents of Sheila Road along our western boundary got together and applied to have our jointly owned fir tree hedge reduced in height by approximately 20ft, because their TV signals were being interfered with. We were happy enough to allow the extra light in. PKC planners immediately gave their consent. I remember commenting to one of them that if I had applied, it would have taken years before permission was granted.

At the moment the residents along our northern boundary in Park Drive are

complaining that their light is being blocked by the overgrown woods, and that hundreds of roosting crows are defecating all over their gardens nightly and in autumn their gardens are completely filled up to a foot thick with the falling leaves. I have advised them to complain as the residents did on our western boundary to the PKC.

In 2016 McCarthy Stone bought the Blairgowrie Tennis Courts. 0.9 acres on the northern flank of our chalet park and south of our main drive to Altamount House. Our property surrounds the Tennis courts with the exception of its road frontage onto Coupar Angus Road.

Prior to its sale by Blairgowrie Tennis Club, we were asked if they could fell a line of mature trees on the Northern boundary of the Chalet Park. We granted permission to the Tennis Club but warned that getting permission to remove perfectly healthy safe trees would be extremely difficult because of the TPO on them. The Tennis Club applied to PKC planning department and were immediately granted permission to remove them. This enabled the Tennis Club to be able to sell the plot to McCarthy Stone.

The plot was sold and McCarthy Stone applied to build a three storey plus roof, prison type building containing 32 One and two bedroom cell apartments on 0.9 acre. on the Coupar Angus Road. With total disbelief the PKC granted this anomaly building permission to be built. There is nothing anywhere near similar on either the Perth Road or Coupar Angus Road into Blairgowrie. On merit the application would have clearly failed, but it was approved to destroy the amenity of our Altamount Chalet Park built for tourism in 1975. It also destroyed the amenity of the once beautiful 300 yard drive up to Altamount House. [REDACTED]

[REDACTED] Then to our disbelief McCarthy Stone applied to PKC to remove 72 of our 70ft fir trees lining our drive boundary with what was the Tennis Courts. This was also immediately granted Permission. McCarthy Stone needed the trees away so that the birds that roosted in them wouldn't defecate on their clients cars every night as the cramped car park they squeezed on came right up to our boundary. Further insult was that PKC told them to plant a line of trees in the middle of our driveway lawns that boundary HMP Darroch Gate the McCarthy Stone building. [REDACTED]

In the centre of our 8 acres of grounds we have a plot that my wife and I wanted to build our family home on. It measures just over one acre, enclosed by a 12ft high Stone wall, with an extra ¼ acre parking area outside the wall. After planning had been approved for the McCarthy Stone 3 storey plus roof complex of 32 cramped, one and two bedroom apartments on a smaller 0.9 acre building plot, annihilating the amenity of our long drive, we were confident that our application for a seven bedroomed family home would be approved. It was refused [REDACTED]

[REDACTED] Four years later

we have just been given permission for a bungalow with four cramped bedrooms in the roof stuck up against one of the walls where our furniture storage shed is .

[REDACTED]

On the Chalet site we have 18 wooden chalets which have been providing self catering accommodation since they were built in 1975.

No.2 as already explained was smashed to bits when another one of our 120ft 15 ton trees blew over . We have replaced it with a beautiful replacement property built to today's Building Regulation Standards. The chalets are getting to the end of the suitable lives and we intend to invest yet further gradually replacing them all with the state of the art beautiful Log Lodges the same as No.2 . Numbers 1,2,3 have planning and building Regulations approval since No.2 was smashed in January 2016, but we have had to withdraw the application for an identical replacement Lodge for No.4, because we were threatened that it would be refused, because we also asked for a half rotten multi stemmed tree to be removed, which is a current danger , highlighted by our arboretum experts. The planner pointed out that we shouldn't build where it would affect this tree, failing to take into account that there is already a building there that we have closed down because of the dangerous tree.

[REDACTED]

[REDACTED]

I approached our local MSP July 2016 to complain about the treatment dished out to us [REDACTED]

[REDACTED] He listening to my concerns and wrote to the Head of Planning and Development at PKC on the 29<sup>th</sup> July 2016, who in turn asked the Development 'Quality' Manager to meet me on site to discuss many of the above matters.

I arranged to meet the Development 'Quality' Manager on site on the 26<sup>th</sup> August 2016, he arrived half an hour late and only had time for a rushed meeting before he had to dash away. He acknowledged the Condition 6 issue and said that it wasn't the best of circumstances for our situation and he realised that it created problems. I raised the 'lack of amenity' created by HMP Darroch Gate on our door step and the issue with the overgrown old trees on site. He said he would discuss the matters raised and get back to me within a week or so, and then dashed off. He did reply to me on the 29<sup>th</sup> November 2017 some **64 weeks** later apologising that he had not managed to progress the issues we discussed so far, but would do. Three years later and I still haven't heard a word.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I was a businessman that had moved to Blairgowrie in 2004 to take over a failed Hotel business in a run down old house surrounded by derelict buildings, untended wild growing lawns and woodlands that obviously hadn't been managed for decades. That over the previous 14 years, my wife and I had invested millions of pounds, refurbished the House, Grounds and Gardens and built one of the most successful hotel wedding venues in Perthshire, bringing tens of thousands of tourists to the area, creating dozens of jobs and choosing local suppliers for all our business's needs. I have never been a developer, but have built my own house before and the factories I needed for my previous business's.

[REDACTED]

I haven't mentioned any of the business factors because I doubt any of the planning officers concerned with the above have any experience in that field. They wouldn't know anything about dealing with financial institutions, HMRC, Inland Revenue, employing local staff, managing projects that employ local cleaners, maintenance men, brickies, carpenters, electricians, plumbers, roofers, solar power experts, fuel suppliers, accountants, architects, engineers, groundsmen, window cleaners, let alone all the local suppliers and merchants for materials and machinery. The need to be flexible and versatile at a moments notice in order to run a successful taxpaying company which provides the income for dozens of families, especially in times that we are living in at the moment, but then we have different incentives, I want my business's to be a success and will do anything I can to make it succeed with my brilliant team for the sake of my family and my employees families. [REDACTED]

[REDACTED]

About 60 years ago my father proffered me some of his wisdom when I was a child, and explained to me that the Pen was Mightier than the Sword. About 10 years ago I explained to him that the Internet is Mightier than the Pen.

[REDACTED]

This statement is in addition to all the statements submitted in the original application to remove Condition 6 application 20/01220/FLL.

[www.altamountpark.co.uk](http://www.altamountpark.co.uk)

## Appendix 1

### No`s 1-10 Altamount Park, Blairgowrie

#### House to Plot Area Ratios

Plot No.	House Footprint (Sq.M.)	Plot Area (Sq.M.)	House to Plot Ratio (%)	Private Amenity Space (Sq.M.)
1	93.25	778.00	11.99	325.00
2	93.25	557.00	16.74	315.00
3	93.25	566.00	16.48	333.00
4	93.25	645.57	14.44	310.00
5	93.25	528.00	17.66	196.00
6	60.00	508.00	11.81	140.00
7	60.00	286.00	20.98	160.00
8	60.00	292.00	20.55	147.00
9	60.00	360.00	16.67	156.00
10	60.00	408.00	14.71	225.00

Total Area of Plots 1 to 10 = 4928.57

Average Plot Area = 492.86

Average House to Plot Ratio for ten plots = 16.20 %

Average Useable Amenity Space (Sq.M) = 230.70

## Appendix 2

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

### Approximate House To Plot Area Ratios

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

( All figures shown are approximate )



## Appendix 3

### Residential Site at Kinloch Gardens, Rattray, Blairgowrie

#### Approximate House To Plot Area Ratios for Plot 1 to 18

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

( All figures shown are approximate )

# William Dickson Drive, Rosemount, Blairgowrie

## Appendix 4



Open Gardens and front doors on to street



Separate Parking Area





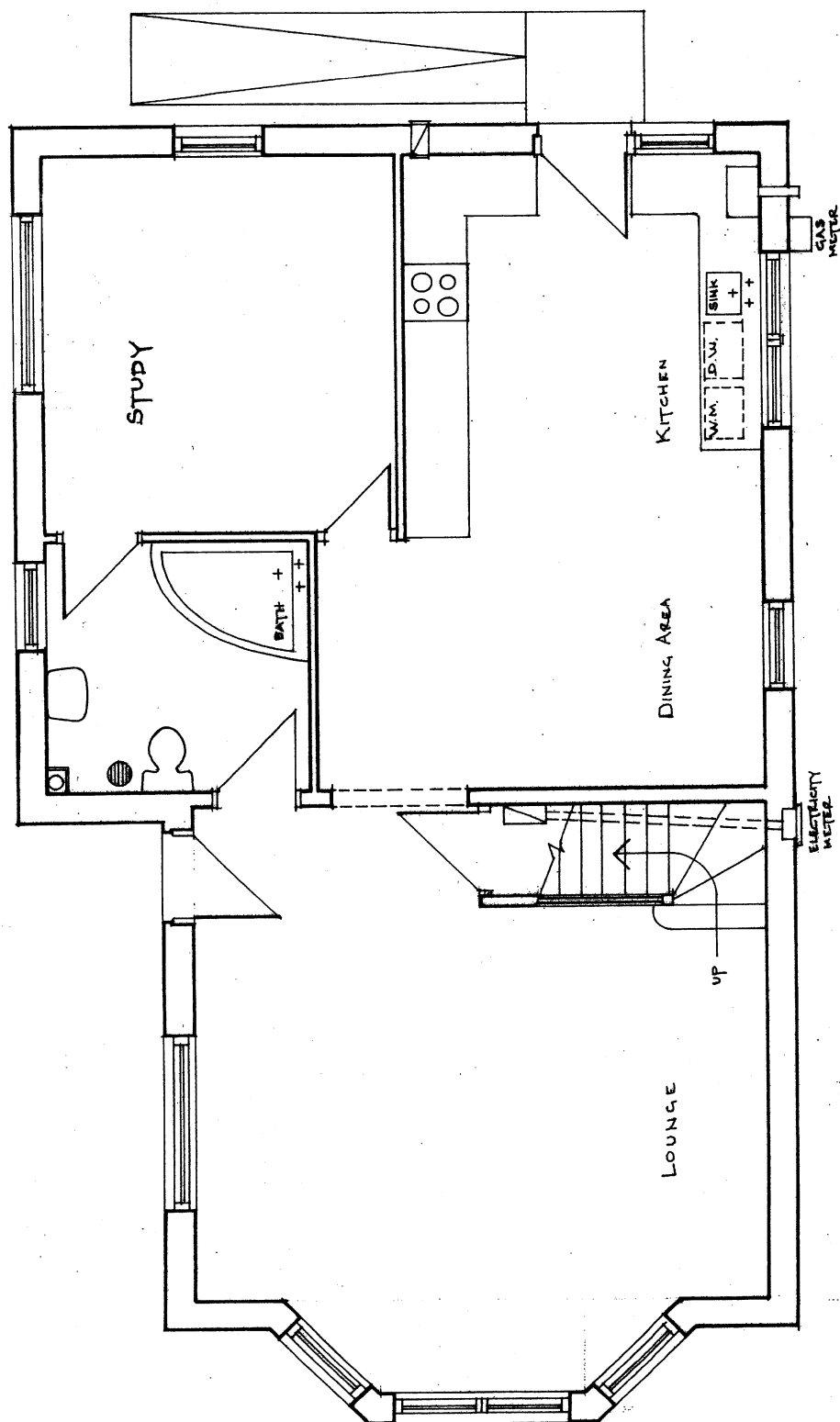
**Low Amenity Front Area**



**Some houses have no garden at front**



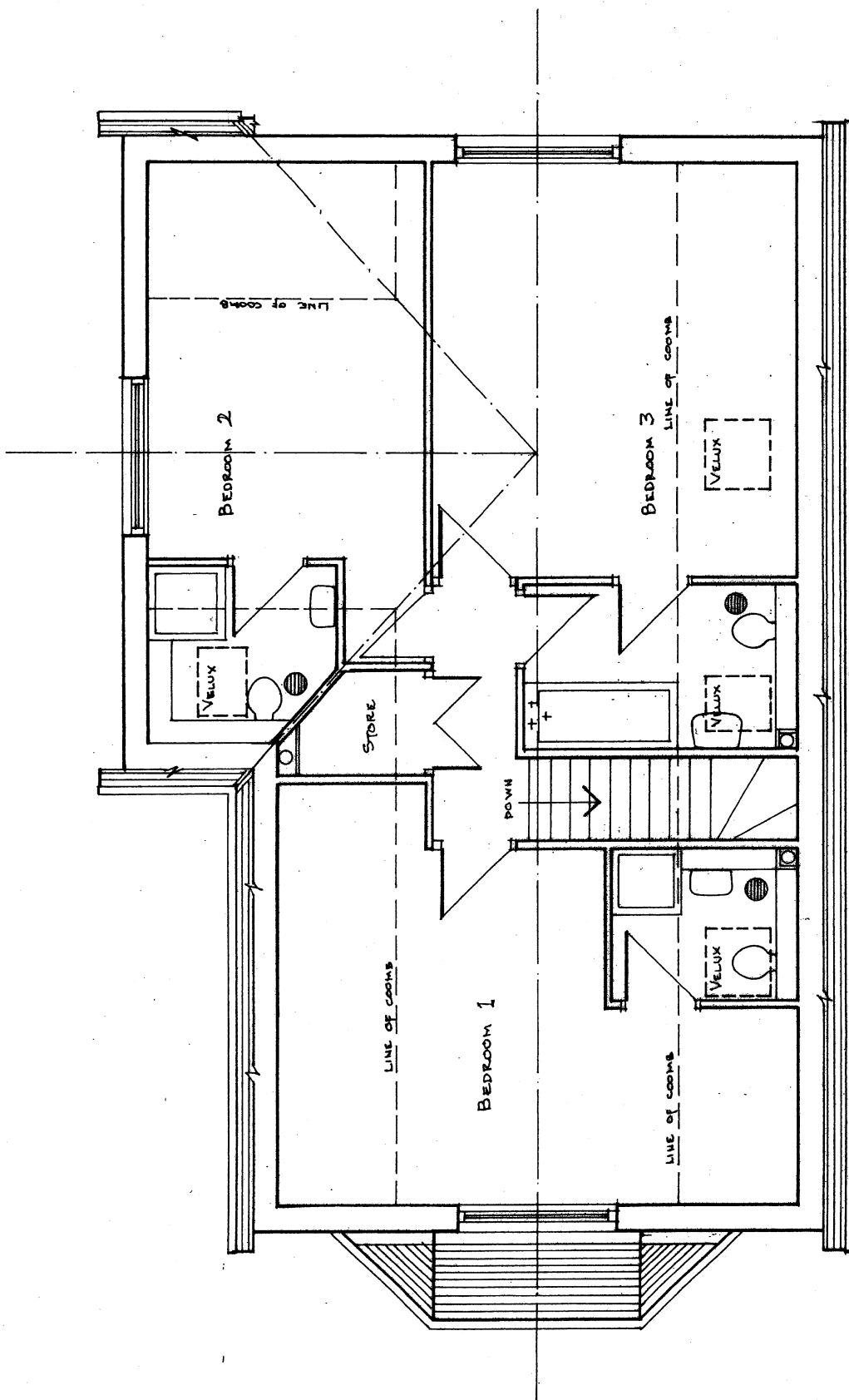
No Gardens at Front of Houses



**"BEECH" HOUSE TYPE (STANDARD HAND)**

**GROUND FLOOR PLAN - SCALE 1:50**

GROUND FLOOR AREA	= 82.48 m <sup>2</sup>
FIRST FLOOR AREA	= 79.58 m <sup>2</sup>
<b>TOTAL FLOOR AREA</b>	<b>= 162.26 m<sup>2</sup></b>



"BEECH" HOUSE TYPE (STANDARD HAND)  
 FIRST FLOOR PLAN - SCALE 1:50  
 FIRST FLOOR AREA = 79.58 m<sup>2</sup>

[illegible]

100 METERS

0 10 20 30 40 50 60 70 80 90 100

SCALE 1:500

265





**LRB-2021-01 – 20/01220/FLL – S42 application to delete condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL, Altamount House, Coupar Angus Road, Blairgowrie**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**





Gracefield Hotels Ltd  
c/o James R Brown Building Design  
James R Brown  
5 St Mary's Drive  
Perth  
PH2 7BY

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **1st November 2020**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **20/01220/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 10th September 2020 for Planning Permission for **S42 application to delete condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL Altamount House Coupar Angus Road Blairgowrie PH10 6JN**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

- 1 The 'as built' layout would not contribute positively to the area by virtue of offering a low level of residential amenity for future occupiers of the dwellings, by creating the potential for direct overlooking and loss of privacy to occur, and by creating a residential development which would appear 'camped and squeezed in'. Accordingly, the proposal is contrary to Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 2019 which seeks to ensure that new developments contribute positively to the quality of the built environment of the area.
- 2 The 'as built' layout would not provide a suitable level of residential amenity for future occupiers of the dwellings by virtue of the lack of amenity space, close relationship between units and overlooking and loss of privacy occurring, the proposal is contrary to Policy 17 (Residential areas) of the Perth and Kinross Local Development Plan 2 2019 which seeks to ensure that residential amenity is protected and provided in relation to new developments.

### **Justification**

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

## Notes

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

### Plan Reference

01

02

03

04

05

06

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08

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	20/01220/FLL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	9th November 2020	
Report Drafted Date	21st October 2020	
Report Issued by	AMB	Date - 29 October 2020

**PROPOSAL:** S42 application to delete condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL

**LOCATION:** Altamount House, Coupar Angus Road, Blairgowrie, PH10 6JN

#### **SUMMARY:**

This report recommends **refusal** of a detailed planning application for the removal of an occupancy condition on a built out permission for holiday lodges within the ground Altamount House, Blairgowrie as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by Streetview, aerial/satellite photograph, and the case officer is aware of the site from previous applications in the area. This is considered sufficient enough to bring this planning application to a conclusion.

#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This planning application seeks to remove an occupancy condition that was attached to 10 holiday homes (now built) to allow them to be occupied as permanent residences.

The lodges are located within the grounds of Altamount House, which is a former hotel that is located off Coupar Angus Road.

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

There has been little physical change on site since the previous refusals.

## **SITE HISTORY**

Detailed planning permission was granted for 10 holiday homes in 2007, which was then amended slightly twice in 2010 (10/02127/FLL and 10/00494/FLL).

The 2010 permissions sought to control the occupancy of the lodges by using the following condition.

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

After the lodges were built, a further planning application (13/00097/FLL) seeking the removal of the occupancy condition was refused in 2013 and a subsequent appeal to the DPEA dismissed. The reporter in this decision notice stated,

*.... I conclude that residential use of these holiday lodges would result in very low levels of privacy for most of the dwellings, and very limited provision of genuinely private amenity space at 5 of the 10 plots. I agree with the council that there would be an unacceptably low level of residential amenity, resulting in a breach of the local plan policy to promote and maintain residential amenity.*

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

That application was later considered by the Council's Local Review Body who endorsed the refusal. Their decision notice included the following text,

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

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

In 2017, a further planning application was submitted for the change of use of lodges 1,2,4, and 5 to dwellinghouses (17/00471/FLL) was refused, and a review to the LRB dismissed.

The decision letter from the LRB stated,

*The members of the PKLRB noted that these were four units which had been designed, built and laid out for holiday use. They were not satisfied that they would be appropriate to introduce permanent residential use as sought in terms of this application. It was acknowledged that the applicant had provided some examples of comparable densities that were in residential use. However, one of these photographs shown terraced properties and another showed one and a half story dwellings but of a very different design. The members of the PKLRB did not consider that significant weight could be placed on any of these examples. It was their opinion that there would be difficulty in securing appropriate privacy levels even with the measures which the applicant had proposed. They agreed with the appointed officer's conclusion and his reasons for refusal. They noted that those reasons did not make reference to the limited privacy liable to result from this change of use nor the proximity of the side elevations and wanted the reasons to be expanded in these respects.*

Accordingly, the PKLRB refused the review application for the following reason:

- (1) Notwithstanding the proposed, and envisaged, amendments to the 'as built' layout, window openings and screening measures, the proposed development would still result in an environment which is not suitable for mainstream residential use and which would offer a low level of residential amenity and privacy for future occupiers of the dwellings as permanent living accommodation. Such revisions do not overcome the underlying limitations of the layout regarding the proximity of the side elevations which also provide the main entrances and parking areas. To this end, the proposed use of the lodges as mainstream dwellings remains contrary to the aims and purposes of Policies RD1 and PM1A of the Perth and Kinross Local Development Plan 2014 which both seek to protect and secure a satisfactory standard of residential amenity.*

## **PRE-APPLICATION CONSULTATION**

None made.

## **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. Whilst there is general elements of national planning policy and guidance relevant, there are no specific elements which are explicitly a consideration here.

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019**

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

The site is located within the settlement of Blairgowrie, where the following policies would be applicable for this proposal,

Policy 1A: Placemaking  
Policy 1B: Placemaking  
Policy 5: Infrastructure Contributions  
Policy 17: Residential Areas

## **OTHER COUNCIL POLICIES**

### **Placemaking Guide 2020**

This is the most recent expression of Council policy towards Placemaking Standards.

### **Developer Contributions and Affordable Housing 2020**

This is the most recent expression of Council policy towards developer contributions and affordable housing.

## **EXTERNAL CONSULTATION RESPONSES**

None



## INTERNAL COUNCIL COMMENTS

**Transport Planning** have suggested that there is a lack of turning facilities for HGV's/refuse vehicles, and that a minimum of 2 parking spaces should be proposed per unit. It is not clear from the plans submitted if either can be reasonably delivered.

**Development Negotiations Officer** has indicated that Developer Contributions for Primary Education and also Affordable Housing are required if this application was to be supported.

## REPRESENTATIONS

Three letters of representations have been received, objecting to the proposal.

The main reasons for the objections are,

- Constant history of refusal on the site
- Traffic concerns
- Local of garden areas
- 

These issues are addressed in the appraisal section below.

## ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted.
Report on Impact or Potential Impact	Not Required

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2017 and the adopted Perth and Kinross Local Development Plan 2 (2019).

In terms of other material considerations, the sites long planning history is a significant material consideration as is the constant position of the Council in relation to the use of the lodges for residential use being inappropriate.

## **Policy Appraisal**

The site lies within the settlement boundary of Blairgowrie in the LDP2 within an area which has been identified as being residential in character were *Policies 1 (placemaking) and 17 (residential areas)* are directly applicable.

Both these policies essentially seek to ensure that new developments within existing residential areas do not have an adverse impact on any existing residential amenity, provide a suitable residential amenity for any future occupiers (if a residential development is proposed) and to ensure that the proposed development contributes positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

For reasons stated below, proposal remains contrary to both these aforementioned policies.

## **Design and Layout**

The 'as built' layout is not acceptable for a mainstream residential use, and it should be noted that the original applicant was advised before any permissions were granted that if his long-term aspirations was to advance a residential use at some stage in the future, then a significant redesign should be considered.

There is no question that the layout of the lodges is not one which would ordinarily be acceptable for a residential development. Windows at both ground floor and first floor level on both sides of the lodges are located very close to their mutual boundaries, and even though a series of fences have been erected between the lodges to try and attempt to negate direct window to window interaction at ground floor level, having windows so close to a solid fence does not create a pleasant and acceptable environment for future occupiers.

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

Notwithstanding this, and also the fences there would remain overlooking and loss of privacy across the development.

It is accepted that the erection of the existing fences has to some degree reduced the level of direct window to window interaction at both ground and first floor level, but this is not sufficient to make this development acceptable as a residential development, and the window interaction between windows and also to garden ground areas is not acceptable.

The sides/entrances to the majority of the lodges are extremely open with no level of privacy or sense of personal space. When the site was last visited, fences which had been erected only started approx. ½ way along the gables (where the windows are) which leaves a communal area between the lodges.

Whilst the frontage and sides of a private dwellings is not always private or enclosed, the arrangement here is very awkward, and its sheer openness is one which you would not normally expect to see in a residential street.

In addition to this, all of the frontages are gravelled, and any usable private amenity space would only be available to the rear, with very limited space to the sides. Whilst some of the lodges could offer an adequate level of private amenity space, the amount of usable amenity space for a number of the lodges (especially 7,8, and 9) is very limited and would not offer the level of private amenity space which you would expect to see for a family sized dwelling nor meet with the general principles of the Placemaking Guide 2020.

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

## **Residential Amenity**

In terms of direct impact on neighbouring residential amenity, this would be limited to the impact on the properties along Sheila Road. The proposed removal of the condition would in my view have limited additional impact, adverse or otherwise on these neighbouring properties – providing that the existing hedges and trees are retained.

However, in terms of being able to provide an acceptable level of residential amenity for potential future occupiers of the proposed 'dwellings', as outlined previously, the general layout of the existing lodges is not one which would ordinarily be acceptable for a residential development and would be contrary to the siting specifications listed in the Placemaking and also general good practice.

For the use as 'dwellings', the lodges are extremely close together with unacceptable window to window separation between lodges 1-5 in particular, and even with some re-configuration of windows, there would remain a squeezed in and 'cramped' in feel to the development which is not a

positive addition to the area. A number of the lodges have inadequate levels of usable private amenity space achievable, and this is particularly the case for lodges 6-10 where the typical 100sqm and 9m depth of rear gardens is not possible and is in some cases significantly reduced.

Although this planning application does not seek the physical build of new dwellings, it is nevertheless considered reasonable to assess this proposal (in terms of the acceptability of the layout) as if it is, and in that respect the residential development sought (by virtue of the removal of condition) is unacceptable.

### **Visual Impact**

In terms of visual impact, the proposal will have no impact (adverse or otherwise) on the visual amenity of the area as there are no changes to the units proposed by virtue of the removal of the condition. However, if the units were to become dwellings, there would be potential pressure in the future for physical changes, including extensions, garages, car ports alterations, etc which would all probably be to the front of the dwellings due to their existing layouts and configuration.

### **Road and Pedestrian Safety**

Within the red line boundary proposed there would not be sufficient space for the waste services vehicle to service the proposed residential units without having to reverse for long distances, which is not acceptable. The applicant should be aware that if the Council's Waste Services vehicle does not currently service the site, their willingness to service the development will be dependent upon their being suitable turning facilities, should these not be provided, a road end collection point on Coupar Angus Road may be needed.

A minimum of 2 car parking spaces should be provided per unit in line with the National Roads Development Guide for dwellinghouses, which would further reduce amenity space and it is not clear whether this can be delivered.

### **Loss of Holiday Accommodation**

Whilst it is fully appreciated that it is difficult times for many private business due to the previous 'credit crunch' and now the ongoing Covid19 consequences, there is little evidence that the general market for holiday accommodation in this area has collapsed to such an extent to justify the loss of 10 holiday lodges. In event, there would still be the ultimate issue that the layout is not suitable for residential uses.

### **Use as 'Long' Term Holiday Let**

Providing that the occupiers are not using the lodges as their sole or main residence, the long term lets of the lodges would be acceptable under the terms of the existing permission.

## **Drainage and Flooding**

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

## **Conservation Considerations**

The main dwelling is listed. The proposed use change would not however impact on the setting of the listed building.

## **Developer Contributions**

The proposal to create 10 mainstream dwellings will require both Affordable Housing (£37,500) and Primary Education (£38,730) developer contributions. The applicant was asked to clarify their intentions regarding this, in the event of an approval being forthcoming, but no response has been received.

## **Economic Impact**

The proposed change to residential units would have limited economic impact for the local area.

## **Conclusion**

In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2017 and the adopted Local Development Plan 2 (2019).

Other material considerations have been considered, and there are none that would justify overriding the Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

The recommendation for this planning 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 based on the following reasons,**

- 1 The 'as built' layout would not contribute positively to the area by virtue of offering a low level of residential amenity for future occupiers of the dwellings, by creating the potential for direct overlooking and loss of privacy to occur, and by creating a residential development which would appear 'camped and squeezed in'. Accordingly, the proposal is contrary to Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 2019 which seeks to ensure that new developments contribute positively to the quality of the built environment of the area.
- 2 The 'as built' layout would not provide a suitable level of residential amenity for future occupiers of the dwellings by virtue of the lack of amenity space, close relationship between units and overlooking and loss of privacy occurring, the proposal is contrary to Policy 17 (Residential areas) of the Perth and Kinross Local Development Plan 2 2019 which seeks to ensure that residential amenity is protected and provided in relation to new developments.

## **Justification**

The proposal is considered to be contrary to the Development Plan and there are no material reasons which justify approving the planning application.

## **Informatives**

None

## **Procedural Notes**

Not Applicable.

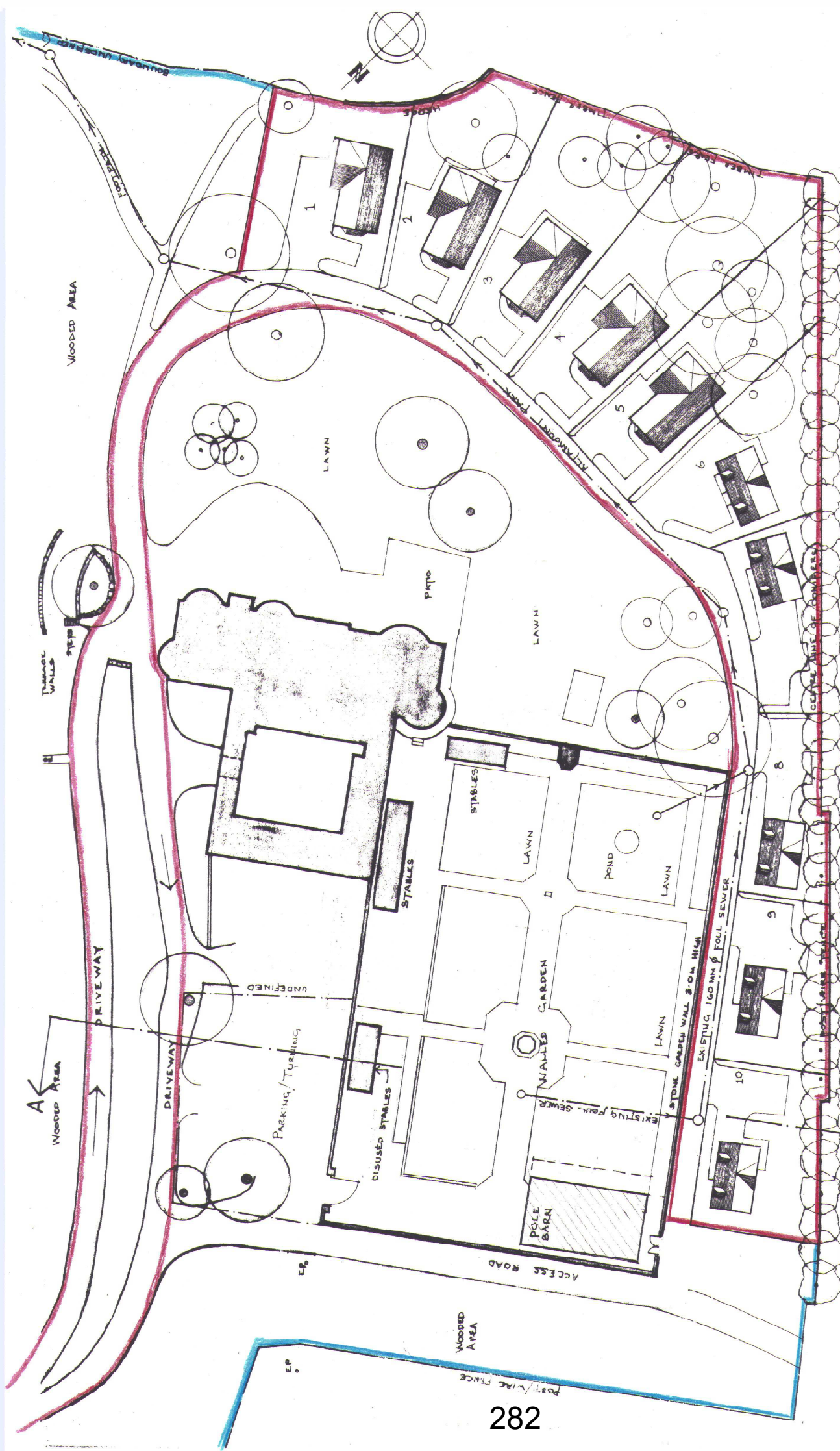
## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01 – 08 (*inclusive*)

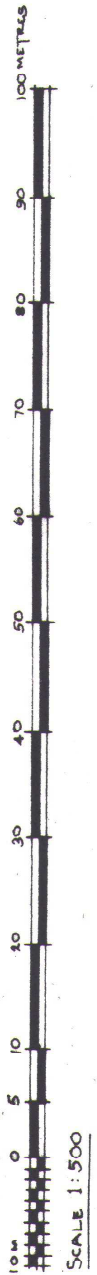




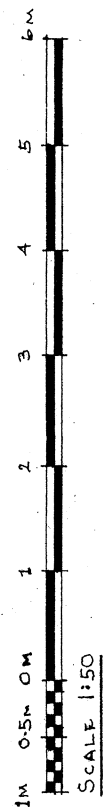
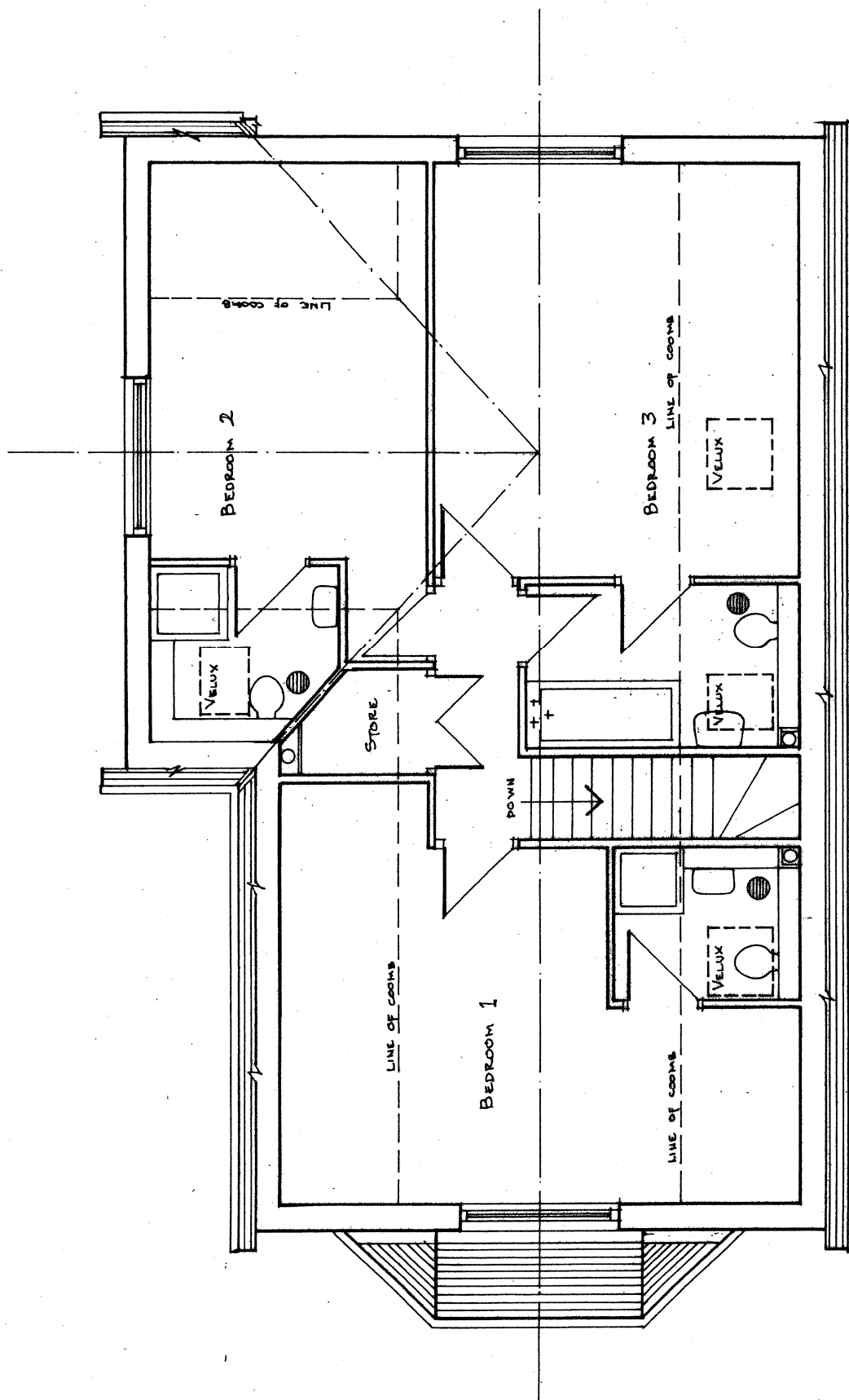




SITE LAYOUT PLAN AS EXISTING



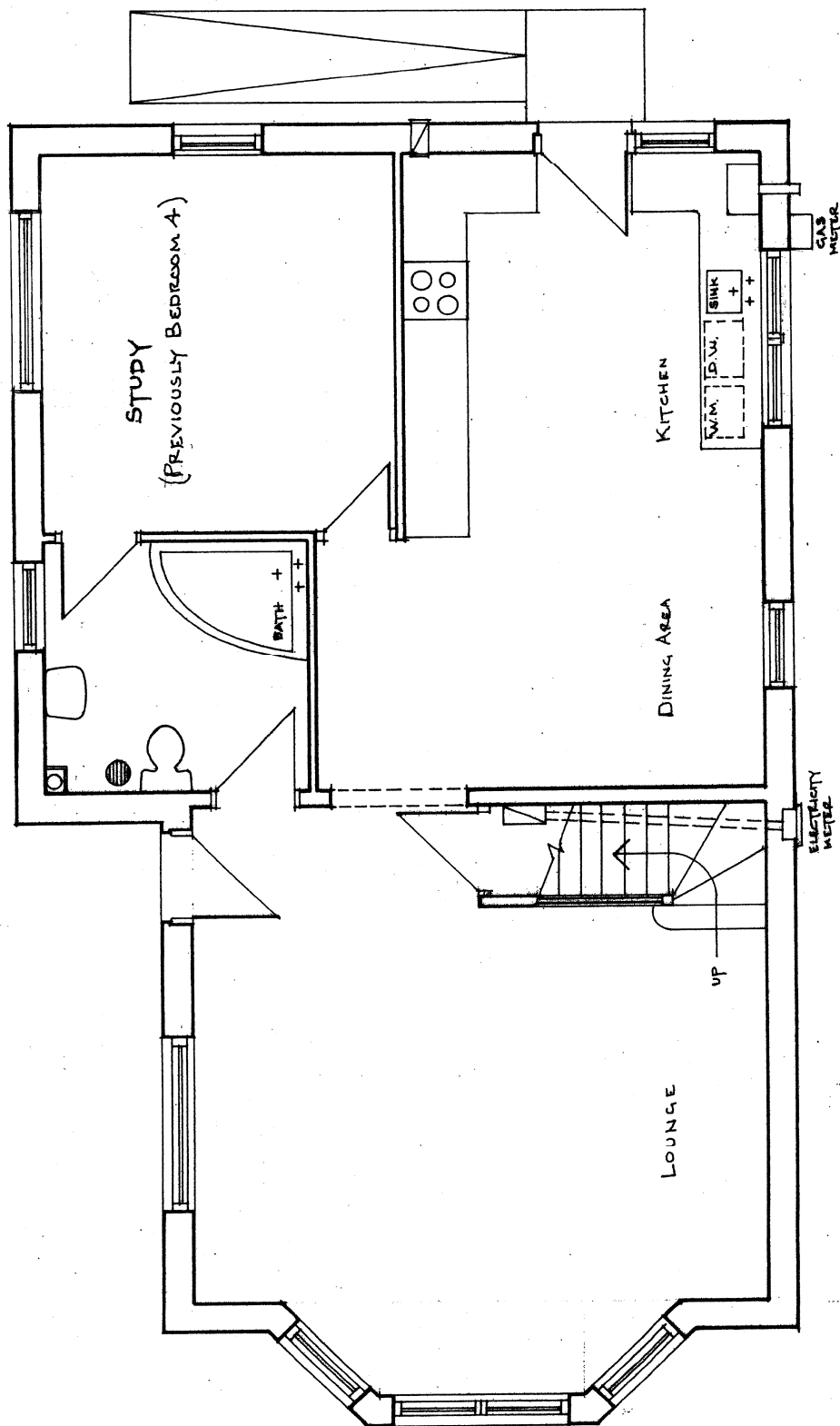




"BEECH" HOUSE TYPE - ON PLOT No's 1, 2, 3, 4 & 5

FIRST FLOOR PLAN

FIRST FLOOR AREA = 79.58 m<sup>2</sup>

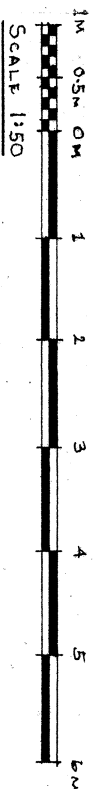
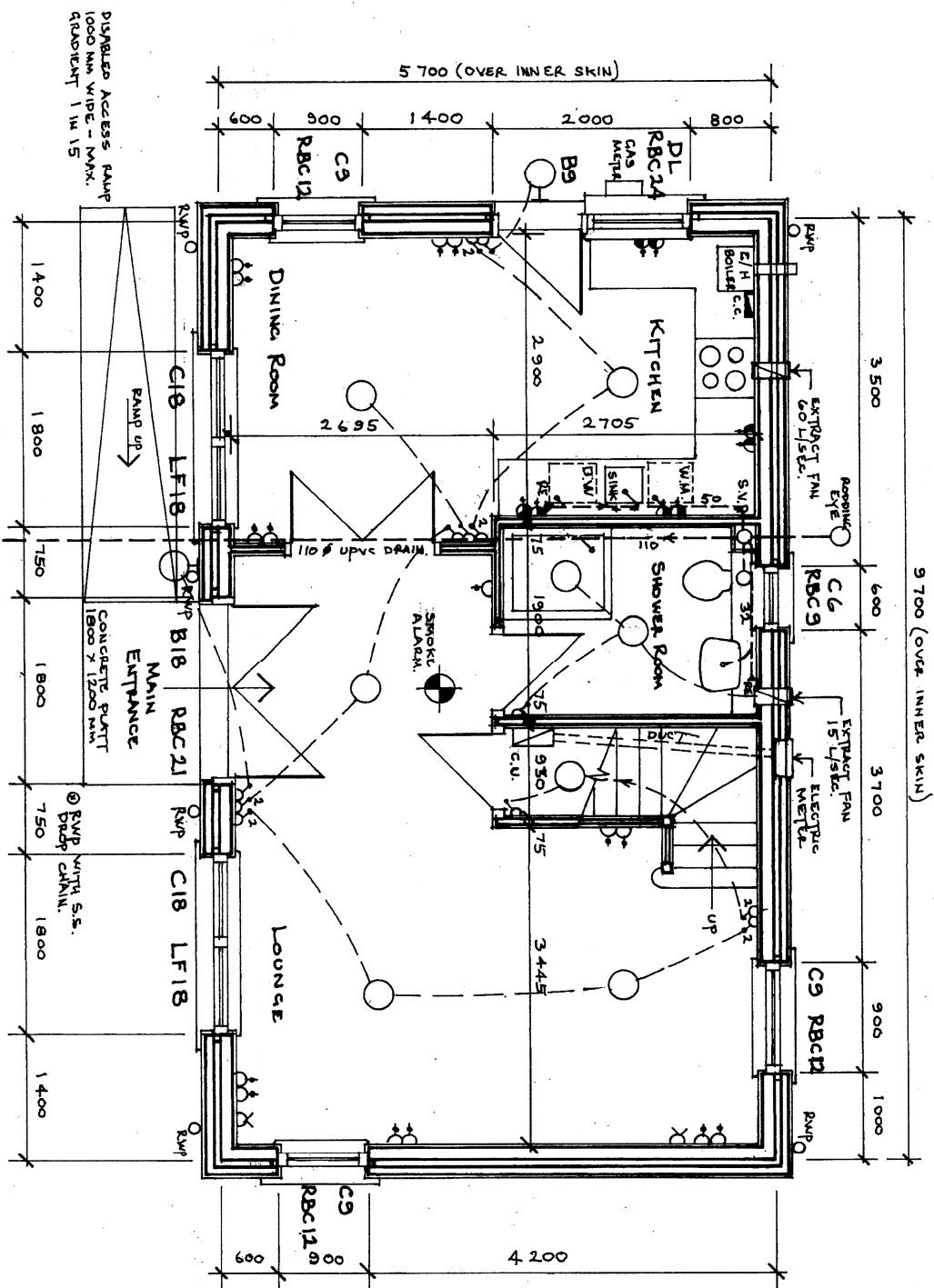


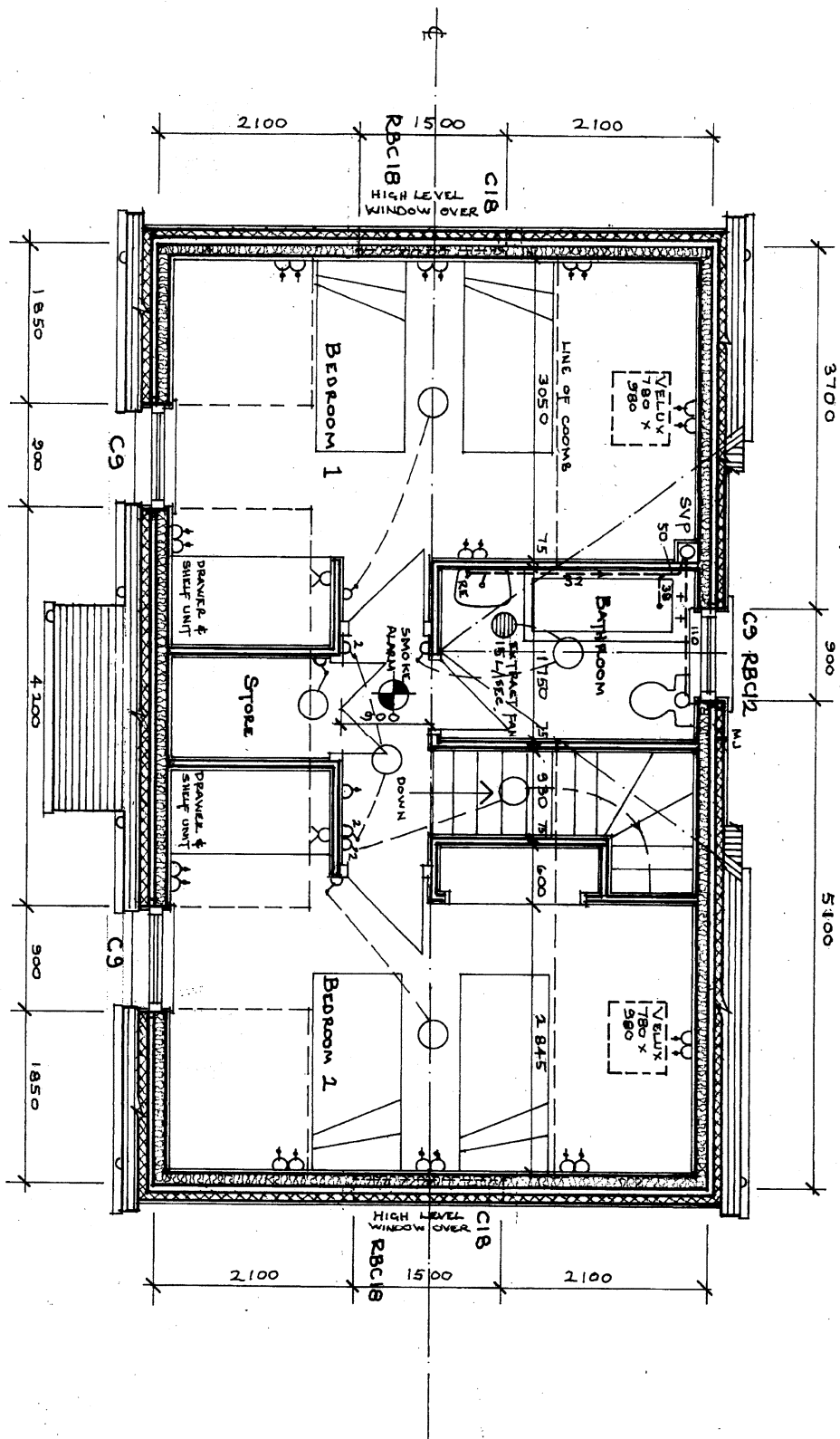
"BEECH" HOUSE TYPE - ON PLOT No's 1, 2, 3, 4 & 5

**GROUND FLOOR PLAN**

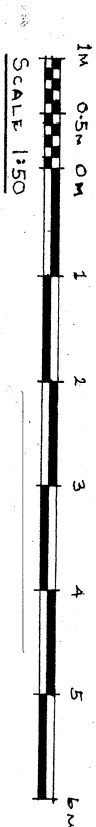
GROUND FLOOR AREA	= 82.68 m <sup>2</sup>
FIRST FLOOR AREA	= 79.58 m <sup>2</sup>
TOTAL FLOOR AREA	= 162.26 m <sup>2</sup>

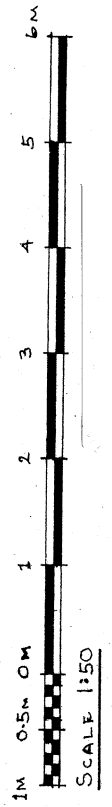
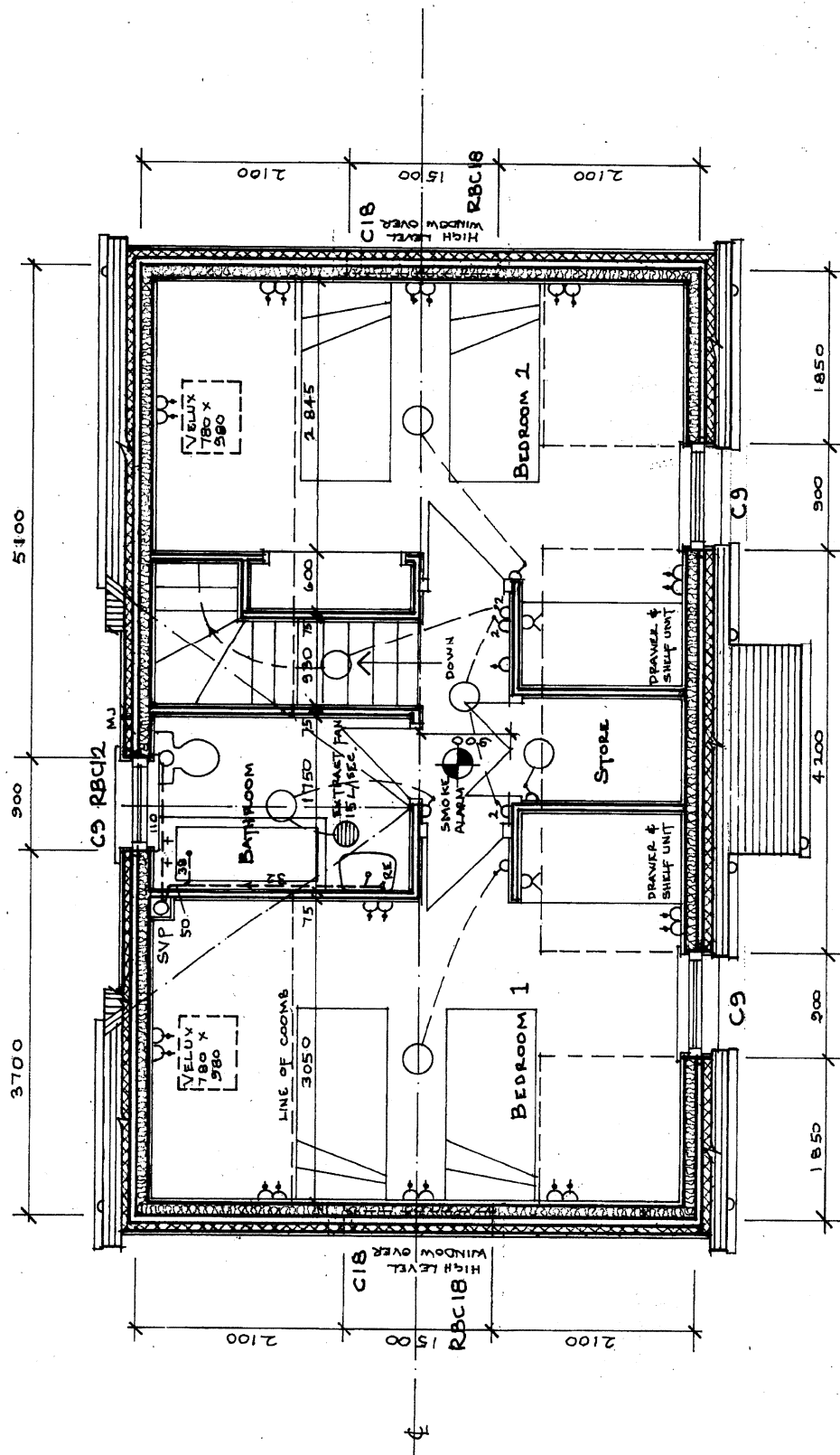
LODGE TYPE C - ON PLOT NOS 6,7,8,9 & 10  
GROUND FLOOR PLAN



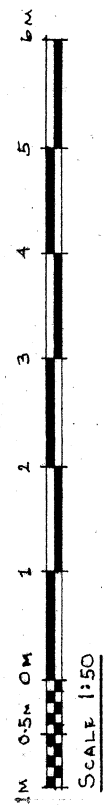


LODGE TYPE C - ON PLOT NO'S 6,7,8,9, & 10  
FIRST FLOOR PLAN





Lodge Type C - ON PLOT No's 6,7,8,9, & 10  
FIRST FLOOR PLAN



LODGE TYPE C - ON PLOT NO'S 6, 7, 8, 9 & 10

## Application for Removal of Condition 6

Ten Houses at 1 - 10 Altamount Park, Coupar Angus Road, Blairgowrie

### Supporting Statement

#### A. Site Location

The ten Houses and Cottages are located within a residential area, within a few hundred metres of the town centre and close to all facilities such as shops, supermarkets, primary schools and the local high school, health centre and hospital.

The current “Local Development Plan 2019” (LDP2) shows the area to be generally zoned for housing and recommends that there should be a good mix of different types of properties and residents.

We believe therefore that this area is ideally suited for these houses to be used as high amenity family homes with full residential use.

#### B. The Site and Existing Houses

The houses are substantial 3 bedroom Houses and 2 bedroom Cottages with all bedrooms upstairs, which were built in 2010 to a high quality of construction, and in full compliance with all Building Regulations for residential dwellings and with good disability access.

The Houses sit in very generous plots in the former paddocks of Altamount House, which is now a private residence.

Most people would consider the properties to be a very sought after in a high amenity residential area.

#### C. Previous Application

Mr Steven Pimlott, a former owner and investor in the properties made an application in 2013 for the properties to have condition 6 removed which was not granted. Since then the properties have all been acquired by the current owners. The Hotel has been sold to a French family who then closed the Hotel in 2015. The Hotel is now a private residence and sometimes rented out on airBnB. Twice a year some students from their French Schools in Nice come to visit. It is noted that the Planning Officer, in his report pointed out that the Local Development Plan - 2014 (LDP) identifies the area as compatible for residential use - therefore his main concern with the houses was the whether or not a suitable standard of “amenity” would be achieved. Amenity is a vague word which can legitimately be interpreted by different people in different ways. As it is not a formula, then it cannot be calculated. Our contention is that would be clients would themselves determine the amenity of the properties and wish to stay or not to.

In 2016 the local MSP Mr John Swinney arranged a meeting with the local planning authority, at the meeting the planning officer agreed that condition 6 had caused all sorts of problems with the hospitality industry across Perth & Kinross as financial institutions have a reluctance to provide funds for the development of such properties, therefore stifling investment in the area. Since the meeting in 2016 nothing has been heard about the concerns raised. There also seems to be some inconsistency when compared to other recently approved housing developments in nearby locations - the details of which we describe in section E.

#### **D. Planning Policies**

At the time of the original planning approval the Development Plan at the time, LDP 1998, showed Altamount Chalet Park as zoned for tourism and recreation and this - together with the fact that Altamount House was a hotel - appeared to be a major consideration of the Planning Department in their decision to add Condition 6 to the approval.

However the current "Local Development Plan 2019" (LDP2) now shows the whole area to be residential, and recommends that there should be a good mix of different types of properties and residents. There is now no mention of tourism and recreation.

#### **E. Residential Amenity & Layout**

We must point out that the Building Regulations in Scotland make no distinction whatsoever between dwellings that are built for full residential use, and those that are only used as holiday accommodation.

They are all classed as dwellinghouses and these houses all have a valid, approved Building Warrants and Completion Certificates.

Even the smallest of the plots (No.7) is 286 sq.m. which gives a house to plot ratio of 21%, and the largest plot (No.1) is 778sq.m. - gives a house to plot ratio of only 12%.

( For plot sizes and House/Plot ratios see Appendix 1 )

The average house to plot ratio for all the houses is only 16.2% - which is well within the established Planning Department guideline of 25%.

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

The ten houses, which are the subject of this application therefore have an average plot size very similar to this recent development in Guildtown.

Another recent housing site, in Rattray, Blairgowrie (see Appendix 3) shows very small plots indeed - with an average area of only 192 sq.m. - and an average house/plot ratio of nearly 28%



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

We must also mention the recently constructed three storey “Darroch Gate” retirement block which is on an extremely cramped site with very little surrounding amenity space.

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

However - taking into consideration one of the points in the Planning Officer`s previous report - we have amended the houses by removing the downstairs bedroom in house No`s 1 to 5 . All bedrooms of all ten properties are now upstairs on the 1<sup>st</sup> floor. This removes any overlooking. (See Appendix 5)

The Officer`s report also criticised the small area of usable garden at House No.1 - however since that report my client has obtained a additional 160 sq.m. of land to the North East of the house to extend the garden ground. ( See Appendix 6 - Site Layout Plan )

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

## **F. Economic Viability**

This is covered in a letter sent to the Local Community Council earlier this month by one of our clients:-

Dear Sirs,

In 2003 we purchased the Altamount House Hotel and its grounds.

In 2011 we purchased the adjacent Altamount Chalets.

The Altamount House was converted into a country house Hotel in 1982 and successfully ran mainly as a Wedding Venue establishment with seven bedrooms and a large function room, by the then owners Mr & Mrs Ritchie Russell. Due to ill health Mr & Mrs Russell sold the Hotel in 1992. From the period of 1992 to 2003 the Hotel had six different owners, all of whom failed to make a success of it. We purchased it from the last of them, a London Banker Mr Huw Burton in 2003.

We completely transformed the Hotel by investing in its structure, both inside and out, refurbishing the contents of the rooms, New Kitchen appliances, new Boiler, complete re-wire, plumbing and fire alarm system. We also set about taming the grounds and gardens, maintaining the drives and edgings. A considerable investment that cost more than its' actual purchase in the first place. By re assigning the bedrooms and living quarters we were able to create a 44 bed 20 bed roomed Hotel. Over the two years from our purchase in 2003 we steadily gained an excellent reputation for Weddings, Golf, Shooting and Fishing Parties. We were well supported by local businesses for meetings, conferences and Xmas parties. We built up a large number of hard working and loyal staff who stayed with us for many years, trained by us and were led by example.

With 30 to 45 Weddings a year, with on average 120 people, but up to 180, we were being constrained by our lack of beds.

We therefore put in an application to build 17 Cottages and Houses on the 8 acre site, in 2005, it took several years to obtain permission and we were granted permission to build only 10 of them. Despite the fact that the 5 Houses and 5 Cottages were built to the current building warrant standards as were all newly built Houses and Cottages, a condition was imposed upon us by the planning authorities called, Condition 6, this states that these properties were not to be used as ones sole or main residence. Had we known at the time that this would make them very difficult to obtain a mortgage and restrict their use, we wouldn't have gone ahead with the project. Nevertheless, it was recession time in 2010 and we were keen to invest our cash and did not need a mortgage. We thought it would be good to support local tradesmen and firms in what was a difficult time for many. The properties were finished in August 2011 and our guests loved them. They are really well designed, constructed and stunning properties. At about the same time we were completing Altamount Park Houses & Cottages we were offered the chance to purchase the adjacent Altamount Chalets. These Chalets were built in about 1975 and provided, at the time reasonable accommodation for visitors, mainly from the North East of England to Ski at Glenshee, as well as Walking the Cateran Trail and other local facilities. They also provided adequate accommodation for seasonal fruit pickers working on the local farms. Once again we set about refurbishing the interior rooms, the outside structure of the Chalets and the grounds and gardens. It enabled us with the Hotel, Houses and Cottages to provide beds for 176 guests which covered virtually all of the accommodation required by many of our Wedding couples. Unfortunately in 2013 my wife fell ill with cancer and although she was successfully treated by the amazing staff at Perth Royal Infirmary, we decided that after 10 years of the hardest work we had ever done it was time to sell. We engaged a local firm who marketed the Property in 3 lots. The Hotel, The Houses & Cottages and The Chalets. We sold the Hotel to a French family in 2013. Unfortunately I don't think they realised the amount of effort required to run a busy Hotel and closed it in 2015. They changed its use from a Hotel to a Residential House and currently rent the premises as an Air B n B property. We continued to rent out the Houses , Cottages and Chalets, we are currently replacing the old Chalets into new Lodges offering the same quality of accommodation as the Houses and Cottages. Along came Covid 19 which has presented a host of problems to our business.

We have been contacted by a Perthshire Industry Relationship Manager who asked us if there was anything they might be able to do to help our business. I explained that we had been contacted by other relationship managers at the Scottish Executive offering similar help.

I explained to both that it would appear that we have several years to live alongside Covid 19. I explained about the imposed constraints of condition 6 of our planning, and said I would like help for our business and staff to become as versatile and flexible as we could. We would wish condition 6 to be dropped from constraining the types of customer we are limited to in these difficult times for our industry. Both have returned to me stating that they have spoken to Perth & Kinross Planning Department who would be in contact with me.

I received an e mail from the Development Management Team at Perth & Kinross Council advising me that I will need to submit a planning application under section 42 to remove the planning condition relating to occupancy.

I am therefore trying to obtain as much support as I can to help with our application to the Planning Department to remove condition 6, which will give us the freedom, versatility and flexibility enjoyed by others in the hospitality industry.

## **G. Summary**

We sincerely hope that after studying all the details in this application your department will re-consider your position and grant approval for Removal of Condition 6.

J R Brown Building Design  
5 St Mary`s Drive  
Perth  
PH2 7BY  
tel.01738 635641  
[jrbrown6636@googlemail.com](mailto:jrbrown6636@googlemail.com)



**LRB-2021-01 – 20/01220/FLL – S42 application to delete condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL, Altamount House, Coupar Angus Road, Blairgowrie**

## **REPRESENTATIONS**



## Tracy McManamon

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**From:** Colin Mac [REDACTED]  
**Sent:** 21 September 2020 19:40  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 20/01220/FLL

**Categories:** Blue Category

Dear Sirs,

With reference to **Planning Application Reference 20/01220/FLL, Altamount House, Coupar Angus Road, Blairgowrie PH10 6RP**

As a neighbour I have received notification that another attempt to remove condition 6 of the original planning permission (granted in September 2010) has been made by Gracefield Hotels Ltd and I am grateful to be given an opportunity to comment on this application as I have concerns that this could be a “back door” attempt by a developer to originally build holiday lodges then to apply to change them to residential??

The timeline for the development of this site, as I remember it is:

- I. 1999, the then owners of the Altamount Hotel were refused planning permission for 2 residential homes
- II. Another application in 2004 for only 1 residential home was also refused
- III. 2010 the application for 10 holiday lodges was approved on condition 6 that all lodges are approved for “holiday accommodation” and shall not be occupied as the sole or main residence of the occupant
- IV. 2013 an application to remove condition 6 was refused and appealed against but not granted.
- V. 2020 another attempt to remove condition 6

From the above it suggest that residential applications for this site had been previously refused however changing an application to holiday lodges was more successful?

My final comment is regarding the applicants Supporting Statement where it states in **Residential Amenity & Layout** *that the smallest plot (plot 7) is 286 sq.m.* I neighbour this plot and at the rear of the lodge to my fence is as close as 3m. The current “holiday maker” resident has brought with him a garden shed and placed it in this 3m strip. Their washing gets hung up on the boundary fence as there is no room for a washing line???

I trust the above comments will be considered whilst the Planning Department consider this application.

Yours Sincerely,

Colin Macdonald  
[REDACTED]

21<sup>st</sup> September, 2020

Sent from [Mail](#) for Windows 10





## Tracy McManamon

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**From:** Carol Fleming [REDACTED]  
**Sent:** 24 September 2020 06:54  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 20/01220/FLL

Dear Sir/Madam,

With reference to the above planning request at Altamount House, Coupar Angus Road, Blairgowrie PH106RP

As a neighbour I have received notification of another attempt to remove condition 6 of the original planning permission. This request has already been applied for and refused in 2013 and I believe it was referred to and also refused by the Scottish Office.

My concern is that in the previous instance the request for change of planning was under the actual name of Mary Young Drive where the houses/holiday lodges are situated. This time the application has been applied for under Altamount House which I feel is very misleading as the applicant no longer owns this property and it seems slightly deceitful to apply in this way.

With regard to the garden area referred to in Plot 7 the area referred to is the designated car parking area for the cars from the lodges.

I hope you will consider my opinions when making your decision.

Yours faithfully

Carol Fleming  
[REDACTED]

Sent from my iPad



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

<b>Planning Application ref.</b>	20/01220/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	S42 application to delete condition 6 (occupancy) of permission 10/02127/FLL		
<b>Address of site</b>	Altamount House, Coupar Angus Road, Blairgowrie, PH10 6JN		
<b>Comments on the proposal</b>	<p>The proposal is to turn holiday lodges into residential properties. The current access to the site is off Coupar Angus Road opposite 1 Manorbank. The vehicle access has been formed with kerbing and a dropped kerbs for pedestrians to cross the access. The access to Altamount House has been surfaced, but thereafter the access is a gravel surfacing for the lodges.</p> <p>Within the red line boundary proposed there would not be sufficient space for the emergency vehicles or waste services vehicle to service the units without having to reverse for long distances. The applicant should be aware that if the Council's Waste Services vehicle does not currently service the site, their willingness to service the development will be dependant upon their being suitable turning facilities, should these not be provided, a road end collection point on Coupar Angus Road may be needed. Notwithstanding this, it is recommended that turning facilities are provided by the applicant suitable for a 12 metre vehicle to turn, this will allow waste services to turn and any emergency services vehicles that would need to attend the site. This is inline with other housing developments and in accordance with design standards.</p> <p>Should this application be approved, it is recommended that a minimum of 2 car parking spaces should be provided per unit, in line with the National Roads Development Guide for dwellinghouses, as a result a condition is recommended to secure this, as detailed below.</p> <p>More information is requested from the applicant on turning and parking prior to this application being supported by the Roads team. In its current form, this application can not be supported.</p>		
<b>Recommended planning condition(s)</b>	<p>Within six months of this development being approved, a minimum of two car parking spaces shall be provided for each unit, to the satisfaction of the from the Council as Roads Authority.</p> <p>Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.</p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	25 September 2020		



We are the owners of Altamount Lodge at the bottom of the drive from Altamount House and the lodges. We have lived here for 33 years. All vehicles going to the lodges and Altamount House have to pass our house and driveway.

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

This means removing condition 6 from the planning permission which was rejected in 2013, 2015 and again in 2017. It seems to be a recurring application every 2-3 years! We don't see why this decision should change just to suit someone's changing circumstances.

We also object to the sale of the holiday units as we feel there would be an increased flow of traffic on the drive which is not suitable for two-way traffic. If these were sold as permanent residences with perhaps 2 cars each that is at least an extra 20 cars using the drive. Also a house is currently being built in the walled garden which could add another 2/3 cars perhaps. Also there is the traffic generated by Altamount House air b'n'b. At present the drive has a regular flow of traffic daily from delivery vans to private vehicles. Although there is a 10 mph sign – very few vehicles seem to heed this. All this means that the drive at the bottom is full of potholes which were patched up at the end of last year by the owner of Altamount House.

During the building of the lodges there was considerable erosion of the road from the gate pillars to our drive. Similarly when McCarthy Stone built Darroch Gate next to us they required access via the bottom of the drive which has meant more wear and tear. McCarthy Stone landscaped the areas next to the drive with turf - vehicles go on to it to pass each other when they meet on the drive and this churns up the turf especially in wet weather. We had to take action ourselves to prevent vehicles coming on to our property to pass each other.

When we bought our property in 1987 there was only ourselves and Altamount House Hotel sharing the drive. One of the reasons we bought it was although it was in town the area surrounding it was quiet and peaceful with only the hotel and ourselves occupying the area! It was agreed and states in our missives that we are liable for a tenth of the upkeep of the road from the gate pillars to our drive. We are no longer sure who owns the drive now that there are various owners of the different parts of the estate.

Ian and Jenny Oswald

[REDACTED]

[REDACTED]



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

<b>Planning Application ref.</b>	20/01220/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner
<b>Description of Proposal</b>	S42 application to delete condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL		
<b>Address of site</b>	Altamount House Coupar Angus Road Blairgowrie		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Affordable Housing</b></p> <p>With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.</p> <p>The proposal seeks to remove the occupancy condition for 10no. 'holiday home' units to become residential units. The affordable housing policy will therefore apply, and there will be a requirement for 2.5 affordable units.</p> <p>I would like to confirm the applicant's intention for affordable housing delivery, and that the Affordable Housing Enablers can advise on delivery. The site is located in the Strathmore Housing Market Area which has a Commuted Sum rate of £15,000 per affordable unit for off-site provision.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School. The contributions rate is £5,164 per open market unit.</p>		

<p><b>Recommended planning condition(s)</b></p>	<p><b>Summary of Requirements</b></p> <p>Affordable Housing: £37,500 Commuted Sum (2.5 x £15,000) Education: £38,730 (7.5 x £5,164)</p> <p><b><u>Total: £76,230</u></b></p> <p><b>Phasing</b></p> <p>It is advised that the preferred method of payment would be upfront of release of planning permission.</p> <p>Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement.</p> <p>If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days prior to occupation.</p> <p>Payment for each open market unit would be £7,623 (£76,230 / 10)</p>
<p><b>Recommended informative(s) for applicant</b></p>	<p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash or cheques be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p>



	<p><b>Bank Transfers</b>  All Bank Transfers should use the following account details;  <b>Sort Code:</b> 834700  <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b>  The Council operate an electronic direct debit system whereby payments may be made over the phone.  To make such a payment please call 01738 475300 in the first instance.  When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Affordable Housing</b>  For Affordable Housing contributions please quote the following ledger code:  1-30-0060-0000-859136</p> <p><b>Education Contributions</b>  For Education contributions please quote the following ledger code:  1-30-0060-0001-859136</p> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
<b>Date comments returned</b>	02 October 2020

