



# Perth and Kinross Local Review Body

Council Building  
2 High Street  
Perth  
PH1 5PH

13 August 2018

A Meeting of the **Local Review Body** will be held in the **Council Chamber, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH** on **Tuesday 21 August 2018** at **10.30am**.

If you have any queries please contact Committee Services on (01738) 475000.

**GILLIAN A TAYLOR**  
**Clerk to the Local Review Body**

***Those attending the meeting are requested to ensure that all mobile phones and other communication devices are switched off.***

## **Members**

Councillor L Simpson  
Councillor B Brawn  
Councillor W Wilson  
Councillor H Anderson (Reserve)

## **Advisers**

Clerk  
Legal Adviser  
Planning Adviser

## **Applicant**



# PERTH AND KINROSS LOCAL REVIEW BODY

21 August 2018

## AGENDA

1. Welcome
2. Declarations of Interest
3. Minute of Meeting of Local Review Body of 24 July 2018 (copy herewith)  
**(Pages 1-6)**
4. Applications for Review
  - (i) TCP/11/16(536)  
Planning Application – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder – Review Papers Attached (Pages 7-)
    - (a) Notice of Review and supporting documents (Pages 9-22)
    - (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 23-36)
    - (c) Representations (Pages 37-72)
  - (ii) TCP/11/16(540)  
Planning Application – 18/00215/IPL – Residential development (in principle), land 40 metres north east of 4 Newbigging Grange, Wolfhill – Review Papers Attached (Pages 73-186)
    - (a) Notice of Review and supporting documents (Pages 75-156)
    - (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 157-162)
    - (c) Representations (Pages 163-186)
  - (iii) TCP/11/16(542)  
Planning Application – 18/00261/FLL – Alteration and extension to dwellinghouse, Riverbank, Inchyra, Perth – Review Papers Attached (Pages 187-236)
    - (a) Notice of Review and supporting documents (Pages 189-220)
    - (b) Planning Decision Notice, Report of Handling and Reference Documents (Pages 221-230)
    - (c) Representations (Pages 231-236)

- (iv) TCP/11/16(543)  
Planning Application – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie – Review Papers Attached (**Pages 237-**)
  - (a) Notice of Review and supporting documents (**Pages 239-298**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 299-300**)
  - (c) Representations (**Pages 301-330**)

5. Deferred Applications for Review

- (i) TCP/11/16(527)  
Planning Application – 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie – Review Papers Attached (**Pages 331-394**)
  - (a) Notice of Review and supporting documents (**Pages 333-344**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 345-364**)
  - (c) Representations (**Pages 365-380**)
  - (d) Further Information (**Pages 381-394**)
- (ii) TCP/11/16(530)  
Planning Application – 17/02003/FLL – Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield, Perth – Review Papers Attached (**Pages 395-494**)
  - (a) Notice of Review and supporting documents (**Pages 397-450**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 451-452**)
  - (c) Representations (**Pages 453-494**)
- (iii) TCP/11/16(533)  
Planning Application – 17/01743/IPL – Erection of a dwellinghouse (in principle) on land 40 Metres south east of The Cottage, Golf Course Road, Blairgowrie – Review Papers Attached (**Pages 495-582**)
  - (a) Notice of Review and supporting documents (**Pages 497-514**)
  - (b) Planning Decision Notice, Report of Handling and Reference Documents (**Pages 515-542**)
  - (c) Representations (**Pages 543-582**)

- (iv) TCP/11/16(539)  
Planning Application – 17/02295/FLL – Erection of a retail unit on land  
20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth  
– Review Papers Attached (**Pages 583-656**)
  - (a) Notice of Review and supporting documents (**Pages 585-628**)
  - (b) Planning Decision Notice, Report of Handling and Reference  
Documents (**Pages 629-640**)
  - (c) Representations (**Pages 641-656**)



## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 24 July 2018 at 10.30am.

Present: Councillors L Simpson, B Brawn and I James.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: L Fleming and S Richards (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

### . **DECLARATIONS OF INTEREST**

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

### . **MINUTE**

The minute of meeting of the Local Review Body of 26 June 2018 was submitted and noted.

### . **APPLICATIONS FOR REVIEW**

#### **(i) TCP/11/16(531) - Planning Application – 18/00126/FLL – Installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard's Bank, Perth, PH2 8EB – Mrs V Ward**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard's Bank, Perth, PH2 8EB.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard's Bank, Perth, PH2 8EB, be refused for the following reason:

1. The scope, range and field of vision of the CCTV camera and associated microphone is such that it monitors and records extensive areas of communal amenity space, resulting in an infringement of privacy which significantly adversely impacts residential amenity. Approval would therefore be contrary to policies PM1A and RD1 of the Perth and Kinross Local Development Plan 2014, which seek to ensure that the siting of development respects the amenity of the place in order to protect and, where possible, improve existing residential amenity.

**Justification**

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

**(ii) TCP/11/16(533) - Planning Application – 17/01743/IPL – Erection of a dwellinghouse (in principle) on land 40 Metres south east of The Cottage, Golf Course Road, Blairgowrie – Mr & Mrs Smith**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle) on land 40 Metres south east of The Cottage, Golf Course Road, Blairgowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

**(iii) TCP/11/16(535) - Planning Application – 18/00243/FLL – Change of use of agricultural buildings to industrial (class 5) and storage/distribution units (class 6) and the formation of parking at South Inchmichael Farm, Errol, Perth, PH2 7SP – Morris Leslie Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use of agricultural buildings to industrial (class 5) and storage/distribution units (class 6) and the formation of parking at South Inchmichael Farm, Errol, Perth, PH2 7SP.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the Review application for a change of use of agricultural buildings to industrial (class 5) and storage/distribution units (class 6) and the formation of parking at South Inchmichael Farm, Errol, Perth, PH2 7SP, be granted subject to:
  - 1. The imposition of relevant conditions, developer contribution and informatives.

**Justification**

The proposed development, with the imposition of relevant conditions, developer contribution and informatives, was not assessed as being contrary to the Local Development Plan and was compatible with Policies RD3 (a), (c) and (e), of the Perth and Kinross Local Development Plan 2014.

**Note:** Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld, as the proposal was contrary to Local Development Plan Policies RD3 (a), (c) and (e), and that permission for change of use should be refused.

**(iv) TCP/11/16(537) - Planning Application – 18/00012/FLL – Erection of a dwellinghouse on land 250 metres north west of Grimmstane, Forneth – Mr J Scuse**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 250 metres north west of Grimmstane, Forneth.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse on land 250 metres north west of Grimmstane, Forneth, be refused for the following reasons:
  - 1. The proposal is contrary to Policy RD3 – Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014, in addition to the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location. This application site falls within the Lunan Valley Catchment Area and as such the application of Policy RD3 within the Catchment Area is limited to economic need, conversions or replacement buildings, neither of which applies for this proposal.
  - 2. The proposal is contrary to Policy ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the Perth and Kinross Local Development Plan 2014, as the siting of the proposed development on the banks of the lochan is intrusive to the existing landscape framework and does not conserve or enhance the surrounding landscape as required by the Policy.
  - 3. The proposal is contrary to Policy EP6 (a) – Lunan Valley Catchment Area, of the Perth and Kinross Local Development Plan 2014, as a lack of information in relation to foul drainage and phosphorous levels have been submitted to adequately assess the proposals.

#### **Justification**

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

#### **(v) TCP/11/16(538) - Planning Application – 18/002147/FLL – Extension to dwellinghouse, 43 Garry Place, Bankfoot – Mrs K Boath**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse, 43 Garry Place, Bankfoot.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information

was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for an extension to dwellinghouse, 43 Garry Place, Bankfoot, be granted subject to:
  - 1. The imposition of relevant conditions requiring the submission of revised details to replace the proposed exposed supporting steelwork with brick pillars or a wall, rendered to match the remainder of the proposed extension.

#### **Justification**

The proposed development, whilst not compliant with the Perth and Kinross Local Development Plan 2014, was assessed on balance as being acceptable, in taking account of the exceptional family circumstances of the applicant.

**(ii) TCP/11/16(539) - Planning Application – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth – Mr M Jahangir**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (iv) following the site visit, the application be brought back to the Local Review Body.



**TCP/11/16(536) – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 9-22***)
- (b) Decision Notice (***Pages 25-26***)
  - Report of Handling (***Pages 27-36***)
  - Reference Documents (***Pages 18 and 20***)
- (c) Representations (***Pages 37-72***)



**TCP/11/16(536) – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder**

**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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

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

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

**Statement**

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

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

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

Please see accompanying Appeal Document, plans and photographs.

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.

Additional plan submitted to provide evidence of existence of double feus in the location. Provided at this stage to justify defence in disputing the reasons for refusal.

**List of documents and evidence**

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

1. Plans 18/1, 18/2 and 18/3
2. Appeal Statement
3. Photographs

**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 ~~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



**Document in Support of Proposed Site for Dwellinghouse at Dorus Mor Western Road**  
**Auchterarder Application 18/00238/IPL**

The Planning Officer's Report of Handling for the above application recommended refusal for the reason that the proposed development does not conform to Policies RD1 and PM1B of the Local Development Plan namely Residential Areas and Placemaking. The reason for this that has been put forward is that the proposal would be considered as back land development.

**Back Land Development**

The Report of Handling states that the site does not respect the existing building line along Western Road. As the proposed site is at a much lower level than the frontage of the existing houses, we would contend that it would not be easily visible from Western Road.

The site has well- defined boundaries consisting of a mature hedge to the north and the established boundaries on the other three sides. The plots in this location are historically described as "double feus" and when the site is viewed on Google Earth it can be clearly seen that adjoining plots also have mature hedges in the same position as Dorus Mor which would seem to back this up. In addition when the wider site plan is examined the two bungalows accessed from the road to the west of the public park appear to have been situated in locations to the south similar to that proposed and it could be argued that when first laid out the intention may have been to continue the road along the rear of the plots, until the house at Lammermuir appears to have annexed part of the road. This may also account for the existing sewage outlet pipe which runs along the rear of the plots through the land in ownership of the Common Good Fund. (See attached site plan)

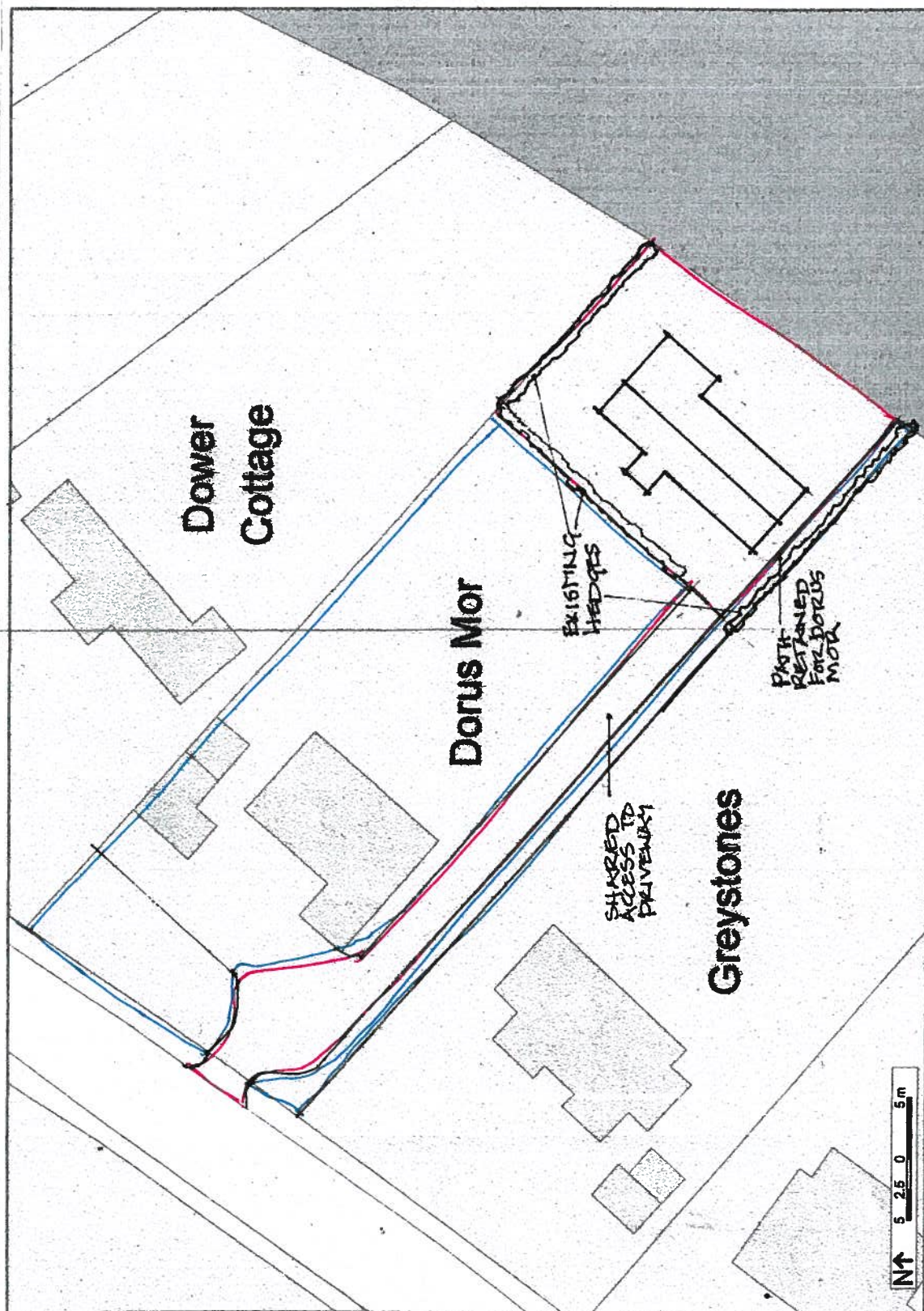
The report also recommends refusal of the development for the reason that it may create precedent for this type of development in the area. As there was already an approval for a site behind Keithleyhead (now out of date) and the site at the former Strathearn House has been extensively developed, we would contend that the precedent already exists. In addition there is at least one residential building in the front garden of one of the houses in Western Road. There are also several examples of so called "backland development" on the west side of Orchil Road some of which can be viewed from the road side.

**Conclusion**

As the proposed development would be hardly visible from Western Road and the Report of Handling finds no other problem with the proposal apart from back land development, we would contend that these objections should be set aside, bearing in mind that there are properties in a similar location behind Keithleyhead. This negates the argument that a precedent would be set by the proposal and does not take these and the development at Strathearn House into consideration.

We ask the Local Review Body to overturn the decision of the Planning Officer and permit the proposal to be approved.

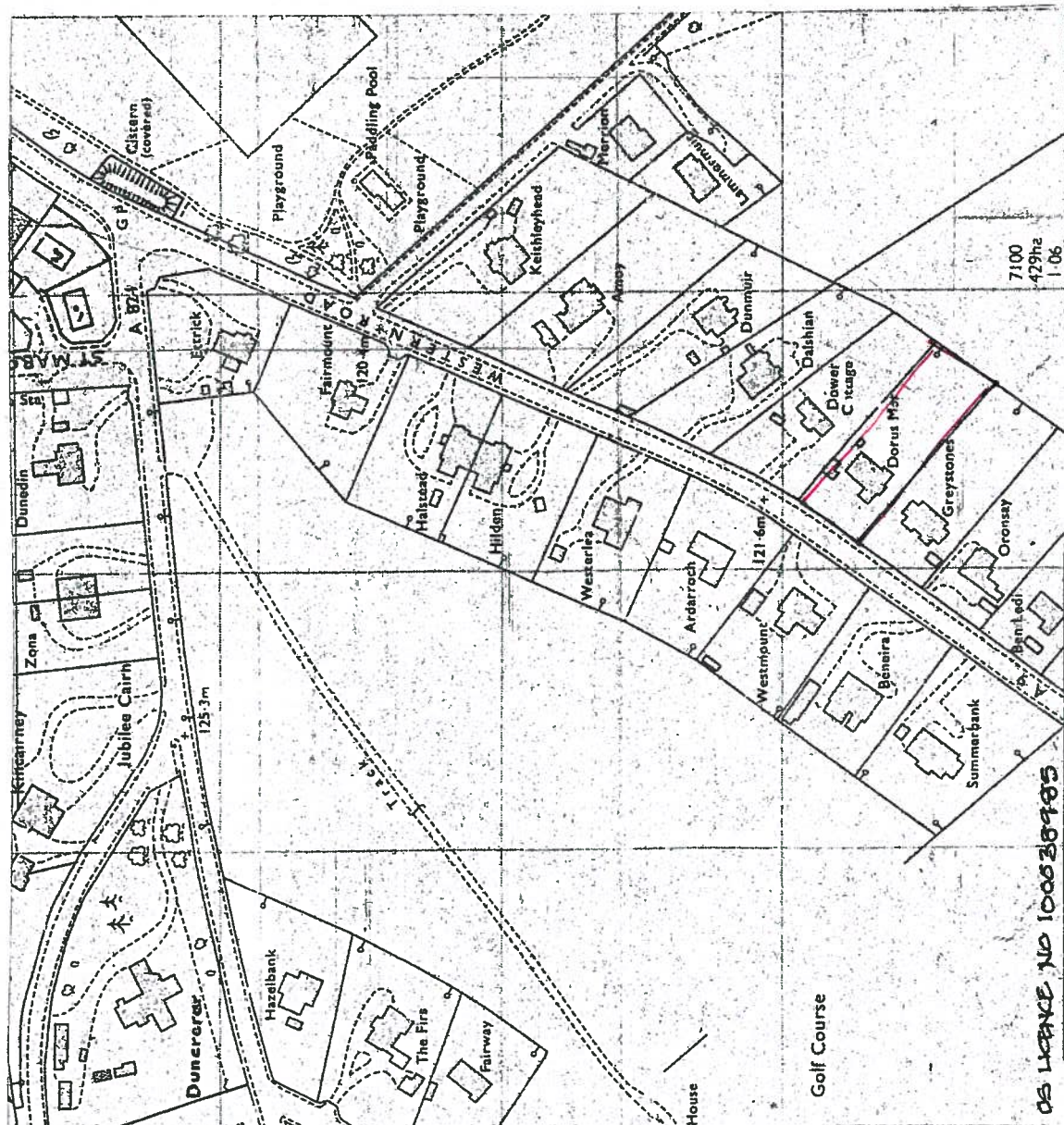




SITE PLAN (Indicative)

1:500

Ann G Gaunt RIBA ARIAS	
Architect	
"Laurel Bank" Money Street	
Blackford Perth PH4 1QP	
Proposed Site for	
Dwelling Dorus Mor	
Auchterarder	
Client	Mr & Mrs S Bonney
App no	18/2
Draw no	1
Drawn	AGG
Scale	Shown
Date	FEB '18

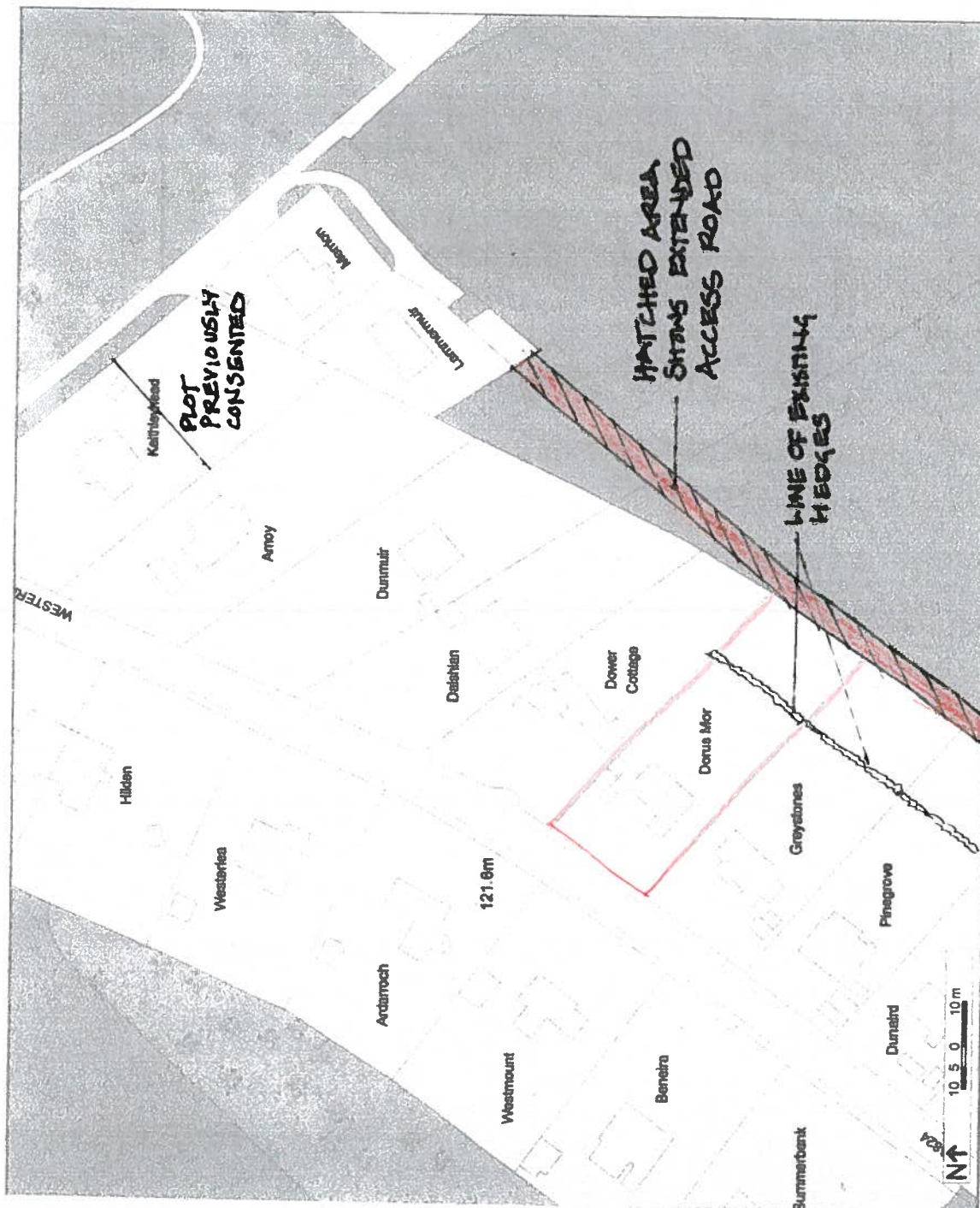


OS Licence No 100038985

7100  
429ha  
1.06

LOCATION PLAN

1:2500



SITE PLAN SHOWING NOTIONAL ROAD EXTENSION

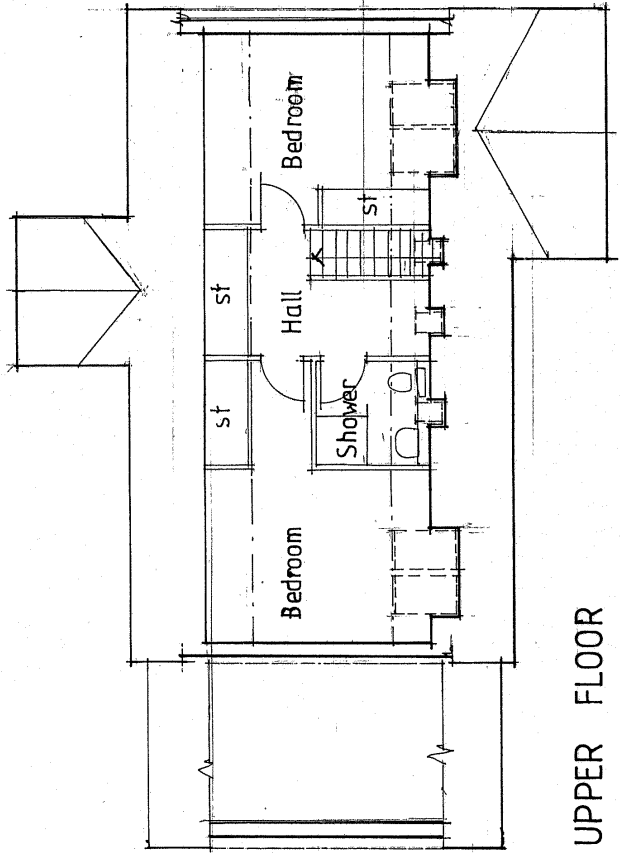
Ann G Gaunt RIBA ARIAS Architect 13 Laurel Bank Moray Street Blackford Perth PH4 1QP			Proposed Site for Dwelling Dorus Mor Auchterarder		
Client			Mr & Mrs S Bonney		
Job no	18/2	Draw no	3		
Drawn		Rev			
Scale		Date			

Ann G Gaunt RIBA ARIAS  
Architect  
"Laurel Bank" Moray Street  
Blackford Perth PH4 1QP

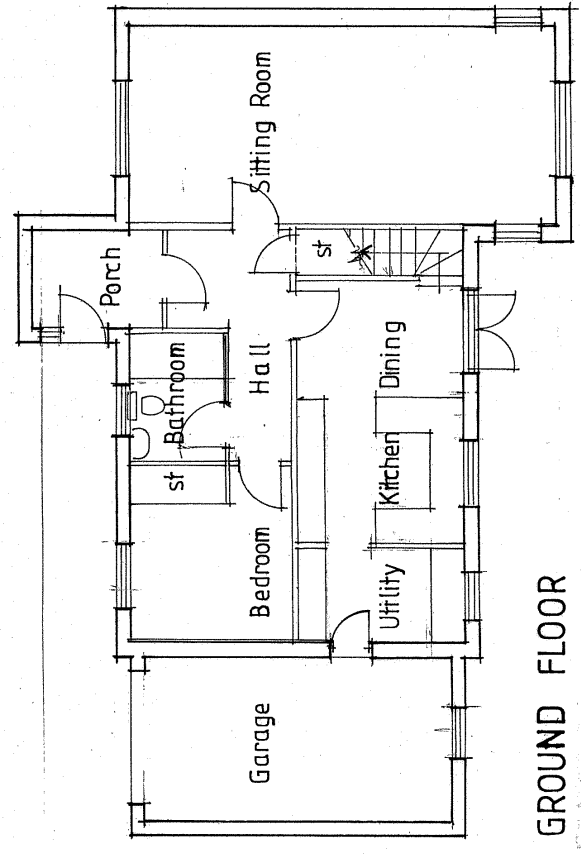
Proposed Site for  
Dwelling Dorus Mor  
Auchterarder

Client  
Mr & Mrs S Bonney

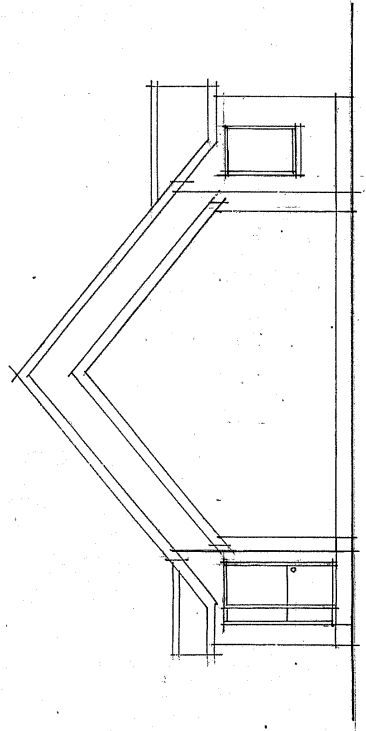
Job no	18 / 2	Drawn	2
Drawn	AGG	Rev	
Scale	1:100	Date	FEB 118



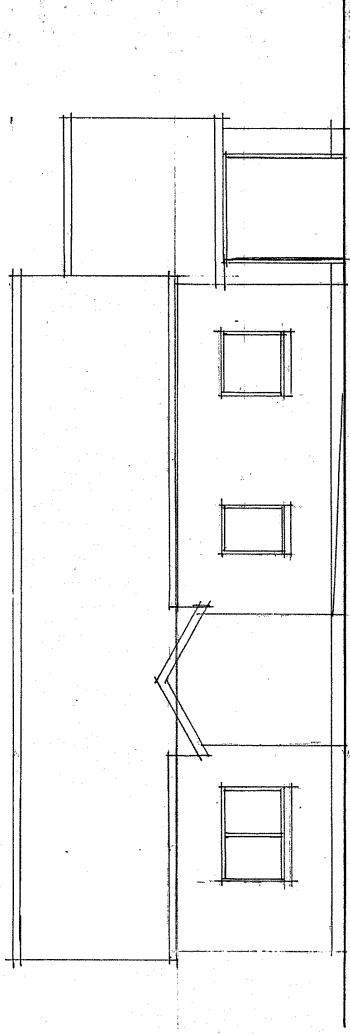
UPPER FLOOR



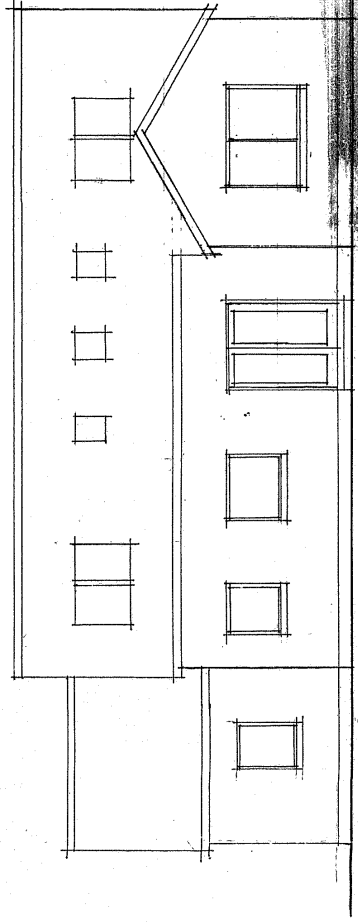
GROUND FLOOR



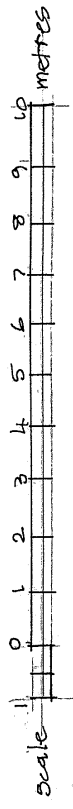
WEST



NORTH



SOUTH  
INDICATIVE ELEVATIONS



INDICATIVE PLANS

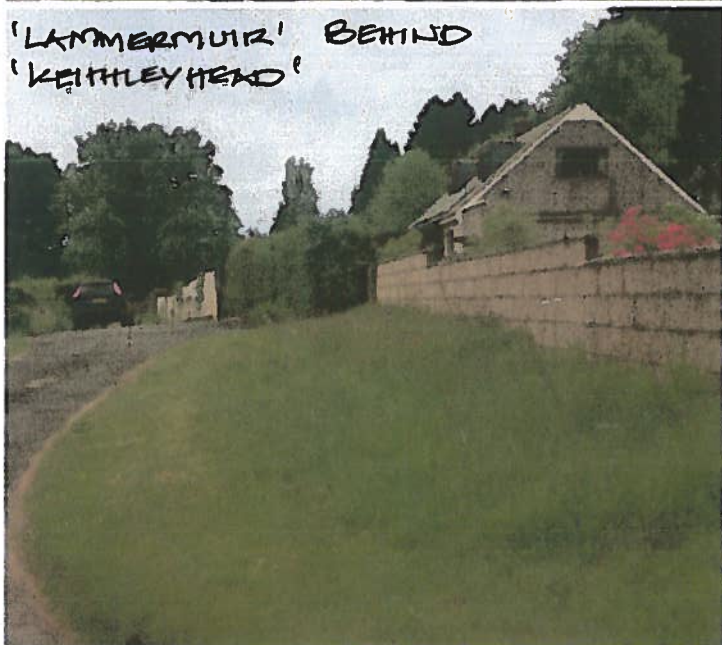
HOUSING DEVELOPMENT BEHIND  
'STRATHEARN HOUSE'



'MERRION' SITUATED BEHIND  
'KEITHLEYHEAD'



'LANMERMUIR' BEHIND  
'KEITHLEYHEAD'



RESIDENTIAL BUILDING IN FRONT  
GARDEN OF 'AMOY'



SITE PREVIOUSLY CONSENTED AT  
'KEITHLEYHEAD'



RESIDENTIAL BUILDING IN FRONT  
GARDEN OF 'DALSHIAN'



**TCP/11/16(536) – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 18 and 20)*



# PERTH AND KINROSS COUNCIL

Mr And Mrs Stuart Bonney  
c/o Ann G Gaunt Ribarias  
Ann Gaunt  
Laurelbank  
Moray Street  
Blackford  
PH4 1QP

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 21st March 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00238/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 23rd February 2018 for permission for **Erection of a dwellinghouse (in principle) Land 30 Metres South East Of Dorus Mor Western Road Auchterarder** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development, by virtue of the back land nature of the site, would result in over development that would not contribute positively to the area and would not respect the character, density or amenity of the place.

2. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area and that areas of amenity value are retained. The development of this back land site for a dwellinghouse would be detrimental to the character and amenity of the area and would set an unwelcome precedent for further tandem development in the immediate locality.

## **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 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**

**18/00238/1**

**18/00238/2**

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	18/00238/IPL	
Ward No	P7- Strathallan	
Due Determination Date	22.04.2018	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse (in principle).

**LOCATION:** Land 30metres South East of Dorus Mor, Western Road, Auchterarder.

### 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:** 26<sup>th</sup> February 2018

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 30metres South East of Dorus Mor, Western Road, Auchterarder. The application seeks planning permission in principle for the erection of a dwellinghouse. The proposed site, excluding the access, is approximately 497m<sup>2</sup> and is currently utilised as garden ground for Dorus Mor, where there is mature vegetation and trees present. The site is within the Auchterarder settlement boundary and is bound to the North East by the

garden ground of Dower Cottage, to the South East by an agricultural field, to the South West by Greystones garden ground and to the North West by Dorus Mor itself.

## **SITE HISTORY**

None.

## **PRE-APPLICATION CONSULTATION**

No pre-application consultation undertaken.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy PM3 - Infrastructure Contributions

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

#### Policy TA1B - Transport Standards and Accessibility Requirements

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

#### Policy NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

#### Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

#### 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.

### **OTHER POLICIES**

#### Development Contributions and Affordable Housing Guide 2016

This document sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

### **CONSULTATION RESPONSES**

#### Internal

Transport Planning:  
No objection to the proposed development.

Contributions Officer:  
The Contributions Officer recommended 2 conditions to be added to any consent granted to ensure that the development is in accordance with Policy PM3: Infrastructure Contributions.

### External

Scottish Water:  
There is currently sufficient capacity in both the Turret Water Treatment Works and the Auchterarder Waste Water Treatment Works to service the development.

## **REPRESENTATIONS**

4 letters of representation were received objecting to the proposal. In summary, the letters highlighted the following concerns:

- Adverse impact upon the biodiversity of the area
- Contrary to Local Development Plan
- Back land development / lack of respect for existing building line
- Lack of information regarding the existing trees on the site
- Precedent development would set
- Loss of privacy
- Lack of detailed information regarding the proposed dwellinghouse
- Construction noise
- Change in ground levels / flood risk
- Neighbour notification has not been carried out correctly

As this is a planning application in principle, full details of the proposed dwellinghouse are not required to be submitted. With regards to the construction period, the impacts from the construction period are not a material planning consideration. It is also confirmed that the correct Neighbour Notification Procedure has been undertaken. The objector who raised the concern regarding neighbour notification has been contacted and explained that only neighbours within 20metres of the site boundary are notified.

The other points highlighted in the objections received will be discussed within this report.

## **ADDITIONAL INFORMATION RECEIVED:**

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required

Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## **APPRAISAL**

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

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

### **Policy Appraisal**

This application is located within the settlement boundaries of Auchterarder where the most relevant policies of the local plan are Policies RD1 'Residential Areas' and PM1 'Placemaking'. Policy RD1 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area. Policy PM1A is applicable to all new proposals within the plan area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas.

As this is a planning in principle application, the key test of the acceptability of this proposal on policy grounds is ultimately whether or not the proposed land use (for residential) is consistent with the requirements of the Local Development Plan. In this instance the applicant is seeking to establish the principle of residential development within an area where residential development is generally considered to be acceptable.

Whilst the site is within an area where residential development is considered acceptable, consideration must also be given to the potential impacts created from the proposal upon the existing residential amenity and character of the area, as required by Policy RD1 as mentioned above.

Taking the relevant policies into consideration, it is considered that the principle of residential development on this site is not in accordance with the identified Local Development Plan. This is due to the proposal being considered as back land development.

### **Back land Development**

Policy PM1B – Placemaking, highlights through criterion (d), that all proposals must respect an existing building line where appropriate. In this instance, the proposed development constitutes back land development as the site does not respect the existing building line along Western Road.

Protecting the character of the area is an important objective within the Placemaking policies. This is particularly applicable where an area has special characteristics, for example, on the edge of a village where there is a linear form hemmed in by countryside which would be compromised by the establishment of a line of sporadic back land development, harmful to the setting of the settlement. In this instance, this area of Auchterarder is characterised by a row of large plots facing onto Western Road on the edge of the town. The proposed development would therefore compromise the character of the area.

Regard will also be had to the more general characteristics of an area and the extent to which development behind an existing frontage could be repeated to create a number of tandem developments served by a multiplicity of accesses. This form of development causes a detrimental change to the character of an area, a lowering of standards of residential amenity, a reduction in road safety and an unwarranted burden on the provision of services and facilities to residential property.

For the above reasons, the back land nature of the development would be harmful to the character and amenity of the area and as such is contrary to the relevant provisions of the aforementioned Local Development Plan.

### **Design and Layout**

As this application is simply seeking to establish the principle of a residential development on the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed units. All matters in relation to Design and Layout will be considered under a detailed application.

### **Landscape and Visual Amenity**

Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the siting of a proposed dwellinghouse on this site within the settlement boundary of Auchterarder is not considered to erode the visual amenity, local distinctiveness, diversity and quality of the landscape.

### **Residential Amenity**

It is considered that the site is large enough to accommodate a modest dwellinghouse without detrimental impact upon existing residential amenity.

The site is also large enough for ample private amenity space to be provided for the proposed dwellinghouse. I therefore have no concerns at the principle of a dwellinghouses on this site in relation to residential amenity.

The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in the existing houses, in particular, at Dorus Mor, Dower Cottage and Greystones. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the proposed dwellinghouse.

### **Roads and Access**

As this application is in principle, full details of the proposed roads and access have not been submitted, although it is indicated that a shared access will be obtained from the western corner of the Dorus Mor plot which connects to Western Road. It is however considered that an acceptable scheme could be achieved on this site. Furthermore, my colleagues in Transport Planning were consulted as part of this application and have no objection to make.

### **Drainage and Flooding**

The site is not within an area known to flooding and as such it is therefore considered that there are no flooding implications associated with this proposal. All matters in relation to drainage would be considered under a detailed application. Whilst the letter of representation regarding any ground levels being raised is noted, this would be a consideration for a detailed application.

### **Biodiversity and Trees**

In some of the objections received, the impacts upon biodiversity and the trees on the site were raised as a concern. Policy NE2B - Forestry, Woodland and Trees, of the Perth and Kinross Local Development Plan 2014, states that where there are existing trees on a development site, any application should be accompanied by a tree survey. In this instance, after conducting a site visit, I do not consider it necessary to request a Tree Survey as there are no trees of significance on the developable area of the plot. In turn, it is also considered that there is a lack of habitats available for protected species. I therefore do not consider it appropriate to request any tree or biodiversity studies. If consent was to be granted, the impacts upon biodiversity could be

controlled by adding conditions to the consent. I therefore have no adverse concerns in relation to trees and biodiversity.

## **Developer Contributions**

### Primary Education

The Council's 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 Community School of Auchterarder Primary School.

The Contributions Officer recommended that a condition to reflect education contributions should be attached to any planning application granted.

### Auchterarder A9 Junction

The Council's Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.

The application falls within the identified A9 Junction Supplementary Guidance boundary and the Contributions Officer recommended that a condition to reflect this should be attached to any planning application granted.

## **Economic Impact**

The development of this site will count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated 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 2012 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 Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development, by virtue of the back land nature of the site, would result in over development that would not contribute positively to the area and would not respect the character, density or amenity of the place.
- 2 The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area and that areas of amenity value are retained. The development of this back land site for a dwellinghouse would be detrimental to the character and amenity of the area and would set an unwelcome precedent for further tandem development in the immediate locality.

### **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**

Not Applicable.

### **Procedural Notes**

Not Applicable.

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

18/00238/1  
18/00238/2

**Date of Report** 19<sup>th</sup> March 2018

**TCP/11/16(536) – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder**

## **REPRESENTATIONS**



27/02/2018

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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**PH3 Auchterarder Western Rd 30 Metres SE Dorus Mor**  
**PLANNING APPLICATION NUMBER: 18/00238/IPL**  
**OUR REFERENCE: 757665**  
**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 Turret 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 Auchterarder 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.**

## **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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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](http://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](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges

757665\_Local Planner\_P2 DOM Capacity Available\_Applicant\_10-29-09.doc

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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

Angela.Allison@scottishwater.co.uk

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

<b>Planning Application ref.</b>	18/00238/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: 0 [REDACTED] Email: [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 30 Metres South East Of Dorus Mor, Western Road, Auchterarder		
<b>Comments on the proposal</b>	<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, 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 Community School of Auchterarder Primary School.</p> <p><b>Auchterarder A9 Junction</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.</p> <p>The application falls within the identified A9 Junction Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		

	<p><b>Auchterarder A9 Junction</b></p> <p><b>CO03</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to Auchterarder A9 Junction Improvements or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards the Auchterarder A9 Junction Improvements, in accordance with Development Plan Policy and Supplementary Guidance.</p>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	02 March 2018

## Tracy McManamon

---

**From:** Bryan and Heather Allen <[REDACTED]>  
**Sent:** 11 March 2018 16:12  
**To:** Development Management - Generic Email Account  
**Subject:** Planning application comments

Application reference: 18/00238/IPL

Erection of dwelling house, Western Road, Auchterarder.

Reasons for objections:

Adverse affect on Wildlife: the site is home to a vast array of birds and wildlife, including rabbits, stoats, voles, moles, hedgehogs and numerous bird species.

Trees: All planning applications are required to list any trees on the site and also to state intentions towards such trees. The site contains several long standing and established hard and soft wood trees, but non of these are listed or detailed on the site plan. Some are directly on the site of the building and others are on various parts of the overall plot at Dorus Mor.

Neighbourhood consultation: the consultation list includes neighbours on the other side of Western Road with no direct view of the development, and therefore not likely to object. It does not however include the neighbouring 3 houses on the same side of Western Road, all of which would have direct uninterrupted views of the proposed dwelling - specifically these neighbours live in houses named Pinegrove, Dunaird and Orwell. One house which is on the list, Dalshian, is currently unoccupied and not able to comment. Additionally, Dorus Mor has been consulted and invited to comment, but they are the submitters of the application.

We would like to be able to comment of the suitability of building material and general look of the prosed development, but we can't as nothing is detailed on the application. We can only access floor plans and elevations, with no mention of materials used.

The height and scope of the building is a concern on such a small plot. It would pose serious privacy issues for ourselves and other neighbours and completely change what is currently an unspoilt view of the Ochill Hills.

There is a recently built large summer house construction in the applicants garden, which sits very close to the border of the proposed development and is not listed on the plans.

There are concerns over the level of construction noise. There are no major services currently on the plot such as sewage and these would have to be installed.

Finally, there is a lack of precedence, with no other structures built in the road as part of a row of adjoining private gardens.

Bryan and Heather Allen  
[REDACTED]  
[REDACTED]

ENTERED IN COMPUTER

12 MAR 2018



# Comments for Planning Application 18/00238/IPL

## Application Summary

Application Number: 18/00238/IPL

Address: Land 30 Metres South East Of Dorus Mor Western Road Auchterarder

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr John Barr

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Out of Character with the Area
- Over Intensive Development

Comment: I would like to lodge objection to this application as the proposal is not in accordance with the Local Development Plan in the following respects:

The proposed development is contrary to Policy RD1 of the Local Development Plan in that it involves backland development that would have significant impact on the residential amenity of the other properties along this stretch of Western Road and on the character of the area.

The proposal is contrary to Policy PM1A and PM1B as it would fail to contribute positively to the quality of the surrounding built and natural environment and would involve backland development that fails to respect the established building line to the rear of the properties on this side of Western Road.

The council has refused planning permission for similar backland proposals in the past and failure to do so in this case would create an unwelcome precedent which, if followed by a number of neighbouring properties, would have serious detrimental impact on the amenity and character of the area and lead to unintended, unplanned, ad hoc development and load on the local infrastructure.



# Comments for Planning Application 18/00238/IPL

## Application Summary

Application Number: 18/00238/IPL

Address: Land 30 Metres South East Of Dorus Mor Western Road Auchterarder

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr Leslie Huckfield

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

Comment: My wife and I would like to register a strong objection against this application on grounds that Perth and Kinross Council has not followed Scottish Planning Circular 4 2009 under Regulation 18, Sections 4.15 to 4.20. Procedures for schemes of delegation are set out in Part 3 (Development Management) of the Planning Act (Scotland) 2006 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 and accompanying circulars - of which Circular 4 2009 is one.

Though properties further away from the proposed development than our own property have been notified by the Council, we received no notification at all - though we are more directly and adversely affected than others who were notified.

We will make further representations elsewhere against Perth and Kinross Council's failure to respect its obligations under these required Development Management Procedures.

We submit that the proposed application is contrary to Policy RD1 in the approved Local Development Plan against "backland development". This application, if approved, would have a significant impact both on neighbouring residential amenity and a detrimental impact on the

amenity and character of the Western Road area if this precedent is followed. In summary, if this application is approved, other similar applications will follow which will totally undermine and significantly affect the residential quality and character of a prime residential area in Auchterarder.

We submit that the application does not meet other requirements in the approved Perth and Kinross Local Development Plan since under Policies PM1A, PM1B and PM1(d) it fails to recognise the previously approved building line and will not be compatible with the residential amenity and character of the surrounding area.

We also believe that the application may be contrary to Policy NE3 of the approved Local Development Plan, since any destruction involved of trees and habitat may impact on protected species, including birds, bats and red squirrels which may have been identified in the area. We are making further inquiries and investigation into these matters.

LESLIE HUCKFIELD

[REDACTED]  
[REDACTED]

# Comments for Planning Application 18/00238/IPL

## Application Summary

Application Number: 18/00238/IPL

Address: Land 30 Metres South East Of Dorus Mor Western Road Auchterarder

Proposal: Erection of a dwellinghouse (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Ms Jill Simpson

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Flooding Risk
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Noise Pollution
- Out of Character with the Area
- Over Looking

Comment: They key reasons for our objection are as follows;

We would lose our privacy we have a low hedgerow and would look directly into this 1 ½ storey house. Our time in the garden would be overlooked by the access road and traffic this will generate - it will completely change our peace and tranquillity the reason for buying this property.

The proposed access road is it so close to our boundary we are concerned about the adequacy of the road to take up the level change without infringing on our property. We will also have noise pollution from the new access road along our garden and next to our bedroom.

We think the potential change in ground level could easily result in our land becoming flooded.

We are also concerned at the loss of habitat to the wildlife - the lower garden area and connecting hedgerows are so vital for the birds, squirrels, voles that frequent all of our gardens and they provide shelter, safe passage and breeding areas for many of these animals - the proposed new house and access road would remove this space and connectivity.

There will be a loss of mature trees which border Dower Cottage.

We are concerned at the lack of consultation with neighbours directly affected by the visual impact and the precedent this would set - all houses looking into this house should have been consulted e.g. Pinegrove

On an admin point though dated the 23rd March we did not receive our letter until the 1st March - we would have sought expert advice having no experience of commenting on planning applications, however I hope we have made our points clear.

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

<b>Planning Application ref.</b>	18/00230/FLL	<b>Comments provided by</b>	Mike Lee Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	[REDACTED] [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 30 Metres South East Of Dorus Mor Western Road Auchterarder		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	16/03/2018		



**Statement by Leslie and Margaret Huckfield,**

We have lived at Pine Grove in Western Road since 2004 and find Local Review Comments submitted by the applicants confusing and inaccurate. If accepted, these comments would fundamentally undermine the general residential character of the area:

**A) Myths in Support of Backland Development**

- i) The invention of a “double feu” historical basis for the large size of plots is in error and especially confusing. The description “double feu” refers merely to the size of plots rather than any original intention to permit further building in gardens or on back land. Most Western Road properties were built in the 1920s and we can furnish original photographs of pine trees running down either side of the whole length of our garden, thus showing no intention of splitting the garden in half.
- ii) Equally misguided is reference to an “existing sewage outlet pipe which runs along the rear of the plots through the land in ownership of the Common Good Fund”. There is no sewage pipe and most sewage tanks drain to soak away areas. There is no evidence that there was ever an intention to extend any access road serving houses along the southern edge of the Western Road plots. There is not even a legally permitted right of access over the Common Land to facilitate emptying of sewage tanks and our previous communication with PKC confirms this.

**B) Houses behind Keithleyhead**

- i) The houses Merrion and Lammermuir are not ‘backlands development’. They are separate independent plots served directly from the road running down the west side of the park, not through existing plots fronting Western Road.
- ii) Any lapsed consent for a house behind Keithleyhead is in the same category as Merrion and Lammermuir and would not be ‘backlands development’ but served by the road to the west of the park.

**C) Amoy and Dalshian Outbuildings**

- i) Buildings in front of Amoy and Dalshian are neither dwellings nor ‘backlands development’. They are outbuildings to the main residence and include garage and office space. They are not separate plots, do not have separate access, are not in separate ownership or occupied.
- ii) Neither has planning permission as a dwelling and are in no way comparable to separate ‘backlands development’ proposed for Dorus Mor.

**D) Properties at Strathearn House**

- i) Any citation of properties – including Curling Pond Cottages – as representing ‘backlands development’ – is misleading and confused. Most of the Strathearn House, Curling Pond Cottages and other houses are refurbishment and extension of existing properties.
- ii) These properties thus represent PKC’s interpretation of hamlet and small community development, rather than ‘backlands development’.



**From: Bryan & Heather Allen,** [REDACTED]

**Subject: TCP/11/16(536): Response to Application to Review Refusal of Planning Consent**

After submitting an original objection and receiving notification of an appeal to review, we are responding to points raised by the applicants.

The Houses Behind Keithleyhead (Merrion and Lemmermuir)

1. These are not backlands development and are separate plots served from the road running down the west side of the park, not through existing plots on Western road.
2. Additionally there is no evidence of any intention to create a road along the rear boundary of the Western Road properties.
3. The lapsed planning consent for a further house to the rear of Keithleyhead has no relevance, as it is also not backlands development.
4. Local Development Plans has changed since those developments and the houses behind Keithleyhead are of no relevance.

The Outbuildings at Amoy and Dalshian

1. These are outbuildings, not dwellings or backlands developments. They are not separate plots in separate ownership or separately occupied. They were built before the current Local Development Plan was in place.

The Development at Strathearn House

1. The development at Strathearn House is half a mile away, and invisible from the group of houses affected by the application. It was probably considered as a separate hamlet and therefore falls into a different category, and was also built prior to the current Development Plan.

The Wider Community

1. The proposal at Dorus Mor would not enhance the local environment. This would be made worse if permission were granted and set a precedent for further developments.
2. There are many new (planned) housing developments that have put considerable pressure on local amenities such as schools.

The Aims of The Local Plan

The proposed development at Dorus Mor would not meet the requirements of the Local Development Plan by having a positive effect on the surroundings and natural environment. It would most likely be out of character and be detrimental to both the local neighbourhood and also the wider community.



**From: John and Isobel Barr, [REDACTED]**  
**Subject: TCP/11/16(536) : Response to Application to Review Refusal of Planning Consent**

We objected to the original planning application as we are concerned that the proposal would have a detrimental effect on the character and amenity of the area. In response to points raised by the applicants in their request for review we comment as follows:

#### The Houses Behind Keithleyhead

1. The two existing houses behind Keithleyhead (Merrion and Lammermuir) are not backlands development; they are separate independent plots served directly from the road running down the west side of the park, not through existing plots fronting onto Western road.
2. The description of a road serving these two properties is incorrect. This is simply the private vehicular access to Lammermuir. There is no evidence that there was ever an intention to create a road or to extend access along the rear boundary of the Western Road properties.
3. The lapsed planning consent for a further house to the rear of Keithleyhead falls into the same category as Merrion and Lammermuir; it is not backlands development but served independently off of the road running down the side of the park.
4. All of the above occurred before the current Local Development Plan was in place and was therefore decided in a different era and under different circumstances. For this and other reasons noted above, the houses behind Keithleyhead are of no relevance when considering the current application at Dorus Mor.

#### The Outbuildings at Amoy and Dalshian

1. The buildings cited as precedents to the front of Amoy and Dalshian are neither dwellings nor backlands development. Both are outbuildings to the house occupying the plot, they fall within the curtilage of the plot, they are not separate plots, not in separate ownership and not separately occupied. Neither has been granted planning permission as a dwelling and both were erected before the current Local Development Plan was in place. In all these respects they bear no comparison with the proposal at Dorus Mor and are irrelevant.

#### The Development at Strathearn House

1. Ours is the last house in Auchterarder and the closest to Strathearn House, which is some half mile distant. The land between consists of open fields and the cemetery and includes several lines of mature trees running from Western Road to the A9. The result is that the development at Strathearn House is distant and invisible from the group of houses affected by the application. We suspect that it was considered as a separate settlement or hamlet and falls into a different category than the application. Also, it was built before the current Local Development Plan was in place and in this and other respects outlined above is not relevant.

#### The Wider Community

1. The proposal at Dorus Mor is alien to the character of the neighbourhood and would have a detrimental effect on the quality of environment for other residents. This would be exacerbated if permission were granted and served as a precedent for further, similar developments.
2. The recent increase in housing in Auchterarder has produced pressures on local amenities. The school is currently at risk of losing valuable facilities such as its computing suite and music room due to the increasing school role and the consequent requirement for more classroom space. Development to date has the merit of having been planned. Further ad hoc, unplanned development of the type proposed at Dorus Mor risks overloading local infrastructure and amenities in an uncontrolled manner.

#### The Aims of The Local Plan

The Local Development Plan requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. Nothing in the application suggests that this is the case. To the contrary everything points to it being out of character and having a detrimental effect on the local neighbourhood and the wider community of Auchterarder by encouraging ad hoc development that adds nothing to the local community whilst increasing the load on local services and putting valuable amenities at risk.





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Perth & Kinross Local Review Body  
Council Building  
2 High Street  
Perth  
PH1 5PH

28 June 2018

Dear Sirs,

**Re: T&CP (Schemes of Delegation & Local Review Procedure)(Scotland) Regulations 2013**

**LRB Ref:** TCP/11/16(536)

**Application Planning Ref:** 18/00238/IPL

**Location:** Land 30m south-east of Dorus Mor, Western Road, Auchterarder

GD Planning Ltd has been appointed by Ms Jill Simpson to review the refused Planning application (18/00238/IPL) together with the Appellants Grounds of Appeal, and to forward this representation to the Local Review Body on her behalf. Ms Simpson is the immediate neighbour (Greystones) and submitted objection to the proposal at planning application stage.

Ms Simpson considers that the development of the Appeal site for housing would be inappropriate, supports the findings of the Planning Officer, and would also wish to raise the following additional matters:

### Development Plan

Whilst PKC do not have any specific planning policy relating to 'backland' development it does have a recently published Placemaking Guide and an up-to-date Development Plan both of which accord a high importance to design quality in the built and natural environment. The primary objective of policy and guidance is to ensure that development proposals evolve through a contextual understanding

GD Planning Ltd Company No: SC 525041

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of 'place' which , in turn, should inform appropriate design solutions and enable the delivery of sustainable development.

Those policies seek to achieve a balance between the delivery of sustainable development and the protection of local amenity, including the amenities of existing residents.

Whilst it is accepted that this is an outline application seeking to establish the principle of a dwelling on the land, it is Ms Simpsons opinion that the limitations of the site are such that the proposals cannot achieve that 'balance'. The site is constrained in terms of size and setting. A new house would impact in a harmful way on the distinct character and appearance of an attractive part of Auchterarder, and the limitations of the site itself mean that adequate protection to the amenities of adjacent residential occupiers could not be delivered.

In particular Ms Simpson would contend that criteria (a) & (c) of **Planning Policy RD1: Residential Areas**; and criteria, (b),(c),(d),and (g) of **Planning Policy PM1B** would not be met.

## Backland

Backland sites are generally acknowledged to raise specific planning challenges, particularly in relation to impacts on adjacent properties. These will invariably include:

**Loss of privacy to frontage plots from backland dwelling** – will the proposal give rise to unacceptable overlooking affecting neighbour privacy?

**Overlooking of 'backland' plot from existing dwellings** – will the new dwelling be overlooked from the existing dwelling?

**Loss of privacy of adjoining residents due to access** – will existing residents experience a loss of privacy through new vehicle movements passing in close proximity to existing dwellings?

**Noise & Disturbance to adjoining residents** – will more intensive use of existing garden ground give rise to noise and disturbance to neighbours?

**Appearance & Character** – would the form and location of the proposal be consistent with the pattern of development locally or would it adversely affect local character?

**Precedent** – are there comparable opportunities for development which could cumulatively erode local character?

These issues have been examined and Ms Simpson would wish Members to note the following comments:

**Amenity:** 'Greystones' is south facing with an open, uninterrupted outlook across Strathearn to the Ochil Hills. The house is arranged with principal rooms (lounge, sun room, master bedroom), and the principal amenity space, all sited to the rear to take advantage of the open outlook. The photographs below indicate the 130\* panoramic outlook and the privacy enjoyed from the house and garden.



**Photos 1, 2 & 3** Outlook from 'Greystones'

Whilst the right to a private view cannot be safeguarded through planning it is recognised that the extent to which the outlook is materially affected by new development is a proper and material planning consideration. In each case the degree to which the new proposal would be a dominant element and its juxtaposition to any third-party property will be important considerations.

The outlook from *Greystones* and its garden is towards the south. The photographs above illustrate the extent to which natural features (topography, trees; field and sky) are dominant and show the absence of any man-made feature. The red line identifies the Appeal site.

The photos below show the arrangement of rooms and external amenity space at the rear of the property, all arranged to take advantage of that southerly aspect.



**Photos 4 & 5** showing arrangements of sun room, amenity space to rear of *Greystones* and garden levels difference with *Dorus Mor*

From the drawings supporting the application it can be recognised that the new dwelling would introduce an assertive and dominant new man-made feature imposing itself across all of the garden serving *Greystones*.

Environmental conditions within both garden and house would be materially changed with little or no relief possible for the residents of *Greystones* from main rooms; the principal amenity space nor anywhere within the garden due to the position of the building, the height and form indicated, and the low natural features along the boundary. Whilst lights on at night and general activity around the new house with its limited curtilage, are conditions which would reinforce that change.

In every part of the garden the presence of the new dwelling would be apparent and would be a dominant feature. In this sense the proposal can be seen as an unneighbourly form of development, contrary to the requirements of **Policy RD1**.



**Photos 6** Extent of outlook from garden and property at *Greystones* and highlighting likely dominance of new dwelling from all parts of garden

Ms Simpson would contend that such changes in environmental conditions would not represent good planning and would not deliver the positive place making objectives set out in Development Plan **Policy PM1b**, nor would the proposal respect its environs as required by **Policy RD1 (a)**.

**Access:** The submitted layout indicates a new pedestrian footway and vehicular access running between *Greystones* and *Dorus Mor*. Vehicles moving along this route would be within 2m of the corner of *Greystones* and close to one of its principal bedrooms.

The garden to *Dorus Mor* is above the level of the *Greystones* garden at this point (+700mm). Pedestrian activity on the new footpath and the introduction of vehicle movements, noise, exhaust fumes and lights, so close to the boundary, will be most noticeable and will impact on Ms Simpson's quiet enjoyment of this part of the house and garden.

The new access will also pass immediately in front of a number of windows in the side wall of *Dorus Mor* with little space available to effectively screen the impacts of vehicle movements. Whilst it is noted that the Planning Officers Report raises no issues in respect of this arrangement it is suggested that the use of the new driveway could have a significant adverse impact on the amenities enjoyed by future occupiers of *Dorus Mor*, contrary to the requirements of Plan **Policy RD1 (a)**.



**Photos 7** Side windows of Dorus Mor

**Appearance and Character** A key issue in the consideration of this case is whether the proposed development would appear cramped and out of character with the more spacious plots in the immediate locality. The appearance of an area can be described as the outward visible qualities, whereas character is the sum of all the qualities which distinguish the area.

Western Road forms one of the principal ‘entrances’ to Auchterarder from the A9. This part of the town has a distinct character. Linear, not nucleated; low density; detached dwellings set within sizeable plots with open views to south, and with space front and back. Established, early to mid-20<sup>th</sup> Century villas, with long open gardens to the rear which ease the transition between the countryside and the town and contrast in a most positive way with higher density modern developments at the settlement edge found elsewhere within the town. These characteristics provide a soft edge to the settlement at this point.

A dominant characteristic of dwellings on the south side of Western Road, is the space between dwellings; consistently large gardens and landscaped grounds falling away from the house towards open fields to the south; hipped roofs to housing; and the extensive views from the road, above and between housing, of the sky and countryside beyond. Houses are set back from and below the level of the road, and a common building line is evident.

With a new dwelling on the appeal site those positive elements of townscape quality which distinguish this part of the town from elsewhere cannot be realised. The plot size is small; a higher ratio of building to garden ground would be realised; the dominant building line is not respected; and the position on the slope will erode the ‘soft’ urban edge of the town at this point.

The photo below shows the small size of the appeal site relative to other property gardens along the southern side of Western Road (Appeal site approx. 500m<sup>2</sup> – typical house plot size on south side of Western Road 2250m<sup>2</sup>). It also demonstrates how little space around the new dwelling would be realised and the fact that a hard edge to the village at this point would be introduced by building out towards the field boundary.

The site is so small that little opportunity is available to mitigate these effects. Ms Simpson would contend that such a change in environmental conditions would not represent good planning and would not deliver the positive place making objectives set out in Development Plan Policy [PM1b](#) & [RD1\(c\)](#).



**Photo 8** showing low density of existing housing; small size of plot relative to others along southern side of Western Road and resulting position of housing close to field edge.

**Precedent:** Although each site must be considered on its own merits, it is clearly evident that there are comparable opportunities within adjoining gardens to realise similar ‘backland’ housing proposals. Were a planning approval to be granted in this case it is respectfully suggested that the Planning Authority would find it difficult to resist similar proposals on adjacent garden land. It is Ms Simpson’s firm view that cumulatively such change would erode local character and in particular the low density; landscaped setting of the properties in this part of town.

## Trees

Whilst the Planning Officer Report expresses the opinion that impacts on trees do not need to be considered in this case (Biodiversity and trees section of Report), the site is small and the indicative layout indicates a building with a large footprint.

Trees exist close to its boundary but on land adjacent. Those trees have amenity value, both as a visual and biodiversity resource, and 'connect' to linear planting belts in the wider landscape which are likely to comprise 'wildlife corridors'.

Because of their position and the extensive plot coverage proposed, excavated service runs could impact on any feeding roots within the site, whilst the juxtaposition of those trees to the proposed house could also give rise to future pressure to fell. In the absence of a detailed Tree Impact Assessment and Tree Protection Plan it is unclear whether the recommendations set out in *BS5837:2012 Trees in relation to design, demolition and construction* could be met in this case.

## Member Appraisal

There is no third-party right of appeal should this development be approved by the Local Review Body.

This is a backland site, sitting behind existing housing and with no rear vehicular access presently existing. Should Members consider that a site visit is needed in order to fully appraise the Appeal proposal then Ms Simpson would respectfully request that opportunity is taken to view the proposals from her garden.

## Appellants Comments

The Appellant cites examples of outbuildings within the gardens of existing houses (*Dalsian & Amoy*) which have been constructed in recent years and which he contends demonstrate a 'backland' approach to development. In both cases use of the addition is ancillary to the 'parent house' and not independent, and the subordinate buildings have not resulted in the formal subdivision of garden plots or the construction of a new access. The Appeal proposal in contrast, is quite different and would realise an independent use with the potential to impact on third-parties.

Members will be aware that the land behind Strathearn House was a longstanding allocation under the Strathearn Area Local Plan 2001 for the development of land for business, office, and/or tourism use. Residential development of the land was secured at appeal following the grant of planning permission for the restoration through conversion to apartments of Strathearn House. The relationship of employment activities so close to approved housing would have been a factor in the subsequent approval of housing on an allocated employment site. A quite different Planning Policy context was in place at that time and it would be inappropriate to suggest that this now provides a comparable precedent for the development of the current Appeal site.

Ms Simpson would contend that the other examples (*Lammermuir; Merrion & land to the rear of Keiltyhead*) have a different relationship to the urban edge and the countryside beyond, are not comparable in terms of landscape/ townscape impacts nor in their relationship to adjacent dwellings.

Ms Simpson and other local residents are unaware of any historic design intention for the development of 'double feus' and the available records on the PKC Planning Portal do not reveal any historic permission or developer intention for the extension of the access road serving *Lammermuir*.

## Conclusion

PKC currently benefits from a 5 year housing land supply and there are a number of large scale housing developments in Auchterarder currently under-construction. There is no housing land shortage which might outweigh the concerns expressed in the Planning Officers Report or those set out in this objection letter.

The Planning Officer Report demonstrates that planning policy is positive in its emphasis towards the delivery of quality development and the creation of 'place' and that the appeal proposals would not meet those policy objectives (in particular **Policies PM1** Placemaking & **RD1** Residential Areas). The Development Plan is up-to-date. The concerns set out in Ms Simpson's representation reinforce that view and it is respectfully requested that the Planning Officer view is supported and that this review be dismissed.

Yours faithfully

GDimeck BTP MRTPI





**Reply to Neighbour Comments re planning permission at Dorus Mor, Western Road, Auchterarder PH3 1JJ**

Double Feus

The existence of double feus is evident from the dividing hedges which are present in the adjoining properties and the plot previously consented at Keithleyhead was sited on the additional feu at that property. The position of pine trees running down the side boundaries does not prove that the plots were not intended to be divided.

Sewage Outlet Pipe

The existence of the sewage outlet pipe is not in dispute and the fact that no access to empty the septic tanks is not relevant as one need not exclude the other.

Houses behind Keithley head

These are accessed by a track which is not a public road and in our opinion have demonstrated the precedent that houses could be built behind the frontage of Western Road.

Amoy and Dalshian Outbuildings

It was not intended to imply that these buildings were residences but rather to illustrate the fact that they appear as buildings additional to the main residences on the plots.

Properties at Strathearn House

There are in fact a large number of additional residences other than conversions of the existing buildings which we believe were consented only after an appeal and would appear to have set a precedent for building behind the main frontage of Western Road.

The Wider Community

1. We believe the precedent has already been set in numerous areas of Auchterarder i have including Orchil Road where several recent approvals for houses have been granted, some of which are clearly visible from the road frontage. Most of the houses along this side of Western Road have been extended right out to the side boundaries, leaving no space for access roads to any potential site behind them, therefore it is unlikely any additional precedent would be set.
2. All new developments require the payment of developer contributions so the argument about pressure on local amenities is not relevant.

Size and Suitability of the Site

The size and suitability of the site is not dsiputed in the Report of Handling and should Planning in Principle be granted, aspects of design and layout are for consideration once an application for approval of reserved matters is submitted. In addition the change in levels on the site and the existence of the dividing hedge would ensure that any overlooking either from Dorus Mor or adjoining properties would be minimal.

Traffic Noise

The properties on Western Road front a very busy access into the town and the traffic noise will far outweigh any noise from residents accessing a driveway.



**TCP/11/16(540) – 18/00215/IPL – Residential development (in principle), land 40 metres north east of 4 Newbigging Grange, Wolfhill**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 75-156***)
- (b) Decision Notice (***Pages 123-124***)
  - Report of Handling (***Pages 125-136***)
  - Reference Documents (***Pages 137-156 and 159-161***)
- (c) Representations (***Pages 163-186***)



**TCP/11/16(540) – 18/00215/IPL – Residential development  
(in principle), land 40 metres north east of 4 Newbigging  
Grange, Wolfhill**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name MR SAM MERCER NAIRNE

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name KEIR DOE

Address KEIR+CO,  
29 BAROSSA ST

PERTH

Postcode PH3 5EP

Contact Telephone 1 01738 621 243

Contact Telephone 2 07813138642

Fax No

E-mail\* keir@keirandco.co.uk

Mark this box to confirm all contact should be  
through this representative: ☒ Yes ☐ No

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

Yes ☒ No ☐

Planning authority

PERTH+KINKROSS

Planning authority's application reference number

18/00215/1PL

Site address

LAND TO THE SOUTHWEST OF NEWBURNING COTTAGE,  
NEWBURNING, BATHGOWNIE PH3 9PU

Description of proposed  
development

ERECTION OF TWO DWELLING HOUSES

Date of application 08/02/2018

Date of decision (if any) 14TH MARCH 2018

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input 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 ATTACHED / ENCLOSED 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.

**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.

APPEAL SUPPORTING STATEMENT

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



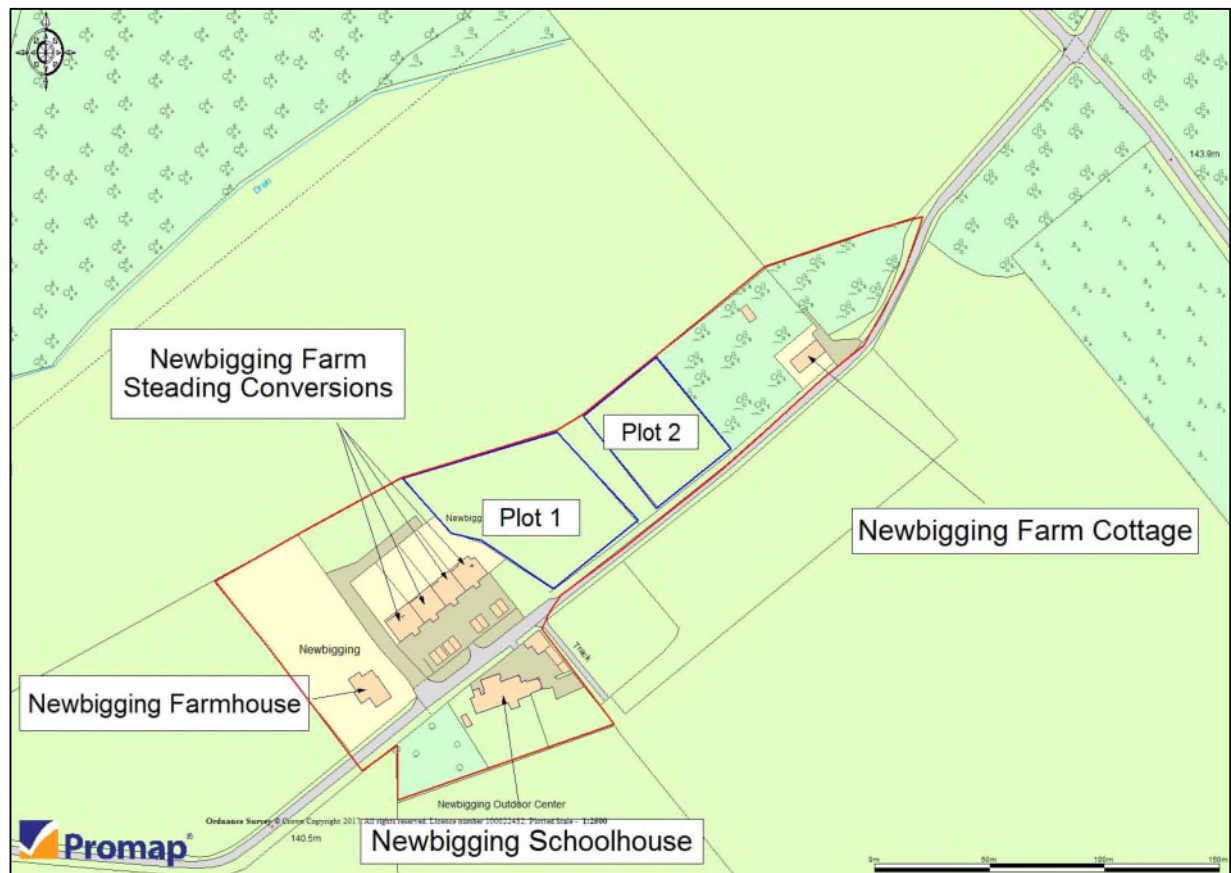
Date

07.06.2018.

# Erection of two dwellinghouses at Newbigging, Wolfhill, Perthshire

## LRB Appeal Statement

12<sup>th</sup> June 2018



**KEIR+CO**  
PLANNING

Contents:

- 1. Introduction**
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- 5. National Planning Policy**
- 6. Precedent**
- 7. Pre-application discussion**
- 8. Objections**
- 9. Summary**

## 1.0 Introduction

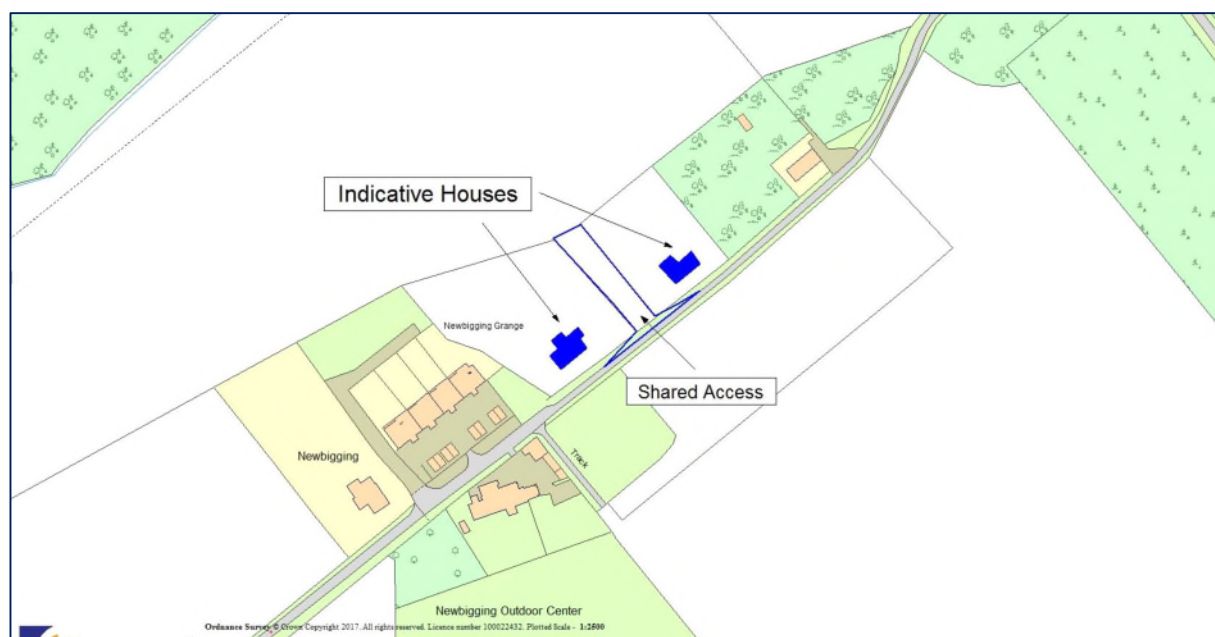
On behalf of our client, we request that the Council's Local Review Body review the decision to refuse the Planning Permission in Principle (PPP) Application (Ref:18/00215/IPL) which proposed the erection of two houses at Newbigging, Wolfhill, Perthshire.

The PPP Application proposed the erection of two detached houses (which would be bespoke, incorporating traditional building materials and be of a contemporary design) on the gap site between Newbigging Farm steading (converted into 4 houses) and Newbigging Farm cottage. See Map 1 below.

This Statement is intended to set out the facts of the case and make reference to and analyse the relevant planning policy, allowing the LRB to make a balanced and informed view as to whether the decision to refuse the PPP application should be overturned or not.

The original Supporting Statement which accompanied the planning application has been appended to this Appeal Statement and should be read in conjunction with this Appeal Statement.

Map 1: Two detached houses proposed to be erected

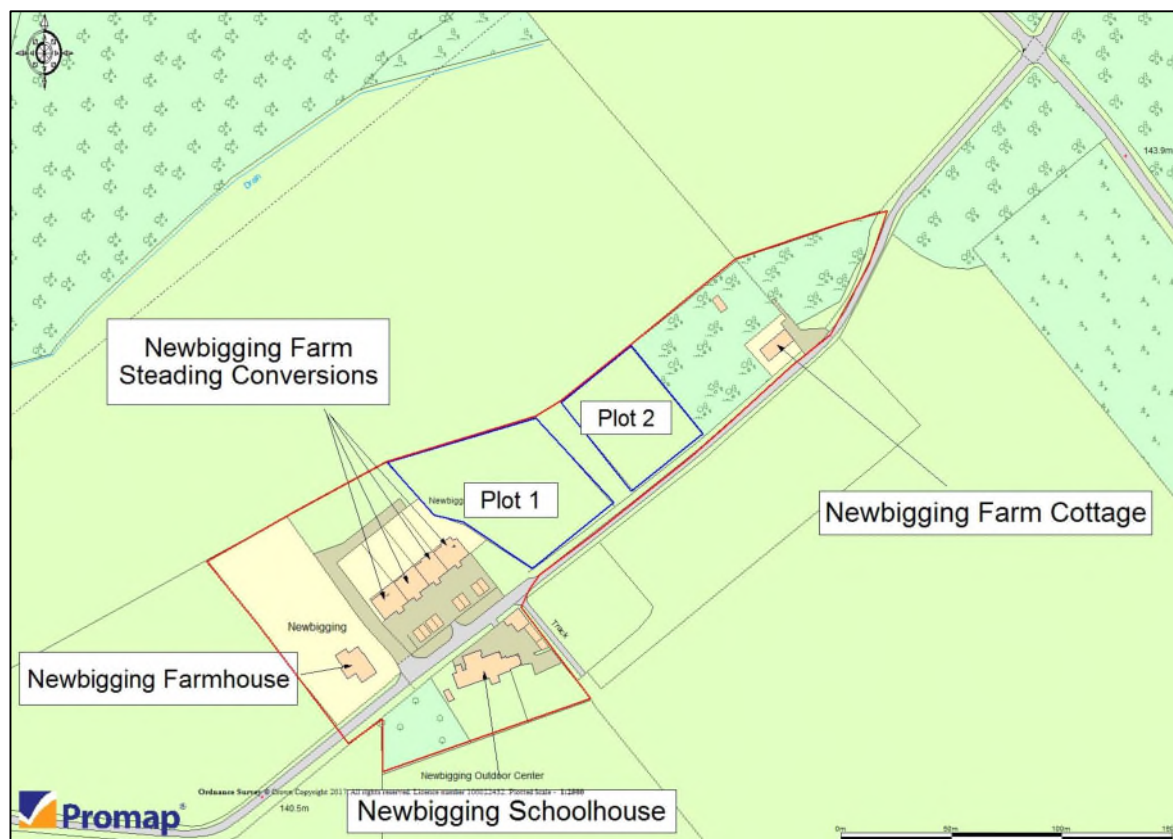


## 2.0 Site Description

The proposed site lies within the hamlet of Newbigging, which comprises; Newbigging Farmhouse, Newbigging Farm Cottage, four houses within Newbigging farm steading and Newbigging schoolhouse (currently utilised by the Girl Guides as an outdoor centre).

All of the buildings in the hamlet/building group are of traditional construction with stone walls and slate roofs.

Map 2: The Newbigging building group and proposed plots



The application site is presently fallow and overgrown.

Photograph 1: Looking westwards over Plot 1 and towards Newbigging Steading (converted into 4 houses)



Photograph 2: Looking eastwards over Plot 2



The proposed house plots are located within a definable site. The northern boundary is defined by young trees, hedging and a post and wire fence. The eastern boundary is defined by Newbigging Farm Cottage and hedging. The southern boundary is defined by a public road and mature hedging. The western boundary is defined by Newbigging Farm Steading and hedging.

Photo 3: Newbigging Steading



Photo 4: Newbigging Farmhouse



Photo 5: Newbigging Schoolhouse



Photo 6: Newbigging Farm Cottage



Photo 7: Hedging and road along the northern boundary



Photo 8: Hedging & trees along the southern boundary



Photograph 9: Close up of the hedging and trees along the southern boundary



Photographs 10 & 11: Hedging along the western boundary of the gap site



Photograph 12: Hedging along the eastern boundary of the gap site



### **3.0 Proposed Development**

It is proposed that two detached houses are constructed in the gap site within the hamlet – between Newbigging Farm Steading and Newbigging Farm Cottage.

The two houses would be bespoke, incorporate traditional building materials and be of a contemporary design. They would also be respectful of the architecture of the surrounding houses.

The houses would also incorporate modern renewable technologies.

The houses would be accessed via the existing central access road. The proposed houses and the access would be laid out similarly to the indicative map illustrated on Map 1.

The subject gap site is the only opportunity for house plots within the group and the erection of two houses on this gap site, would round off and complete the building group.

## **4.0 Overview of the Decision to Refuse Consent**

### **4.1 Reasons for refusal of PPP Application**

The decision to refuse the PPP Application was made by a Planning Officer under delegated powers.

There were four reasons for refusing the planning consent. The reasons for refusal are set out below:

- 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.***
- 2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.***
- 3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character.***
- 4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the residential development on this exposed piece of land with a lack of established boundary treatments.***

## **4.2 Overview of the decision and the Report of Handling**

It should be noted that all four reasons for refusing planning consent are entirely based on the Planning Officers interpretation of the relevant Planning Policies and his subjective view of whether the application complied with these Policies or not.

We are of the view that site is a gap/infill site – infilling the gap between Newbigging Farm Steading and Newbigging Cottage (with Newbigging Cottage included within the building group). The Planning Officer clearly does not share this view.

Regardless of whether Newbigging Farm Cottage is not within the building group, we are also of the view that the site is a definable site formed by existing well established landscape features, which the building group could be expanded into.

In considering this application, there are two key questions;

1. Does Newbigging Farm Cottage form part of the Newbigging building group? If the answer is yes, then the proposal should be considered against the 'infill site' Category of Policy RD3 and the Council's Housing in the Countryside (HITC) Policy – which it broadly complies with.
2. If the Newbigging Farm Cottage is considered to be outwith the building group, is the application site a definable site formed by existing well established landscape features which will provide a suitable setting in which to extend the building group into? If the answer is yes, the proposal should be considered against the 'Building Group' Category of Policy RD3 and the (HITC) Policy – which it broadly complies with.

#### 4.2.1 Infill Site

In our view, looking at Maps 1 and 2, it is quite obvious that Newbigging Farm Cottage is within the Newbigging Building Group.

The farm cottage sitting further away from the farmhouse and farm steading is quite typical of many traditional farms and farms throughout Perthshire. Furthermore, there is a substantial number of these gap sites, which have been developed into 1-2 houses – please see the Precedent Section.

We believe it is very hard to argue that the cottage is not included in the Building Group. Firstly, it has a physical relationship, in that it is located in very close proximity to the other buildings. Secondly, it has a historical and functional relationship, in that it was part of Newbigging Farm buildings (including the farmhouse and steading).

The Planning Officer is of the view ***‘the development site is not considered an infill site as it is not considered to be a ‘gap’. The distance between the edge of the 2 nearest buildings is approximately 162metres, this is considered too substantial to be justified as a gap’.***

This is a very bold statement, given that there is no specified threshold distance, which justifies what constitutes and does not constitute an infill site in Local or National Planning Policy or Guidance. Additionally, as referenced in the Precedent Section, there are a number of cases where applications proposing houses within a similar sized gap have been granted planning consent. It is only fair that when planning policy is interpreted, it is interpreted fairly and consistently. In this case, it has not been fairly and consistently interpreted. It should also be noted that the ‘gap’ itself (eastern boundary to western boundary) is only 89m.

The Infill Sites Category (in the LDP and HITCP) is stated below:

## **2. Infill Sites**

***The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:***

- ***The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage***
- ***The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)***
- ***There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained***
- ***The size and design of the infill houses should be in sympathy with the existing house(s)***
- ***The full extent of the gap must be included within the new plot(s)***
- ***It complies with the siting criteria set out under category 3.***

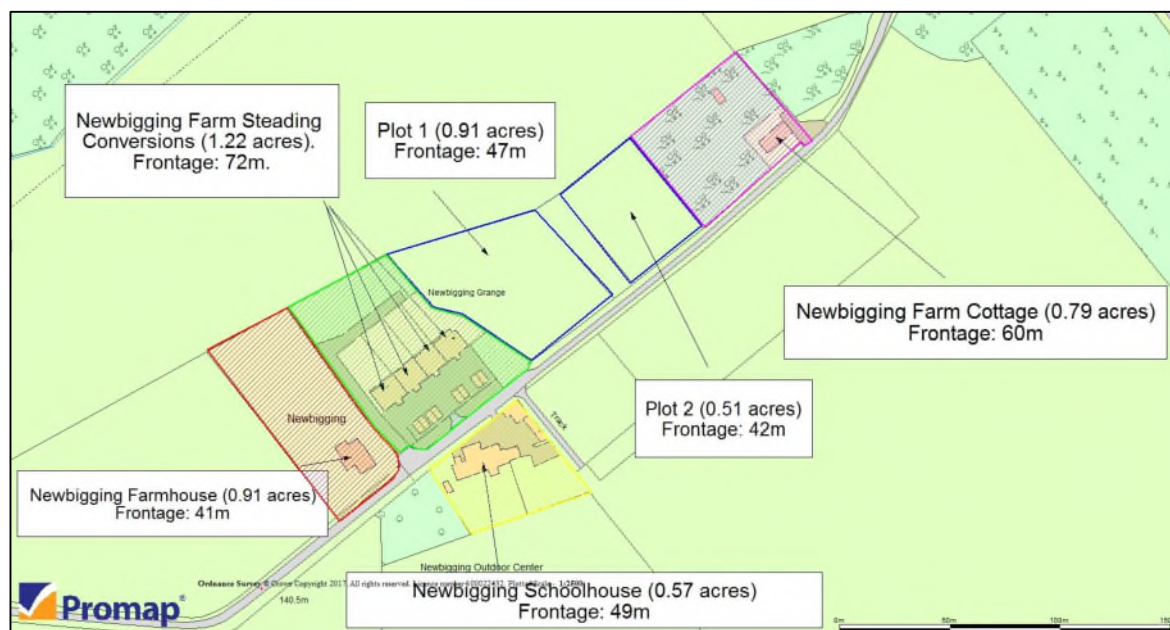
***Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.***

Addressing the above criteria:

***Are the plot(s) created comparable in size to the neighbouring residential property(s) and have a similar size of road frontage?***

Yes, they are. The sizes of the neighboring plots at Newbigging vary in size, as do many rural building groups. However, having measured these plots, we can confirm that the farmhouse (0.91acre) and Plot 1 (also 0.91 acre) are exactly comparable in size. We can also confirm that Plot 2 (0.51 acre) is comparable to the Schoolhouse (0.57 acre). Please refer to the Map on the next page. The proposed plots with a frontage of 47m and 42m, also have similar frontages to the Farmhouse (41m) and Newbigging Schoolhouse (49m).

### Map 3: Plot Sizes



Despite the comparable plots size and the above Map being provided in the Supporting Statement which accompanied the planning application, the Planning Officer has chosen to ignore these facts – stating in the Report of Handling; ***‘The proposed plots are much larger than the existing plots in Newbigging and as such would be out of character for the area’***. This statement is simply factually incorrect and misleading – as illustrated on the map above.

***Does the proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)?***

Yes – see Map 1.

***Are there any uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained?***

There are no other uses in the vicinity which would prevent an adequate standard of amenity for the proposed houses. The amenity of the existing houses would also be maintained. Newbigging Farm is no longer a working farm. The farm steading was converted into 4 houses a number of years ago. The predominant land use in the area is residential.

As stated in the Report of Handling, the Planning Officer does not appear to have an issue with the amenity of the proposed houses and existing houses:

***‘It is considered that the site is large enough to accommodate 2 modest dwellinghouses without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for each of the dwellinghouses. I therefore have no concerns at the principle of 2 dwellinghouses on this site’.***

***‘The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in the existing houses, in particular, at Newbigging Grange. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours’.***

***‘As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However, it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the dwellinghouses’.***

***Is the size and design of the infill houses in sympathy with the existing house(s)?***

As the planning application is a PPP application, there is no requirement for the submission of detailed plans relating to the design and layout of the proposed houses. However, an indicative layout of the two proposed houses is illustrated on Map 1 – which illustrates the houses would be of similar footprints and positioning within the plot as the adjacent houses. As stated in the Supporting Statement, it is proposed that the houses would incorporate traditional building materials, be of a contemporary design and would be respectful of the architecture of the surrounding houses.

***Is the full extent of the gap included within the new plot(s)?***

Yes.

***Does it comply with the siting criteria set out under category 3?***

The Siting Criteria set out under Category 3 of the Council's Housing in the Countryside Policy, is set out below;

***Proposals for a new house falling within category 3 above will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:***

- a) it blends sympathetically with land form;***
- b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;***
- c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The subdivision of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;***
- d) it does not have a detrimental impact on the surrounding landscape.***

***Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;***

- a) it occupies a prominent, skyline, top of slope/ridge location;***
- b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a***

***group of trees or a slope forming an immediate backdrop to the site) and***

***c) is unable to provide a suitable degree of enclosure for a new house in the countryside.***

The proposed houses would blend in with the existing houses and landscape features.

In the Report of Handling, the Planning Officer states that ***..’a definable site is formed by existing topography and or well established landscape features which will provide a suitable setting. In this instance, the proposed plots are bound by post and wire fencing which has been erected in an effort to create a definable site. There is no identifiable topography or landscape features containing the site and as such this is not considered to be a suitable boundary treatment to constitute a definable site. The below photograph (on next page) shows the existing boundary treatments which the supporting statement submitted considers being sufficient. A red line has been drawn to highlight further. As seen, this is not acceptable in terms of the Housing in the Countryside Policy’.***

Photograph 13: Photograph taken from the Report of Handling



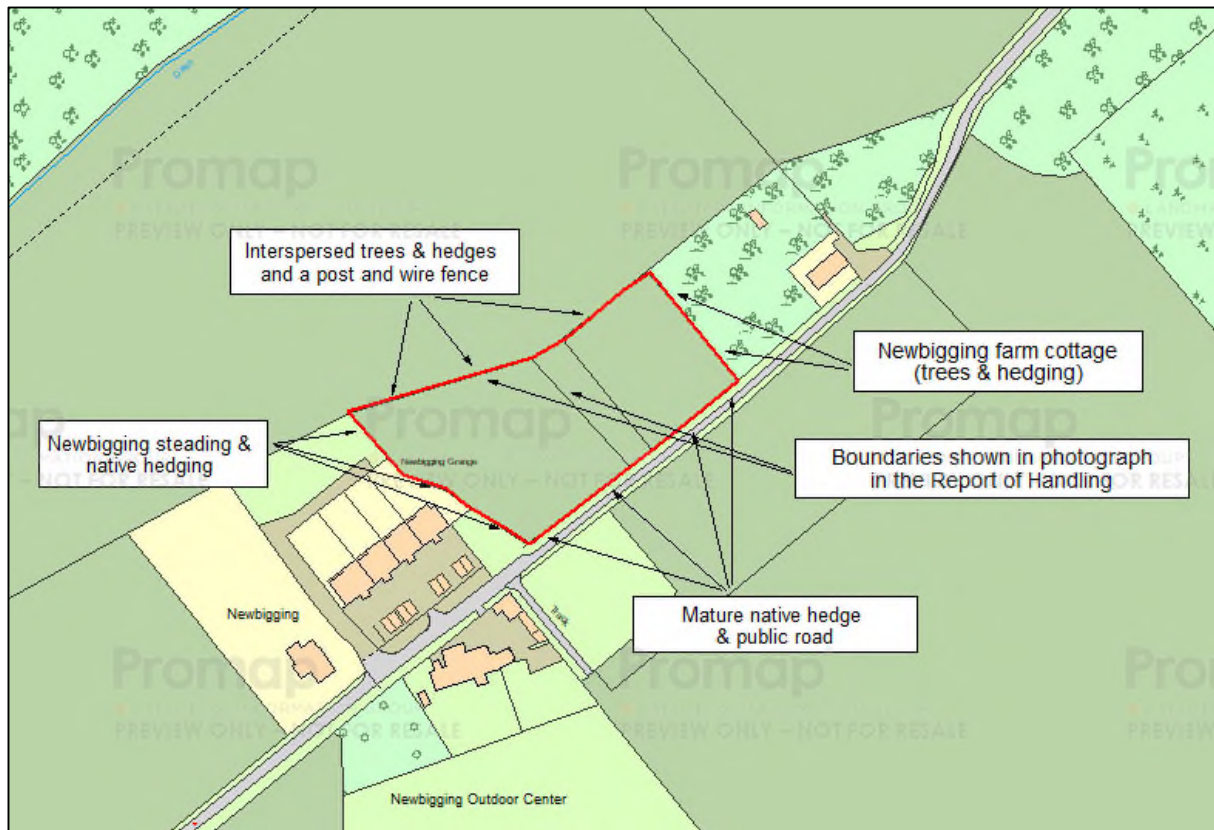
The Planning Officer's above statement and photograph is misleading and factually incorrect.

As previously stated, the site is surrounded by a robust landscape framework. It is 'hemmed in' by the farm steading to the west and the cottage to the east. There is a mature native hedge and public road along the southern boundary. Along the northern boundary, there is a post and wire fence and interspersed hedges and young trees (see photographs 8 & 9). The hedging and trees vary in height between 0.75m to 2m.

The site therefore, is contained by landscape features and is not entirely bounded by a post and wire fence '***in an effort to create a definable site***', as implied by the Planning Officer in the Report of Handling.

The planning officers photograph (on the previous page) in the Planning Officer's Report of Handling, is also misleading. The post and wire fence in the centre of the photograph, runs down the middle of the gap site and not the boundary outer boundary of the gap site as implied – see map below.

Map 4: Application Site Landscape Framework



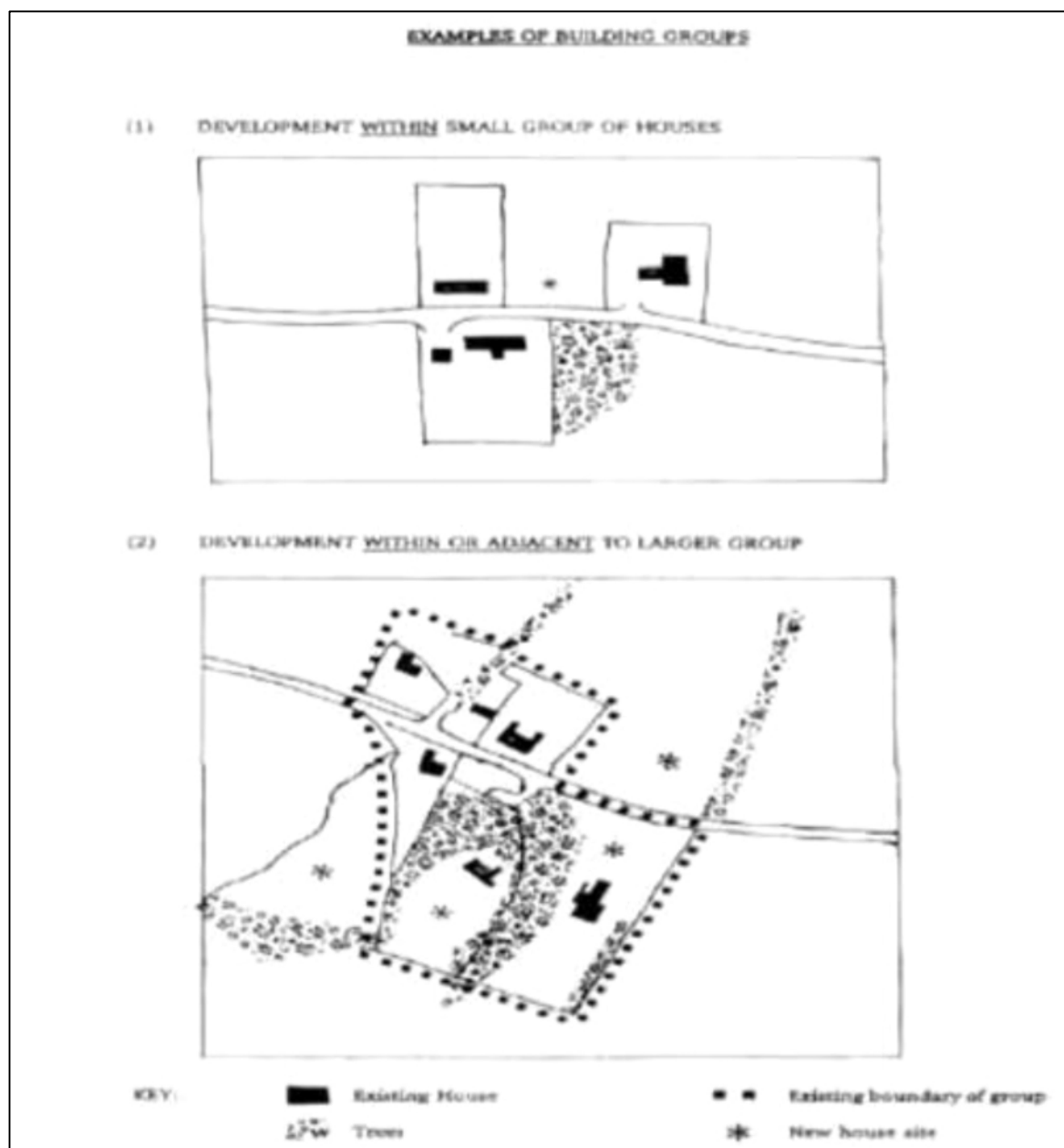
It is acknowledged that the northern boundary of the sites comprises a post and wire fence and trees and hedges (which are interspersed and young), thus not 'long established boundaries'. However, the southern, western and eastern boundaries are robust and comprehensive. The steading and farm cottage at side of the gap site also act like bookends, which contain the site.

There is no reference in the Siting Criteria that the site requires to be completely surrounded by long established boundaries. Very few house sites are, yet many are granted planning consent by Perth & Kinross Council – see the Precedent Section.

Perth & Kinross Council previously published a Building Groups diagram which was useful for assessing applications against the Infill and Building Groups categories of the HITC Policy.

As illustrated on the Diagram below, of what constitutes an acceptable house site (denoted by a \*), generally, the sites have robust boundaries on three sides and are open on one of the sides.

Diagram 1: Perth & Kinross Council Examples of Building Groups



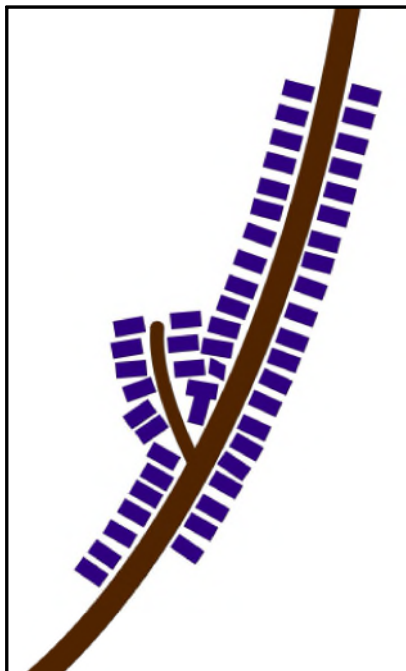
## **Ribbon Development**

In the Report of Handling, the Planning Officer states that;

***‘Further expanding on the building group criterion, the proposal would also contribute to ribbon development along the unnamed road. The supporting statement provided does not suitably justify the acceptability of ribbon development in this instance and instead dismisses this as a cause for concern. This is not the view of the Planning Authority however as the granting of this application could create other opportunity sites which could lead to further development in the countryside. This has also been voiced in some of the objections received. In addition to the site not being definable, it is also considered to constitute ribbon development for reasons mentioned above’.***

Again, this statement is very concerning. Ribbon Development does not comprise 2 houses along a road. Ribbon Development generally constitutes the building of a number of houses along a road – as illustrated on the Ribbon Development Diagram below.

Diagram 2: Example of Ribbon Development (Wikipedia)



The interpretation of Ribbon Development is being unfairly and inconsistently applied in this case. Many proposed house plots within rural hamlets/building groups in Perth & Kinross Council front onto a road and have been granted planning consent (yet there is no mention of Ribbon Development in these cases!). Please refer to the Precedent Section.

Ribbon Development is also characterised as continuous and reoccurring development of houses along a road. As illustrated on Map 4, the farm steading conversion and the farm cottage act like bookends and prohibit ‘ any further development.

## **4.2.2 Building Group**

We are firmly of the opinion that proposed development complies with the Infill Sites Category of the Council’s HITC Policy. Regardless, it certainly complies with the Building Group Category of the HITC Policy – in that it is a definable site in which to extend the building group into.

The Building Groups Category (in the LDP and HITCP) is stated below:

### **1. Building Groups**

***Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).***

In the Report of Handling, the Planning Officer states that; ‘***In this case, the proposal constitutes an unacceptable extension to the group which would result in sprawl into the countryside, which would detract and destroy the grouping at Newbigging. This is due to the proposed site not***

***being considered as a definable site and the site not being a logical extension to the existing grouping at Newbigging’.***

The construction of two houses in a small hamlet does not constitute ‘sprawl’. Sprawl is more appropriately used to describe the creep of larger scale development into the countryside, often sprawling out from an urban area.

Two well designed houses on the site would also not ‘detract or destroy’ the grouping at Newbigging.

The site is also a definable site as we have already addressed in considerable detail in 4.2.1.

Newbigging Cottage represents a logical eastern boundary of the group. The two proposed houses would therefore be a logical extension/infilling of the group and would round off the building group.

The proposed development would also be in line with Diagram 1 (Perth & Kinross Council Examples of Building Groups).

### **4.2.3      *Policy PM1B***

Reasons 2 and 3 of the Decision Notice state that proposed development is contrary to Criterion (a) (***‘as the proposal fails to create a sense of identity and erodes the character of the countryside’***) and Criterion (b) (***‘as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character’***) of Policy PM1B in the Local Development Plan.

Policy PM1B is set out below.

***All proposals should meet all the following placemaking criteria:***

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.***
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.***

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.**
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.**
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.**
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.**
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.**
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.**

According to the Planning Officer, the proposal does not comply with Criterion (a) - **‘as the proposal fails to create a sense of identity and erodes the character of the countryside’**. This is a weak argument, vaguely applicable and also a very subjective view. A view we believe is geared towards supporting the decision to refuse planning consent.

We believe the proposal to build two detached houses (sensitively designed and incorporating traditional materials), would create a sense of identity and would not erode the character of the building group and countryside.

According to the Planning Officer, the proposal does not comply with Criterion (b) (**‘as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character’**). Again, we feel that this is a weak argument, vaguely applicable and also a very subjective view. A view we believe is geared towards supporting the decision to refuse planning consent.

In the Report of Handling, the Planning Officer states;

***‘The site is on a relatively exposed piece of land and therefore highly visible from the surrounding area. The unnamed road which bounds the site to the South East is the only useable road into the holding of buildings at Newbigging and therefore it is highly important that this route is protected from development which could have a negative impact upon the landscape character and visual amenity of the area. The existing definability of the site and lack of established boundary treatments is not considered sufficient screening to suitably accommodate a dwellinghouse without having a significant impact upon the landscape qualities of the area’.***

Firstly, the description that the site/piece of land is ***‘exposed’*** and ***‘highly visible from the surrounding area’*** is inaccurate and misleading. As already stated, the site is surrounded by a robust landscape framework. There is also a mature native hedge which runs the full length of the southern boundary of the site and screens the site from the road (see Photograph 7). Therefore, the visual impact of the development from traveling along the road would be minimal. The proposed houses are also to be individually designed and incorporate traditional materials. They will therefore ‘fit’ into and enhance the landscape character and visual amenity of the area.

We have already addressed the established boundary treatments. The Planning Officers claim that the two houses would have a ***‘significant impact upon the landscape qualities of the area’***, is again an over exaggeration on his part.

#### **4.2.4 Policy ER6**

Reasons 4 of the Decision Notice states that proposed development is contrary to Policy ER6 of the *Perth and Kinross Local Development Plan 2014* ***‘as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the residential development on this exposed piece of land with a lack of established boundary treatments’.***

***Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes***

***Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. They will need to demonstrate that either in the case of individual developments, or when cumulatively considered alongside other existing or proposed developments:***

- (a) they do not erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience;***
- (b) they safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality;***
- (c) they safeguard the tranquil qualities of the area's landscapes;***
- (d) they safeguard the relative wildness of the area's landscapes;***
- (e) they provide high quality standards in landscape design, including landscape enhancement and mitigation schemes when there is an associated impact on a landscape's qualities;***

***(f) they incorporate measures for protecting and enhancing the ecological, geological, geomorphological, archaeological, historic, cultural and visual amenity elements of the landscape; and***

***(g) they conserve the experience of the night sky in less developed areas of Perth and Kinross through design solutions with low light impact.***

As per Reasons 2 and 3, Reason 4 is also remote and not relevant. As already covered, the two houses are unlikely going to erode the local distinctiveness or impact on the character of the building group and countryside. The land is also not exposed and it does not have a lack of established boundary treatments.

## 5.0 National Planning Policy

### 5.1 Scottish Planning Policy (SPP)

SPP states that

*the planning system should, in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.*

It also states that

*...the National Planning Framework aims to facilitate new housing development ... through innovative approaches to rural housing provision.*

The proposed development complies with the above extracts from SPP.

### 5.2 PAN 72

Planning Advice Note 72: Housing in the Countryside, is also encouraging of developing houses within/adjacent to building groups in rural areas;

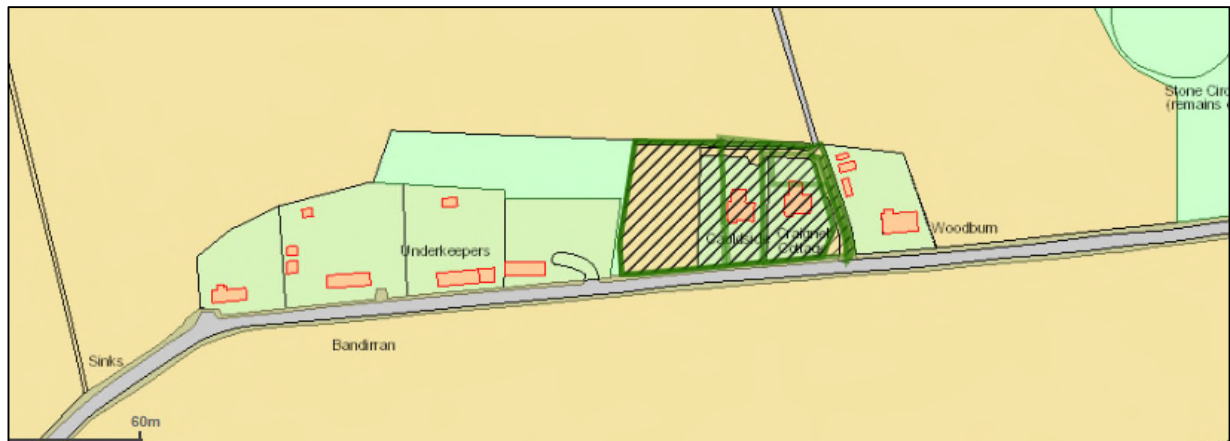
*New groups of houses Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.*

## 6.0 Precedent

### 6.1 Infill Site Comparable Consented Cases

**Location:** Ground to The West Of Woodburn Cottage, Kinrossie, Perth

**Proposal:** Erection of two houses (06/02006/OUT, 09/01405/FLL & 09/01046/AML)



**Notes:** 6 miles from the planning application site.

The distance between the two houses either of the gap site is 145m, as illustrated below.



**Location:** Myreside Farm, Guildtown, Perth, PH2 6DW.

**Proposal:** Erection of a dwelling house (02/01668/OUT & 03/01900/FUL).  
Erection of a dwelling house (05/00583 & 05/01973/FUL)

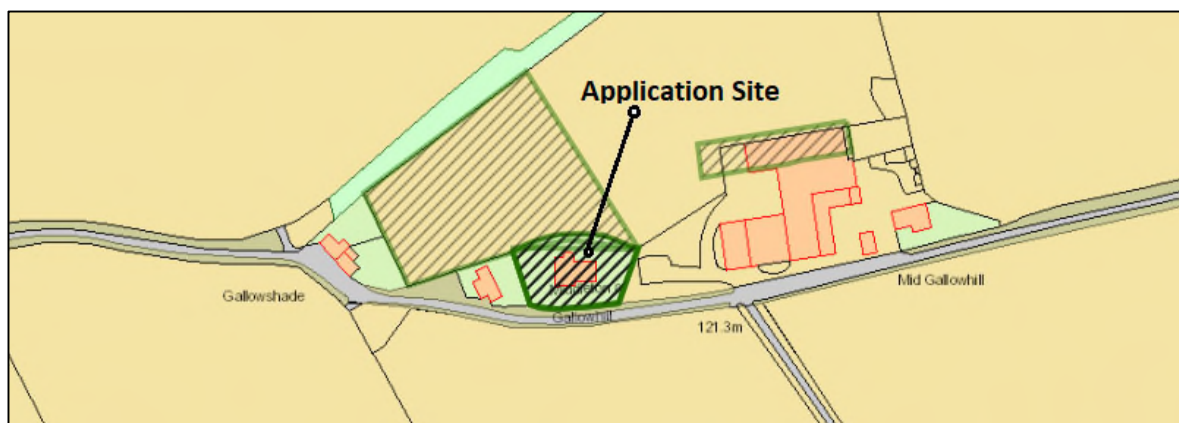
**Notes:** 1 mile from planning application site.



**Location:** Plot Adjacent to Gallowshade, Burrelton Perthshire.

**Proposal:** Erection of a dwellinghouse - 06/01203/OUT07/00888/REM,  
09/00307/REM, 18/00736/FLL

**Notes:** 1.5 mile from the application site.



**Location:** The Smithy, Cargill, Perthshire

**Proposal:** A) Erection of two houses. (15/02202/FLL & 12/01436/FLL). B) Erection of a house (08/00084/FUL).

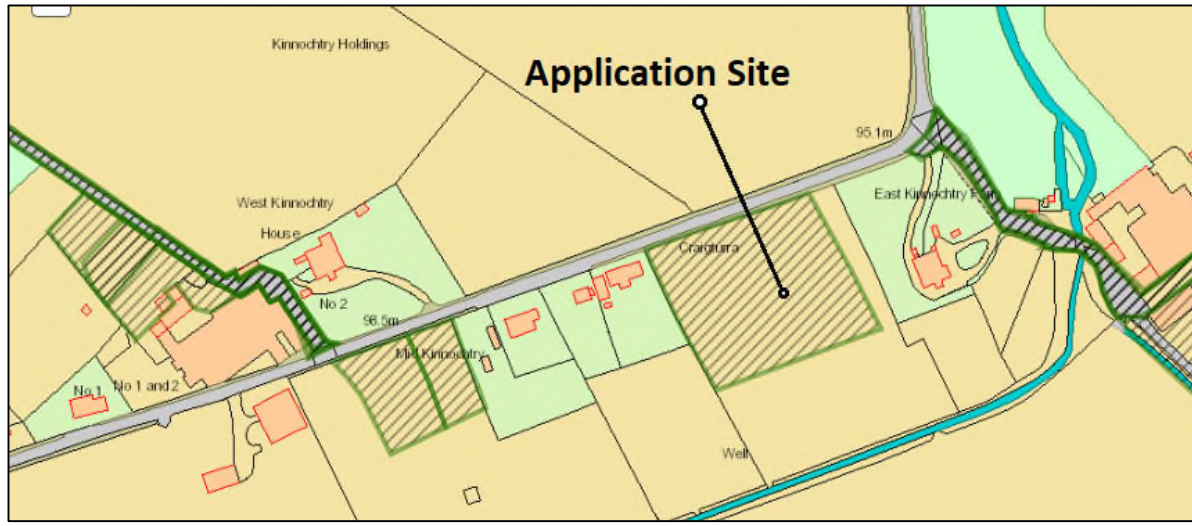


**Notes:** The site is 2 miles from the application site. The site at present is an open paddock (to quote the planning officer in the Report of Handling). The distance between the two houses either of the gap site is 157m.



**Location:** Land at East Kinnochtry, Burrelton Perthshire

**Proposal:** Erection of two houses (06/00092/FUL)

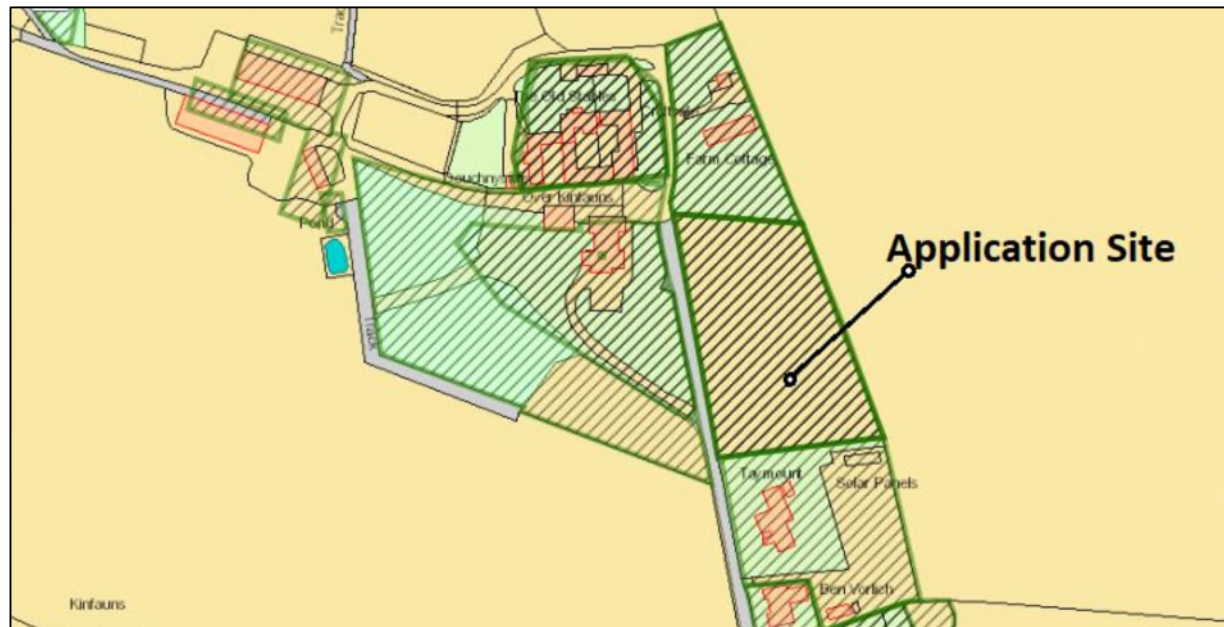


**Notes:** The site is 2 miles from the application site. The southern boundary of the plots is open field – as illustrated on the aerial map below.



**Location:** Land 80 Metres South East of Over Kinfauns Farm, Church Road, Kinfauns

**Proposal:** Erection of two houses (11/00897/IPL)



**Notes:** The eastern boundary of the site is open. The distance between the two houses either of the gap site is 140m.



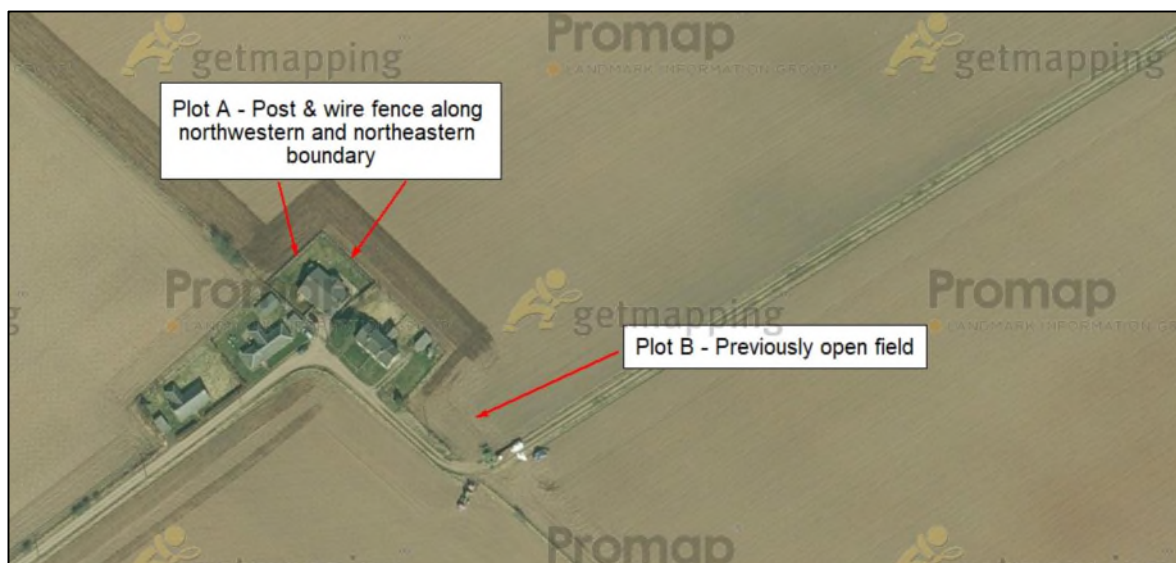
## 6.2 Building Group Extensions Comparable Consented Cases

**Location:** East Whitefield Cottages, Burrelton Perthshire.

**Proposal:** A) Erection of a house (05/00883/OUT & 06/00530/FUL). B) Erection of a house (10/02186/IPL, 07/01735/OUT & 11/01422/AML)

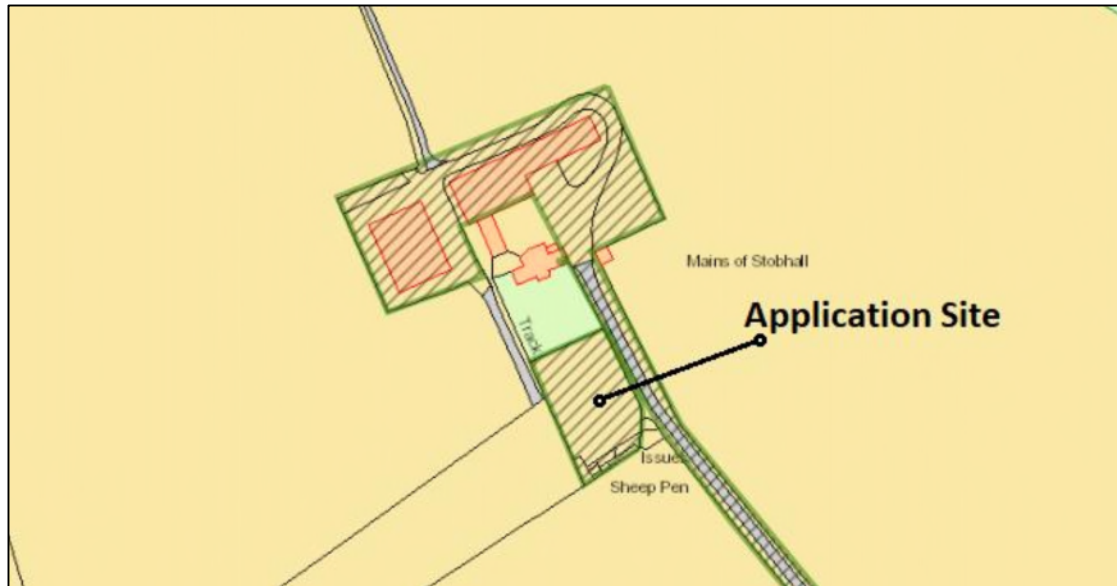


**Notes:** 1.5 miles from application site. As illustrated below, the northwestern and northeastern boundaries of the Site A comprised a post and wire fence. Plot B is open field.

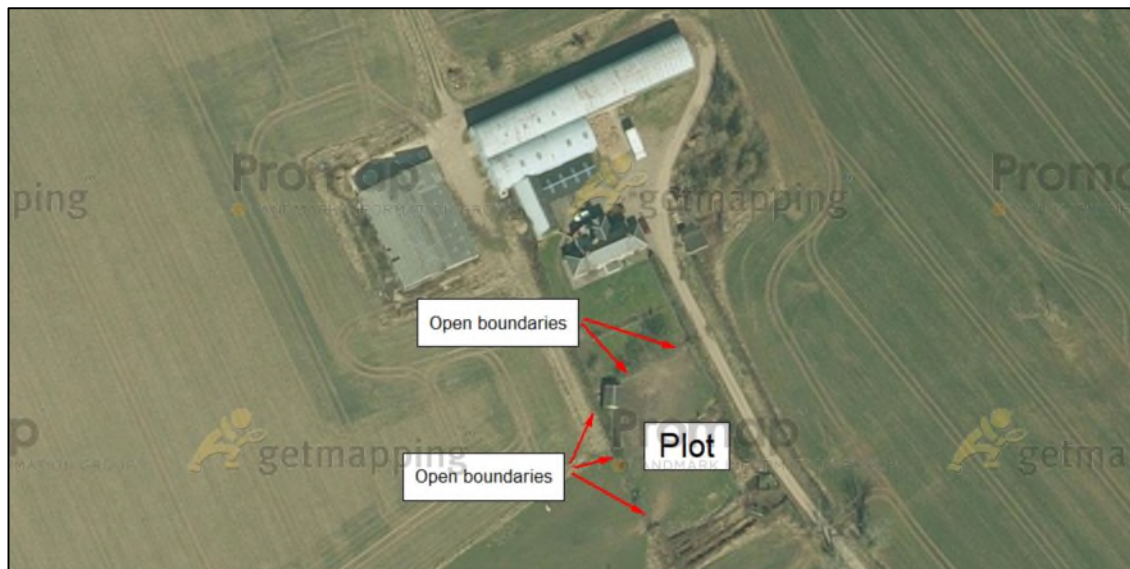


**Location:** Land 60 Metres South of Mains Of Stobhall, Cargill.

**Proposal:** Erection of a house (15/01392/IPL)



**Notes:** 2 miles from application site. The southern and western boundaries are open.



## 6.3 Interesting Case

**Location:** Redstone Smithy, Burrelton, Blairgowrie, PH13 9PR

**Proposal:** Demolish the existing building and build two houses on the site (11/01848/IPL)



**Notes:** The site is located 1.5 miles away. As alluded to in the Planning Officer's Report of Handling for this case, the site boundaries are not particularly well defined (see photograph below), but the Planning officer has taken a pragmatic approach: ***I accept that the current rear boundary is not particularly well defined with a post and wire fence and tall spindly evergreen trees constituting the current boundary definition. An equally inappropriate timber slatted fence on the front, principal north side characterises the full plot boundaries. It is however considered on this site that a suitable landscape framework along these boundaries can be attained by applying suitable landscaping related conditions to a detailed consent and would facilitate an overall improvement and landscape fit in comparison to the starkness of the existing situation.***

As stated to above, the unsatisfactory site boundaries can be addressed through suitable landscaping.



## 7.0 Pre-Application Discussions

A Pre-Application letter was submitted. The Planning Officer who decided this application, was the same planning officer who responded to the Pre-Application Letter.

In response to the original Pre-Application Letter (which proposed two houses be built in the gap site), the Planning Officers was of the opinion that:

- the proposal was not considered to comply with any of the relevant criterion as set by Policy RD3: Housing in the Countryside
- the proposal constituted ribbon development
- the proposed plots appeared to be much larger than the neighbouring plots and as the plots were not comparable in size to the neighbouring plots

With the same Planning Officer determining the planning application, we were not surprised that it was refused planning consent. Naturally, the Planning Officer would look to standby/defend his original response/view to the Pre-Application letter, regardless of a site visit and more thorough assessment of the proposal.

## 8.0 Objections

Five objections were made to the application (by neighbours). The Report of Handling summaries the objection points made, including;

- Inappropriate land use / out of character with the area
- Inappropriate density and loss of open countryside
- Plot sizes do not reflect existing plots
- Lack of boundary treatments
- Road safety / traffic congestion
- Noise pollution
- Flood risk / drainage concerns
- Lack of public transport
- Precedent development would set / future development
- Impact upon young visitors (reference to Guides/ Brownies etc.)

Most of these points have been dealt with earlier on in the Appeal Statement.

There were no objections from any other parties other than neighbours.

## 9.0 Summary

All four reasons for refusing the planning application are entirely based on the planning officer's subjective interpretation of the relevant Planning Policy.

Whether it is considered that Newbigging Farm Cottage within the building group or outwith the building group, we are firmly of the opinion that the proposal to build two houses on the application site, complies with the 'Infill Sites' and the 'Building Groups' Category of the HITC and/or Policy RD3 in the LDP.

In name, physical, historical and functional relationship, it is quite apparent that Newbigging Cottage is part of the Newbigging building group and we don't believe it is credible to suggest otherwise.

The Precedent Section of this Statement also highlights a number of cases where the Council have granted planning consent for similar proposals (proposing the erection of houses within a gap site or houses to extend a building group) – most of which are in a 6 mile radius of the site.

Contrary to the Planning Officers view and factually incorrect and misleading statements of the Report of Handling, the site is a definable site with established boundaries. It is acknowledged that the northern boundary (comprising interspersed young trees & hedges (0.75 – 2m in height) and a post & wire fence) is not long established. However, few plots are entirely enclosed by long established boundaries, it is not stated in the relevant planning policies that the plots require to be entirely enclosed/contained by long established boundaries and a planting scheme could be conditioned, stating that additional trees/hedging should be planted along the northern boundary.

As illustrated in the Precedent Section, a number of locally consented sites have one or in some cases two boundaries that comprise a post and wire fence. Some boundaries are entirely open.

In justifying reasons to refuse the application, the Planning Officer states in the Report of Handling that the proposal constitutes 'Ribbon Development'. With minimal research and in close proximity to the site, we found **seven** applications which proposed two houses on a site which fronted onto a road – all of which the Council granted planning consent. This illustrates that a) this proposal does not constitute ribbon development and b) there is an overwhelming local precedence of consent being granted for two houses which front onto a road.

Taking into account the facts of the case, the planning attributes of the site, the relevant planning policy and the local precedence, there is an overwhelming argument for overturning the Planning Officers decision to refuse this planning application.

**Appendix 1:** Planning Decision Notice

**Appendix 2:** Report of Handling

**Appendix 3:** Planning Application Supporting Statement

# PERTH AND KINROSS COUNCIL

Mr Sam Mercer Nairne  
c/o Keir And Co  
Keir Doe  
Muirhouse Farm  
Grange  
Errol  
Perth  
PH2 7TB

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 14th March 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00215/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 15th February 2018 for permission for **Residential development (in principle) Land 40 Metres North East Of 4 Newbigging Grange Wolfhill** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character.

4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the residential development on this exposed piece of land with a lack of established boundary treatments.

### **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](http://www.pkc.gov.uk) "Online Planning Applications" page

### **Plan Reference**

**18/00215/1**

**18/00215/2**

**18/00215/3**

**18/00215/4**

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	18/00215/IPL	
Ward No	P2- Strathmore	
Due Determination Date	14.04.2018	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Residential development (in principle).

**LOCATION:** Land 40 Metres North East of 4 Newbigging Grange, Wolfhill.

#### **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:** 26<sup>th</sup> February 2018

#### **SITE PHOTOGRAPHS**



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

The application site is on land 40metres North East of 4 Newbigging Grange, Wolfhill. The application seeks planning permission in principle for the erection of a residential development, with an indicative plan showing 2 plots. The proposed site size is approximately 6,825m<sup>2</sup> and is on a relatively exposed piece of land. The gap between the edges of the nearest 2 buildings in which the site is to be located is approximately 162metres. The site is bound to the

North East by some semi-mature trees, to the South East by an unnamed road, to the North and North West by a post and wire fence and to the South West with the existing boundary at Newbigging Grange. The post and wire fencing is a relatively recent addition to the site in an effort to form identifiable building plots.

## **SITE HISTORY**

06/02147/OUT – Erection of 4 dwellinghouses (in outline) – Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre-application Reference: 17/00628/PREAPP

A pre-application consultation was undertaken where the agent was advised not to submit a formal application as the proposal does not comply with the relevant provisions of the Housing in the Countryside Policy. Nevertheless, the application has been submitted contrary to advice given at pre-application stage.

## **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 TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### Policy PM1A - Placemaking

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

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy PM3 - Infrastructure Contributions

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

#### Policy TA1B - Transport Standards and Accessibility Requirements

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

#### Policy RD3 - Housing in the Countryside

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

#### Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### Policy HE1 – Scheduled Monuments and Non-Designated Archaeology

The Council will seek to protect areas or sites of known archaeological interest and their setting. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

### **OTHER POLICIES**

#### Development Contributions and Affordable Housing Guide 2016

This document sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate

infrastructure improvements necessary as a consequence of development.

### Housing in the Countryside Guide

A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised guide applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The guide aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

## **CONSULTATION RESPONSES**

### Internal

Transport Planning:

No objection to the proposed development.

Contributions Officer:

Recommended 2 conditions to be added to any consent granted ensuring that the development is in accordance with Policy PM3- Infrastructure Contributions.

Perth & Kinross Heritage Trust (PKHT):

PKHT recommended a condition to be added to the consent regarding a programme of archaeological works. This is due to the proposed development site being located within an area that is considered to have archaeological potential given the number of significant archaeological sites in the vicinity.

### External

Scottish Water:

There is currently sufficient capacity in the Lintrathen Water Treatment Works to service the development however there is no public Scottish Water Waste Water Infrastructure available.

## **REPRESENTATIONS**

5 letters of representation were received regarding the proposal. In summary, the letters highlighted the following concerns:

- Contrary to Development Plan

- Inappropriate land use/ out of character with the area
- Inappropriate density and loss of open countryside
- Plot sizes do not reflect existing plots
- Lack of boundary treatments
- Road safety / traffic congestion
- Noise pollution
- Flood risk / drainage concerns
- Lack of public transport
- Precedent development would set/ future development
- Impact upon young visitors (reference to Guides/ Brownies etc.)

#### **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 (Supporting Statement)
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

#### **APPRAISAL**

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

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

#### **Policy Appraisal**

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified

categories will be supported.

Having had the opportunity to undertake a site visit and assess the plans, like the pre-application advice given for the site, I consider the application does not relate to any of the required categories:-

- (a) Building Groups
- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

The agent has indicated through the provided Supporting Statement that the application should be considered under criterion (a), building groups, and criterion (b), infill sites.

### Building Groups

An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. In this case the neighbouring housing to the South West at Newbigging can be considered as a (a) Building Group.

I therefore again turn to supplementary guidance, 'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-

*Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).*

*Proposals which contribute towards ribbon development will not be supported.*

In this case, the proposal constitutes an unacceptable extension to the group which would result in sprawl into the countryside, which would detract and destroy the grouping at Newbigging. This is due to the proposed site not being considered as a definable site and the site not being a logical extension to the existing grouping at Newbigging. As stated above, a definable site is formed by existing topography and or well established landscape features which will provide a suitable setting. In this instance, the proposed plots are bound by post and wire fencing which has been erected in an effort to create a definable site. There is no identifiable topography or landscape features containing the

site and as such this is not considered to be a suitable boundary treatment to constitute a definable site. The below photograph shows the existing boundary treatments which the supporting statement submitted considers being sufficient. A red line has been drawn to highlight further. As seen, this is not acceptable in terms of the Housing in the Countryside Policy.



Further expanding on the building group criterion, the proposal would also contribute to ribbon development along the unnamed road. The supporting statement provided does not suitably justify the acceptability of ribbon development in this instance and instead dismisses this as a cause for concern. This is not the view of the Planning Authority however as the granting of this application could create other opportunity sites which could lead to further development in the countryside. This has also been voiced in some of the objections received. In addition to the site not being definable, it is also considered to constitute ribbon development for reasons mentioned above.

### Infill Sites

An infill site is defined as gap between established houses or a house and another substantial building at least equivalent in size to a traditional cottage. In this case, the development site is not considered an infill site as it is not considered to be a 'gap'. The distance between the edge of the 2 nearest buildings is approximately 162metres, this is considered too substantial to be justified as a gap.

I therefore again turn to supplementary guidance, 'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-

*The development of up to 2 new dwellinghouses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:*

- *The plot(s) created are comparable in size to the neighbouring residential properties and have a similar road frontage*

- *The proportion of the plot(s) occupied by new buildings should be no greater than exhibited by the existing house(s)*
- *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing residential properties are maintained*
- *The size and design of the infill house(s) should be in sympathy with the existing house(s)*
- *The full extent of the gap must be included within the new plot(s)*
- *It complies with the siting criteria as set out under category 3*

*Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.*

In this instance, as previously mentioned, due to the vast distance between the 2 neighbouring buildings (approximately 162metres), this is considered too substantial to be justified as a gap. As such, the site is not considered infill. Furthermore, even if the site was considered infill, the plots are not comparable in size to the neighbouring units. This is a requirement of the wording of the policy. The proposed plots are much larger than the existing plots in Newbigging and as such would be out of character with the area.

The proposal would also have to comply with the siting criteria as set out under category 3 to be considered as an infill site and as per the above reasons, contained within the previous section of this report, the site is not considered to be a definable site with established boundary treatments.

Taking this into account the principle of housing development on the site is contrary to Policy RD3.

## **Design and Layout**

As this application is simply seeking to establish the principle of a residential development on the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed units. All matters in relation to Design and Layout will be considered under a detailed application.

## **Landscape and Visual Amenity**

The site is on a relatively exposed piece of land and therefore highly visible from the surrounding area. The unnamed road which bounds the site to the South East is the only useable road into the holding of buildings at Newbigging and therefore it is highly important that this route is protected from development which could have a negative impact upon the landscape character and visual amenity of the area. The existing definability of the site and lack of established boundary treatments is not considered sufficient screening to suitably accommodate a dwellinghouse without having a significant impact upon the landscape qualities of the area.

In this case, due to the exposure of the site from the lack of a definable site and the proposed siting of the plots being highly visible upon the landscape, it is therefore considered that the development of this site into a residential development could negatively impact upon the landscape character of the area. As this application is in principle only and full details have not been submitted, I am unable to comment on the complete visual impact of the proposal.

### **Residential Amenity**

It is considered that the site is large enough to accommodate 2 modest dwellinghouses without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for each of the dwellinghouses. I therefore have no concerns at the principle of 2 dwellinghouses on this site.

The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in the existing houses, in particular, at Newbigging Grange. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the dwellinghouses.

### **Roads and Access**

As this application is in principle, full details of the proposed roads and access have not been submitted, although a shared access is shown on the indicative plans. It is however considered that an acceptable scheme could be achieved on this site. Furthermore, Transport Planning was consulted as part of this application and has no objection to the proposed development.

### **Drainage and Flooding**

The site is not within an area known to flooding and as such it is therefore considered that there are no flooding implications associated with this proposal. All matters in relation to drainage would be considered under a detailed application.

### **Archaeology**

The proposed development site lies within an area that is considered to have archaeological potential given the number of significant archaeological sites in the vicinity.

These include discoveries of cup marked stones (MPK3561, MPK3563) to the south and south west of the development site, plus two further stones at Moonshade (MPK15074) to the north east. These discoveries were made in the late 18<sup>th</sup> and 19<sup>th</sup> centuries and, as a result, little can be gleaned from the records made at the time, however the density of these sites hint at what was perhaps a locale for prehistoric funerary and ritual activity.

For this reason, Perth & Kinross Heritage Trust, who were consulted as part of this application, recommended that an archaeological evaluation should take place to assess the presence / absence, character and significance of any archaeological deposits within the development site. This could be controlled by adding a condition to any consent granted, however as the application is being refused on grounds of the principle of development, the condition will not be applied.

## **Developer Contributions**

### Primary Education

The Council's 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 Guildtown Primary School.

The Contributions Officer, who was consulted as part of this application, highlighted that a condition should be added to any consent granted to ensure that the development is in accordance with the education contributions policy.

### Transport Infrastructure

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

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary. The Contributions Officer, who was consulted as part of this application, highlighted that a condition should be added to any consent granted to ensure that the development is in accordance with the transport contributions policy.

## **Economic Impact**

The development of this site will count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated 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 2012 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.**

## **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
- 2 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
- 3 The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character.

- 4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the residential development on this exposed piece of land with a lack of established boundary treatments.

### **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**

Not Applicable.

### **Procedural Notes**

Not Applicable.

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

18/00215/1

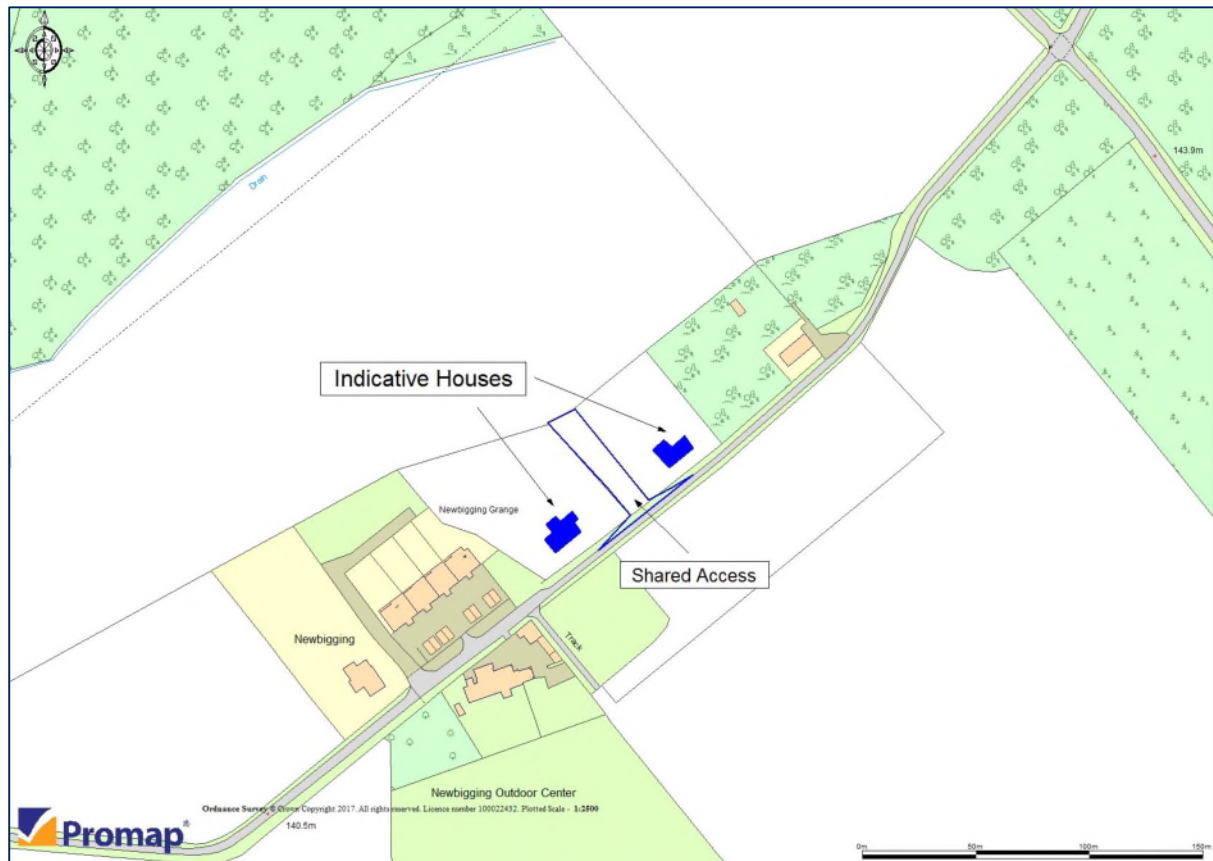
18/00215/2

18/00215/3

18/00215/4

**Date of Report** 13<sup>th</sup> March 2018

# PROPOSAL TO ERECT TWO HOUSES AT NEWBIGGING, PERTHSHIRE



**KEIR+CO**  
PLANNING

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## 1.0 Introduction

This planning application proposes the construction of two detached houses of modern design and incorporating traditional building materials, within the established hamlet of Newbigging.

Newbigging, is located 1 mile due north of the village of Wolfhill. It is accessed from the Collace Road, which runs perpendicular to and between the A93 to the A94 Public Roads.

Map 1: Location of Newbigging (red arrow)

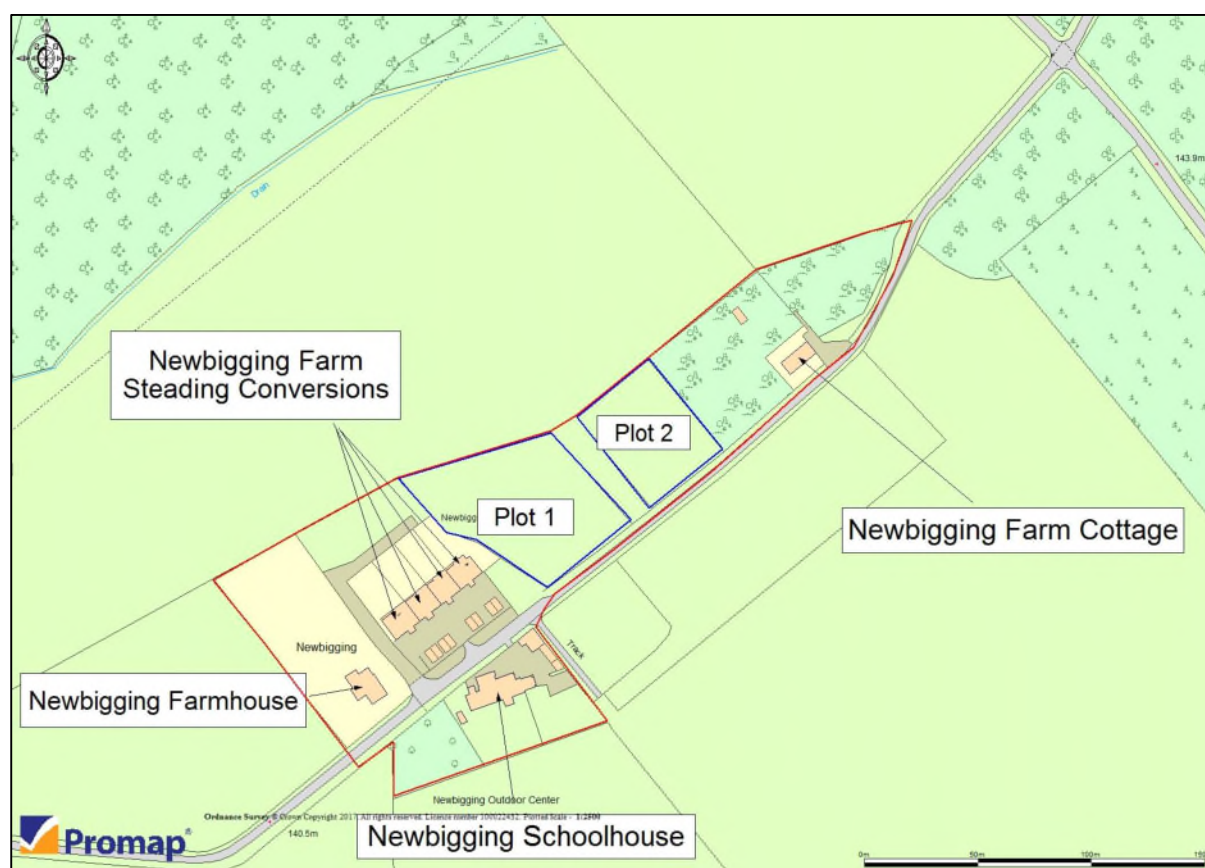


## 2.0 Site Description

The proposed residential development site lies within the hamlet of Newbigging.

The hamlet comprises; six houses and a former schoolhouse. As illustrated on the map below, the six houses include; Newbigging farmhouse, Newbigging farm cottage and four houses within Newbigging farm steading. Newbigging schoolhouse is currently utilised by Girl Guides as an outdoor centre. All of the buildings in the hamlet/building group are of traditional construction with stone walls and slate roofs.

Map 2: The Newbigging building group layout and location of the proposed plots



As illustrated on the map above, the proposed plots lie within the Newbigging building group. They are surrounded by a robust landscape framework – with a hedge along the northern and southern boundaries, a road running along the southern boundary and the traditional farm steading conversions to the west and the traditional cottage to the east. The proposed plots serve no purpose and are currently fallow and overgrown.

Photograph 1: Looking southwest over Plot 1 and towards the steading conversions (right) and the schoolhouse (left)



Photograph 2: Newbigging Farm Steading Conversions



Photograph 3: Newbigging Farm Cottage



Photograph 4: Newbigging Schoolhouse

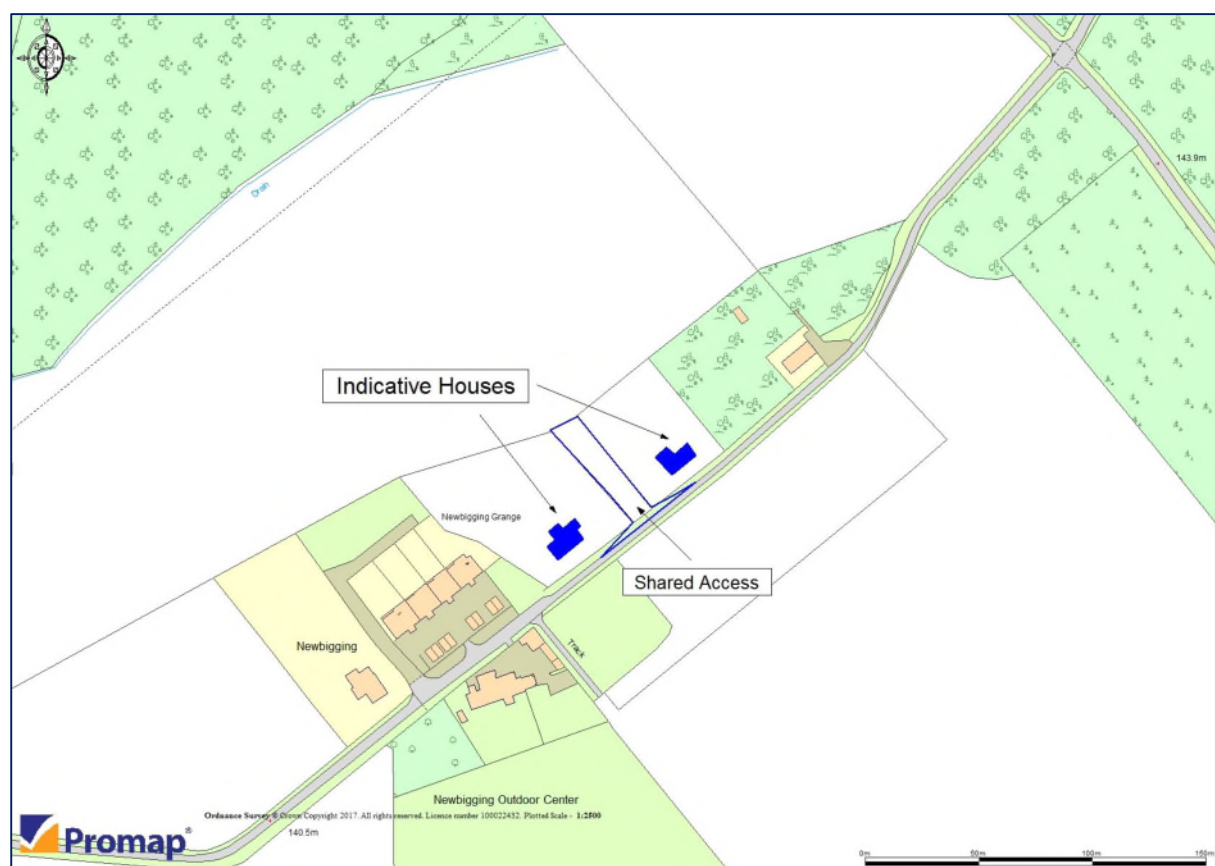


### 3.0 Proposed Development

It is proposed that two detached houses be constructed. The houses would be bespoke, incorporate traditional building materials and be of a contemporary design. They would also be respectful of the architecture of the surrounding houses.

The proposed houses would be accessed via a central access road. The proposed houses and the access would be laid out similarly to the indicative map below.

Map 3: Indicative house and access layout



The proposed houses would positively contribute, complement and fit harmoniously into the building group.

## 4.0 Planning Policy

Having reviewed the Local and National Planning Policies, we are firmly of the opinion that this proposal is in line with the relevant Planning Policies.

The proposal to build houses within an established hamlet/building group, also appears to comprehensively comply with the 'Building Groups' or/and the 'Infill Sites' Categories identified in the Council's Housing in the Countryside Policy 2012:

### **1. Building Groups**

***Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).***

The proposed development will extend the Newbigging group into definable site, which is formed by well established landscape features which will provide a suitable setting.

### **2. Infill Sites**

***The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:***

- ***The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage***
- ***The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)***
- ***There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained***
- ***The size and design of the infill houses should be in sympathy with the existing house(s)***
- ***The full extent of the gap must be included within the new plot(s)***
- ***It complies with the siting criteria set out under category 3.***

***Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.***

This proposed development complies with all of the above requirements. In many respects, the proposed development is a 'classic' infill situation/opportunity.

The proposal also complies with Policy RD3: Housing in the Countryside, in the Council's adopted Local Development Plan – as it is supported through the 'Building Group' or/and the 'Infill Sites' Category:

***Policy RD3: Housing in the Countryside:***

***The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:***

***(a) Building Groups.***

***(b) Infill sites.***

***(c) New houses in the open countryside on defined categories of sites as set out in***

***section 3 of the Supplementary Guidance.***

***(d) Renovation or replacement of houses.***

***(e) Conversion or replacement of redundant non-domestic buildings.***

***(f) Development on rural brownfield land.***

The proposal would also comply with Policy PM1A: Placemaking (in the Council's Local Development Plan), as the proposed houses would complement the hamlet and are respectful of the character and amenity of Newbigging and the wider 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.***

**Perth & Kinross Council's Guidance on the siting and design of houses in Rural areas**, provides advice on the siting, design and building materials for proposed houses in new build locations. The 'Location of Houses' section of this guidance, advises;

*‘Encouragement will be given to the erection of houses within or adjacent to, established building groups which have compacted nucleated shapes creating an identifiable ‘sense of place’ provided they do not detract from the amenity of the group and provided that any extension of the group is onto a definable site topography, landscape features or field boundaries which will contain any further spread of the group’.*

*‘Permission will generally be given for the erection of houses within existing small groups where sites are contained by housing or other buildings and where further building would not significantly detract from the character and amenity of the existing houses or lead to extension of the group’.*

Again, we feel that the Council’s above Guidance offers unequivocal support for the proposed development – with the Council encouraging the erection of houses within established building groups and generally granting permission where the sites are contained by houses on either side – as is the case in the subject proposal.

National Planning Policy is also supportive of the development of a small number of houses in rural areas;

**Scottish Planning Policy:**

*109. NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.*

As stated above, National Planning Framework 3 aims to facilitate new housing through innovative approaches to rural housing provision and a positive and flexible approach to housing development is required.

Additionally, the proposal is also in line with **Planning Advice Note (PAN) 72: Housing in the Countryside**, in terms of opportunities for housing development. The proposal is both an opportunity for ‘Small Scale Infill’ and ‘New Groups of Housing’ (within an existing group) – as set out in the Planning Advice Note.

## 5.0 Pre-Application Advice

A pre-application letter was submitted. Mr Sean Panton (Perth & Kinross Council Development Control Officer), responded to the letter, stating that in his opinion, the proposal was not considered to comply with any of the relevant criterion as set by Policy RD3: Housing in the Countryside.

Mr Panton was of the opinion that the proposal constituted ribbon development and as such it would not contribute positively to the existing building group. He also observed that the proposed plots appeared to be much larger than the neighbouring plots and as the plots were not comparable in size to the neighbouring plots, the proposal would not comply with the 'infill Sites' category of the policy.

We were rather surprised by this response, as the proposal does not constitute ribbon development, the plots are of a comparable size to the neighboring properties and many similar proposals which have been granted planning consent.

### Ribbon Development

Many proposed house plots within rural hamlets/building groups have road frontage and if the Council applied 'ribbon development' as per the pre-application response, planning consent would rarely be granted for rural house plots. However, this is not the case in practice and it would be exceptionally unfair and unjust, if this application were to be treated any differently.

As illustrated in the proceeding Precedent Section (which includes a number of similar cases where planning consent was granted), there is an overwhelming precedence of the Council granting consent for two houses which front onto a road. It is simply not creditable to suggest that in this case, the subject proposal constitutes ribbon development.

In our opinion, in assessing the pre-application letter, Mr Panton has 'blanket' applied the ribbon development consideration and has not carefully considered the characteristics of the building group and the proposed plots or considered how similar applications have been dealt with in the past.

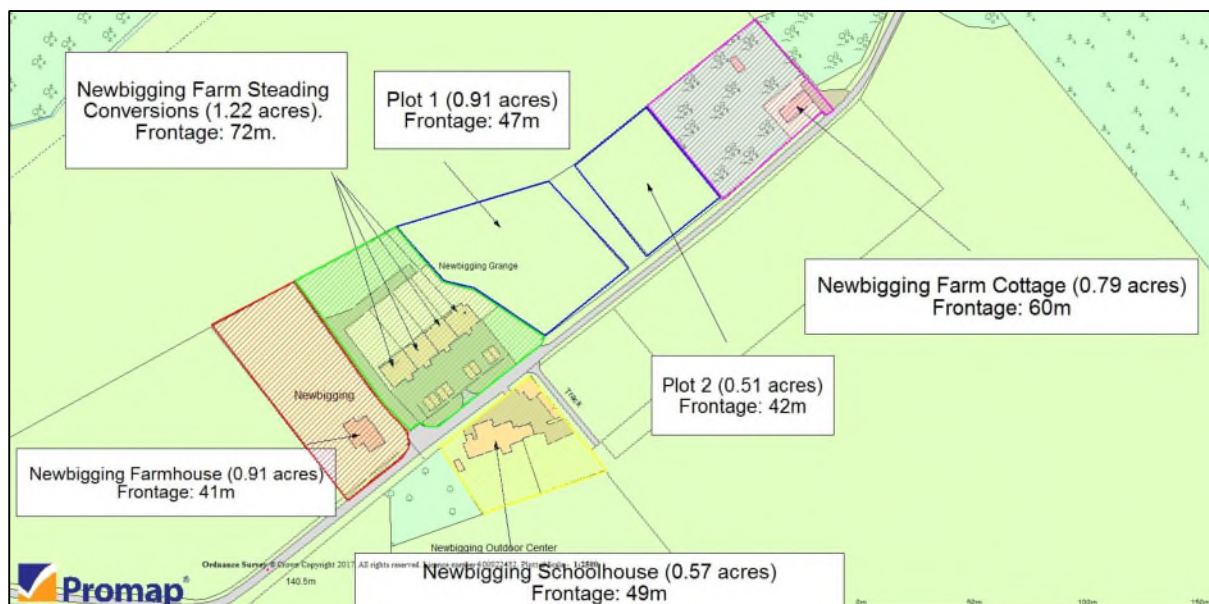
The Newbigging building group is linear in shape and straddles the access road and as such, the houses/buildings within the hamlet/building group have road frontage and therefore, the two proposed plots within the group (which also have road frontage), would not be out of character with the existing building group pattern and character.

Ribbon development is defined generally as ‘the building of houses in a continuous row along a main road’. We do not think building 2 houses between traditional buildings, within a building group and adjacent to an unclassified access road, would constitute ribbon development. Furthermore, detailed definitions of ribbon development refer to ‘long rows of houses’ which ‘lead out of villages and towns’. Again, neither is applicable in the subject case.

### Plot sizes

The sizes of the neighbouring plots at Newbigging vary in size, as do many rural building groups. However, having measured these plots, we can confirm that the farmhouse (0.91acre) and Plot 1 (also 0.91 acre) are exactly comparable in size. We can also confirm that Plot 2 (0.51 acre) is comparable to the Schoolhouse (0.57 acre). Accordingly, Mr Panton’s assessment of the proposed house plots are not comparable in size to the neighbouring plots is factually incorrect. See the map below – which illustrates the size of each of the neighbouring plots and the size of the proposed plots.

Map 4: Plot Sizes



Additionally, the proposed plots with a road frontage of 42m and 47m, are comparable to the road frontages of the neighbouring properties at; 41m, 49m, 60m and 72m. See map above – which illustrates the road frontages of each plot.

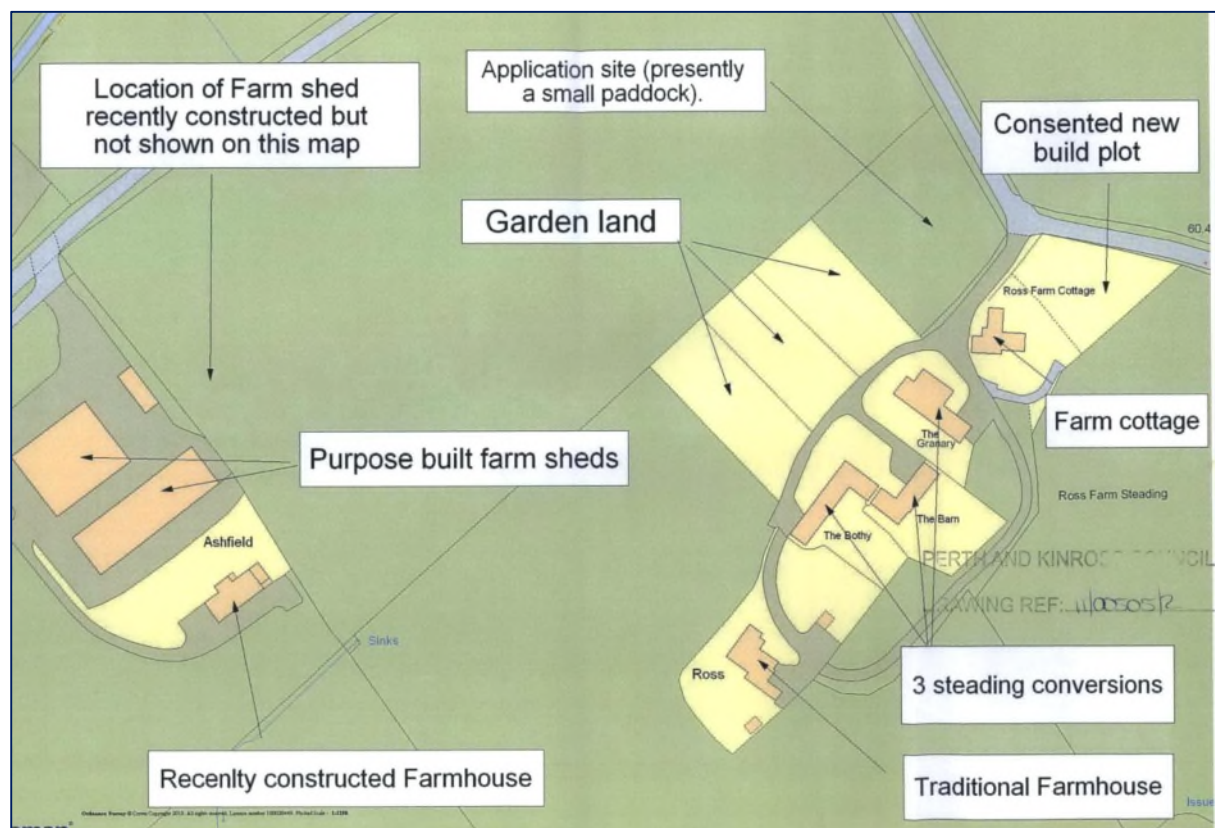
The Council have to be consistent in their approach to determining planning applications and the pre-application advice is clearly not consistent with the numerous similar cases, which have been granted planning consent. Whilst we respect that the pre-application advice is limited, particularly without a site visit being conducted, we were disappointed with the pre-application response. However, following the submission of this planning application, we trust that that Development Control Officer dealing with this application, takes a more pragmatic approach.

## 6.0 Precedent

Perth & Kinross Council have granted planning consent for a number of similar proposals, including;

### Erection of 2 dwellinghouses at Ross Farm Madderty (11/00505/IPL).

This application proposed the erection of 2 houses which extended a building group (comprising farmhouse, 3 steading conversions, farm cottage and a consented building plot). In many respects this is similar to Newbigging in that the plots fronted onto the access road.



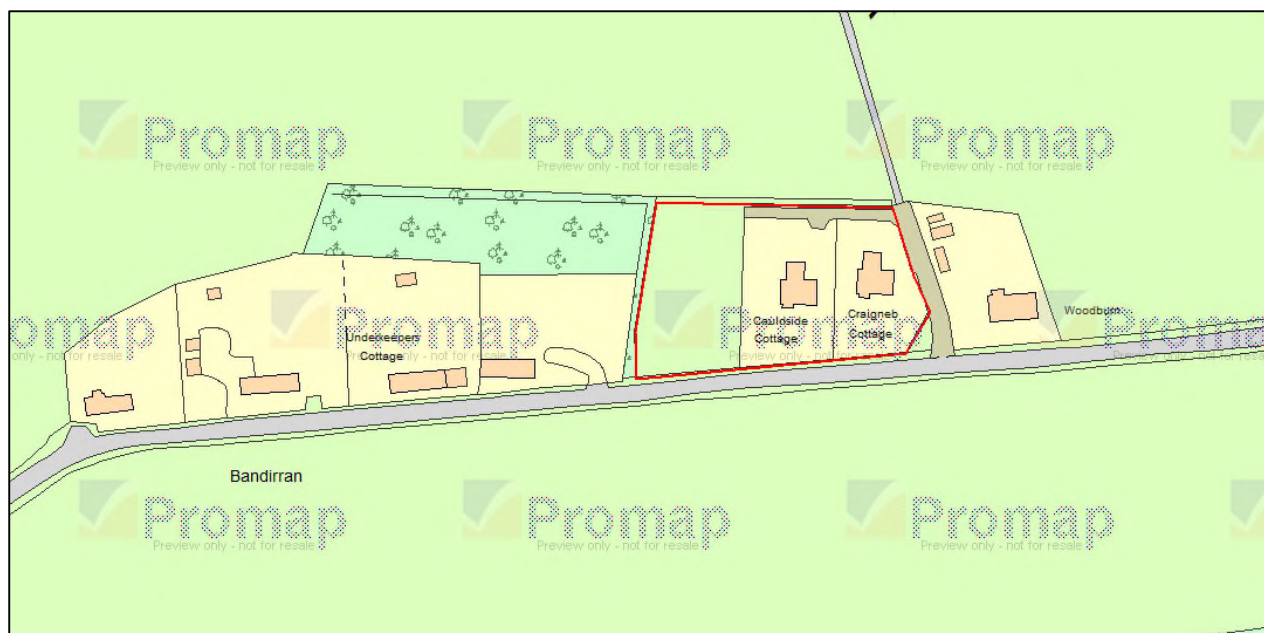
## Erection of 2 dwellinghouses at Over Kinfauns, Perth (11/00897/IPL).

This application proposed the erection of 2 houses on a gap site within a building group. This proposal is very similar to the subject proposal. The site is of similar shape, fronts onto a road and has a similar road frontage width as the subject site.



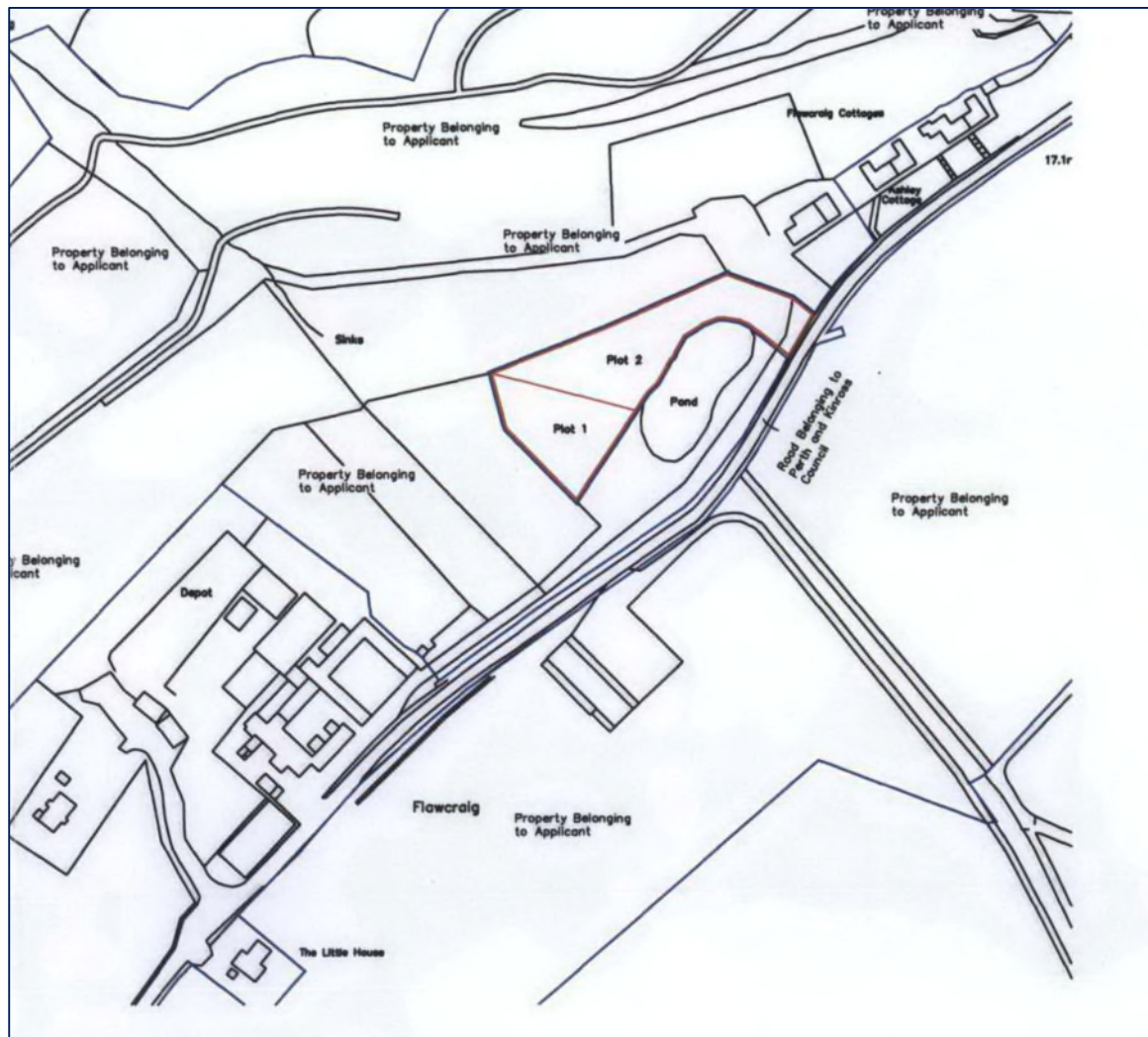
**Erection of 2 dwellinghouses, West of Woodburn cottage, Kinrossie (06/02005/OUT, 06/02006/OUT, 09/01045/FLL & 09/01046/FLL).**

These applications proposed the erection of two houses (identified on the map below as Craigneb and Cauldside) on a gap site within a building group. Again, this case is similar to the subject case, with the gap site between the main body of the building group and a cottage to the east. The plots also front onto a road.



## Formation of 2 residential plots, Flawcraig, Rait (09/00729/IPL).

This application proposed the erection of two houses within the Flawcraig building group. Similarly to the proposal at Newbigging, the plots occupied an infill site and ran parallel to a road.



**Erection of small residential development (4 plots indicative layout), Westerlea, Alyth Road, Rattray (10/01628/IPL).**

This application proposed the erection of a 4 dwellinghouses within a building group. Three of the plots fronted onto an access road.



## Residential development at The Orchard Easter Ballindean Inchtire Perth (10/01294/IPL)

This application proposed the erection of two houses within the Easter Ballindean building group. Again, the two plots fronted onto the access road.



## **7.0 Summary**

We are of the opinion that there is considerable scope to build two houses on the proposed site, as the site is surrounded by a robust and natural landscape framework, there are houses at either end of the site and it lies within an established building group. As such, there is considerable Local and National Planning Policy Support for the proposed development.

Additionally, there is an overwhelming precedent of the Council granting planning consent for similar proposals.

**TCP/11/16(540) – 18/00215/IPL – Residential development  
(in principle), land 40 metres north east of 4 Newbigging  
Grange, Wolfhill**

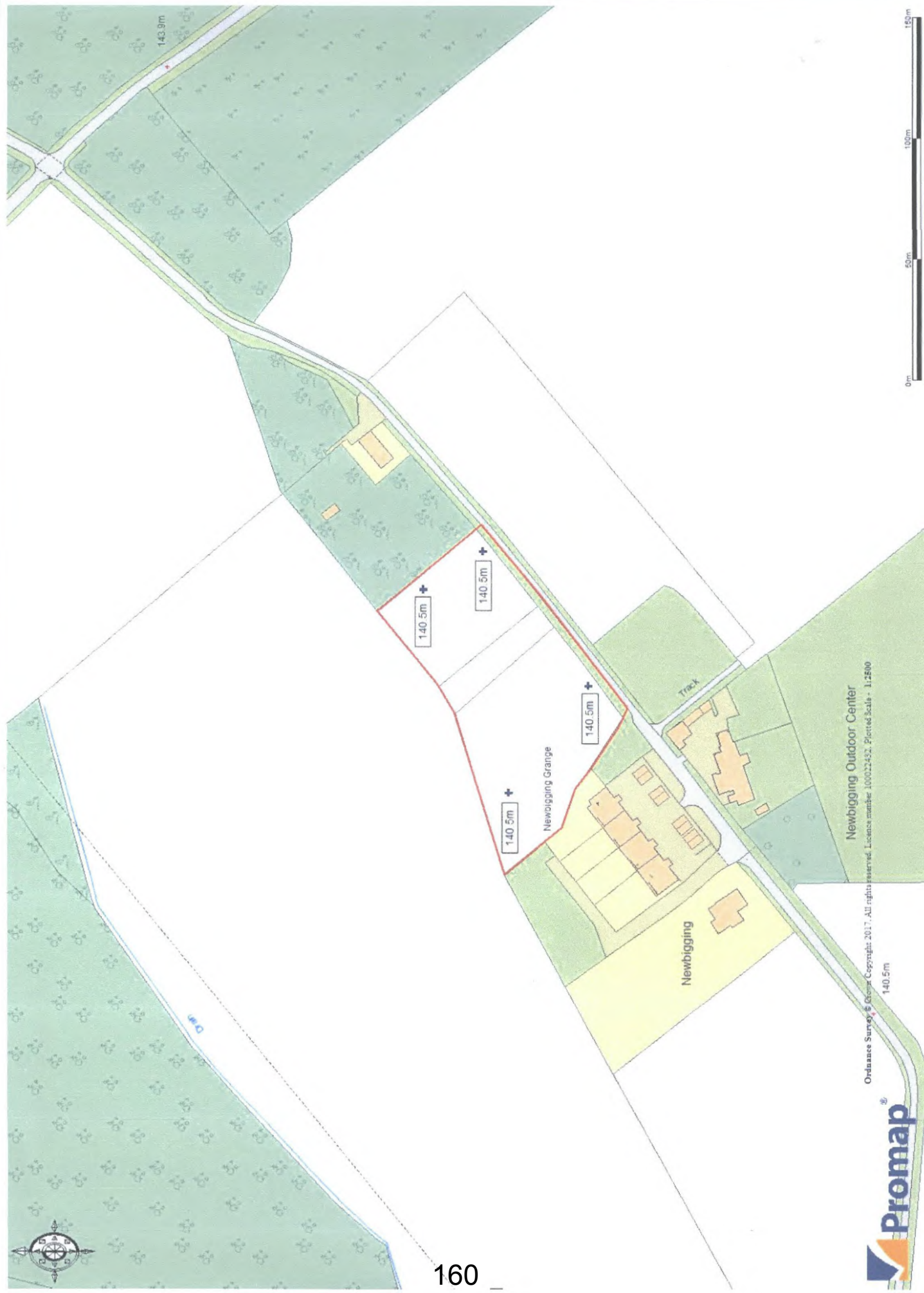
**PLANNING DECISION NOTICE** *(included in  
applicant's submission, see pages 123-124)*

**REPORT OF HANDLING** *(included in applicant's  
submission, see pages 125-136)*

**REFERENCE DOCUMENTS** *(part included in  
applicant's submission, see pages 137-156)*







143.9m

140.5m

140.5m

140.5m

140.5m

140.5m

Ordnance Survey © Crown Copyright 2017. All rights reserved. Licence number 100022432. Plotted Scale - 1:2500



161

Newbigging Grange

Plot 1

Plot 2

Existing Access



**TCP/11/16(540) – 18/00215/IPL – Residential development  
(in principle), land 40 metres north east of 4 Newbigging  
Grange, Wolfhill**

## **REPRESENTATIONS**



18/00215/1PL.



RECEIVED  
09 MAR 2018

Perth & Kinross Council  
35 Kinnoull St.  
PERTH PH1 5SD.

28<sup>th</sup> Feb 2018

ENTERED IN COMPUTER  
09 MAR 2018

Dear Sir,

I am writing to object to the  
proposal of 2 new houses between  
Newbiggy Cottage and the converted  
Steady Building, called The Grange PH13  
9PU.

The road exit is dangerous and  
the road too small for more cars

and we already have a great  
increase in traffic at the weekends  
with the Newbiggin Outdoor Centre  
for Guides & Brownies.

The drainage here is very poor  
being clay and the Newbiggin Grange  
occupants have had trouble with  
their septic tanks.

Please reject his proposal, thank  
you.

Yours faithfully,

Nicolette Lumsden

# Comments for Planning Application 18/00215/IPL

## Application Summary

Application Number: 18/00215/IPL

Address: Land 40 Metres North East Of 4 Newbigging Grange Wolfhill

Proposal: Residential development (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr Ian Riches

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Employment Provision
- Flooding Risk
- Inappropriate Housing Density
- Inappropriate Land Use
- Out of Character with the Area
- Road Safety Concerns

Comment: I wrote to you on 13 February 2018 regarding the potential for this application to happen, so I am therefore somewhat surprised that I have not been formally notified of the planning application, despite your arbitrary boundary of 20m. This application affects all four properties of Newbigging Grange plus the three other properties in the lane (U124) by the proximity and effect of the proposed development to all the residents; I would have thought common sense should have dictated informing all residents.

At around about the same time as Newbigging Grange was developed in 2005/6 as a barn conversion on a brown field site, the land owner of the surrounding agriculturally viable fields (the then Viscount Strathallan) sold the main bulk of them to a private individual, keeping the remaining five 'fieldlets' that sit either side of the lane and the core path west beyond Newbigging Farm. An application by him through the Stobhall Estate to develop these plots into a 'village' was denied by Perth & Kinross Council in 2009. These fields have been marked off with immature hedges and have been left vacant since that time. In recent months three of these green field sites have been let for the grazing of horses.

I am concerned that the proposal made for building on a green field site that until about 10 years ago was being used for livestock and crops, is contrary to the Perth & Kinross Council current policies. In particular I view the proposal as in direct opposition to Perth & Kinross Council Housing in the Countryside Guide 2012 paragraph 1 (Building Groups), paragraph 2 (Infill sites) and

paragraph 3.3a (New Houses in the Open Countryside - Economic Activity) and paragraph 3.4 (Houses for Local People). It would also appear to not comply with the current Local Development Plan 2014, Article 4.3.12 (Green field land) and the Proposed Local Development Plan 2, 2018.

The size of the proposed properties is not in keeping with the adjacent properties and the plot sizes seem totally out of scale; a key factor if this is supposed to comply as an infill site between Newbigging Grange and Newbigging Cottage. I would also question the cost of sourcing of equivalent masonry to match the farmhouse, grange and cottage! Any development on this green field site would not support any established economic activity, neither would they be social housing. The proposed properties would need to be extremely expensive to make them economically viable, thereby discounting most local workers.

I would suggest that the minor lane serving Newbigging Farm, Grange and School (U124) is not fit for purpose for further development and that its access onto the C438 road (which already has very poor sight lines to the south) would make the junction even more dangerous than it already is. The lane is a very narrow, cul-de-sac and any development along it would cause considerable interference to the existing residents and the Girl Guides Outward Bound Centre. In addition, the existing infra-structure does not fully support the current housing load. There is no mains sewerage and the telephone services to the Newbigging site are via an Exchange Only Line (EOL) from Kinrossie and cannot now support Broadband speeds above 0.7mbps; additional lines would only worsen the current situation. All advice from the "ScotlandSuperFast" project so far indicates that it is unlikely this area will ever be connected to a fibre network, because of the distance. The proposed plots are higher than the existing buildings of Newbigging Farm and Grange. Because there is no mains sewerage, current properties exist on septic tanks/environmental treatment plants. Any future building planning would need to ensure that not only was there a sufficiently robust waste treatment system, soak-away and associated drainage system but that the existing systems for the Farm and Grange were upgraded to ensure flood prevention of existing properties.

The area is supported by one daily bus to Perth and two from Perth, hardly a comprehensive service. This would mean that owners of any new habitation would require their own transport. There is a genuine concern that the safety of the hundreds of guides that annually use the Outward Bound centre at Newbigging School will be put further at risk due to this increase in traffic flow should new properties be built on the adjacent green fields.

I would urge you to reject this proposal at the earliest possible stage to prevent all parties from wasting time and money over building unwanted properties on green field sites in an area that could not sustain them.

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

<b>Planning Application ref.</b>	18/00215/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: [REDACTED] Email: [REDACTED]
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 40 Metres North East Of 4 Newbigging Grange, Wolfhill		
<b>Comments on the proposal</b>	<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, 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 Guildtown Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		

	<p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to transport infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.</p>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	02 March 2018

# Comments for Planning Application 18/00215/IPL

## Application Summary

Application Number: 18/00215/IPL

Address: Land 40 Metres North East Of 4 Newbigging Grange Wolfhill

Proposal: Residential development (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mr Anthony Duncan

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Land Use
- Loss Of Open Space
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: I note the comprehensive objections raised by my immediate neighbour Ian Riches and I wish the Council to note that I support his line fully. For the sake of brevity, I will not reiterate all the valid arguments he puts forward, but do wish to emphasise the following: First, I share the genuine concerns that these two development properties may be the 'thin edge of the wedge' and that given the way the land has been marked out by hedge rows, there may well be further applications planned downstream. To that end, given that an earlier application to develop the site in this way was rejected in 2009, I am confident that the Council will be alive to this risk. Second, the two proposed greenfield sites are sizeable, and I struggle to imagine how these properties would not look out of character with the existing buildings. Third, the increased pressure on the current drainage system is a major concern. It is barely adequate as it is and would require considerable enhancement. Finally, the single road access to Newbigging Grange will inevitably be disrupted. Notwithstanding the considerable inconvenience to existing residents, there will be added risk to residents and the many families using the Girl Guides Centre in the old school building.

I fully appreciate that new homes need to be built. However, this application to develop two luxury properties on greenfield sites, previously used as farm land, falls well short of the high standards

set by Perth and Kinross Council. I am therefore confident that the Council will reject this application.

# Comments for Planning Application 18/00215/IPL

## Application Summary

Application Number: 18/00215/IPL

Address: Land 40 Metres North East Of 4 Newbigging Grange Wolfhill

Proposal: Residential development (in principle)

Case Officer: Sean Panton

## Customer Details

Name: Mrs Marybelle Drummond

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: I write to formally raise my objection to the recent planning application that has been made to develop two large properties on greenfield sites alongside Newbigging Grange. It does not come as a surprise, as I have suspected for some time that the Landlord's aspiration was to comprehensively develop the land. I am aware that an earlier application was made to Perth and Kinross Council in 2009 which was thankfully refused. It is obvious that the aspiration to develop the site has remained, as in recent years, several areas previously used as farm land, have been marked out by hedgerows clearly delineating plots. I have lived in No3 Newbigging Grange since the barn conversion was completed in 2006. I find it a tranquil and enjoyable environment in which to live, along with a very small group of neighbours, for the most part retired, and the old school house used most weekends for guides. The Guides and Centre is providing a valuable service to young people from the across the region and the country environment and experience is essential to their success, particularly in this day and age. The lane leading into Newbigging Grange is narrow and barely able to support the community as it is. It is also the only viable route into and out of Newbigging Grange and was completely resurfaced by the Council in 2017. Any development will cause significant disruption to residents, families accessing the Guides Centre,

Farm vehicles, support services (post, oil, refuse, deliveries, etc) and will inevitably damage the newly laid surface. The two plots in question are very large and it is highly questionable whether as suggested, they can actually be built in a sympathetic way to existing properties. I have no confidence that the new builds will be in character with the original stone which was used in the barn conversion. Our small community also struggles with the current drainage provision, so any additional buildings would require considerable investment to ensure localised flooding did not become an even bigger problem that it is today.

A large development of this type will do nothing to enhance the existing site, which in its current form preserves the essence of the original buildings. It will also greatly inconvenience existing residents, farm workers and perhaps most notably the girl guides centre, by blocking access and damaging the road surface. I would be dismayed and disappointed if this application to develop a greenfield site was supported by the Council. I would urge the Council to reject it forthwith.



To:	Sean Panton, Planning Officer
From:	Sarah Winlow, Heritage Officer
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	8 <sup>th</sup> March 2018

**18/00215/IPL | Residential development (in principle) | Land 40 Metres North East Of 4 Newbigging Grange Wolfhill**

Thank you for consulting PKHT on the above application. I can confirm that the proposed development site lies within an area that is considered to have archaeological potential given the number of significant archaeological sites in the vicinity.

These include discoveries of cup marked stones (MPK3561, MPK3563) to the south and south west of the development site, plus two further stones at Moonshade (MPK15074) to the north east. These discoveries were made in the late 18<sup>th</sup> and 19<sup>th</sup> centuries and, as a result, little can be gleaned from the records made at the time, however the density of these sites hint at what was perhaps a locale for prehistoric funerary and ritual activity.

For this reason, it is recommended that an archaeological evaluation should take place to assess the presence / absence, character and significance of any archaeological deposits within the development site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits.

**Recommendation:**

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

**HE25** *Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.*

**Notes:**

1. **Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.



**Tracy McManamon**

---

**From:** [REDACTED]  
**Sent:** 09 March 2018 11:51  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application Reference 18/00215/IPL Comments

ENTERED IN COMPUTER

09 MAR 2018

Girlguiding Dundee  
[REDACTED]

I am emailing with reference to the planning application 18/00215/IPL

I am representative of the committee of the Newbigging Outdoor Centre which is a volunteer run centre for Girlguiding.

The centre hosts visitors of Rainbows, Brownies, Guides and adult members on a weekly basis for weekend and mid week breaks. The purpose of these visits is for the groups to take advantage of the clean air, the country atmosphere and enjoy constructive use of their time according to an organised programme of activities both inside and outside the centre. Number of visitors at any one time can range from a very few to a few hundred which we can accommodate due to the tailored renovation of the old school house for indoor accommodation and also for the number of acres of campsite which has been in use for the past 30 years.

The success of our centre is not only due to our volunteers but also due to the support we receive from our neighbours in the few neighbouring properties and also from the Meikleour Trust.

After receipt of the proposed planning in principle of the land 40 metres North East of 4 Newbigging Grange, Wolfhill, I have had direct email contact with Sam Mercer by email on behalf of the Meikleour Trust where we have been advised "that the plan is to build two houses and no plans to pursue any other development"

Our committee has met and discussed the benefits and concerns over the proposal and feel we need to comment to planning that our concern over the development is that it becomes bigger than the original proposal and many more houses than the two planned are actually built.

This concern relates to the indicative houses plan provided to us by the Meikleour Trust which displays a shared access driveway dividing two properties on oversized plots, which our committee is anxious will translate into more properties.

Our worry is that it will change what the area gives to our young visitors. At the moment they can enjoy the countryside and its animals, they can camp on our field without concern for safety of youths camping in an overly populated public area and they can take walks without risk over a large number of traffic affecting this due to the single track lane. If this development is greater than two modest sized properties we feel we will lose what we have been able to provide to thousands of visitors to Newbigging which we believe gives young people a unique experience without Wi-Fi, electronics and they can find themselves and what they are capable of which creates memories and abilities that they carry forward in life.

Stacey Caie  
[REDACTED]



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

<b>Planning Application ref.</b>	18/00215/FLL	<b>Comments provided by</b>	Mike Lee Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	██████████ ██████████████████
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 40 Metres North East Of 4 Newbigging Grange Wolfhill		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	13/03/2018		





5<sup>th</sup> July 2018.

Penk & Knoss Council  
35 Knowall Street  
Penk PH1 5GD.

Dear Sir,

Residential Development next to  
Newbiffy Grange.

I do not wish to see any more  
development at Newbiffy, for the  
reasons I gave in my letter of the  
28<sup>th</sup> February 2018.

Please reject the proposal, thank  
you.

Yours faithfully

N Lumsden

A large black rectangular box redacting the signature of N Lumsden.

## Audrey Brown - CHX

---

**From:** IAN RICHES [REDACTED]  
**Sent:** 05 July 2018 12:11  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** tonypduncan [REDACTED]; Morna Duncan; Marybelle Drummond  
**Subject:** Re: TCP/11/16(540)  
**Attachments:** Decision Notice.pdf

For the attention of the Perth & Kinross Local Review Body and on behalf of all residents of Newbigging Grange (adjacent to the proposed site).

The residents of Newbigging Grange are disappointed that this proposal has been submitted for review, but are pleased to be able to further comment on the planning application made by Mr Mercer Nairne.

The proposal challenges the planning principles of Perth and Kinross Council, who, just as we do, clearly value the green fields that are an integral part of this region. The proposal does not comply with the current Local Development Plan 2014, Article 4.3.12 (Green field land) and the Proposed Local Development Plan 2, 2018. As a community, we consider the proposal as an unnecessary use of a green field site that adds nothing to the local economy and is most definitely not for the purpose of providing housing to support specific employment. It is worth noting that despite the continuing hot weather that is blessing us, the bull-rushes continue to flourish on the proposed development site; a key indication supporting our fears that soak-aways associated with this development would risk flooding existing, downslope properties which struggle even now with drainage.

We consider that the planning officer completed his investigation into the application both thoroughly and professionally and his findings are irrefutable as they are fully in line with the Perth and Kinross planning principles, which we consider to be sound and considerate to the region and its people. As you will glean from our earlier objections to this project, the community at Newbigging Grange strongly oppose it. We urge the Local Review Body to wholeheartedly support their planning officer's decision and refuse consent on the same grounds.

Thank you

Ian Riches  
[REDACTED]



Ms Gillian A Taylor  
Clerk of the Local Review Body  
Council Buildings  
2 High Street  
Perth  
PH1 5PH

20<sup>th</sup> July 2018

Dear Ms Taylor,

**Residential development (in principle), land 40 metres north east of 4 Newbigging Grange, Wolfhill. LRB Ref: TCP/11/16 (540). Planning Ref: 18/00215/IPL.**

I write to you in response to your letter dated 18<sup>th</sup> of July 2018 and the attached responses from two objectors to the Local Review Body (LRB) correspondence which we previously submitted.

In response to both letters we would comment as follows;

We respect that everyone has a right to object, however the LRB should consider that the catalyst for the two objections (residents of neighbouring houses) appears to be primarily due to the proposed development being located next to the objectors houses and their preference for houses not to be built next to their house. That is not reasonable grounds for refusing to grant planning consent.

Additionally, the Planning Officer in the Report of Handling stated that two dwellinghouses could be accommodated without detrimentally impacting upon the amenity of the adjacent houses:

***'It is considered that the site is large enough to accommodate 2 modest dwellinghouses without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for each of the dwellinghouses. I therefore have no concerns at the principle of 2 dwellinghouses on this site'.***

The application site is currently laid in grass (as most infill/building group extension sites are). However, this is not reasonable grounds for refusing planning consent.

In one of the objections, reference is made to section 4.3.12 in the Council's Local Development Plan (LDP). See extract below. The site is NOT a greenfield site in the correct sense. Greenfield sites as described below, are the 'greenfield' land around towns and villages (which have settlement boundaries in the LDP). In this case, the application site is within a hamlet/building group, there is no settlement boundary around Newbigging and the proposal is being assessed against the Housing the Countryside Policy.

#### **Greenfield Land 4.3.12**

***'Scottish Government guidance and good planning practice encourage new development to utilise brownfield land where possible. However, the availability of brownfield sites in Perth and Kinross is extremely limited. As a result, much of the pressure for new development will be accommodated on greenfield land around the towns and villages of the area. Much of this land is prime quality agricultural land which is an important national resource. It is important that this resource is used sparingly and wisely. This can be achieved through higher density development but this must not be at the expense of good design'.***

One of the objectors also raises concerns that if two houses were built on this site, this may result in the flooding of adjacent houses from the soakaway. This concern is unfounded and not backed up by any Assessments. Development of the site would take account of drainage of the adjacent properties.

Please forward these comments to the LRB.

Yours faithfully

Keir Doe MRTPI MRICS

<b>TCP/11/16(542) – 18/00261/FLL – Alteration and extension to dwellinghouse, Riverbank, Inchyra, Perth</b>
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## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 189-220***)
- (b) Decision Notice (***Pages 223-224***)
  - Report of Handling (***Pages 225-230***)
  - Reference Documents (***Pages 213-219***)
- (c) Representations (***Pages 231-236***)



**TCP/11/16(542) – 18/00261/FLL – Alteration and extension  
to dwellinghouse, Riverbank, Inchyra, Perth**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name GRAEME PARKER

Address RIVERBANK  
INCHYRA  
GLENCARSE  
PERTHSHIRE  
PH2 7LT

Contact Telephone 1 [REDACTED]  
Contact Telephone 2 [REDACTED]  
Fax No [REDACTED]

E-mail\* [REDACTED]

## Agent (if any)

Name COLIN MCNEILL

Address ROCKMOUNT  
PERTH ROAD  
ABERNETHY  
PERTH  
PH2 9LW

Contact Telephone 1 01738 850282  
Contact Telephone 2 07767 365 875  
Fax No [REDACTED]

E-mail\* colinsmoneill@yahoo.co.uk

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

*copy to applicant*

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

Yes ☒ No ☐

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

18/00261/FLL

Site address

RIVERBANK, INCHYRA, GLENCARSE  
PERTHSHIRE

Description of proposed  
development

ALTERATION AND EXTENSION TO DWELLINGHOUSE  
RIVERBANK, INCHYRA, PERTH PH2 7LT

Date of application 17/02/18

Date of decision (if any) 13/04/18

**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 ☒ WHICHEVER PROCEDURE
2. One or more hearing sessions ☒ SUITS LOCAL REVIEW BODY
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:

IT IS NOT ANTICIPATED THAT ADDITIONAL INFORMATION WILL BE REQUIRED, BUT CAN BE IF LRB REQUEST

**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:

LRB CAN VISIT UNACCOMPANIED BUT APPLICANT WOULD PREFER TO BE NOTIFIED

**Statement**

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

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

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

SEE ATTACHED "STATEMENT OF REASON  
FOR REQUIREMENT OF REVIEW"

INCLUDING :

APPENDIX 1 - PHOTOGRAPHS

APPENDIX 2 - AERIAL VIEW / PHOTOGRAPH  
REFERENCE

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

Yes ☒ No ☐

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

THE NEW MATERIAL RELATES TO THE "REASONS  
FOR REFUSAL" LISTED IN DECISION NOTICE

**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. INTRODUCTORY LETTER
2. NOTICE OF REVIEW FORM
3. SEPARATE STATEMENT OF REASONS FOR REQUIREMENT OF REVIEW
4. APPENDIX 1 - PHOTOGRAPHS
5. APPENDIX 2 - AERIAL VIEW
6. PLANNING APPLICATION DRAWINGS

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

27 JUNE 2018

**Rockmount  
Perth Road  
Abernethy  
Perth  
PH2 9LW**

27 June 2018

The Secretary  
Local Review Body  
Perth and Kinross Council  
Committee Services  
Council Building  
2 High Street  
Perth  
PH1 5PHI

Dear Sirs ,

**Proposed Alteration and Extension to Dwelling House at  
Riverbank, Inchyra, Perth PH2 7LU  
Mr and Mrs G Parker    Ref 18/00261/FFL  
REQUEST FOR REVIEW BY THE LOCAL REVIEW BODY**

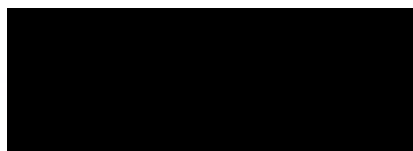
We refer to Planning application dated 17 February 2018, and refusal dated 13 April 2018, and now attach the following:

1. Notice of Review Form
2. Application Drawings
3. Statement of reasons for seeking Review, including photographs (appendix 1) and aerial view (appendix 2)

We would be grateful if you would advise of the date of the review.

Please also advise if you require any further information.

Yours faithfully



Colin S McNeill  
Building surveyor

[colinsmcneill@yahoo.co.uk](mailto:colinsmcneill@yahoo.co.uk)  
01738 850282  
07767 365 875 (m)



**RIVERBANK, INCHYRA, PERTH. PH2 7LT**

**MR + MRS GRAEME PARKER**

**PROPOSED ALTERATIONS AND EXTENSION**

**Application ref 18/00261/FLL**

**STATEMENT OF REASONS FOR  
REQUIREMENT OF REVIEW**

**JUNE 2018**

**STATEMENT OF REASONS FOR REQUIREMENT OF REVIEW**

The applicants consider the decision of refusal to be unfair.

This is a modest extension, which would have a minimal impact, being invisible from all but the 2 adjoining properties. Indeed, the extension would replace an existing deteriorated glazed conservatory, thereby improving appearance.

The applicants are simply trying to maximize their view of the river, from their property, by roofspace development.

There are many examples of similar extensions throughout Perth and Kinross, which presumably have been granted Planning consent. .

Photographs are included as an appendix to this document to show:

- Views of Riverbank which illustrate that the extension would be minimally visible from the Inchyra approaches
- Views from Riverbank of the neighbouring properties
- Examples of other similar extensions and similar materials

An aerial view is also included including photo reference numbers

The reasons for refusal are not convincing, and not relevant. These are considered below

**Referring to PKC Decision: (13 April 2018)**  
**Reasons for Refusal**

The proposed extension would be more accurately described as “room in the roof” or “storey and a half”, rather than “2 storey”, with the new ridge height matching the existing ridge height – no higher.

It is hardly excessive in proportion, and would replace an existing deteriorated conservatory, nor would it be visually intrusive, being invisible to all but the 2 adjacent properties, whose view would be affected minimally and peripherally only. The width would in fact have no visual impact on any property.

In terms of the “footprint” the proposed new extension and paved area would be 36 sq m, as compared to the existing conservatory and decking area, which is 34 sq m. .

The extension would be 18 m from the west boundary, 9.85 m from east boundary, and 9 m from the south boundary

**Referring to the PKC Report of Handling: Delegated Report, by case officer Alma Bendall, on which the decision is based, we would comment as follows**

### **Pg 3. Development Plan 2014**

Reference is made to Planning Policies PM1A and PM1B (b), (c), and (d) of the Perth and Kinross Local Development Plan. These policies would appear to be aimed at altogether larger and more prominent projects, and those that would have an actual impact on the surroundings.

**PM1A: Place making.** The extension would not be of sufficient scale to affect the quality of the “surrounding built and natural Environment”. It would be constructed to current Building Standards, and therefore have no more adverse effect on climate change than any other residential building.

It is not clear in which way the proposals contradict **PM1B b),c),d).**

- The landscape, skyline, topography would be virtually unaffected.
- The neighbouring properties on the river side are storey and a half, and 2 storeys. The extension would therefore be acknowledging scale and form of adjoining.
- The ridge height would not be increased (extension matching existing).
- There is no effective “building line”. The extension would be to the rear, and the street view would remain entirely unaffected.

### **Policy EP2**

The TES Flooding report advises no flood risk.

### **Pg 4. Representations**

It is noted that the occupant of the east adjoining property (which has 2 storeys) is only concerned about being overlooked. It is unreasonable that it should be acceptable for the neighbour to overlook Riverbank (from their existing 1<sup>st</sup> floor windows) but should be prohibited the other way round! A projecting balcony would be directed towards the river, not their neighbour, and have a negligible effect on their privacy.

#### **Pg 4. Policy Appraisal**

Reference is made to “alien materials”. Does this refer to timber weatherboarding? This is hardly an “alien material”, and is currently very common in extensions, in existing urban and village settings, and new build alike, being considered a more sustainable material than rendered concrete block. Otherwise, materials and detailing do match.

#### **Pg 5. Residential Amenity**

If there were to be any effect on the residential amenity, which is unlikely, being largely concealed from all but 2 properties, removal of the existing deteriorated conservatory and the extensive decking footprint, would in fact be advantageous.

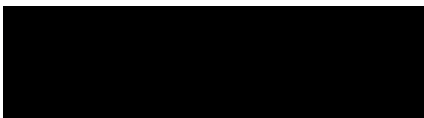
#### **Pg 5. Conclusion**

This paragraph concludes “*on that basis, the application is recommended for **approval** subject to conditions*”. Why therefore has it been refused? What were the conditions? This appears contradictory.

Several attempts have been made, by the applicants and agent, to arrange a meeting with the Planning Officer to discuss a way forward, but these have all been rejected. While the applicants would prefer the design as shown on the application drawings, they have indicated willingness to compromise, for example by removing the first floor balcony, and choice of materials. This has been frustrated by PKC’s reluctance to communicate.

It is our view that the proposals are reasonable in their entirety, and approval should be granted

Reported by



Colin S McNeill  
Building surveyor

Agent for Mr and Mrs G Parker (applicants)  
[colinsmcneill@yahoo.co.uk](mailto:colinsmcneill@yahoo.co.uk)

## **APPENDIX 1: SCHEDULE OF PHOTOGRAPHS**

### **VIEWS OF RIVERBANK FROM APPROACH ROADS**



1. View of Riverbank (concealed beyond fence and trees) from public road to west at neighbouring Kingour, Inchyra cottages



- 2 View of Riverbank (hipped roof just visible) from public access road further west.



3 View of Riverbank (North elevation) from farm access road to north.  
Newer Whitehouse to left (east).



4 View of Riverbank (North elevation) from road further to north. Newer  
Whitehouse to left (east). Roofs of Inchyra Cottages to right (west).

**VIEWS FROM GROUNDS OF RIVERBANK**



5 Riverbank rear (south) elevation: deteriorating conservatory and decking to be replaced by proposed extension. Neighbouring Whitehouse beyond (to East). Rear elevation virtually invisible to all except 2 neighbouring properties



6 Current view of Pow Burn from existing conservatory.



7 Improved view of River Tay and beyond from level of proposed extension first floor.



8 View of property to West (n.b. gable window overlooks Riverbank)

**EXAMPLES OF OTHER DEVELOPMENTS IN INCHYRA AND PERTHSHIRE**



9 Westfield cottage, Inchyra: 2 storey (stone) extension to single storey cottage



10 Westfield cottage, Inchyra : 2 storey (stone) extension to single storey cottage extending right up to roadside. Planning consent granted circa 2009



11 2 storey glazed conservatory in prominent Kinnoull Hill location.



12 New build flats in Fues Road, Perth.  
Timber lining/render mix; patio windows  
overlooking neighbours.



13 New build houses at Bonhard Farm, by Scone: mix of stone, render and timber lining.



14 Binn Farm Cottage, Kinnoull Hill: 2 storey extension to rear of single storey cottage.



15 Balthayock : 2 storey extension to single storey cottage.



16 Pittilock, by Glenfarg: new house: mix of stone, concrete, render, timber lining, slate, concrete interlocking tiles..



17 Kinfauns Castle Gardens: similar style of extension to proposed, in prominent location (viewed from Dundee road.).



18 New house just north of Inchyra Village under construction: timber cladding



Inchyra: Aerial View  
 Riverbank outlined red  
 Extension outlined blue  
 Numbers in red:  
 photo references





**GENERAL REQUIREMENTS**

- a. This drawing must be read in conjunction with all relevant Architectural and Engineering drawings and specification. Any ambiguities must be discussed prior to commencing the works.
- b. The contractor is responsible for the stability and safety of the site during construction and must provide all necessary propping and bracing temporary or otherwise.
- c. All methods of work and materials should comply with the relevant BS specification.
- d. All structural timbers to be minimum SC3 to BS 5268 Part 2 and to be treated by CRA or OS vacuum method.
- e. When air temperatures are 3°C or below no brickwork or blockwork shall be built or concrete floors laid. All new work shall be protected for 7 days during which time the temperature of the work shall not fall below 0°C. Any work damaged by frost shall be taken down and rebuilt at additional cost to the contractor.
- f. The contractor shall be responsible for locating all existing services prior to the contract commencing (referto old drawings).
- g. No deviation from specified materials/ or methods will be permitted without written approval of the Contract Administrator.
- h. The contractor has responsibility for all site sizes.
- i. All foundations to have a minimum cover of 450mm.
- j. Strip DPC through walls, 150 min above finished ground level.
- k. Strip DPC at cavity closers, windows and door openings in external walls, at the back of and below sills and stepped DPC at window and door lintels. Vertical DPC at wall abutments. All to be sealed with a polysulphide mastic.
- l. All electrical works to current IEE Regulations.
- m. All drainage to be in accordance with Part M of the Building Regulations and completed to the satisfaction of the Local Authorities including drains testing.
- n. All workmanship on site shall be in accordance with BS 8000.

**TECHNICAL SPECIFICATION****1 Downtakings**

Take down existing glazed conservatory, and decking area.  
Make good main building roof structure and sarking and felt.

**2 New Foundations**

Excavate to reduced levels Lay 600mm x 200mm, C20/30 concrete strip foundations to external walls to BS 8000:Part 2.

**3 Solum Treatmentr**

Excavate as necessary to required levels. Lay Type 1 upfill blinded with quarry dust (150 min). Lay 1000-gauge polythene D.P.M. (lapped joints and turned up at perimeter walls). Lay 50mm oversite concrete to C20 steel float finish.

**4 Suspended timber floor**

22 moisture resistant chipboard on  
150 x 50 floor joists @ 600 ctrs on  
100 x 50 wallplate on d.p.c. on block scarcement walls and dwarf walls  
Fit 140 Kingspan Kooltherm K103 floorboard between joists supported on timber battens  
Galvanised metal fresh air ventilators to void at 2m centres  
**U value: 0.18**

**5 New Walls – Substructure cavity wall**

Build a 100mm concrete block (7N/mm<sup>2</sup>) 'outer leaf' and 100mm (7N/mm<sup>2</sup>) concrete block 'inner' leaf cavity wall with 50mm cavity tied together using stainless steel wall ties at 900 centres horizontally and 450 centres vertically sloping away from the internal leaf. Fit DPC and fill cavity below DPC

in lean mix concrete. Smooth cement render externally to match existing  
100 block dwarf wall with ventilation provision to support G floor structure

**6 New Walls – Superstructure****Extension: External wall: Timber frame construction**

Construct to structural engineer's design.  
12 Plasterboard taped and filled inside finish on 25 x 50 timber framing  
polythene vapour barrier  
25 Kingspan Kooltherm 12 on inside face of structural framing.  
145 x 45 timber frame, at 600 centres, with double top and bottom runners, with 70 Kingspan Kooltherm 12 between studs  
9mm WBP exterior grade plywood on outside of frame with Kingspan Nilvent breathable membrane.  
Line in 38 x 50 ww timber framing  
Fit 22 x 150 weatherboard lining.  
**"U" value: 0.22**

**7 Existing External Wall**

Line existing external gable wall (within extension): 50 x 50 framing, 12.5 plasterboard taped and filled. 50 polystyrene insulation between framing within 2m of external walls

**8 Lintels and cills: new windows + door slapping**

Steel / timber lintols to S tructual Engineer's design .

**9 Extension Windows and Doors**

UPVC casement windows: double glazed with 22mm units; low E.  
A: 600 (w) x 1200 (H)  
B: 2000 (w) x 2000 (H)  
C: 1200 (w) x 1200 (H) (top hung)  
D: 1000 (w) x 2000 (H)  
E: 4000(w) x 2000 (H) : 4 leaf bifold glazed doors  
F,G,J,K Velux GPL FK08 660(w) x 1398 (H): 2 no  
H 4000(w) x 2000 (H) with tapered non opening side leaves, and sliding central leaves  
Windows to be fitted with 4000mm<sup>2</sup> trickle ventilators  
Fit dpc at cills (see detail)  
**"U" 1.6 maximum**

**10 Extension Roof**

Structural timbers to Structural Engineer's design:  
150 X 50 timber rafters  
150 Kingspan Kooltherm K107 fully filling rafters  
Sarking board fixed using galvanised ring annular nails  
Kingspan Nilvent breather membrane galv nail fixing; minimum 100mm lap at joints  
Fit w.w. 25mm x 50mm battens and 18mm x 38mm counter battens in accordance with tile manufacturer's instructions.  
Concrete interlocking roof tiles to match existing fitted to manufacturer's instructions  
150 Crown wool Insulation quilt laid between "joists" + 150 quilt laid across "joists"  
Truss projection and fascia to match existing  
Code 5 lead valleys and abutment watergate at junction with main roof  
**U value: 0.15**

**11 Rainwater goods:**

112/68 dia pvc gutters/downpipes, to match existing fixed to fascia with gutter brackets and leading to existing rw drains and existing soakaway  
Make good all manholes and drains following alteration works

**12 New patio:**

150 C20 concrete in situ concrete base with paving tile surface  
200 concrete block (7N/mm sq), with smooth render finish  
600mm x 200mm concrete strip foundation  
200 min blinded hardcore upfill.

**13 Patio, Upper Balcony and Internal stair handrails**

Taper-loc X4 railing system with tempered/laminated safety glass and integral hand rail, with base shoe fitted to outside of slab/staircase. Height 850.

**14 Upper Balcony**

Steel angle framed platform, bolted to external timber frame  
Timber secondary framing and timber deck surface and soffitt

**15 Internal staircase**

900 wide timber stair comprising:  
40 deg pitch approx with upper landing centred on ridge line  
13 no risers at 190mm approx; goings at 250mm  
Minimum going at winders: 50 mm  
Semi open tread construction with maximum 100 gap  
Taper-loc glazing railing system handrail: 840 above pitch line  
Inner timber handrail across existing widow openings

**16 External steps**

P.c. concrete steps 150 rise; 300 going

**17 Structural Engineer Design**

Refer to Structural Engineer's design for:  
Foundations  
Roof and floor structures, and beams  
Timber frame external walls design  
Lintols

# RIVERBANK, INCHYRA, PERTHSHIRE

G + E Parker

## NEW CONSERVATORY

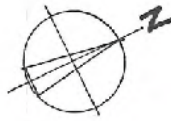
### LOCATION AND SITE PLANS AS EXISTING

Scales 1:2,500, 1:200

Dec 2017

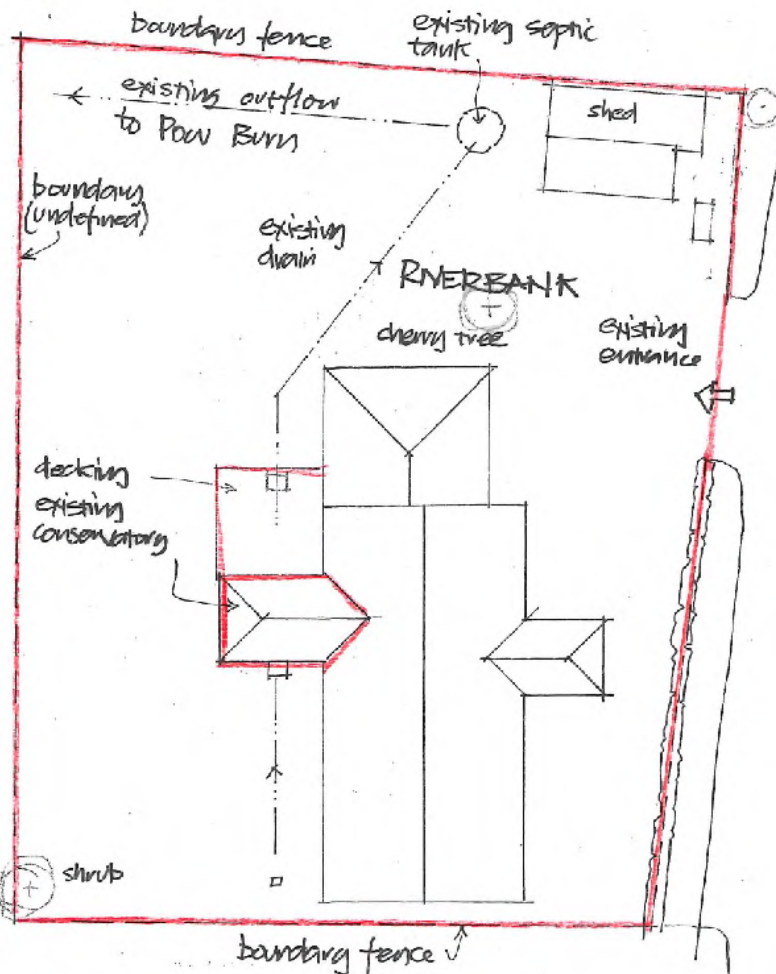
Drg No 017/01/6

1 0 1 2 3 4 5 6 7 8 9 10 m  
Scale 1:200



to R. Tag

Pow burn



SITE PLAN (1:200)

20 40 100 200 m  
Scale 1:2,500

LOCATION PLAN  
(1:2,500)



THE SITE : OUTLINED IN RED

R. Tag

Pow Burn

RIVERBANK

public road

INCHYRA

public road

farm road

farm road

215

To St Madocs  
and ABS  
(Dundee to  
Perth)

farm road

farm buildings

1 0 12 3 4 5 6 7 8 9 10m  
 scale 1:200

# RIVERBANK, INCHYRA, PERTHSHIRE

G + E Parker

## NEW CONSERVATORY

### LOCATION AND SITE PLANS AS PROPOSED

Scales 1:2,500, 1:200

Dec 2017

Drg No 017/01/3

existing uPVC drain under new Conservatory  
 to be bedded in & covered by 100 granular  
 bed of pea gravel with 300 selected fill  
 over (free from vegetable, clay matter)

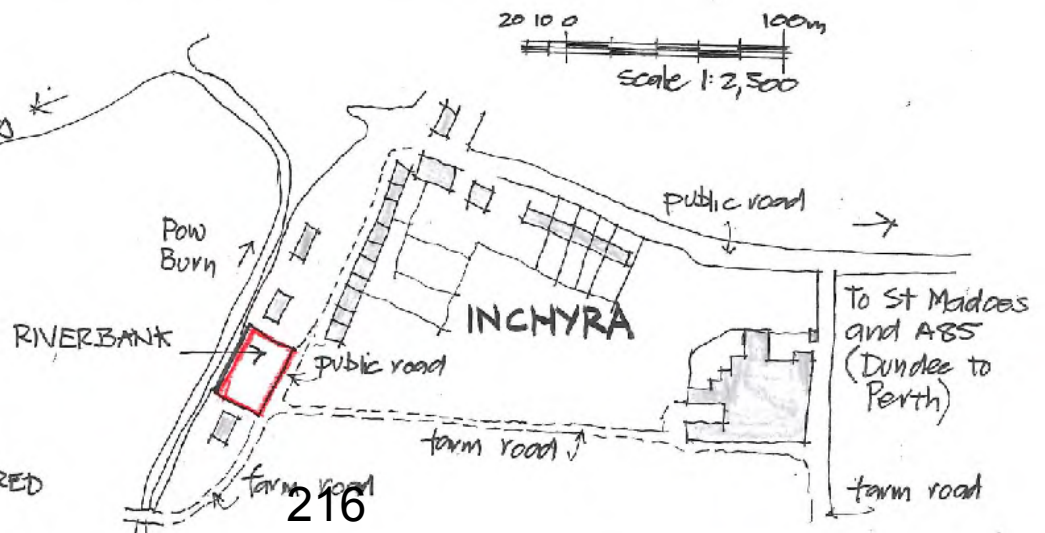
drains to be lintolled over with pre stressed  
 concrete lintels with 50 surrounding gap



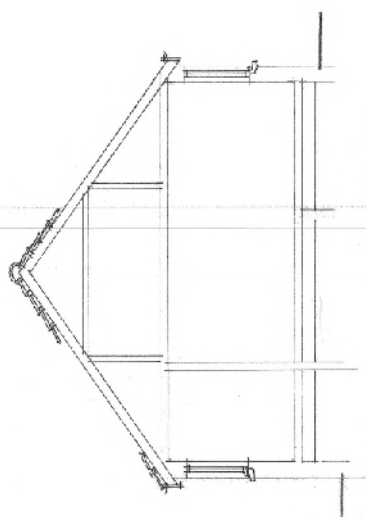
**SITE PLAN**  
1:200

## LOCATION PLAN

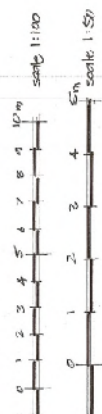
20 10 0 100m  
 scale 1:2,500



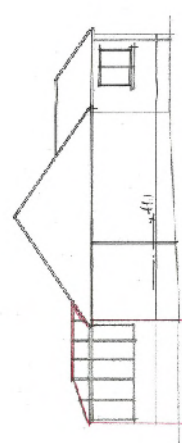
THE SITE: OUTLINED IN RED



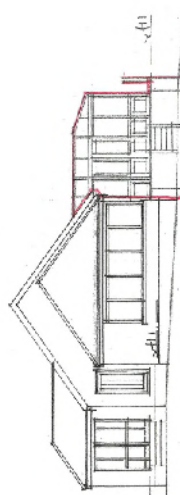
SECTION A-A



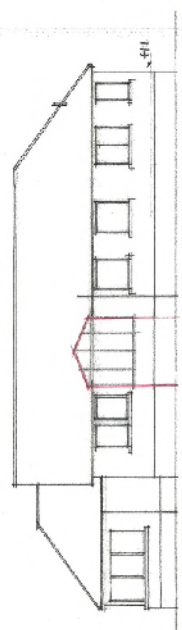
Down takings - outlined in red



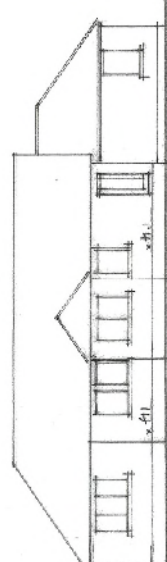
EAST ELEVATION



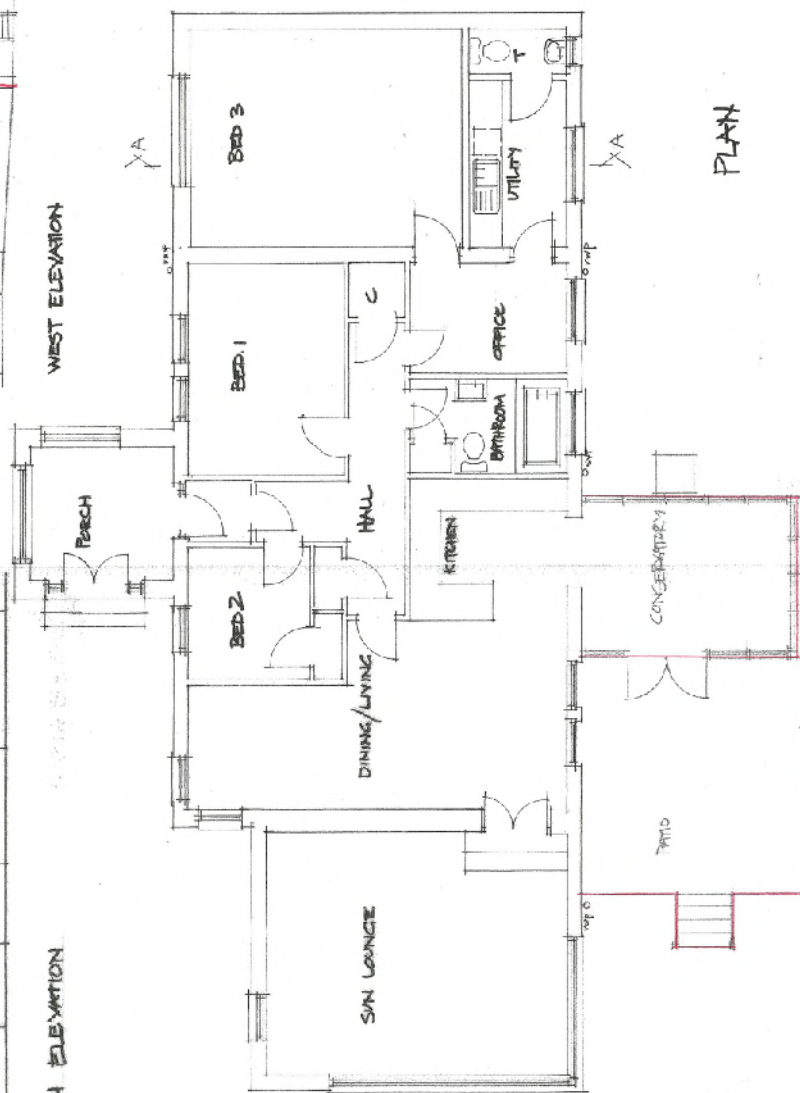
WEST ELEVATION



SOUTH ELEVATION

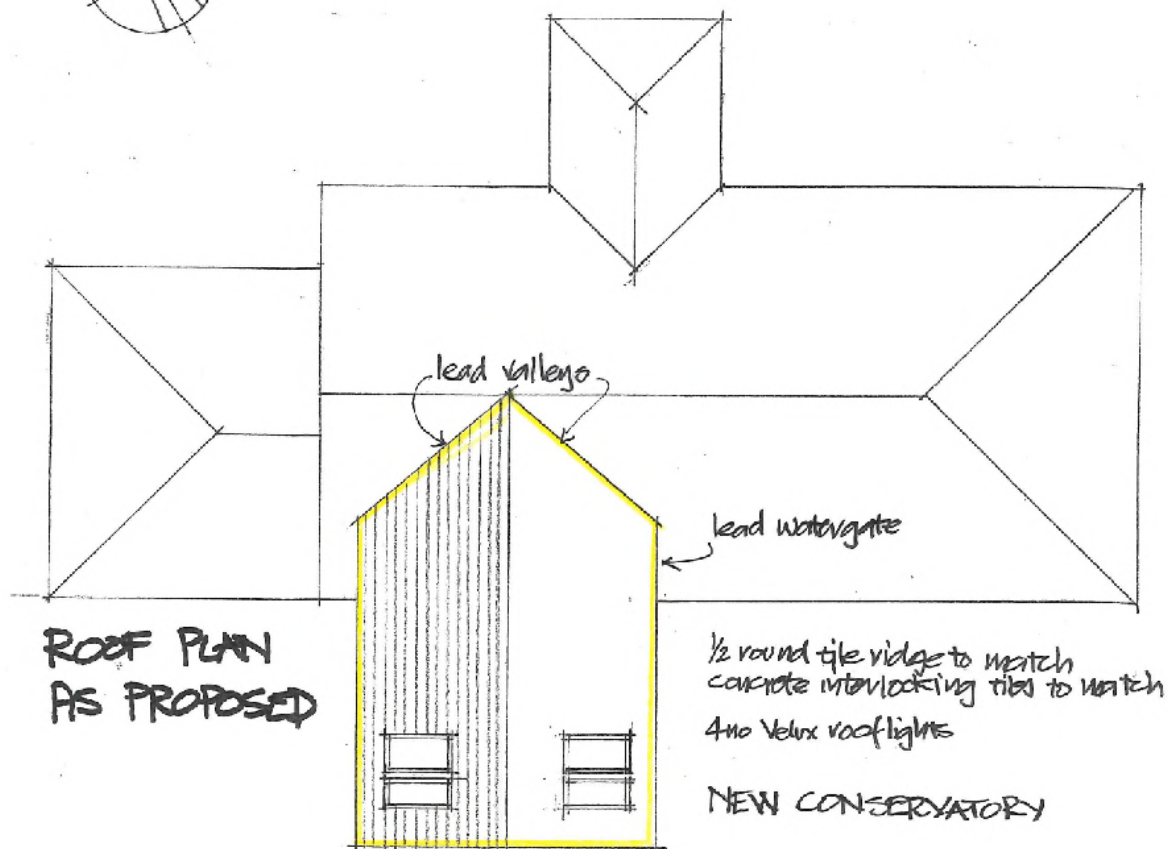
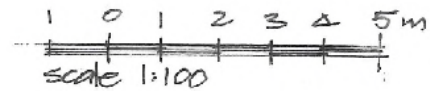
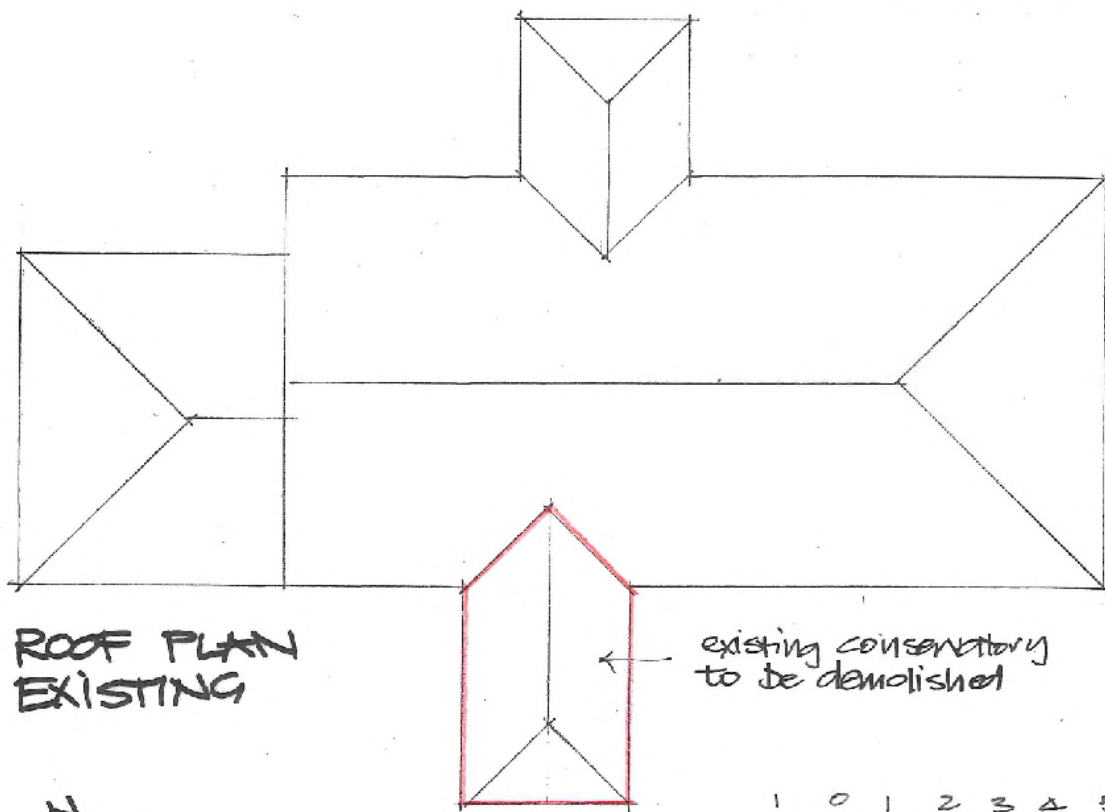


NORTH ELEVATION



PLAN







<b>TCP/11/16(542) – 18/00261/FLL – Alteration and extension to dwellinghouse, Riverbank, Inchyra, Perth</b>
---

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 213-219)*



# PERTH AND KINROSS COUNCIL

Mr Graeme Parker  
c/o Colin McNeill  
Rockmount  
Perth Road  
Abernethy  
PH2 9LW

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 13th April 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00261/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 17th February 2018 for permission for **Alteration and extension to dwellinghouse Riverbank Inchyra Perth PH2 7LT** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

- 1 The proposals, by virtue of their two storey height, excessive proportions, protruding balcony, poor form and composition would appear visually dominant and intrusive, resulting in an adverse and unacceptable visual and residential impact.

Approval would therefore be contrary to Policies PM1A and PM1B(b), (c) and (d) of the Perth and Kinross Local Development Plan 2014 which seek to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, scale and massing.

### 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 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

18/00261/1

18/00261/2

18/00261/3

18/00261/4

18/00261/5

18/00261/6

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	18/00261/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	16.04.2018	
Case Officer	Alma Bendall	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Alteration and extension to dwellinghouse

**LOCATION:** Riverbank Inchyra Perth PH2 7LT

#### 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:** 6 March 2018

#### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning application relates to a detached, single storey dwellinghouse which appears of relatively recent construction, set within a low lying, and semi-open plot on the eastern edge of the rural settlement of Inchyra in the Carse of Gowrie.

The rear garden borders onto the Pow Burn and an area of reed beds to the north of the River Tay. Timber fences enclosing the neighbouring plots exist on either side of the garden, while the front of the property has picket fence and a section of hedgerow.

The property has been extended in the past and features an elevated conservatory structure at the rear, along with extensions on either gable. An outbuilding is presently under construction within the western side garden.

Consent is being sought to erect a new, two storey extension on the rear of the house. Plans indicate that the existing raised deck and conservatory will be removed to accommodate a larger conservatory on two levels and wrap around raised deck and first floor protruding glass balcony. The new wing is intended to be finished in timber with a concrete tiled roof.

Planning consent is required as a result of the works being within 10 metres of the site boundary.

## **SITE HISTORY**

91/01941/FUL EXTENSION TO HOUSE AT 26 November 1991 Application Permitted. 97/01370/FUL Erection of a porch and conservatory at 20 November 1997 Application Permitted. 05/01230/FUL Extension to house 14 July 2005 Application Permitted

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 17/00815/PREAPP; advised of policy considerations.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy EP2 - New Development and Flooding**

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

## **OTHER POLICIES**

Perth & Kinross Council's Draft Placemaking Guide 2017 states that;

*“New development should acknowledge the scale and form of the surrounding buildings. This can make a huge difference to the visual impact of a development. Whilst it is not desirable to copy traditional buildings, it is important to harmonise with them.*

*Proportion is a fundamental element of architecture, and relates to the building as a whole and also as sections working harmoniously together. Individual elements of a building must work together to create a coherent design that balances. The building envelope, windows and doors, eaves and roof ridgeline should all work in balance with each other”.*

## CONSULTATION RESPONSES

No external consultations have been issued; internal comment has been received from Local Flood Prevention colleagues, in respect of the site being located within a coastal flood envelope that is at medium risk (1:200) of flooding. Flood resilient methods are advised in the construction.

## REPRESENTATIONS

One letter of representation has been received from the occupant of an adjoining dwellinghouse who is concerned about overlooking; loss of privacy and enjoyment of their garden.

The issues raised are taken into account in the following appraisal.

## ADDITIONAL INFORMATION RECEIVED:

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

## APPRAISAL

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

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

### Policy Appraisal

The property is not located within any defined settlement boundary and as such, background policies are applicable in this instance. The main policies of note relate to the Placemaking criteria which seek to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. It is considered that this aim is not being met given the inappropriate design, excessive scale and lack of relationship or respect to the existing built environment.

### Visual Amenity, Design and Layout

While the existing conservatory structure is rather dated in appearance, it is insignificant in terms of visual and residential impact. The plans forwarded are attempting to introduce a contemporary form of development to the site which in principle is acceptable. However in the context of the modestly scaled bungalow, the square footprint, elevated underbuilding/patio area, two storey, straight gable

form, shallow roof pitch, finished eaves height and protruding balcony will appear rather stark and visually dominant.

I therefore consider that in this instance the proposal does not respect the form or finish of the original house and as a result is contrary to Policies PM1A and B of the Local Development Plan, as the works will detrimentally alter the character and amenity of the area.

A substantially modified scheme featuring a reduced footprint, scale and improved design has potential at the site; provided that it does not detrimentally impact on existing amenity standards.

### **Landscape**

The application site is set within a rural location where the predominant land use is for arable farming. Scenic views can be gained in part over the adjoining estuary and marshes.

### **Residential Amenity**

Although the plot is shallow in depth, there is sufficient private amenity space to cater for the needs of the extended dwellinghouse. As such there are no over-development concerns.

The key issues relate to the scale and design of the extension; the introduction of a second floor and external balcony which have the potential to impact on privacy and amenity standards presently enjoyed by neighbouring properties, most notably the new house sited to the immediate east.

The rationale behind the use of extensive glazing and a protruding balcony is clearly to maximise views over the site to the River Tay estuary. This will however also enable the adjoining rear gardens of neighbouring properties to be overlooked. As a result, I share the concerns of the neighbour and consider that the introduction of a second floor and balcony will adversely impact on the established residential amenity of the area.

As noted previously, a modified scheme could be brought forward which protects the privacy of adjoining properties and enables a replacement conservatory to be developed.

### **Roads and Access**

The proposals should have no impact on existing service provision.

### **Drainage and Flooding**

Although set within a recognised flood plain,

### **Developer Contributions**

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

### **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not 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 proposals, by virtue of their two storey height, excessive proportions, protruding balcony, poor form and composition would appear visually dominant and intrusive, resulting in an adverse and unacceptable visual and residential impact.

Approval would therefore be contrary to Policies PM1A and PM1B(b), (c) and (d) of the Perth and Kinross Local Development Plan 2014 which seek to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, scale and massing.

### **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** - Not Applicable.

**Procedural Notes** - Not Applicable.

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

18/00261/1  
18/00261/2  
18/00261/3  
18/00261/4  
18/00261/5  
18/00261/6

### **Date of Report**

13/04/18

**TCP/11/16(542) – 18/00261/FLL – Alteration and extension  
to dwellinghouse, Riverbank, Inchyra, Perth**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	18/00261/FLL	<b>Comments provided by</b>	D.Lynn
<b>Service/Section</b>	TES - Flooding	<b>Contact Details</b>	floodingdevelopmentcontrol@pkc.gov.uk
<b>Description of Proposal</b>	Alteration and extension to dwellinghouse		
<b>Address of site</b>	Riverbank Inchyra Perth PH2 7LT		
<b>Comments on the proposal</b>	<p>No Objection,</p> <p>It is advised that the proposed alteration does lie within the indicative SEPA 1 in 200 year costal flood envelope. This means it is at a medium risk to flooding. It would be advised that any form of construction is built so usig flood resilient methods where appropriate.</p>		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>	PKC Flooding and Flood Risk Guidance Document (June 2014)		
<b>Date comments returned</b>	06/03/2018		



# Comments for Planning Application 18/00261/FLL

## Application Summary

Application Number: 18/00261/FLL

Address: Riverbank Inchyra Perth PH2 7LT

Proposal: Alteration and extension to dwellinghouse

Case Officer: Alma Bendall

## Customer Details

Name: Miss Katie Gill

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Over Looking

Comment: Objection to upper balcony due to concern of loss of privacy and enjoyment of my garden.



**TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 239-298***)
- (b) Decision Notice (***Pages 251-252***)
  - Report of Handling (***Pages 253-262***)
  - Reference Documents (***Pages 275-289***)
- (c) Representations (***Pages 301-330***)



**TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100128239-001

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:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		

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="Ms"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value=""/>
First Name: *	<input type="text" value="Kirsty"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Walker"/>	Address 1 (Street): * <input type="text" value=""/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value=""/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value=""/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value=""/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value=""/>
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"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Hawkhill"/>			
Northing	<input type="text" value="743430"/>	Easting	<input type="text" value="311500"/>

## 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 a replacement house

## 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.

Grounds of appeal as set out in the attached 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)

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)

Planning application forms, plans, decision notice, Report of Handling, email exchange with appointed officer and grounds of appeal statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00489/IPL

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

11/04/2018

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

08/06/2018

## 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

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To assess if there is substantial evidence of the structure of the original building above ground level to enable its size and form to be identified and also to assess if the site boundaries are capable of providing a suitable enclosure for the new house

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

## 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: Mr Mark Myles

Declaration Date: 12/07/2018



## Notice of Review Appeal – Grounds of Appeal Statement

Planning Application Reference 18/00489/IPL

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### Planning Permission in Principle for Erection of Replacement House on Land 100 North East of Logiebrae, Craigie, Clunie

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This ground of appeal statement should be read in conjunction with the Notice of Review Appeal submitted on behalf of Ms Kirsty Walker, for Planning Permission in Principle for the Erection of a replacement house on Land 100 North East of Logiebrae, Craigie, Clunie which was refused permission on 8<sup>th</sup> June 2018. Copies of the planning application forms, plans, supporting statement and background emails are also included within the appeal submission.

As confirmed in the Report of Handling on the application, **the proposed site contains a ruinous cottage** located to the west of a small group of dwellings at Craigie. It is further acknowledged and also shown in the planning officers photographs that **there is visible evidence of the cottage with the gable end and walls still standing.**

The council's single reason for refusal of the application relates solely to the proposed development allegedly contravening categories 4 e) (i) and (iii) of the council's housing in the countryside policy RD3 and associated Supplementary Guidance.

The planning statement that had been submitted in support of the application provided a detailed assessment of the relevant policy criteria which does not require to be repeated here, and instead we focus solely on the reasons given for refusal.

#### Response to Category 4 e) (i)

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The first part of the reason for refusal states that '***it has not been demonstrated that an appropriate replacement dwelling could be accommodated.***'

This is despite the Report of Handling confirming that the '***existing ruin would meet category 4 e) (i) in terms of there being visible evidence of the structure of the original building above ground level to enable its size and form to be identified.***'

That is all that Policy 4 e) i) requires and in this case, it should therefore be evident that the existing ruinous house would meet with the terms of this part of the policy.

The Report of Handling however takes the assessment further without any policy justification as the planning officer claims that the policy seeks to restrict considerable increases for replacement dwellings.

While this may be the planning officer's own views or perhaps even what the planning department think or would like the policy to say, as was pointed out in our email correspondence to the planning officer (7<sup>th</sup> June), there is nothing explicitly written anywhere in the policy on replacement houses that says you cannot replace a vacant or abandoned house with a larger house.

The planning officer has instead incorrectly quoted from an earlier section of the Supplementary Guidance - category 4 b) which states 'any alterations and extension to **an existing house** should be in harmony with the existing building's form and proportion.'

That section of the policy clearly relates solely to restoration and extension of an existing property and **NOT** to the replacement of a house. The appointed officer's interpretation of the policy is therefore factually incorrect, and this has led directly to an incorrect assessment of the proposal against an irrelevant part of the policy.

The only policy requirements specifically relating to replacement houses are that they shall be of a high-quality design appropriate to their setting and surrounding area and that the siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road.

The indicative plans that were submitted with the application were provided to specifically show that these requirements could be achieved, even though this is a PPP application, as the detailed siting and design of any house would be subject to conditions and any future matters specified in conditions application.

#### **Response to Category 4 e) (iii)**

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Turning to the second part of the reason for refusal - category 4 e) (iii), and again it is evident that the detailed wording that has been quoted in the reason for refusal does not reflect the actual wording that is contained within the Supplementary Guidance.

Category 4 e) (iii) of the SG actually states, '**the site boundaries are capable of providing a suitable enclosure for the new house.**'

In contrast the reason for refusal states '**the site does not have established site boundaries capable of providing suitable enclosure...**'

The appointed officer's reference to the need for the site to have '**established**' site boundaries is therefore totally misleading and unnecessary. The appointed officer has therefore once again either misinterpreted the policy requirements or simply attempted to set out what the planning department think or would like the policy to say. If a fair and reasonable assessment of the policy criteria had been undertaken, then this would not have appeared as a reason for refusal.

The actual wording of the policy requires site boundaries which are capable of providing a suitable enclosure and as has been detailed in the original supporting planning statement and as shown on the proposed site plan, the site boundaries are capable of providing a suitable enclosure and are perfectly achievable on this site and would normally be expected to form part of a condition on any PPP. Furthermore, the council accept that the site is located within an overall good landscape setting and has a good fit in the wider landscape.

Accordingly, the capability or the ability of the site boundaries to provide enclosure for the proposed house within this good landscape setting cannot be in question and the policy clearly does allow for the use of conditions to meet this requirement.

### **Drainage – Policy ER6**

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For completeness we would highlight that the holding objection from SNH is contrary to the Supplementary Guidance related to Policy ER6 which confirms that detailed information and drainage calculations are not required for in principle applications. SNH's response was also contrary to the advice provided by SEPA which correctly identifies that a suspensive condition can be applied to in principle applications in this location. This was drawn to the planning officer's attention in our email of 7 May 2018 and we note from the Report of Handling that contact was made with SNH to get an updated memo but a response was not received. Despite that, the Report of Handling (under the heading Drainage and Flooding) correctly states that conditions would be required to secure the submission of phosphorous mitigation calculations in accordance with the supplementary guidance at the time of the AMM application.

### **Conclusion**

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We therefore respectfully request that the LRB consider the proposal on its merits and in accordance with actual clearly stated wording of Policy RD3 and associated Supplementary Guidance, rather than the incorrect and biased interpretation that we have shown was undertaken by the appointed officer when a category of the Supplementary Guidance that does not apply to replacement houses and additional wording that simply does not exist were used in an attempt to justify the reason for refusal.



# PERTH AND KINROSS COUNCIL

Ms Kirsty Walker  
c/o MBM Planning And Development  
Mark Myles  
Algo Business Centre  
Glenearn Road  
Perth  
PH2 0NJ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 8th June 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00489/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 April 2018 for permission for **Erection of a dwellinghouse (in principle) Land 100 Metres North East Of Logiebrae Craigie Clunie** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category 4 e (i) and (iii) Renovation or Replacement of Houses as it has not been demonstrated that an appropriate replacement dwelling could be accommodated and that the site does not have established site boundaries capable of providing suitable enclosure. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (5) Conversion or replacement of redundant non-domestic buildings, (6) Rural Brownfield Land.

## **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 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**

**18/00489/1**

**18/00489/2**

**18/00489/3**

**18/00489/4**

**18/00489/5**

**18/00489/6**

**18/00489/7**

**18/00489/8**

**18/00489/9**

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	18/00489/IPL	
Ward No	P5- Strathtay	
Due Determination Date	10.06.2018	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:**      Erection of a dwellinghouse (in principle)

**LOCATION:**      Land 100 Metres North East Of Logiebrae Craigie Clunie

### 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:** 8 May 2018

### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application is in principle for the erection of a dwelling on the site of a ruinous cottage located to the west of a small grouping of dwellings at Craigie. There is visible evidence of the cottage with the gable end and walls standing although the site is very overgrown.

Indicative plans have been submitted to show a 1 ½ storey dwelling with a footprint of 120sq metres on the site of the ruin.

The site has a history of refusal with the most recent being in 2008 this decision was then appealed. The appeal was dismissed and the reporter concluded that the combination of policy objections, visual exposure in the landscape and the fact that the ruinous building had virtually returned to nature there was no case for setting aside the Development Plan.

## **SITE HISTORY**

93/01359/FUL ERECTION OF A HOUSE (IN OUTLINE) AT PLOT 1 19  
October 1993 Application Withdrawn

93/01360/FUL ERECTION OF A HOUSE (IN OUTLINE) AT PLOT 2 19  
October 1993 Application Withdrawn

97/01101/FUL Erection of house at 15 September 1997 Application Refused

02/01613/OUT Erection of a dwellinghouse (in outline) on 13 November 2002  
Application Refused

04/00959/FUL Erection of a dwellinghouse 4 June 2004 Application Refused

05/01847/FUL Erection of stable/shed and residential caravan 9 November  
2005 Application Withdrawn

07/00256/FUL Temporary siting of residential caravan ( in retrospective) and  
installation of a septic tank 30 May 3007 Application Withdrawn

07/01614/FUL Siting of a residential caravan and associated septic tank and  
drainage system at (retrospect) 30 August 2007 Application Refused

07/01615/FUL Siting of a caravan/chalet and associated septic tank and  
drainage system at Plot 2 Gypsy Travellers Caravan/Chalet Site 30 August  
2007 Application Refused

07/01616/FUL Siting of a caravan/chalet and associated septic tank and  
drainage system at Plot 3 Gypsy Travellers Caravan/Chalet Site 30 August  
2007 Application Refused

08/01216/FUL Erection of a dwellinghouse and garage with improved access  
and landscaping 22 August 2008 Application Refused

08/02180/PN Erection of agricultural shed 1 December 2008 Application  
Refused

09/00170/FUL Erection of an agricultural storage shed 22 June 2009  
Application Permitted

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

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

## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy RD3 - Housing in the Countryside**

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

### **Policy EP6 - Lunan Valley Catchment Area**

The nature conservation and landscape interest of the Lunan Valley Catchment Area will be protected and enhanced in accordance with the criteria set out. Policy RD3: Housing in the Countryside is restricted to economic need, conversions, or replacement buildings within the Lunan Valley Catchment Area.

## **OTHER POLICIES**

No other policies

## **CONSULTATION RESPONSES**

Scottish Natural Heritage

Objection to proposal on lack of information in relation to Phosphorous Mitigation. The application is in principle and as per the supplementary guidance mitigation is not required at the in principle stage. I have contacted SNH to get an updated memo but

a response has not been received. As the application is being refused I have proceeded to a recommendation as it would not form a reason for refusal.

Scottish Environment Protection Agency	No objection, condition required for Phosphorus Mitigation
Transport Planning	No objection
Contributions Officer	Conditions required to cover contributions.
Scottish Water	No objection
Environmental Health - Contaminated Land	No objection, contaminated land informative recommended

## REPRESENTATIONS

The following points were raised in the 1 representation received:

- Application should not be in principle
- Potential over-development
- Contrary to policy

## 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**

The policy position has changed from the previous refusal in 2008. The then Eastern Area Local Plan had a presumption against built development unless supported by an operational need within the Lunan Valley Catchment Area.

The current plan has altered this policy and proposals can now be considered under Policy RD3 Housing in the Countryside and the associated 2012 Guide. Policy RD3 but limited within the Lunan Valley Catchment Area to economic need, conversions and replacement buildings.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not comply with the applicable categories in the policy/guide which are;

- (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance related to economic need
- (4) Renovation or replacement of houses
- (5) Conversion or replacement of redundant non-domestic buildings

The existing ruin would meet category 4 e) i) in terms of there being visible evidence of the structure of the original building above ground level to enable its size and form to be identified.

The redline site is large at 2000 sq metres with no indication on site of the plot that the original cottage occupied. The footprint of the building is very small at 53 sq metres and was clearly a single storey dwelling. It would therefore be difficult to replace the existing cottage with a similarly proportioned dwelling to meet modern requirements. I consider that it would require substantial increase in footprint as it would be limited to a single storey dwelling. I consider the policy seeks to restrict considerable increases for replacement dwellings.

Indicative plans have been submitted which show a 1 1/2 storey dwelling which would not be acceptable and the footprint is over 100sq metres. I am unconvinced from the submissions that an acceptable replacement dwelling could be accommodated with the restrictive size of the existing structure.

Category 4 e) ii) requires that the development is located on an established site with a good landscape setting and a good fit in the landscape and on a site acceptable on planning grounds. I would consider (covered in more detail in the landscape section) that the surrounding landscape has matured within the last 10 years since the previous refusal. The development of the site would therefore not detrimentally impact the wider landscape views.

Category 4 e) iii) states that the site boundaries should be capable of providing enclosure. There is established planting to the northwest but this is out with the site (no planting exists on this boundary) and there is sparse planting on the northeast boundary which is further exposed by the topography as the site is on a plateau. The site is contained by the road to the southeast and agricultural land with intermittent planting to the southwest. The lack of established boundaries also prevents assessment of what the original boundaries of the cottage were.

The agent has indicated that additional planting could be sought through the use of conditions. I do not consider the use of conditions for planting to be acceptable in order to define a site to meet the policy requirements.

I have discussed this proposal with the Development Plans Team who agree with the policy assessment.

### **Design and Layout**

The application is in principle however indicative plans have been provided. The plans show a 1 ½ storey dwelling located on the footprint of the ruin. As stated above a 1 ½ storey dwelling would not be acceptable on the site. The development would need to reflect the character of the cottage which is single storey. The erection of single storey dwelling would I consider require a substantial footprint increase to achieve acceptable accommodation and would be considerable more than the existing 53 sq metre footprint.

### **Landscape/Visual Amenity**

In the previous refusal it was considered that the site occupied a prominent location and that there would be a significant landscape impact from the development of the site. This was related to a detailed application for a larger dwelling and that the site was much more open.

Having visited the site I would consider that the surrounding landscape has matured and some trees have self-seeded around the site. This has offered more containment of the site within the wider landscape. There is also an abandoned bungalow to the south of the site which is in an elevated position and would be just as visible.

I still have concerns regarding the lack of established boundary treatments however I consider that the wider visual impact would not be significant to merit this being a reason for refusal.

### **Residential Amenity**

The site has no direct neighbours and it is considered that a dwelling could be accommodated with no detrimental impact on existing residential amenity.

## **Contaminated Land**

An inspection of the proposed development site by Environmental Health (EH) did not raise any real concerns, although the site is very close to an area where general quarrying was once carried out. EH have advised that there may be potential for contamination within the site. No information is available regarding the nature or volume of infill material and so the applicant should satisfy themselves that this former quarry site is not impacting the proposed development site. An informative would be required if the application was recommended for approval.

## **Roads and Access**

Transport Planning have no concerns regarding the access to the site and parking and turning could be accommodated.

## **Drainage and Flooding**

The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Lunan Lochs catchment and therefore phosphorus (P) mitigation is required in accordance with Policy EP6: Lunan Valley Catchment Area which requires that total P from the built development must not exceed current levels due to the fact that there is an issue in the catchment with elevated nutrient levels.

The Lunan Valley Area Dunkeld - Blairgowrie Lochs Special Area of Conservation supplementary guidance related to Policy EP6 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation. Conditions would therefore be required to secure the submission of phosphorous mitigation calculations in accordance with the supplementary guidance current at the time of the AMM application.

## **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. As the application is in principle a condition would be required to ensure that any required contributions are sought at the detailed stage.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not 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**

### **Conditions and Reasons for Recommendation**

1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category 4 e (i) and (iii) Renovation or Replacement of Houses as it has not been demonstrated that an appropriate replacement dwelling could be accommodated and that the site does not have established site boundaries capable of providing suitable enclosure. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (5) Conversion or replacement of redundant non-domestic buildings, (6) Rural Brownfield Land.

### **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 required

### **Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

18/00489/1  
18/00489/2  
18/00489/3  
18/00489/4  
18/00489/5  
18/00489/6  
18/00489/7  
18/00489/8  
18/00489/9

**Date of Report 08.06.18**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100088959-002

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.

## Type of Application

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

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of replacement house

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Kirsty	Building Number:	■
Last Name: *	Walker	Address 1 (Street): *	■■■■■■■■■■
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	■■■■■
Extension Number:		Country: *	■■■■■
Mobile Number:		Postcode: *	■■■■■
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

743430

Easting

311500

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

0.17

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Site of ruinous house

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 80px;"> <p>The proposed replacement house would involve the removal of an old septic tank from the site, which was used in connection with the former house when it was occupied. The proposed new house would utilise a Klargestar tank and soak away system installed to serve a former residential caravan</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☐ Yes ☒ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? \*

☒ Yes ☐ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Owner Occupier Lessee

Address:

Front Cottage, Long Row, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Logie Brae Farm, Clunie, Blairgowrie, PH10 6RF

Date of Service of Notice: \*

04/04/2018

Name:

Owner Occupier Lessee

Address:

Brambly, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Bruachan, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Carraig Mhor, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Cobblers Cottage, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Craigie House, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

East Craigie, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Front Cottage, Long Row, Clunie, Blairgowrie, ph10

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:

Gartbeg, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: \*

11/04/2018

Name:

Owner Occupier Lessee

Address:	Gracefield, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Middle Cottage, Long Row, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Ochter, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Stables, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	The Barn, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Tullycraig, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018

Name:	Owner Occupier Lessee
Address:	White House, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Mr Marc Macbey
Address:	Hawkhill, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	27/03/2018

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

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

Name:	
Address:	
Date of Service of Notice: *	

Signed:	Mark Myles
On behalf of:	Ms Kirsty Walker
Date:	11/04/2018
<input checked="" type="checkbox"/> Please tick here to certify this Certificate. *	

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Mark Myles

Declaration Date: 27/03/2018

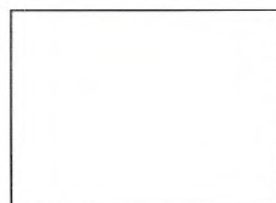
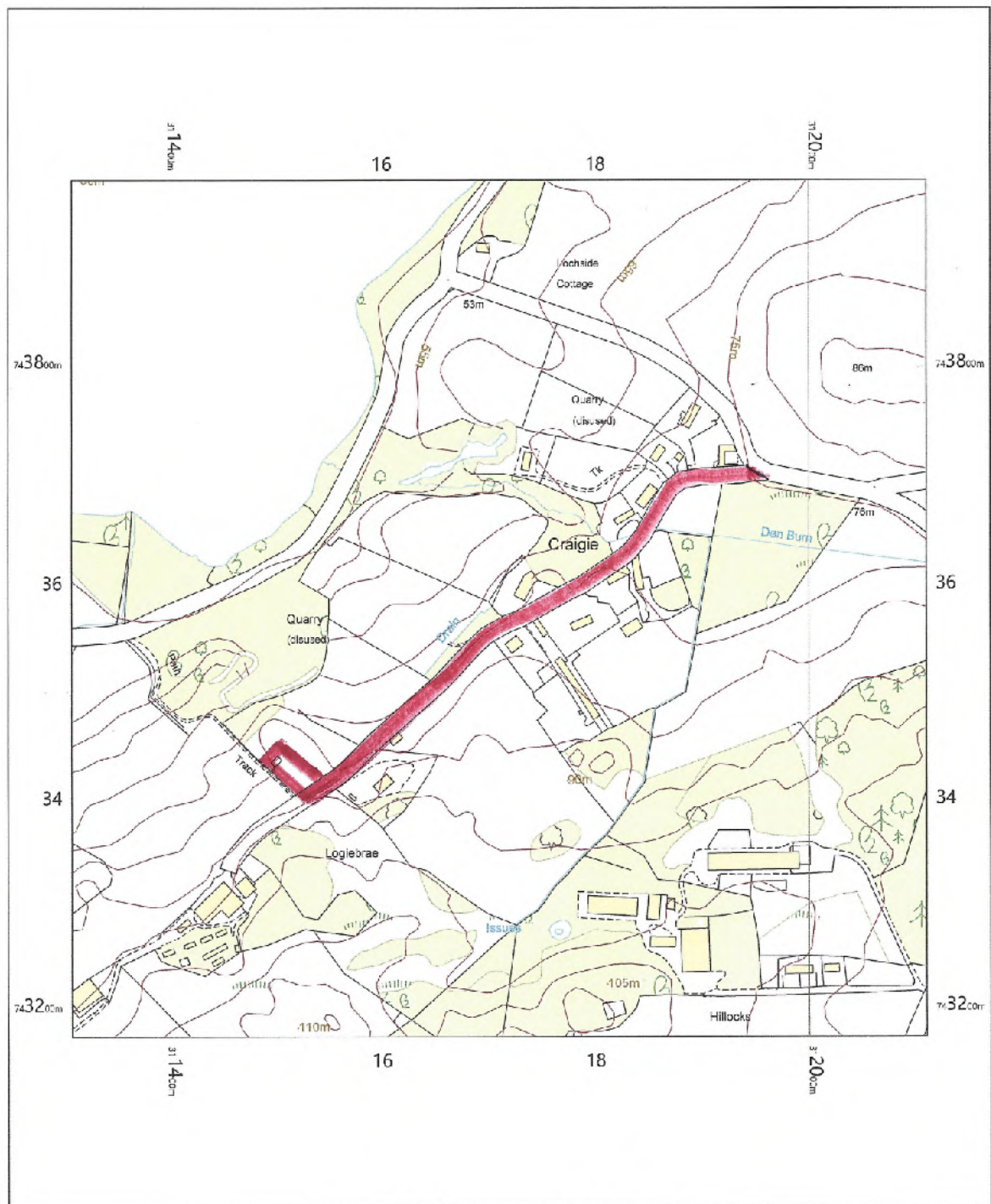
## Payment Details

Online payment:

Payment date:

Created: 11/04/2018 10:02





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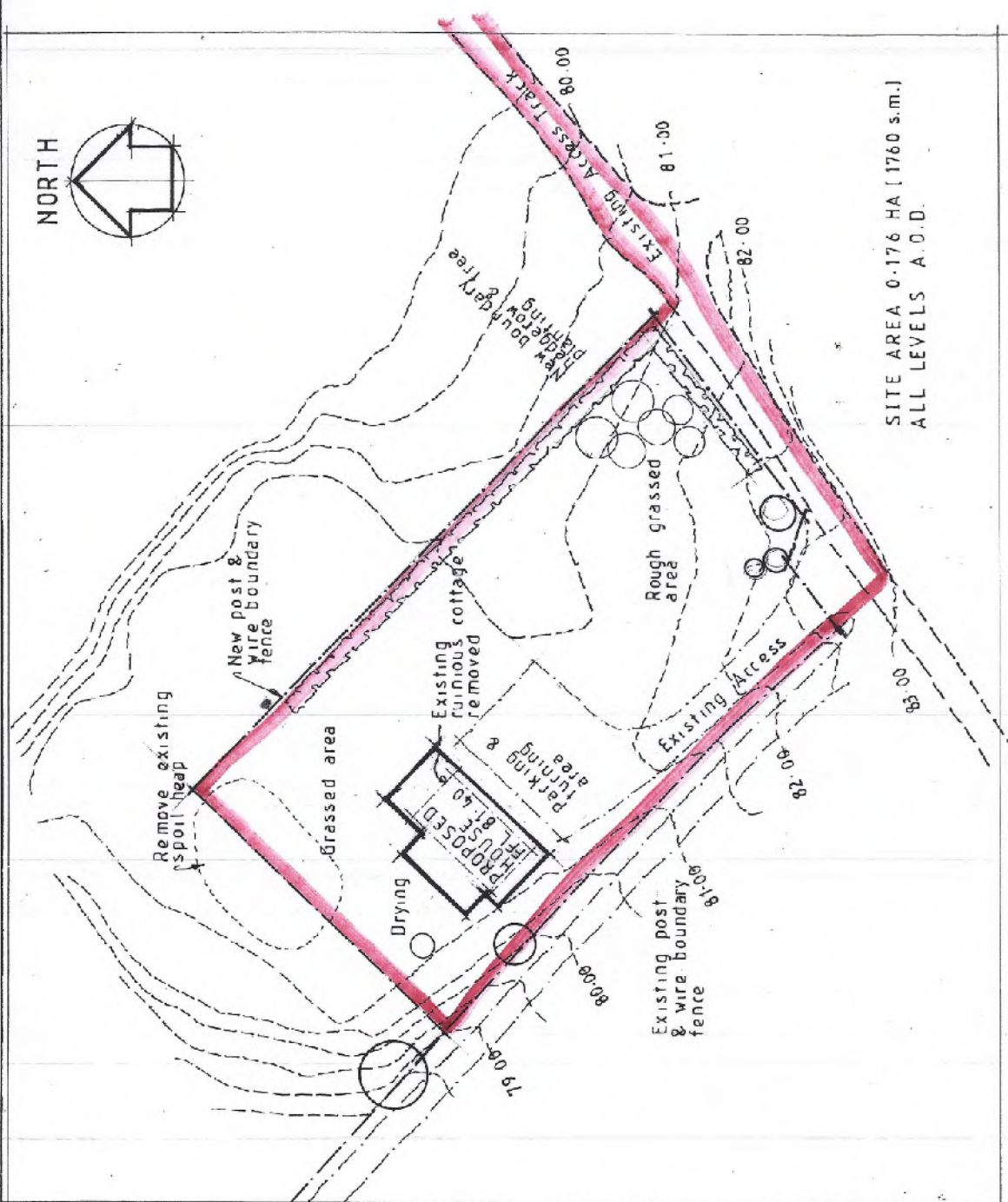
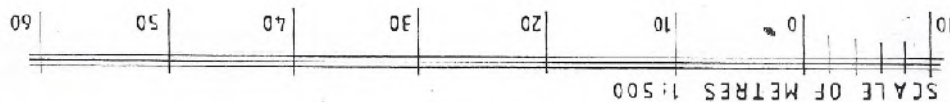
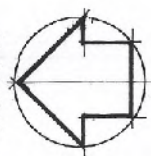
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NORTH

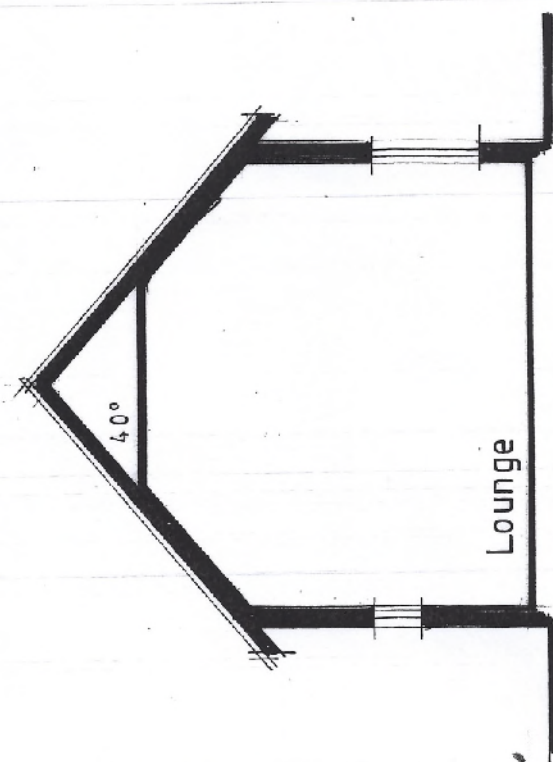
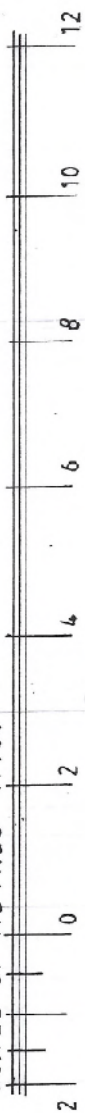


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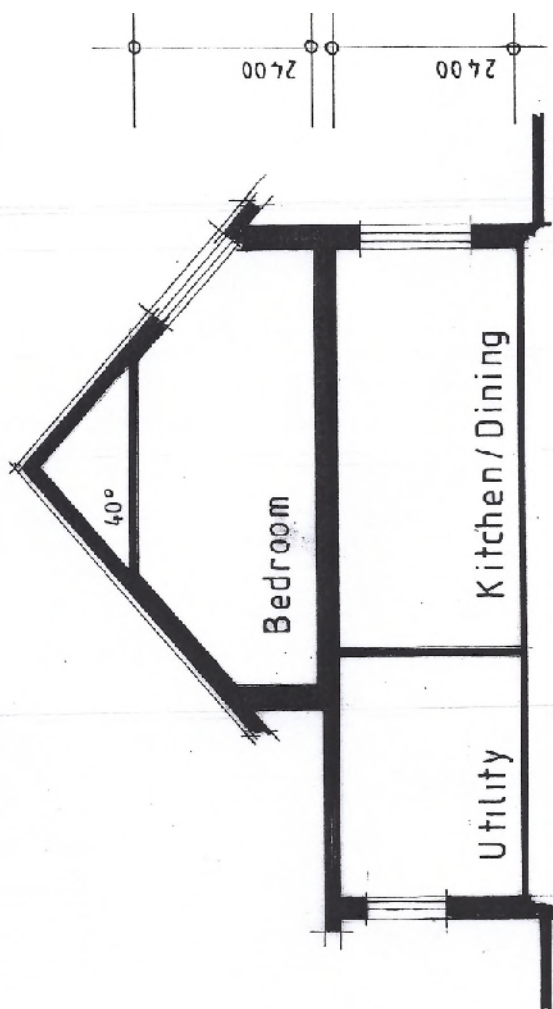
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06

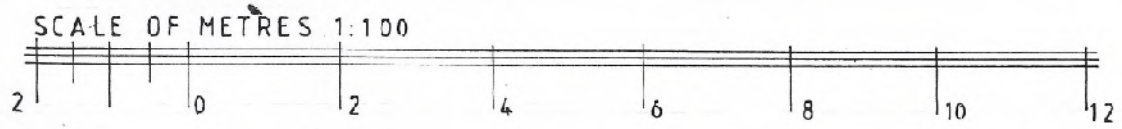
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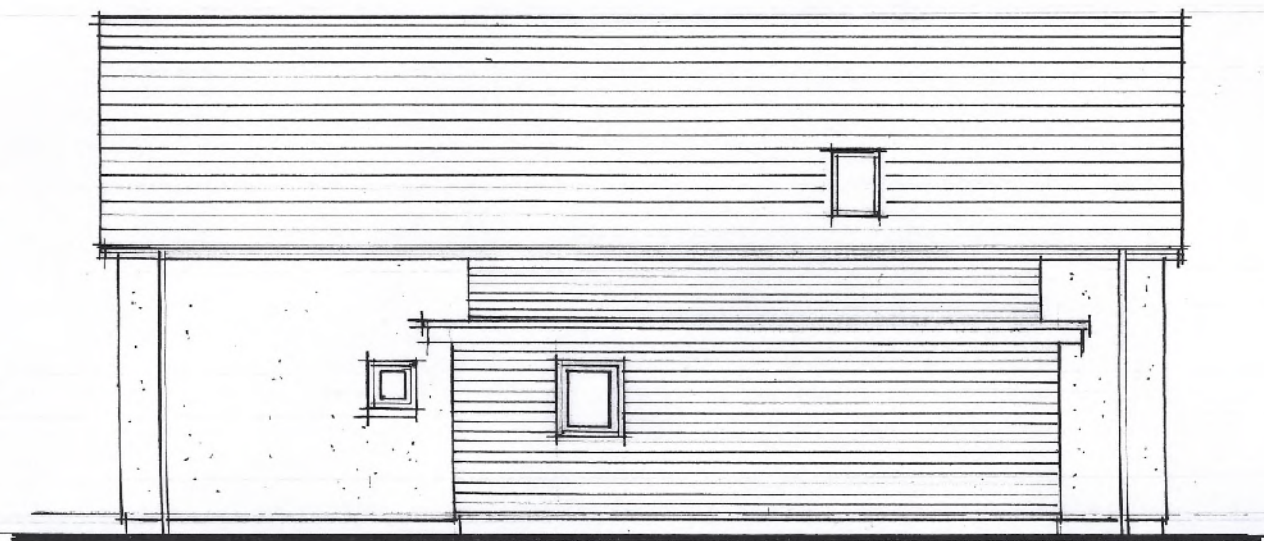
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CROSS SECTION 1:100

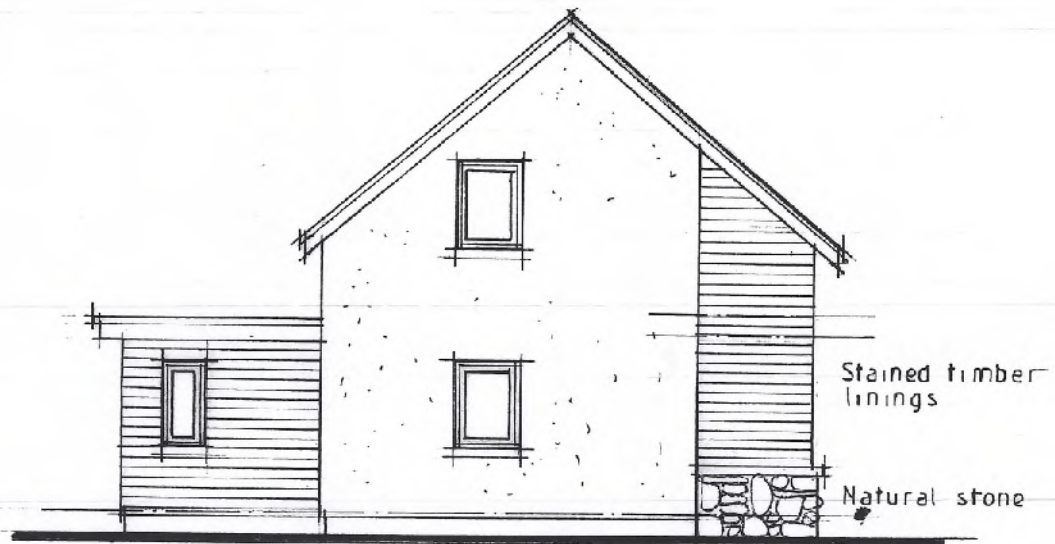
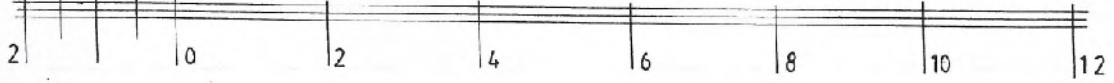


NORTH EAST ELEVATION AS PROPOSED 1:100

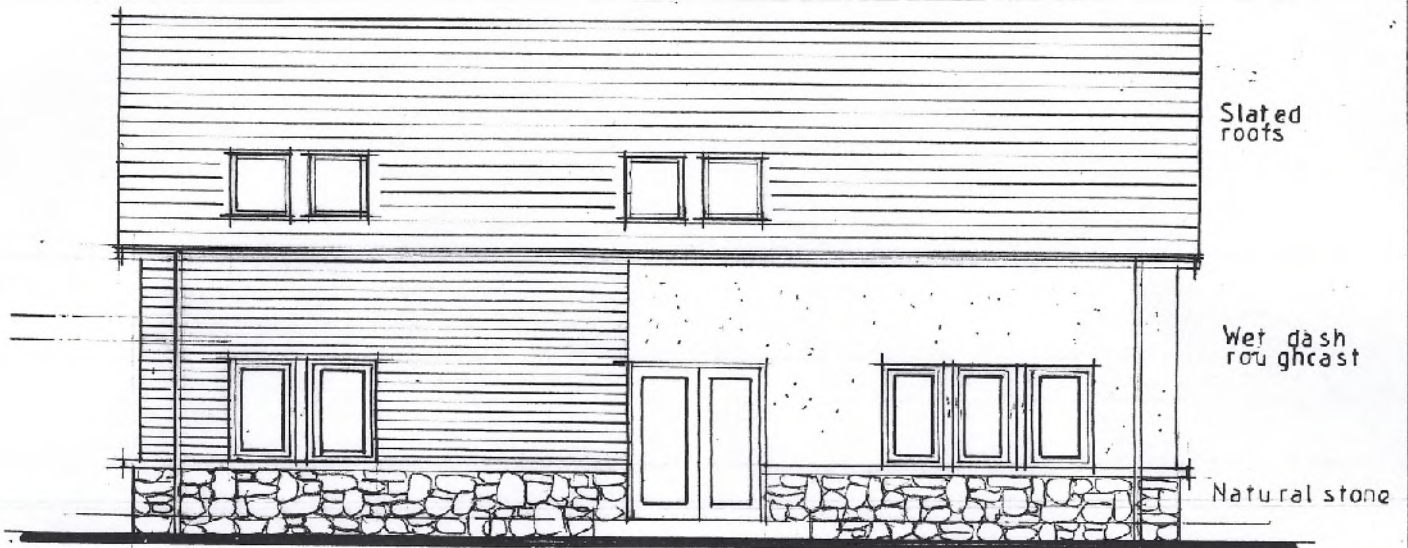


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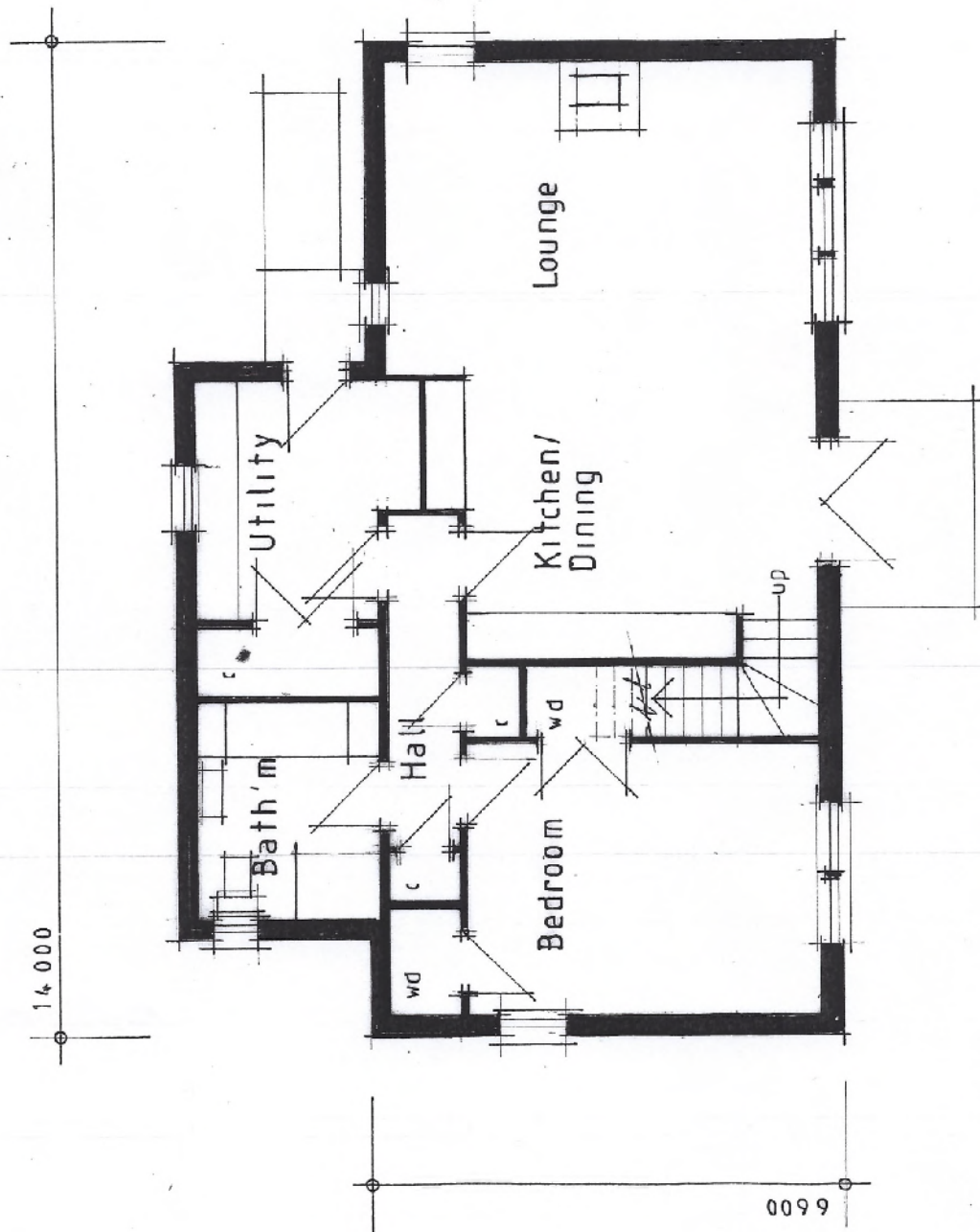
SCALE OF METRES 1:100



SOUTH WEST ELEVATION AS PROPOSED 1:100

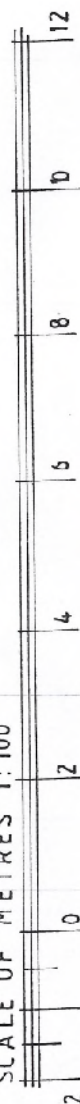


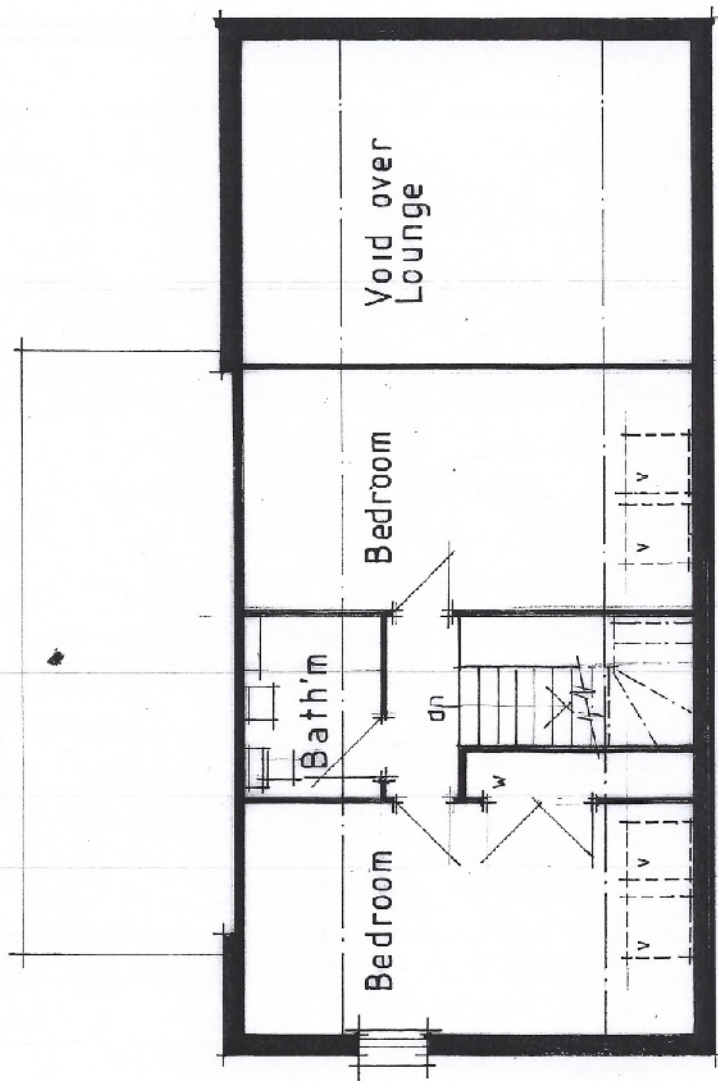
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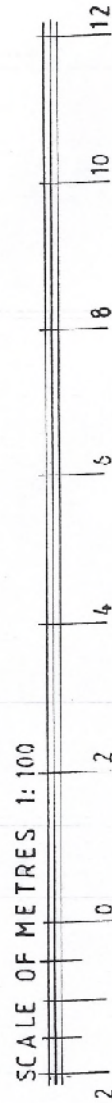
GROUND FLOOR PLAN AS PROPOSED 1:100

SCALE OF METRES 1:100





UPPER FLOOR PLAN AS PROPOSED 1:100





## **Planning Policy Statement**

### **Planning Permission in Principle for Erection of Replacement House at**

**Hawkhill, Clunie**

**For Kirsty Walker**

**March 2018**

## 1. Introduction

- 1.1 This supporting statement should be read in conjunction with the planning permission in principle (PPP) application submitted on behalf of Kirsty Walker for the erection of a replacement house on land at Hawkhill by Clunie.
- 1.2 The planning application requires to be considered under the terms of the development plan policy (in particular Policy RD3 of the Perth & Kinross Local Development Plan) but also the relevant Supplementary Guidance on Housing in the Countryside that was approved by Perth & Kinross Council in November 2012 as well as Scottish Planning Policy and related Advice Notes.

## 2. Development Plan Policy

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 2.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2017 (for which there are no directly relevant policies) and the Perth & Kinross Local Development Plan 2014.
- 2.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy (approved in November 2012) is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition, Scottish Planning Policy (2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance to this application.
- 2.4 The principle of erecting a house on this site is required to be considered under the terms of Policy RD3 – Housing in the Countryside in the adopted Perth & Kinross Local Development Plan. That policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, renovation or **replacement of houses**, conversion or replacement of non-domestic buildings, brownfield sites and on the basis of operational need.
- 2.5 This proposal requires to be considered under the terms of the category d) of RD3 which relates to 'renovation or replacement of houses. This site lies within the Lunan Valley Catchment Area where the application of Policy RD3 is limited to economic need, conversions or **replacement buildings**.
- 2.6 As a consequence the application therefore requires to be considered under the terms of category 4 of the council's supplementary guidance. Section 4 (e) states that *'consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria;*

*'The replacement of an abandoned or ruinous house will be permitted where;*

- i) *there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified;*
  - ii) *it is located on an established site with a good landscape setting and a good fit in the landscape and on a site acceptable on planning grounds;*
  - iii) *the site boundaries are capable of providing a suitable enclosure for the new house.*
- 2.7 Policy PM1 Placemaking of the Perth & Kinross Local Development Plan also requires all developments to contribute positively to the quality of the surrounding environment and that the design and siting of development should respect the character and amenity of the place. The plans submitted with this PPP application provide an indication only of what could be developed on the site and it would be for any future matters specified in conditions application to consider the detailed design and scale of any replacement house.
- 2.8 Other policies within the adopted development plan that would be of relevance to the consideration of this planning application include the Lunan Valley Catchment Area Policy (EP6). Under this policy the Council will protect and seek to enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area. Note no: 1 under the policy also confirms that Policy RD3: Housing in the Countryside is limited to economic need, conversions or **replacement buildings** within the Lunan Valley Catchment Area. The policy also requires that total phosphorus from built development must not exceed the current level permitted by the existing discharge consents and the current contribution from built development within the rural area of the catchment.

### 3 Material Considerations

- 3.1 In addition to the development plan policies referred to in section 2, the other material considerations which require to be considered as part of the assessment of this planning application are as follows;
- Scottish Planning Policy – June 2014
  - Planning Advice Note 72 – Housing in the Countryside – February 2005
  - Perth & Kinross Council – Housing in the Countryside Policy – November 2012.
  - Previous Planning Application
- Scottish Planning Policy**
- 3.2 SPP is an important material consideration as its publication post-dates the adopted Local Development plan.

- 3.3 Paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 3.4 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that *'plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.'*
- 3.5 Paragraph 83 also highlights that plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character and there should be no need to impose occupancy restrictions on housing.

#### **Planning Advice Note 72 – Housing in the Countryside**

- 3.6 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP but it still highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.
- 3.7 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *'overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.'*
- 3.8 The PAN concludes by stating that *'there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short term thinking can have a long term impact on the landscape.'*
- 3.9 The council's supplementary guidance on Housing in the Countryside, acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

#### **Perth & Kinross Council Housing in the Countryside Supplementary Guidance - November 2012**

- 3.10 As noted in section 2 above, of the 6 categories contained within the 2012 guidance, it is clear that this planning application requires to be assessed under the terms of Category 4 e) which provides for favourable consideration to be given to the replacement of an abandoned or ruinous house.

## Previous Planning Application

- 3.11 A previous detailed planning application to erect a house on this site (08/01216/FUL) was refused planning permission and subsequently dismissed on appeal in 2009. That application was however determined under different policies from the Eastern Area Local Plan which was in force at that time. Under the terms of the relevant development plan policies which were in force at that time (Policies 45 and 49 from the Eastern Area Local Plan) there was a clear presumption against **any** built development within the Lunan Valley Catchment Area and this included the fact that there was no allowance provided for any replacement buildings to be erected under the terms of the housing in the countryside policy at that time.

## 4 Assessment of Proposals

- 4.1 This planning application seeks PPP for consent to erect a replacement house on the site at Hawkhill by Clunie.
- 4.2 As noted above a previous detailed planning application to erect a house on this site (08/01216/FUL) was refused planning permission and subsequently dismissed on appeal in 2009.
- 4.3 However, it must be noted that particular application was determined under different policies from the Eastern Area Local Plan which were in force at that time. Under the terms of the relevant development plan policies which were in force at that time (Policies 45 and 49 from the Eastern Area Local Plan) there was a clear presumption against any form of built development within the Lunan Valley Catchment Area and this included the fact that there was also no allowance for any replacement buildings to be erected under the terms of the housing in the countryside policy. As that was a detailed application concerns were also raised at the size and scale of the proposed house proposed at that time.
- 4.4 In contrast, when assessing the current PPP application, the most relevant planning policy (RD3 from the PKCLDP) clearly states that it does allow for limited built development within the Lunan Valley Catchment Area where it involves either **replacement buildings** or proposals for economic need or conversions.
- 4.5 The former derelict cottage on the site is still clearly visible in terms of its walls, gable and chimney breast. The proposed replacement house therefore satisfies the first criteria 4 e) i) of the Supplementary Guidance in that there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified.

- 4.6 The site is also long established as it has been the location of a dwelling for many years. The landscape setting is also long established and robust because of the long-established position of the site in the local landscape. As this is a PPP, planning conditions can be attached to any approval to seek further landscaping or tree planting on the site if required.
- 4.7 The remains of the former house are still clearly visible on the site as is the hard surfacing which characterises a large part of the site. Due to the ground levels of the site and the topography of the surrounding landscape, combined with the presence of mature trees particularly to the north, only limited views of the proposed application site are possible from distance.
- 4.8 Another key issue in this case is the Lunan Valley Catchment policy (EP6) and the restrictions that this also imposes. However, if it can be shown that the proposal would result in the removal of a derelict or redundant site which can be considered beneficial to the Lunan Valley catchment as a whole, and any new house would not result in an additional phosphate discharge, then it may be acceptable. In this regard the proposed replacement house would involve the removal of an old septic tank from the site, which was used in connection with the former house when it was occupied. The proposed new house would utilise a Klargester tank and soak away system installed to serve a former residential caravan. The removal of the old septic tank which originally served the house and the treatment of foul drainage by means of a modern system that has capacity for up to 10 persons and has previously obtained building warrant, will result in a much-improved situation within the Lunan Valley Catchment in accordance with Policy EP6 of the PKCLDP. As this is a PPP, further details of the detailed drainage solution can be included as a condition on any planning permission.
- 4.9 The proposal is therefore considered to meet the terms of Policy RD3 of the Local Plan and also Category 4 of the HICP 2012 in that the replacement house is justified and supported by the detailed criteria set out in the policy and there are no uses in the vicinity of the site which would prevent the achievement of an adequate standard of amenity for the proposed house.
- 4.10 When assessing the criteria listed in Policy PM1, in combination with the siting criteria set out in HICP 2012, our view is that the proposed replacement house is located on a site that is set against and located within a mature landscape framework which is perfectly capable of absorbing the development. The house is located to the south of a mature woodland backdrop and if necessary additional landscaping and tree planting could allow the development to be absorbed into the wider landscape. Any additional landscape enhancement can be provided through the imposition of a planning condition.

- 4.11 The application seeks planning permission in principle so that the council are able to fully control the scale, form, height, colour and detailed design of the proposed replacement house as part of any future matters specified in conditions (MSC) application.
- 4.12 From a technical aspect the local road network is capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network is already in place. There is no flood risk associated with this site.
- 4.13 The proposal is therefore consistent with all of the criteria listed in the development plan as well as the siting criteria listed in the HICP 2012.

## **5 Conclusions**

- 5.1 The application seeks consent to erect a replacement house at Hawkhill by Clunie.
- 5.2 The development of a house on this site would not prejudice the objectives of the Housing in the Countryside Policy and would not create a precedent for further adhoc development in the countryside.
- 5.3 It is considered that there are sufficient and justifiable reasons for allowing the proposed replacement house as it would be consistent with the key policy considerations (policy RD3 in the adopted development plan) and also the replacement house category (4 (e) of the council's Housing in the Countryside Guidance – November 2012. These policies have evolved since the time of the previous planning refusal when no built development was permitted in the Lunan Valley Catchment.
- 5.4 The development will not impact on the amenity of other properties and suitable access and visibility to the public road can be provided. The application is also considered to be consistent with the criteria set out in Policy PM1 of the adopted development plan and the siting criteria set out in HICP – November 2012.
- 5.5 There are no other technical difficulties or infrastructure issues raised by this application and matters relating to drainage design can satisfy the terms of Policy EP6 and be further controlled by conditions on any approval.
- 5.6 In summary the planning application can therefore be supported under the terms of the Housing in the Countryside Policy (RD3) as well as being in conformity with the council's supplementary guidance on replacement houses, SPP and PAN 72, subject to any conditions that may be considered necessary by the council.



From: Mark Myles  
 Sent: Thursday, June 7, 2018 12:15 PM  
 To: 'Joanne Ferguson'  
 Cc: 'Kirsty Walker'  
 Subject: RE: Planning Application 18/00489/IPL - Erection of replacement dwelling (in principle) - Land 100 metres north east of Logiebrae, Craigie, Clunie

Hi Joanne

As far as I can see there is nothing explicitly written anywhere in the policy that says you cannot replace a house with a larger house.

The section you refer to relates to restoration of an existing house and that any alterations and extensions to an existing house are required to be in harmony with the existing building's form and proportion.

As this proposal is for a replacement house the above section of the policy simply does not apply.

The only policy requirements specifically relating to replacement houses are that they shall be of a high-quality design appropriate to their setting and surrounding area and that the siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road. The indicative plans that were submitted with the application have shown that this is entirely possible.

As stated previously these are matters that can also be controlled through conditions on the PPP application and then also considered in detail at the future matters specified in conditions application stage.

Kind regards

Mark Myles  
 MBM Planning & Development  
 Algo Business Centre  
 Glenearn Road  
 PERTH  
 PH2 0NJ

01738 450506  
 07887 801965

From: Joanne Ferguson <[REDACTED]>  
 Sent: Thursday, June 7, 2018 11:48 AM

To: Mark Myles <mm@mbmplanning.co.uk>  
 Subject: RE: Planning Application 18/00489/IPL - Erection of  
 replacement dwelling (in principle) - Land  
 100 metres north east of Logiebrae, Craigie, Clunie

Hi Mark

I have had a long discussion with Katrina Walker from the Development Plans Team this morning. Whilst the proposal meets 4 e) i) in terms of there being visible evidence the footprint of the building is very small at 53 sq metres. It's difficult to see with the form of the building being single storey how a dwelling to meet modern requirements could be accommodated without substantial increase. The indicative plans show a 1 1/2 dwelling which would not be acceptable and the ground floor is over 100sq metres. Double the size which I don't think is within the scope of the policy. Earlier in this category (4) it states that alterations or extension should be in harmony with the existing buildings form and proportion.

On the second point 4 e) iii) the site boundaries are not capable of providing enclosure as the established planting to the north west is outside the site and there is little planting on the east boundary which is further exposed by the topography.

Conditions for planting are not acceptable to define a site to meet the policy requirements. I also consider that there are no substantial landscape changes to address the previous reasons for refusal.

On this basis I would be recommending the application for refusal. I'm just about to finish for the day but I'm back in tomorrow and I'll be completing the report then.

Regards

Joanne

From: Mark Myles [mailto:mm@mbmplanning.co.uk]  
 Sent: 07 June 2018 08:36  
 To: Joanne Ferguson  
 Cc: Kirsty Walker  
 Subject: RE: Planning Application 18/00489/IPL - Erection of  
 replacement dwelling (in principle) - Land  
 100 metres north east of Logiebrae, Craigie, Clunie

Thanks Joanne

In terms of the ruinous building I would suggest that there is

still substantial evidence of the structure of the original building above ground level to enable its size and form to be identified as per the criteria set out in the Housing in the Countryside Supplementary Guidance.

The previous refusal by the Reporter related to a detailed application and was based on different development plan policies at the time. In terms of exposure in the landscape the Reporter's concern related to the proposed detailed footprint of that house (245.8 sq m) bearing no comparison to the almost insignificant impact of the present ruin.

In contrast I would highlight that the current PPP application shows a very limited and considerably smaller indicative footprint of only around 100 sq m and with the house also positioned on the site of the current ruinous building.

As set out in my supporting statement the remains of the former house are still clearly visible on the site as is the hard surfacing which characterises a large part of the site. Due to the ground levels of the site and the topography of the surrounding landscape, combined with the presence of mature trees particularly to the north, only limited views of the proposed application site are possible from distance.

As this is a PPP, conditions can be attached to any approval to seek further landscaping or tree planting on the site and limits can also be placed on the size, scale, form, footprint and height of any house on the site to address any specific concerns about exposure in the landscape.

Trust this is helpful, and I look forward to hearing from you.

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glennearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965

From: Joanne Ferguson <[REDACTED]>  
Sent: Thursday, June 7, 2018 7:56 AM  
To: Mark Myles <mm@mbmplanning.co.uk>  
Subject: RE: Planning Application 18/00489/IPL - Erection of

replacement dwelling (in principle) - Land  
100 metres north east of Logiebrae, Craigie, Clunie

Hi Mark

I'm still waiting on an email from SNH and as per the guidance they should remove their objection.

I have discussed the proposal generally with Anne who is concerned that although the policy considerations have changed the previous assessment also noted the visual exposure in the landscape and the fact that the ruinous building had virtually returned to nature (this is even more so today). I am however going to seek a policy view today.

I'll advise further.

Joanne

From: Mark Myles [mailto:mm@mbmplanning.co.uk]  
Sent: 05 June 2018 09:23  
To: Joanne Ferguson  
Cc: Kirsty Walker  
Subject: RE: Planning Application 18/00489/IPL - Erection of replacement dwelling (in principle) - Land  
100 metres north east of Logiebrae, Craigie, Clunie

Hi Joanne

Further to my previous email can you confirm if you were able to contact SNH to seek a revised response, taking into account the comments that were received from SEPA and also the clear advice that is contained within the Supplementary Guidance?

I also note that the one objection letter received to the application fails to acknowledge that the planning policy position has completely changed from the time of the previous refusal on this site. There is no longer a clear presumption against any built development within the Lunan Valley Catchment Area, as the current adopted Local Development Plan position (Policies RD3 & EP6) does allow for replacement buildings to be developed, such as the current proposal.

Look forward to hearing from you in due course.

Kind regards

Mark Myles  
MBM Planning & Development

Algo Business Centre  
 Glenearn Road  
 PERTH  
 PH2 0NJ

01738 450506  
 07887 801965

From: Mark Myles  
 Sent: Monday, May 7, 2018 10:32 AM  
 To: Joanne Ferguson [REDACTED]  
 Cc: 'Kirsty Walker' [REDACTED] >  
 Subject: Planning Application 18/00489/IPL - Erection of  
 replacement dwelling (in principle) - Land 100  
 metres north east of Logiebrae, Craigie, Clunie

Hi Joanne

I understand that you are the planning officer dealing with the  
 above application and I wanted to  
 respond to you in connection with the recent consultation responses  
 that have been received from SEPA  
 and SNH.

SPEA's revised response of 30 April 2018 confirms that they have no  
 objections to the planning  
 application subject to the imposition of a planning condition being  
 included on any approval, requiring  
 the submission of phosphorus mitigation calculations in accordance  
 with the Supplementary Guidance  
 (related to Policy EP6) current at the time of any future full or  
 approval of matters specified in  
 conditions planning application.

I can confirm that my client has no objections to such a condition  
 being added to any in principle  
 approval in accordance with Policy EP6 and the Supplementary  
 Guidance.

I am therefore concerned that the consultation response received  
 from SNH is a holding objection to the  
 application until further information has been provided. The  
 position taken by SNH is contrary to the  
 Supplementary Guidance (May 2016) which confirms that detailed  
 information and drainage  
 calculations are not required for in principle applications (page  
 4) and SNH's response is also contrary to  
 the advice provided by SEPA which correctly identifies that a  
 suspensive condition can be applied to an  
 in-principle application in this location.

I trust that you will therefore be able to respond to SNH  
 highlighting this fact so that they can provide

you with a revised response acknowledging that a suspensive condition can be imposed on an in-principle application in accordance with the council's Supplementary Guidance.

I look forward to hearing from you in connection with this application in due course.

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glennearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965

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General enquiries to Perth & Kinross Council should be made to [enquiries@pkc.gov.uk](mailto: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 enquiries@culturepk.org.uk or 01738 444949

General enquiries to TACTRAN should be made to info@tactran.gov.uk or 01738 475775.

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of  
life - Making best use of public resources.

**TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 251-252)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 253-262)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 275-289)*



**TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie**

## **REPRESENTATIONS**



16/04/2018

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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**PH10 Clunie Craigie Logiebrae Land 100m NE of**  
**PLANNING APPLICATION NUMBER: 18/00489/IPL**  
**OUR REFERENCE: 759744**  
**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 Lintrathen 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**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**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.**

## **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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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](http://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](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

[Angela.Allison@scottishwater.co.uk](mailto:Angela.Allison@scottishwater.co.uk)

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

<b>Planning Application ref.</b>	18/00489/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: [REDACTED] Email: [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 100 Metres North East Of Logiebrae, Craigie, Clunie		
<b>Comments on the proposal</b>	<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, 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>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	24 April 2018		



Our ref: PCS/158531  
Your ref: 18/00489/IPL

If telephoning ask for:  
Alasdair Milne

24 April 2018

Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sir

**Planning application: 18/00489/IPL  
Erection of a dwelling house (in principle)  
Land 100 Metres North East Of Logiebrae, Craigie, Clunie**

Thank you for your consultation email which SEPA received on 13 April 2018.

**Advice for the planning authority**

We ask that the planning **condition** in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below in relation to the applicant's foul drainage proposals which will have to be modified at the detailed planning application stage – **please see section 1.5**.

**1. Phosphorous Mitigation**

- 1.1 The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Loch Leven catchment and therefore, phosphorus (P) mitigation is required in accordance with Policy EP7: Drainage within Loch Leven Catchment Area in the adopted Perth & Kinross [Local Development Plan](#) 2014 which requires that total P from built development must not exceed current levels to ensure that there are no adverse impacts on water quality in Loch Leven SPA due to the fact that there is an issue in the catchment with elevated nutrient levels.
- 1.2 The [Loch Leven Special Protection Area and Ramsar Site](#) supplementary guidance related to Policy EP7 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation.
- 1.3 We therefore ask that an appropriately worded condition is attached to any in principle planning consent which your authority is minded to approve requiring the submission of phosphorous mitigation calculations in accordance with the supplementary guidance

current at the time of the AMM application in advance of a AMM application being approved at the site.

- 1.4 The applicant should be aware that if phosphorous mitigation to meet the SG cannot be provided at the site we will **object** to any full or approval of matters specified in condition planning application submitted.
- 1.5 **The phosphorus mitigation proposals provided by the applicant will require to be modified at the detailed planning application stage as the property it is intended to use is a derelict cottage. This therefore cannot be used as mitigation. Another occupied property will have to be found to use as mitigation.**

### **Detailed advice for the applicant**

## **2. Phosphorous Mitigation**

- 2.1 Relevant information with regards forms of phosphorous mitigation proposals are contained within the SG.
- 2.2 The applicant should be aware that a mitigation property can only be considered for one planning application at a time. Perth and Kinross Council have a list of properties which are already linked to approved developments and are therefore unavailable to be mitigation for this application. Furthermore it should be noted that excess mitigation generated at one full/ AMM planning application cannot be transferred to another application as Policy EP7 identifies that there is a presumption in favour of retaining such gains for the benefit of the ecological recovery of the Loch.

## **3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Fife Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. Conversely it is at the applicant's commercial risk if the CAR license application is progressed in advance of approval of P mitigation details.

### **Regulatory advice for the applicant**

## **4. Regulatory requirements**

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for



Chairman  
Bob Downes  
  
Chief Executive  
Terry A'Hearn

310

#### **Perth Strathearn House**

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

www.sepa.org.uk • customer enquiries 03000 99 66 99

a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA, Strathearn House, Broxden Business Park, Lamberkine Drive, Perth, PH1 1RX,  
tel 01738 627989.

If you have any queries relating to this letter, please contact me by telephone on or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Alasdair Milne  
Senior Planning Officer  
Planning Service

ECopy to: [mm@mbmplanning.co.uk](mailto:mm@mbmplanning.co.uk)

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

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Our ref: PCS/158801  
Your ref: 18/00489/IPL

If telephoning ask for:  
Alasdair Milne

30 April 2018

Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Sir

**Town and Country Planning (Scotland) Acts**  
**Planning application: 18/00489/IPL**  
**Erection of dwelling house**  
**Site at Logiebrae, Craigie, PH10 6RG**

I refer to the planning application detailed above, to your consultation letter of 13 April and to SEPA's response of 24 April 2018.

As highlighted by the applicant's agent, my letter referred to the Loch Leven catchment when this should have referred to the Lunan Valley catchment. I apologise for any confusion this has caused.

Please disregard my previous letter.

**Advice for the planning authority**

We ask that a planning **condition** covering the issue in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below in relation to the applicant's foul drainage proposals which will have to be modified at the detailed planning application stage – **please see section 1.5**.

**1. Phosphorous Mitigation**

- 1.1 The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Lunan Lochs catchment and therefore phosphorus (P) mitigation is required in accordance with Policy EP6: Lunan Valley Catchment Area in the adopted Perth & Kinross [Local Development Plan](#) 2014 which requires that total P from the built development must not exceed current levels due to the fact that there is an issue in the catchment with elevated nutrient levels.



Chairman  
Bob Downes  
Chief Executive  
Terry A'Hearn

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**Perth Strathearn House**

Broxden Business Park,  
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tel 01738 627989 fax 01738 630997  
[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

- 1.2 The [Lunan Valley Area Dunkeld – Blairgowrie Lochs Special Area of Conservation](#) supplementary guidance related to Policy EP6 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation.
- 1.3 We therefore ask that an **appropriately worded condition** is attached to any in principle planning consent which your authority is minded to approve requiring the submission of phosphorous mitigation calculations in accordance with the supplementary guidance current at the time of the AMM application in advance of an AMM application being approved at the site.
- 1.4 The applicant should be aware that if phosphorous mitigation to meet the SG cannot be provided at the site we will **object** to any full or approval of matters specified in condition planning application submitted.
- 1.5 **The phosphorus mitigation proposals provided by the applicant will require to be modified at the detailed planning application stage as the property it is intended to use is a derelict cottage. This therefore cannot be used as mitigation. Another occupied property will have to be found to use as mitigation.**

### **Detailed advice for the applicant**

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- 2.2 The applicant should be aware that a mitigation property can only be considered for one planning application at a time. The applicant should also be aware that excess mitigation generated at one full/AMM planning application cannot be transferred to another application as Policy EP6 identifies that there is a presumption in favour of retaining such gains for the benefit of the ecological recovery of the Lochs.

## **3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)**

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Perth Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. Conversely it is at the applicant's commercial risk if the CAR license application is progressed in advance of approval of P mitigation details.



Chairman  
Bob Downes  
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## **Regulatory advice for the applicant**

### **4. Regulatory requirements**

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA, Broxden Business Park, Lamberkine Drive, Perth, PH1 1RX, Tel: 01738 627989

If you have any queries relating to this letter, please contact me on e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Alasdair Milne  
Senior Planning Officer  
Planning Service

ECopy to: [sarah.tyson@bellingram.co.uk](mailto:sarah.tyson@bellingram.co.uk), [mm@mbmplanning.co.uk](mailto:mm@mbmplanning.co.uk)

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*



Chairman  
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Chief Executive  
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## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

Ms A Condcliffe  
Planning  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Our ref: SIT/SAC/Dunkeld-Blairgowrie Lochs/ASS  
SIT/SSSI/Lochs Clunie and Marlee/ASS

Your ref: 18/00489/IPL

30 April 2018

Dear Ms Condcliffe

### **Town and Country Planning (Scotland) Act 1997 Erection of a dwellinghouse (in principle), Land 100 metres north east of Logiebrae, Craigie, Clunie**

Thank-you for your consultation of 13 April seeking our comments in respect of the above planning application.

#### **Summary**

This proposal could have serious impacts on the protected features of the Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC) and Lochs Clunie and Marlee Site of Special Scientific Interest (SSSI) due to nutrient enrichment of the lochs as a result of foul drainage from the property. We, therefore, object to this proposal until further information is provided. This will enable us to carry out an appraisal of these effects and help you determine this proposal.

#### **Appraisal of the Impacts of the proposal and advice**

##### **Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC)**

The proposed development lies within the catchment of the Dunkeld-Blairgowrie Lochs SAC. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (the "Habitats Regulations"), as amended, apply. A summary of Scottish Government policy can be found on our website: (<http://www.snh.gov.uk/docs/A423286.pdf>).

In our view, this proposal is likely to have a significant effect on the clearwater lochs, slender naiad and mire interests of the SAC. This type of water body, and the slender naiad, are now rare and threatened in the UK as a result of nutrient enrichment from man-made

Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW.  
Tel: 01738 444177, Fax: 01738 458611 [www.nature.scot](http://www.nature.scot)

Dualchas Nàdair na h-Alba, Battleby, Ràth a' Ghoirtein, Peairt, PH1 3EW,  
Fòn: 01738 444177 Facs: 01738 458611 [www.nature.scot](http://www.nature.scot)

sources, including housing developments and agriculture. Consequently, Perth and Kinross Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we propose to carry out an appraisal to inform your appropriate assessment.

To enable us to carry out this appraisal, the following information is required:

- The drainage strategy should be revised to provide mitigation from an acceptable source.
- The applicant should provide phosphorus mitigation calculations to demonstrate compliance with Policy EP6: Lunan Valley Catchment Area.

Annex 1 contains full details and reasoning of these requirements.

**If you are minded to grant planning permission against our advice, you should notify the Scottish Ministers.**

#### **European Protected Species – Slender Naiad**

Please note that Slender Naiad is also a European Protected Species (EPS), and is therefore afforded further protection under the Habitats Regulations. Further information is available on our website <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/european-protected-species-licensing>

#### **Lochs Clunie & Marlee SSSI**

The lochs and associated botanical interest of the SSSI are also likely to be adversely affected by the proposal for the reasons outlined for the SAC interest.

The contact for this consultation is Nicki McIntyre, email [nicki.mcintyre@snh.gov.uk](mailto:nicki.mcintyre@snh.gov.uk) or telephone 01738 458591.

I would be grateful if you could let us know of your Council's decision in due course or of any further changes to the proposal which would be relevant to our interests.

Yours sincerely

(via email)

**Gavin Clark**  
Operations Manager  
Tayside and Grampian  
[Gavin.clark@snh.gov.uk](mailto:Gavin.clark@snh.gov.uk)

## **Annex 1 - SNH Appraisal of the Proposals**

### **Appraisal of the likely impacts to the Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC)**

Information regarding the SAC qualifying features and Conservation Objectives are available on the Sitelink section of our website at <http://gateway.snh.gov.uk/sitelink/index.jsp>.

#### **Dunkeld-Blairgowrie Lochs SAC**

The site's SAC status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the 'Habitats Regulations') apply. Further details of the legislative requirements can be found at: <http://www.snh.gov.uk/docs/A423286.pdf>.

The proposal is not directly connected with, or necessary to, conservation management of the site.

The proposal is to erect a dwellinghouse on the site of a ruined building. There has been a long history at this location of applications for either a dwellinghouse or caravan, which have been refused in every case bar one, which was withdrawn. The supporting information refers to a residential caravan and a Klargestor tank and soakaway. It is our understanding that this is the caravan that was refused retrospective planning permission, planning reference 07/01614/FUL. We consider that this Klargestor tank and soakaway has been increasing the nutrient enrichment in the catchment, due to its being installed without the benefit of planning approval or mitigation and, therefore, cannot be considered as mitigation for this development. As a consequence, Perth and Kinross Council is required to undertake an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

It is likely that the proposal will have a significant indirect effect on the qualifying interests of the SAC due to the increase in phosphorus released into the catchment. Eutrophication, which leads to deterioration in water quality, has been an issue in these lochs for a considerable length of time. These problems result in higher pH, phosphate and nitrate levels and increased turbidity through suspended algal growth. The combination of these factors leads to decreased water clarity and reduced photosynthesis, resulting in a serious decline in the botanical interest of the SAC, including the slender naiad population. The most recent slender naiad monitoring, 2016, found no plants in any of the lochs. This follows on from low numbers recorded in September 2007, which itself was a considerable crash in population from the 2004 survey. Any additional increase in the phosphorus loading to the lochs could further reduce any prospect of the slender naiad population recovering.

Research work by the Scottish Environment Protection Agency (2004) and Edinburgh University (2005) has demonstrated that the two most significant contributions to the increased phosphorus loads in the catchment are run-off from agricultural land and septic tanks. To address this issue we introduced a catchment management scheme in 2004 to

reduce phosphate pollution from farming. Due to reductions of run-off from agricultural land the lochs showed early signs of recovery, however, excessively wet winters in 2010 and 2011 temporarily reversed this trend, demonstrating how fragile the recovery had been.

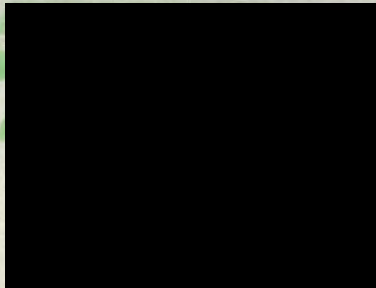
Nutrient enrichment arising from the foul drainage associated with these types of development tends to be long lasting and difficult to reverse. It is essential that any proposed development demonstrates that there would be no net increase in phosphorus loading to the lochs, as per the Supplementary Guidance.

[http://www.pkc.gov.uk/media/37576/Lunan-Lochs-SPG-Final-2016/pdf/Lunan\\_Lochs\\_SPG\\_Final\\_2016](http://www.pkc.gov.uk/media/37576/Lunan-Lochs-SPG-Final-2016/pdf/Lunan_Lochs_SPG_Final_2016)

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

<b>Planning Application ref.</b>	18/00489/IPL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	██████████ ████████████████████
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 100 Metres North East Of Logiebrae, Craigie, Clunie		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
<b>Recommended planning condition(s)</b>	Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	02 May 2018		



  
3rd May 2018.

The Planning Department  
Perth and Kinross Council.

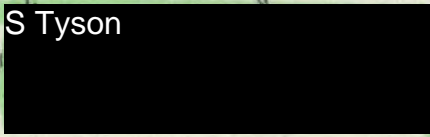
Dear Sirs.

Planning Application Ref: 18/00489/IPL.  
Site at Logietrae, Craigie PH10 6RG.

I write to object to the above planning application. Having reviewed the planning history of the site, I do not feel that an application "in principle" is appropriate - only a fully detailed application could properly consider any proposed development here. The current building is ruinous and abandoned and any development above the previous small, probably 2 roomed, dwelling is likely to be substantially larger and an inappropriate development in the countryside, with such a larger building being of an imposing scale incompatible in scale with the former building. The supporting document to the application does not fulfil all the requirements of the applicable "Housing in the Countryside" policy.

In view of the above and history of refusals at this site, I trust you will refuse this application.

Yours faithfully,  
SARAH TYSON.

S Tyson 



# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	18/00489/IPL	Our ref	KIM
Date	17 May 2018	Tel No	████████

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**PK18/00489/IPL RE: Erection of a dwellinghouse (in principle) Land 100 Metres North East Of Logiebrae Craigie Clunie for Ms Kirsty Walker**

I refer to your letter dated 23 April 2018 in connection with the above application and have the following comments to make.

**Contaminated Land** (assessment date – 17/05/2018)

### Informative

An inspection of the proposed development site did not raise any real concerns, although the site is very close to an area where general quarrying was once carried out. The applicant is advised that there may therefore be potential for contamination within the site. No information is available regarding the nature or volume of infill material and so the applicant should satisfy themselves that this former quarry site is not impacting the proposed development site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.





Craigie.  
19<sup>th</sup> July 2018.

Perth & Kinross Council,  
Local Review Body,  
Council Building  
Perth.

Dear Sirs

Planning Application: 18/00489/1PL

Thank you for your email of 18 July with copy of decision notice. I note that the applicant has requested a review of the decision by the Local Review Body.

I confirm that the points made in my original representation in respect of this application still stand. I also endorse the Reasons for Refusal of the application given by the Council.

Yours faithfully,

S Tyson





## **Audrey Brown - CHX**

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**From:** Mark Myles <mm@mbmplanning.co.uk>  
**Sent:** 10 August 2018 11:14  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Kirsty Walker  
**Subject:** TCP/11/16(543)

Dear Audrey

I refer to your letter of 3<sup>rd</sup> August and the attached copy of a further representation received from Sarah Tyson in relation to the above Notice of Review.

The objector refers to her original representation which I note does not recognise that the relevant planning policies have altered since the time of the previous application on this site.

As the objector raises no new points and does not respond to our grounds of appeal statement I have nothing further to add.

I look forward to hearing from you in due course confirming when this Notice of Review will be presented to the LRB.

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glenearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965



**TCP/11/16(527) – 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie**

## **INDEX**

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- (b) Decision Notice (***Pages 347-348***)
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- (c) Representations (***Pages 365-380***)
- (d) Further Information (***Pages 381-394***)



**TCP/11/16(527) – 18/00015/FLL – Erection of a  
dwellinghouse on land north east of Firgrove Park, Golf  
Course 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 **MR & MRS CLARK**

Address **FIRGROVE PARK  
GOLF COURSE ROAD  
BLAIRGOWRIE**

Postcode **PH16 6LF**

Contact Telephone 1 **[REDACTED]**

Contact Telephone 2 **—**

Fax No **—**

E-mail\* **[REDACTED]**

## Agent (if any)

Name **RON WEIR**

Address **BALLOCH BUNGALOW  
SOUTH BALLOCH FARM  
ALYTH.**

Postcode **PH11 8JN**

Contact Telephone 1 **01828 633888**

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

**18/00015/FL**

Site address

**LAND NORTH EAST OF FIRGROVE PARK, GOLF COURSE RD  
BLAIRGOWRIE**

Description of proposed  
development

**ERECTION OF DWELLING HOUSE**

Date of application

**8/1/18**

Date of decision (if any)

**6/3/18**

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

Notice of Review

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:

I THINK IT WOULD BE OF A BENEFIT TO LOOK AT AND UNDERSTAND THE SITE, READ MY STATEMENT AND MAPS AND RECOGNISE HOPEFULLY THAT THE APPLICATION IS NOT BREACHING OR IMPACTING ON 'THE' GREEN ZONE AND IS IN FACT A NATURAL INFILL TO EXISTING HOUSES ON PERIMETER.

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? ☐
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<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.

PLEASE FIND ENCLOSED WITH THIS FORM A STATEMENT REGARDING THE SITE SUITABILITY AND MAPS DEPICTING IT IN RELATION TO THE 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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

I HAVE WRITTEN ABOUT AND SHOW THE PLOT IN REGARD TO ITS SUITABILITY, BEING APPROPRIATE TO THE OPEN SPACE ZONING AND FOLLOWING THESE GUIDELINES AND REQUEST THAT IT BE SEEN TO BE IN ACCORDANCE AND BE ALLOWED AND GIVEN EQUAL MERIT TO OTHER APPLICATIONS ON THE PERIMETER PREVIOUSLY GAINING PERMISSIONS.

## List of documents and evidence

Notice of Review

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.

MY STATEMENT 'A'  
SITE MAP 'B'  
SITE MAP 'C'  
SITE MAP 'D'

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

[Redacted Signature]

Date

2/4/18

A

From: Firgrove Park [REDACTED]  
Subject: STATEMENT ON APPEAL ON PLANNING APPLICATION NO:  
Date: 27 Mar 2018 at 21:59:39  
To: 18/00015/FL

Dear Sir/Madam,

Firstly my apologies for maps and paperwork etc as i am not fully IT literate but hopefully they are of sufficient quality to be understood.

My appeal is on the grounds that my application does not in any way invade "green open space" or any "green buffer zone" thought to be meantime desirable in the latest version of the LDP.

The plot i proposed is easily of sufficient size to comfortably accommodate a house and doesn't breach any density requirements, neither does it encroach into our fields which form part of the green buffer zone . I would offer it to you as being a natural infill space between two existing houses in a line of dwellings and completely in character with this area.

The plot itself is not a green plot and is in fact black due to it being covered in a layer of chopped rubber surface arena for horses. This in itself is not particularly environmentally friendly but in any case it has been in such use for the past twenty years if not longer.

My application has had no objections whatsoever from my immediate neighbours with the sole negative comment coming from an individual residing well over a mile away who is in a personal backyard battle with his own neighbours and as such has his own agenda to pursue.

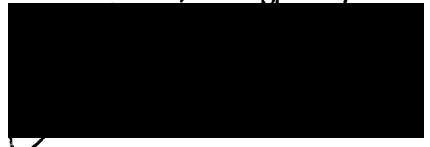
Also as such neither he nor any other person will ever have ever had sight of this plot as we are on a no through road completely screened by trees on all sides and it's not visible from any public rights of way so should offend absolutely nobody. It's ironic too that the green zone is not visible in the main to anyone other than us few residents due to trees.

Neither does it have any negative impact on local services as was stated by PKC in the original application comments section. I do not believe this application breaches in any way the desire to retain " green open space" a buffer zone if you will ,as mentioned in the LDP separating Rosemount from the rest of Blairgowrie. Given that there appears to be a wish by some to have Rosemount buffered

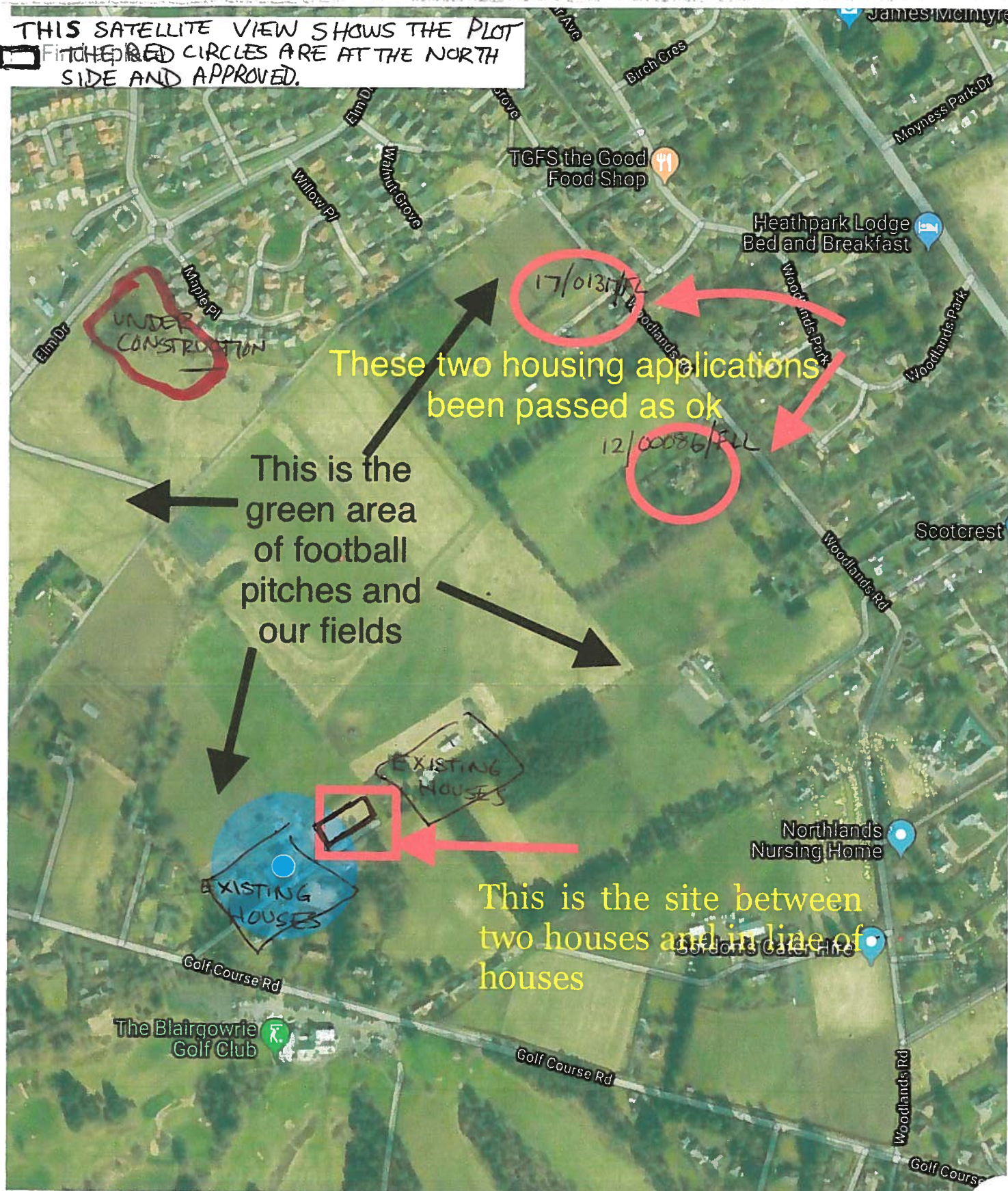
i am led to believe by her that an actual site visit is normally made by the Appeals Panel and so i respectfully request that during this visit all these factors and statements made by me become clearer and be found to be true and correct and seen as an accurate portrayal and that no infringement into the green zoned area would occur in this case and so my appeal be granted.

Yours Faithfully ,

~~Sent from my iPad~~



THIS SATELLITE VIEW SHOWS THE PLOT  
FINISHED RED CIRCLES ARE AT THE NORTH  
SIDE AND APPROVED.



FIRGROVE PARK  
18/00015/FL

# Land at (FIRGROVE) Blairgowrie (PARK)



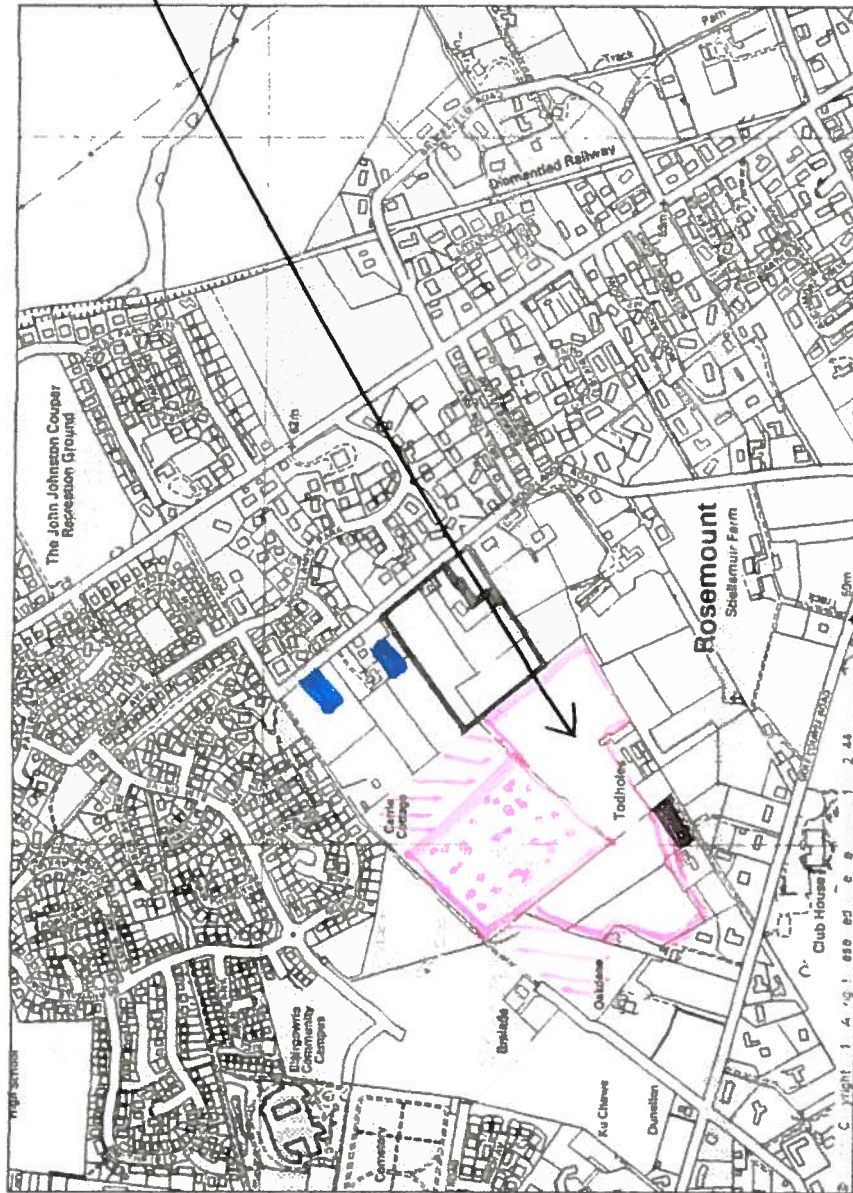
— THESE ARE THE FIELDS



— THESE ARE FOOTBALL FIELDS



— THIS IS BARE UNCULTIVATED UNUSED GROUND



PERTH AND KINROSS COUNCIL  
DRAWING REF 18/00015/FL

## LEGEND

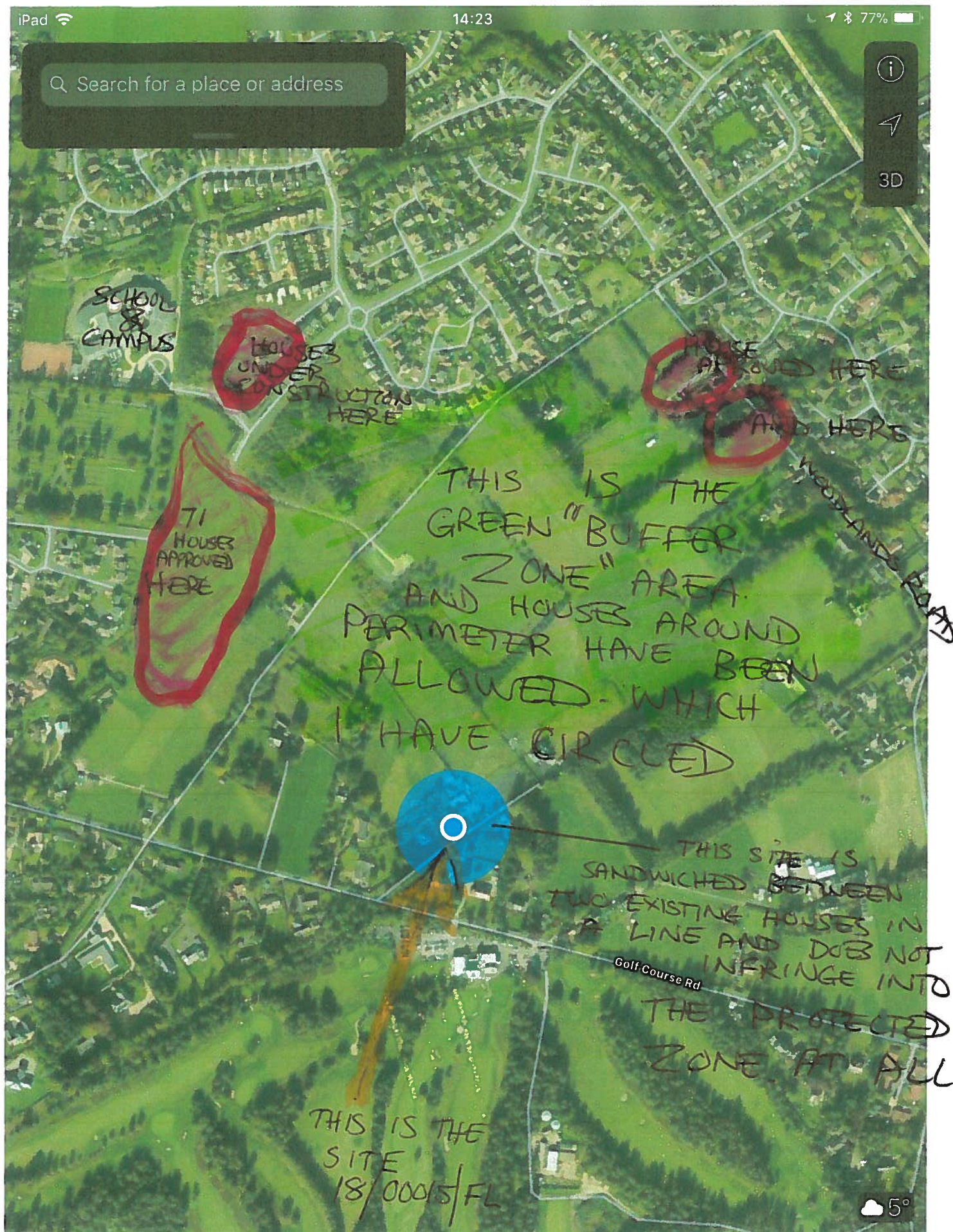
- = THE PLOT IN QUESTION LYING BETWEEN TWO HOUSES (ONE OURS)
- = PREVIOUS APPROVED SITES ON WOODLANDS ROAD BLAIRGOWRIE

Scale 1:10,000

OS Licence ES 754 900

↑ N

"D"



I think this map shows the area clearly and allowances have been made previously around the perimeter as can be seen. My application is also on the 343 perimeter and an infill & natural.



**TCP/11/16(527) – 18/00015/FLL – Erection of a  
dwellinghouse on land north east of Firgrove Park, Golf  
Course Road, Blairgowrie**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mr And Mrs Clark  
c/o Ron Weir  
Balloch Bungalow  
South Balloch Farm  
Alyth  
PH11 8JN

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 6th March 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00015/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 19th January 2018 for permission for **Erection of a dwellinghouse Land North East Of Firgrove Park 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.

### 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 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

18/00015/1

18/00015/2

18/00015/3

18/00015/4

18/00015/5

18/00015/6

18/00015/7

18/00015/8

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	18/00015/FLL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	18.03.2018	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land North East Of Firgrove Park 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:** 26 January 2018

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application is for erection of a dwelling at Land North East Of Firgrove Park, Golf Course Road, Blairgowrie. The site is currently used as a riding arena ancillary to the dwelling Firgrove Park.

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

The dwelling proposed is single storey with gable-ended detailing centrally located within the plot. New post and wire fences are proposed with the site extending beyond the confines of the existing riding area to the north but not as far as the full extent to the east, retaining an access to the paddock.

## **SITE HISTORY**

No recent site history

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

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

## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy 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**

No other policies

## **CONSULTATION RESPONSES**

Transport Planning	No objection
Scottish Water	No objection
Local Flood Prevention Authority	No objection
Contributions Officer	Education Contribution required if application was to be supported
Environmental Health	No response within time

## REPRESENTATIONS

The following points were raised in the 1 representation received:

- Contrary to Development Plan Policy

## ADDITIONAL INFORMATION RECEIVED:

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

## APPRAISAL

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

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

### Policy Appraisal

This site is located within the settlement boundary of Blairgowrie and Rattray and is within an area zoned as open space where Policy CF1A: Existing Areas applies.

The existing dwelling, Firgrove Park, is located within an area zoned under Policy RD1 Residential Areas with its wider land holding which consists of the riding arena and paddocks zoned as open space.

The Policy CF1A seeks to protect designated open spaces which have value to the community for either recreational or amenity purposes. Development proposals resulting in a loss of these areas will not be permitted except in certain circumstances. This includes where it involves a minor part of the site which would not affect its continued use as an amenity resource.

Given that this proposal is to develop a private dwellinghouse, the community would not gain any value from this loss of open space. Furthermore the overall character of this area is important. Rosemount is a residential area with a pleasant semi-rural character. Much of the land between Woodlands Road and Golf Course Road is open and undeveloped, and there are attractive areas of trees and woodland. Most of this land is privately owned, but it is important that this significant area of green space within the settlement boundary is protected for its amenity value and the existing policy is in place to retain this area and not allow piecemeal erosion.

The proposal would therefore not comply with policy.

### **Design and Layout**

The dwelling proposed is single storey with a large footprint. It is gable ended and arranged with a U shaped floorplan with integral garage. The finish materials are slate, white roughcast with stone entrance porch.

The dwelling is acceptable in terms of the scale and design for this location; however as above the principle of development is contrary to policy.

### **Residential Amenity**

The site is large enough to accommodate the development without detrimental impact on existing residential amenity.

### **Visual Amenity**

The development of the site would lead to the erosion of small areas of open space which would be detrimental to the visual amenity of the area.

### **Roads and Access**

There is an existing private road which serves a number of dwellings. The site plan shows an access point with turning and parking. Transport Planning have no objection to the proposal and no conditions are recommended.

### **Drainage and Flooding**

No drainage or flooding implications.

### **Developer Contributions**

#### **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be

operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Newhill Primary School. This school is at capacity and a contribution would be required if the principle of development was acceptable.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not 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.

#### **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**

18/00015/1  
18/00015/2  
18/00015/3  
18/00015/4  
18/00015/5  
18/00015/6  
18/00015/7  
18/00015/8

**Date of Report 05.03.2018**





OS MasterMap 1250/2500/10000 scale  
 Tuesday, October 24, 2017, ID: MNOW-00664378  
[www.nicolsondigital.com](http://www.nicolsondigital.com)

1:1250 scale print at A3, Centre: 317970 E, 743431 N

©Crown Copyright Ordnance Survey. Licence no. 100057546



0 5 10 15 20 25 30 35 40 45 50  
SCALE IN METRES

EXISTING SITE PLAN / LOCATION  
"FINGROVE PARK", GOLF COURSE ROAD, BLAIRGOWRIE.  
DRG No :- 2291 / 7 SCALE :- 1:1250.



Scale in meters



MOUND (BLACK EARTH FROM EXERCISE YARD)

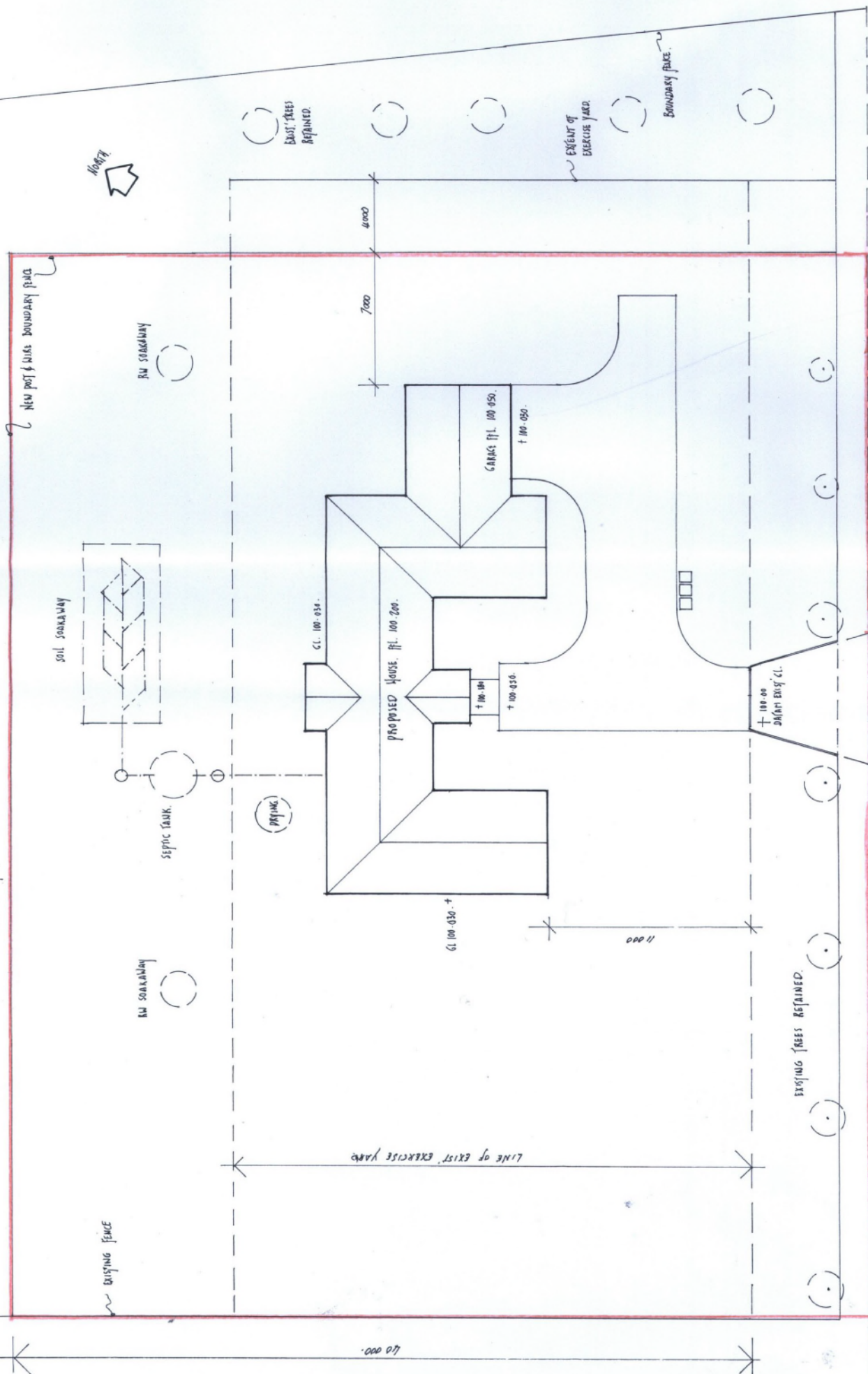
Plot of mass fence.

LINE OF EXISTING HORSE EXERCISE YARD

Existing Fence.

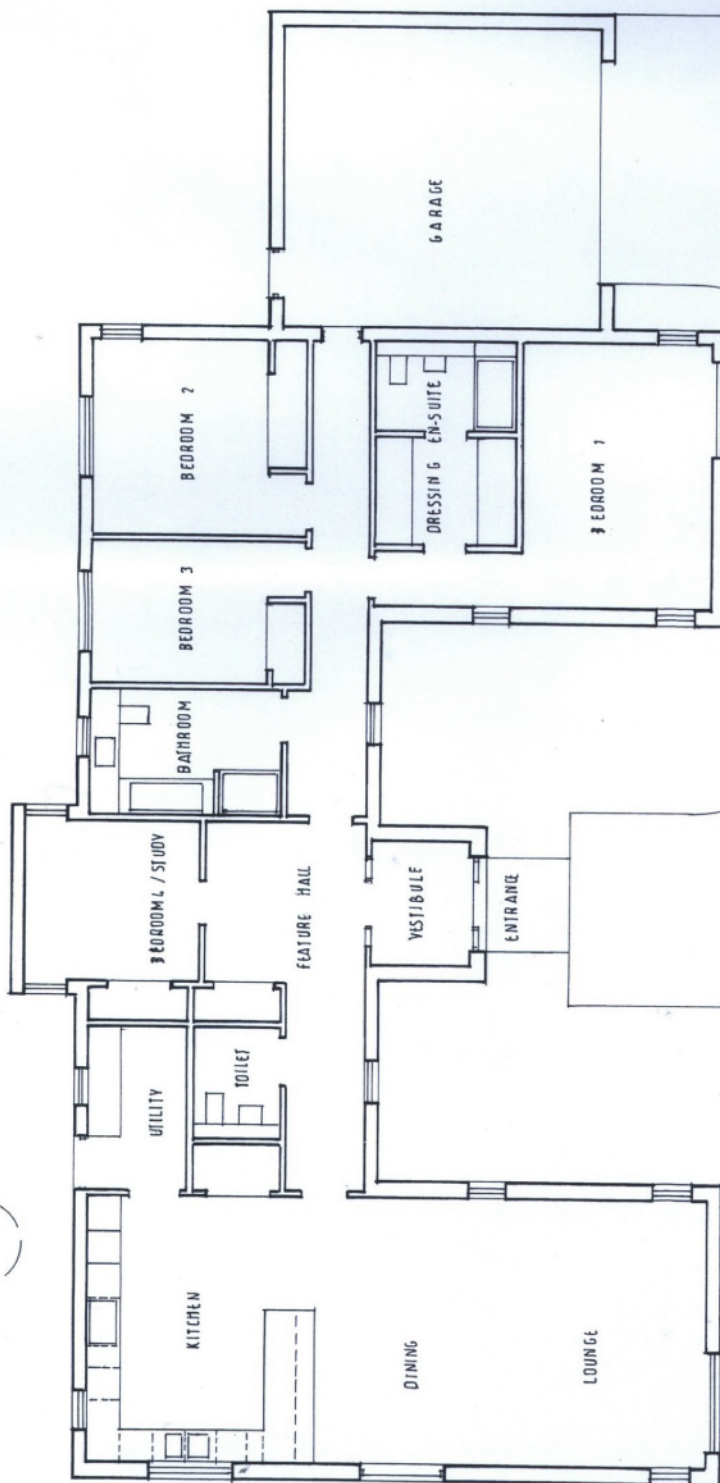
Existing Trees

EXISTING SITE PLAN.  
"FIR GROVE PARK" GOLF COURSE ROAD, BLAIRGOWRIE.  
DRG No:- 2291/S SCALE:- 1:200.

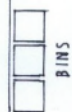


PROPOSED SITE PLAN.  
FIRGROVE PARK. GOLF COURSE ROAD, BLAIRGOWRIE.  
DRG No.- 2291/6A. SCALE :- 1:200.  
REV A LEVELS ADDED

DRYING

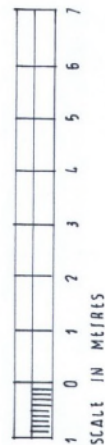


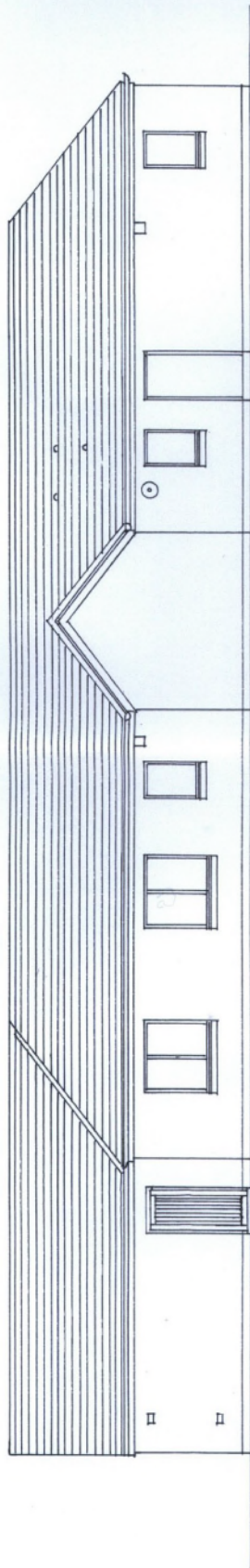
DRIVE / PARKING



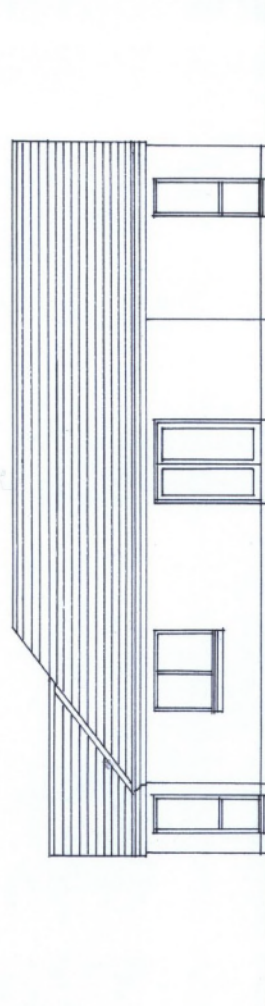
PLAN OF PROPOSED HOUSE AT  
"FINGROVE PARK", GOLF COURSE ROAD, BLAIRGOWRIE.  
DAG No:- 2291/1 SCALE :- 1:100.

Coloured Set.

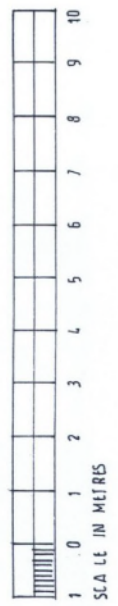




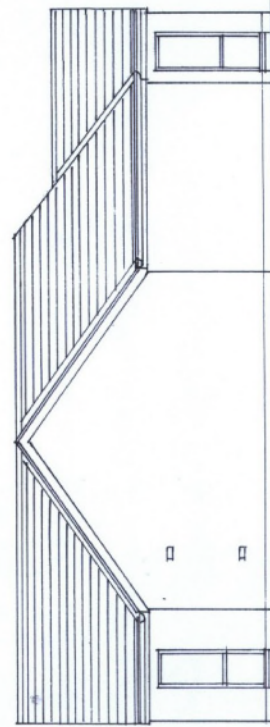
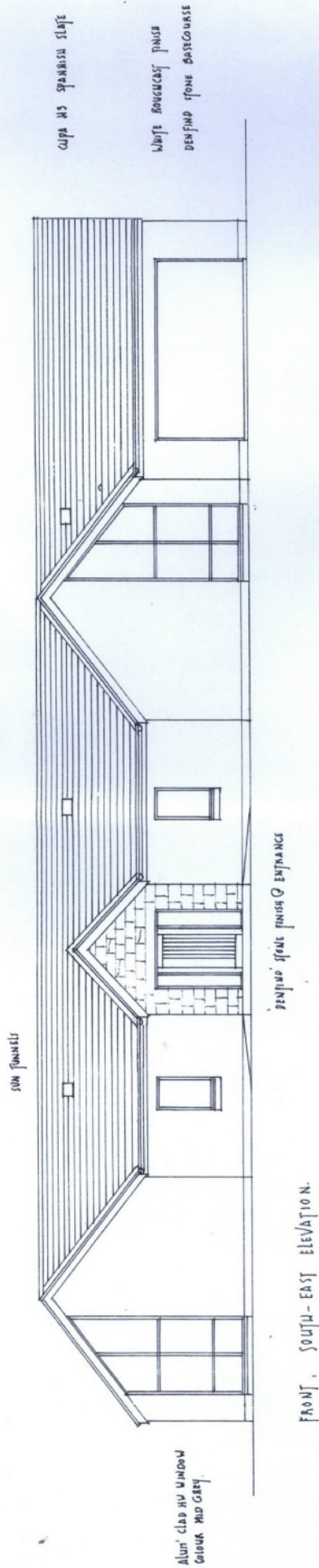
BACK, NORTH-WEST ELEVATION



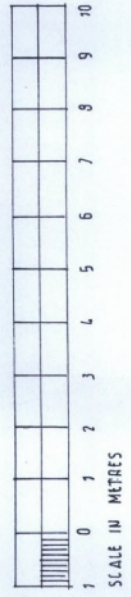
SIDE, SOUTH-WEST ELEVATION

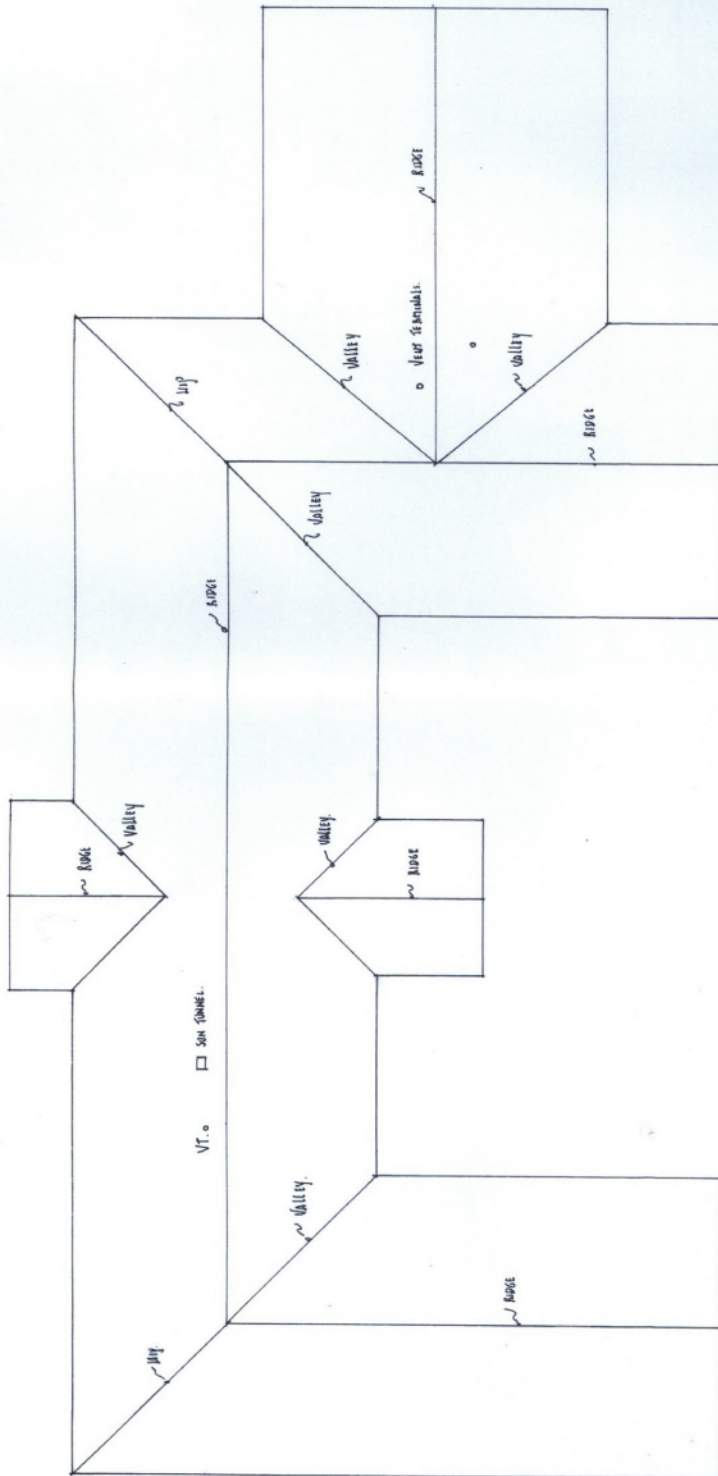


PROPOSED ELEVATIONS OF HOUSE AT  
FINGROVE PARK GOLF COURSE ROAD, BLAIRGOWRIE.  
DRG No :- 2291 / 4. SCALE :- 1:100.

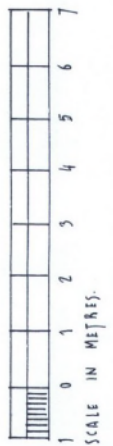


PROPOSED ELEVATIONS OF HOUSE AT  
"FINGROVE PARK", GOLF COURSE ROAD, BLAIRGOWRIE.  
DRG No:- 2291 / 3. SCALE:- 1:100.





ROOF PLAN OF PROPOSED HOUSE AT  
 "FIR GROVE PARK" GOLF COURSE ROAD, BLAIRGOWRIE.  
 DRG No:- 2291/2 SCALE:- 1:100.



**TCP/11/16(527) – 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie**

## **REPRESENTATIONS**



23/01/2018

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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**Blairgowrie Golf Course Rd Firgrove Prk Land NE Of**  
**PLANNING APPLICATION NUMBER: 18/00015/FLL**  
**OUR REFERENCE: 756149**  
**PROPOSAL: Erection of a dwellinghouse**

**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 Lintrathen 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 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. Please note: The nearest public sewer is approx. 550m from the proposed site.

**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.**

## **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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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](http://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](mailto: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

756149\_Local Planner\_P2 DOM Capacity Available\_Applicant\_10-52-03.doc

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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

[Angela.Allison@scottishwater.co.uk](mailto:Angela.Allison@scottishwater.co.uk)

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

<b>Planning Application ref.</b>	18/00015/FLL	<b>Comments provided by</b>	Leigh Martin
<b>Service/Section</b>	TES/Flooding	<b>Contact Details</b>	FloodingDevelopmentControl@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land North East Of Firgrove Park Golf Course Road Blairgowrie		
<b>Comments on the proposal</b>	No objection.		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>	PKC Flooding and Flood Risk Guidance Document (June 2014)		
<b>Date comments returned</b>	29/01/18		



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

<b>Planning Application ref.</b>	18/00015/FLL	<b>Comments provided by</b>	Dean Salman
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land North East Of Firgrove Park, Golf Course Road, Blairgowrie		
<b>Comments on the proposal</b>	Insofar as roads matters are concerned I do not object to the proposed development.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	5 February 2018		



## Tracy McManamon

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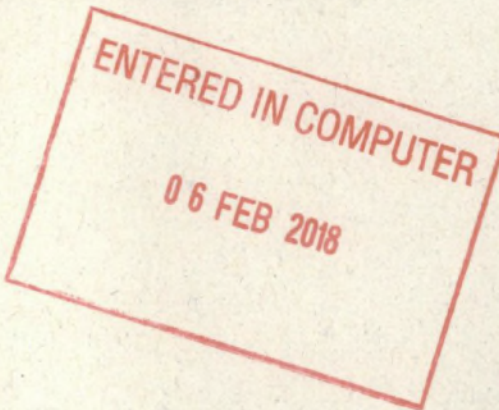
**From:** Ian Brown [REDACTED]  
**Sent:** 06 February 2018 16:31  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 18/00015/IPL

Dear Sir,

I write to object to the above planning application. It requests permission to erect a dwelling house on land that is clearly marked as part of the open space area on the 2014 Local Development Plan. This request is contrary to Policy CF1 Open Space Retention and Provision. 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

Yours sincerely,

Ian A Brown  
[REDACTED]





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

<b>Planning Application ref.</b>	18/00015/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land North East Of Firgrove Park, Golf Course 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>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, 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>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £6,460 (1 x £6,460)</p> <p><b><u>Total: £6,460</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p>		

	<p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</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 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>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:  Perth and Kinross Council  Pullar House  35 Kinnoull Street  Perth  PH15GD</p> <p><b>Bank Transfers</b></p> <p>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>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>	07 February 2018



**TCP/11/16(527) – 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie**

## **FURTHER INFORMATION**



## CHX Planning Local Review Body - Generic Email Account

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**From:** Joanne Ferguson  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Application Ref: 18/00015/FLL - Review TCP/11/16 (527)  
**Attachments:** 15 00827 IPI.pdf; 17 01317 FLL plan.pdf; 2014 Blairgowrie Open Space LDP.JPG; 15 00827 LRB decision.docx; 18.07.06 - DQM (527).docx

Dear Gillian

**Application Ref: 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie**

Please find below an attached a response to LRB letter dated 6 July regarding the above.

17/01317/FLL Erection of a dwellinghouse (revised design) at Plot 1 The Struan, Woodlands Road, Blairgowrie. This site has a planning history with permission originally granted in 2006 and it is not within the open space zoning.

12/00086/FLL Erection of a new dwellinghouse and garage (renewal of 06/01776/FUL) is related to the above application site not the site annotated. The site annotated was refused ref 15/00827/IPL Erection of a dwellinghouse (in principle) as it was located within the open space zoning. A review of this application to the LRB was subsequently dismissed as it was contrary to the LDP.

The site annotated as under construction is part of a larger site which is an allocated Housing site H64 in the Local Development Plan. It therefore does not constitute the development of zoned open space.

Regards

Joanne Ferguson  
Planning Officer  
Development Management  
Planning & Development  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth PH1 5GD

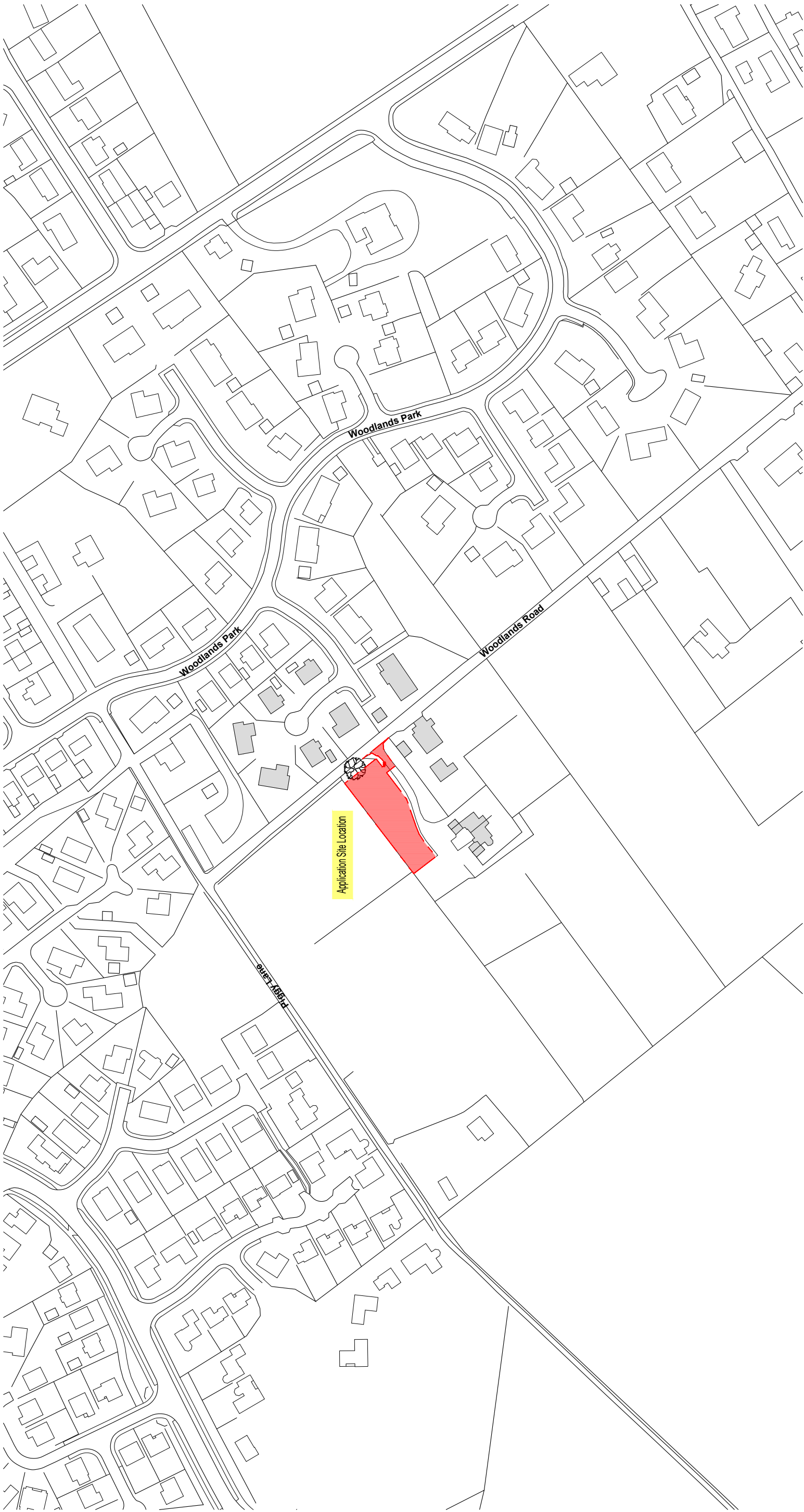


*Please do not print this email unless you really have to*



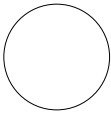
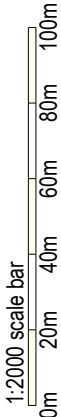
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**LOCATION PLAN**  
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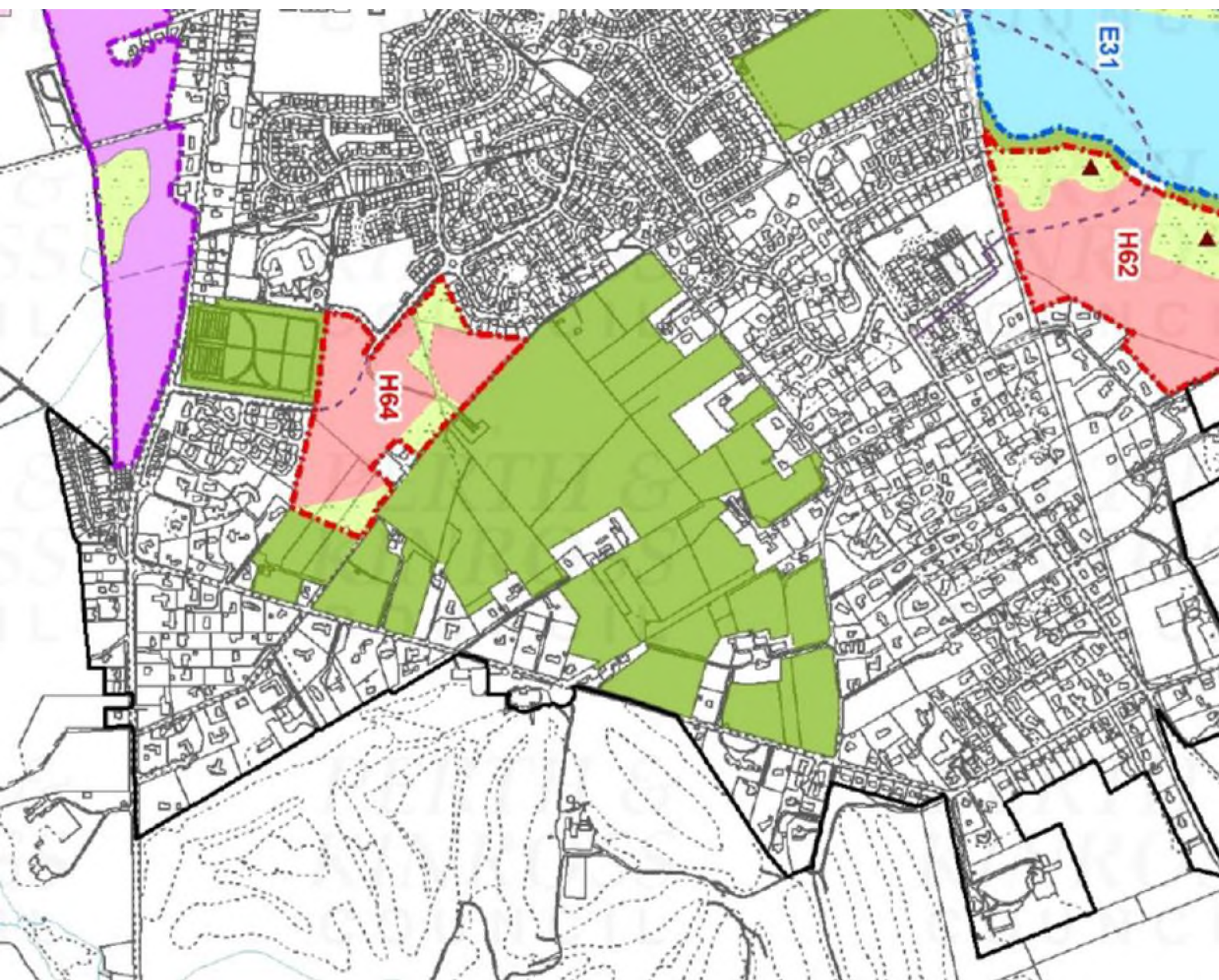
Application Site Boundary, Site Area: 1028m<sup>2</sup>



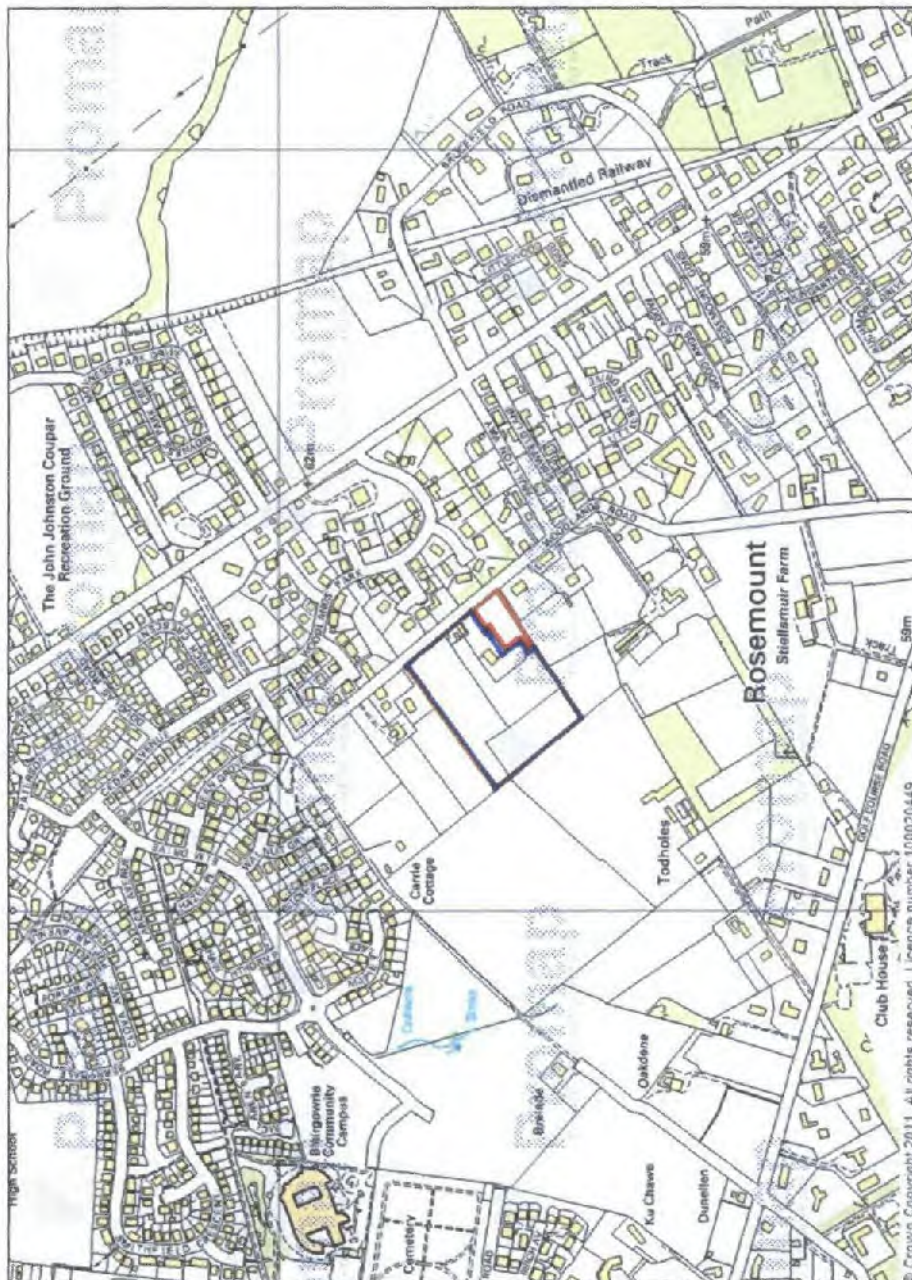
**LOCATION PLAN**

1:2000 @ A3

126-EX-100A



# Land at Belfield, Blairgowrie



Scale 1:10,000

OS Licence

ES 754 900

PERTH AND KINROSS COUNCIL

DRAWING REF: S/00827/1



## **REVIEW DECISION NOTICE**

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Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Land 50 metres south of Belfield, Woodlands Road, Blairgowrie

Application for Review by Mr M Wojtowicz against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 15/00827/IPL

Application Drawings: 15/00827/1 15/00827/2

**Date of Review Decision Notice – 3 December 2015**

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### **Decision**

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

### **1 Introduction**

1.1 The above application for review was considered by the PKLRB at a meeting held on 29 September 2015. The Review Body comprised Councillor M Lyle, Councillor D Cuthbert and Councillor J Giacomazzi.

1.2 The following persons were also present at the meeting:  
G Fogg, Legal Adviser, D Harrison, Planning Adviser and Y Oliver, Committee Officer.

Also attending:  
C Brien (the Environment Service); members of the public, including applicants/agents.

### **2 Proposal**

2.1 The proposal is for the erection of a dwellinghouse (in principle), land 50 metres south of Belfield, Woodlands Road, Blairgowrie. The application was refused consent in terms of a decision letter dated 7 July 2015.

### **3 Preliminaries**

3.1 The PKLRB was provided with copies of the following documents:

- (i) the drawings specified above;
- (ii) the Appointed Officer's Report of Handling;
- (iii) the refusal notice dated 7 July 2015;
- (iv) the Notice of Review and supporting documents.

- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

#### **4 Findings and Conclusions**

- 4.1 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 the review application be refused. They were satisfied that the proposal was contrary to policy CF1 (a) of the Perth and Kinross Local Development Plan 2014. They noted that the terms of this policy had been considered by the Reporter and that he had approved of the wording used in the adopted Plan. They considered that this wording was of greater materiality than alternative wording which had been considered in the earlier stages. Accordingly they agreed with the reasons for refusal given by the appointed officer, namely:
  - (1) The proposal is contrary to Policy CF1A of the Perth and Kinross Local Development Plan 2014 which seeks to protect areas of existing open space from new development. The development of a house on this site would result in the loss of land which presently has value to the local community for amenity purposes.

#### **Justification**

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

- 4.2 The Review Application was accordingly dismissed.

**Gillian Taylor**  
**Clerk to the Local Review Body**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**Notification to be sent to applicant on determination by the Planning Authority**  
**of an application following a review conducted under Section 43A(8)**

**Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
  
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland ) Act 1997.



## Audrey Brown - CHX

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**From:** Firgrove Park <[REDACTED]>  
**Sent:** 05 August 2018 13:52  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** FAO Gillian Taylor

Hello Gillian ,

Thank you for your email and the examples you gave regarding the granting or otherwise of requests on housing applications on the green zone boundaries in this area of Blairgowrie.

Notwithstanding what is in your letter can i humbly offer up that our application does not in any way go against any of the latest LDP stated wishes or principles.

Our application is on the perimeter of the “ greened zone “ historically allowed as you said if on the perimeter but disallowed if an incursion . Your mention of a disallowed one at Bellfield was a clear infringement into the zone but ours is absolutely not and is fully compliant with the latest LDP notes and intentions.

We respect this green zone as described and this green zone (which mainly consists of our fields) is precious to us also and it remains unaltered and as such fully complies with the present wishes of the LDP.

I would really and earnestly hope to have it taken on board by everybody that our application is fully compliant and solely refers to an infill between two houses in a direct line to each other and both houses forming the perceived perimeter of your zone that is being spoken about .

Your comments of the LDP is your area of expertise and we are in no way casting doubt on that , however it's not pertinent on this occasion as we are not at all suggesting an infringement .

I presume by definition a zone must have an actual perimeter to it or it is not a zone at all unless its viewed as a graded density zone as it starts to move further away from that perimeter and i see no mention of that and i am sure that is not how it was intended to be approached as that would be very difficult.

So what we have is a perimeter to the zone, so absolutely no incursions as your letter suggested or perhaps implied was the case .

I understand that applications outside that perimeter for house builds are being permitted and not objected to and ask that we be treated on a similar basis as we are likewise not within that zone.

We are on the outside the perimeter also but on it too, so it's semantics, our application is on a site that is very large for one house, much larger than others already passed in the vicinity. Not a single neighbour objection has been raised, this also because we are not causing any possible offence to anybody and our neighbours are completely supportive .

Our locus here is also invisible to all others other than immediate neighbours. A visiting panel will see this immediately i hope and appreciate this to be the true case. So there is no harm caused to anybody and no ecological disadvantage ....as presently it's an area covered with shredded rubber and not environmentally friendly.

Our family are nature lovers as evidenced by the planting of thousands of trees and hedges etc on what was empty grass fields. Wildlife now abounds, i think we are a positive influence on the Blairgowrie wildlife and long may that remain so. Further trees are to be planted. The Appeals panel are welcome to visit and enter through the stable doors to view the fields beyond and fully appreciate the circumstances. There are now large trees and hedges everywhere.

You mentioned that times were different back in 2006 hence that's why they were granted, this may be the case or not but it's with all due respect it's completely irrelevant in that again there is no breach of the LDP zone.

With no disrespect intended i humbly suggest that mention of Bellfield is irrelevant as that was an incursion and we are not asking for any incursion or setting any precedence for a future incursion.

Where does a perimeter and boundary begin and end ?

I presume it's on the zones actual perimeter , it's been permissible to grant an application Say 25 , 50 , 100 metres or 1000m outwith it in Rosemount, Blairgowrie , as is the norm right now . We are on this perimeter and are applying to place a house on the perimeter but yet not within it and between two existing houses presently on the perimeter viz ours and our neighbours, also it's on an existing line of houses and in keeping with this line, i had heard of this being termed natural infill in times gone by. Probably an outdated term now.

Anyway we are now in a better place ecologically here too and it's largely down to a lot of hard labour digging in trees and shrubs and clearing water courses and that's made a big difference. At one time it was bare fields of grass

so we respect a wildlife zone evidenced by what we planted there. The zone exists and is being improved upon by us all the time.

So we are not asking for special considerations in this instance but simply to have the independent panel visit here, view our presently “chopped rubber “ site and appreciate that a house build with associated gardens around it and and totally in accord with the present stated wishes of the LDP is much preferable to its current sterile status.

These are mainly the things we spoke about Gillian and i would appreciate it if you could reply to me and reassure me that this email letter be read in conjunction with your comments for the Appeals Panel to read, to hopefully give clarity and assurance and also alleviate any concerns on the points you have brought up.

Thanks You and..

Best Regards....

Mrs Gillian and Mr Ivan Clark.

**TCP/11/16(530) – 17/02003/FLL – Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield, Perth**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 397-450***)
- (b) Decision Notice (***Pages 411-412***)
  - Report of Handling (***Pages 413-423***)
  - Reference Documents (***Pages 437-443***)
- (c) Representations (***Pages 453-494***)



**TCP/11/16(530) – 17/02003/FLL – Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield, Perth**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100091247-001

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: MBM Planning & Development

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="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Michael"/>	Building Number: <input type="text" value="26"/>
Last Name: *	<input type="text" value="Paton"/>	Address 1 (Street): * <input type="text" value="Almond Grove"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Huntingtowerfield"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH1 3NA"/>
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="26 ALMOND GROVE"/>
Address 2:	<input type="text" value="HUNTINGTOWERFIELD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH1 3NA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="725696"/>	Easting	<input type="text" value="307064"/>
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## 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)

Change of use of river bank to garden ground, erection of shed, fence, gate, access steps and associated works (in retrospect)

## 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.

Please refer to attached statement containing grounds of appeal along with supporting documents, plans and photographs

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)

As no opportunity was given by the planning department to discuss the details of the proposals prior to the decision notice being issued, the applicant responded to the reasons for refusal by removing every 2nd wooden slat from the fence and the fence has also since been painted green. A sign has been erected on the gate which is now left open. For safety reasons the gate is only ever closed when the river is high. The limited 'garden paraphernalia' has also been removed from the site.

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)

Decision notice, Report of Handling, Planning application forms, plans, supporting planning statement, structural assessment report, approved site plan for dwellinghouse on nearby site (MBM1) and photographs (nos 1-5).

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/02003/FLL

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

13/11/2017

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

01/02/2018

## 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

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It is considered that it would be beneficial for the LRB to visit the site to assess the proposals in their context and also to view the engineering works, including the 2 metre high walls that have been erected nearby as part of the ongoing flood defence works.

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

## 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: Mr Mark Myles

Declaration Date: 09/04/2018



**Notice of Review Planning Appeal – Grounds of Appeal Statement**  
**Planning Application Reference 17/02003/FLL**

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**Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect)  
at 26 Almond Grove, Huntingtowerfield**

**Introduction**

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This ground of appeal statement should be read in conjunction with the Notice of Review Appeal submitted on behalf of Mr Mike Paton, for the change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield. It is noted that this council description differs from the description of the application as submitted, which was change of use of embankment for private use and erect associated structures on land adjacent to 26 Almond Grove.

**Background to the Proposal**

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The applicant purchased the small area of land from Greenbelt Energy Limited as they had been actively seeking to dispose of their assets in this area having failed to properly manage or maintain any of the trees or shrubs along the river bank for at least 20 years.

One of the reasons why the applicant was also keen to purchase this land was because a dead tree had fallen over the footpath and onto his boundary fence crossing into the existing garden which emphasised that the continual neglect of the area was posing a clear safety risk.

This part of the riverbank has historically been neglected, overgrown and had been left in a very poor condition.

The river embankment is not an area of protected or zoned open space. The council's policy of allowing the original developer to transfer ownership/control and future maintenance of the embankment to private companies, such as the Greenbelt Energy Limited, has meant that the council has never had any real control over the future ownership or protection of these types of areas.

Evidence of this is also provided by the council's recent approval for a dwellinghouse on a site located around 200 metres to the north east which formed part of the landscaped edge to the wider development and had also been sold by Greenbelt Energy Limited to a private individual. (see copy of plan approved in respect of application reference 17/01925/IPL) (MBM1).

This particular site has historically been covered in fewer trees and with less dense vegetation compared to some of the other adjacent embankment areas, although that has changed somewhat due to the tree removal, earthworks and excavations that are being undertaken elsewhere along the river banks as part of the River Almond flood prevention works.

The site also had old steps providing access down to the river. Because of the more open aspect of the site and the flat stone bed at the river's edge it had also tended to attract a lot of unlawful and unsavoury behaviour to the detriment of the amenity of the nearby residents.

Therefore, by purchasing this small area of the embankment, the applicant has specifically sought to improve the local environment and to make it easier, safer and cleaner for genuinely interested users to enjoy to the benefit of the amenity and enjoyment of all local residents. (see photo nos. 1 & 2 – showing views along the path before and after improvements. Note that the fence has since been painted dark green).

The installation of the access steps including a safety hand rail now ensures that people can safely go down the slope of the embankment to the flat stone bed at the river's edge that has existed for many years. This type of access stair is common along the length of the River Almond and also the River Tay particularly where the embankments are steep. We are not aware of any planning permissions having been requested or granted for any of those many other similar installations.

There were originally stone steps down to the river at this same point, but these slowly disappeared due to years of erosion and neglect, so the new steps were simply replacing a structure that previously existed but to a much improved and far safer standard.

The timber fence and gate simply replicate what is on the other side of the public footpath and as stated above the gate was installed to prevent those that are involved in unlawful behaviour from leaving broken bottles and syringes behind, simply for others to find and then try and dispose of. The applicant is therefore simply trying to protect his family and members of the public who visit this part of the river embankment from such incidents. However, it should be noted that since the time of the refusal the gate has been left open and a sign has been erected advising that 'anyone using these steps does so at their own risk.' (see photo no.3). The only time the gate is closed is for safety reasons when the river is high to prevent accidents.

The small timber shed structure is used as a shelter/hide to observe and enjoy the wildlife that is in and along the river, in a completely relaxing and safe environment.

### **Response to Reasons for Refusal**

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First in terms of procedure, it was noted that the supporting statement that had accompanied the planning application was not made publicly available for any interested parties to view and consider as part of the application determination process. It is also noted that the Report of Handling contains two reasons for refusal (nos. 4 and 5) that refer to Policy ER6 and yet this policy is not listed in either the Development Plan Section of the Report of Handling or under the initial Policy Appraisal section. The Report of Handling also argues that the proposal is contrary to Policy NE1A, but this does not then appear as one of the numerous reasons for refusal. Incredibly the appointed officer still managed to conjure up 6 separate reasons to refuse this small scale local application.

The proposal requires to be considered under the terms of the Perth & Kinross Local Development Plan (PKLDP) (Policies RD1, PM1A and PM1B, NE1A, NE4, CF2 and ER6) which was adopted in February 2014.

Being located within the identified Perth settlement boundary, Policy RD1 would apply to this application. This policy seeks to encourage residential and compatible uses where existing residential amenity will be protected and where possible improved. The policy also requires small areas of private and public open space to be retained where they are of recreational or amenity value.

In particular Policy RD1 states that encouragement will be given to proposals which fall into one or more of the categories listed under the policy, and which are compatible with the amenity and character of the area. The key category consideration for this proposal is category c) which reads 'proposals which will improve the character and environment of the area or village.'

Policy PM1 within the Local Development Plan further adds that development must contribute positively, to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and where practical beyond the site. Proposals should also incorporate new landscaping and planting works appropriate to the local context and the scale and nature of the development.

Category c) of Policy PM1B specifically states that the design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours and category e) also requires proposals to create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot.

The proposal can be considered as being compatible with the character of the area without causing any adverse impact on the amenity of the area, in accordance with Policy RD1. In fact, the applicant's proposals and aspirations have greatly enhanced the recreational and amenity value of this small area of the embankment in accordance with Policy RD1 as evidenced by the comments received in the 3 letters of support to the application.

We also understand that Methven & District Community Council brought the matter up at their meeting on 21 September 2017. There were no adverse comments received from anyone at the meeting and the Chair advised that he had been given the code to the gate and advised that this could be shared with anyone at the end of the meeting. The Community Council then wrote to Perth & Kinross Council advising them what had happened and that the Community Council had no objections as the riverbank was now a brighter, safer and cleaner environment. The matter has also been brought up at the last two Community Council meetings and there has been no adverse comment from anyone to the improvements carried out by Mr Paton.

The desire to create a safe, clean, pleasant and accessible area of the embankment that is now free from erosion, for people to enjoy is also clearly consistent with the objectives of key aspects of Policy PM1 on Placemaking within the Development Plan. The site was previously

overgrown with shrubs and weeds but as part of any approval if it was considered necessary, the requirement for a planting scheme could be conditioned to provide additional screening and security appropriate to the local context and the scale and nature of the wider area also in accordance with Policy PM1A.

The fencing has been amended by the applicant since the time of the refusal notice. As can be seen from the attached photograph, every 2<sup>nd</sup> wooden slat has been removed and the fencing has also been painted green. The fencing does not therefore completely prevent views of the river and beyond (photo no.4 – shows a view of the revised fencing and also the extent of the engineering works and clearance of the river embankment opposite). Ironically it is the solid walls that have been erected close to the site as part of the flood defence works that have now completely obliterated certain views of the river from the Core Path (see attached photo no 5 which was taken about 100 metres from the appeal site which has now completely removed any view of the river).

Taking all these matters into account it is open to the LRB to impose conditions that set controls on the fencing (height, style, colour). Equally if the LRB consider that the existence of limited 'garden paraphernalia' which has already been removed from the site since the time of the refusal, is so unacceptable to warrant refusal in its own right, then a condition could also be imposed to prevent any such structures from being erected on the site thus ensuring that the proposal does not erode local distinctiveness, the visual and scenic qualities of the landscape and the quality of the landscape experience in accordance with the requirements of Policy ER6.

The proposal does not impinge on the existing Core Path in anyway, a point which appears to have been reluctantly accepted by the appointed officer in the Report of Handling. The proposal therefore does not conflict with Policy CF2 of the LDP.

Turning to the final reason for refusal and the issue of precedent, this is an issue or an argument that can always be used both ways. However, when determining this application, the appointed officer has simply chosen to ignore the fact that precedents have already been set along the same stretch of river as evidenced by the approval of application 17/01925/IPL (MBM1) as recently as December 2017. This approval in principle for a house was given on a site that previously contained mature trees and formed part of the landscape edge to the wider development at Huntingtowerfield and is also located adjacent to the public footpath network and the river bank.

In addition the scale of the engineering works currently taking place on both sides of the river, including the removal of landscaping and mature trees and the introduction of flood defence barriers and walls, is not only introducing a suburbanisation effect along the river corridor, but in certain areas is also already severely limiting views of the river and impacting on the visual and scenic qualities of the landscape and the quality of the landscape experience along this part of the River Almond to a far greater extent than the fence erected by the applicant. (see attached photos nos. 4 & 5).

Therefore, to suggest that this small-scale proposal will somehow set a '*dangerous precedent*' is completely disingenuous, if a proper and more balanced assessment is taken of the nature and scale of other proposals that have already been approved and are also ongoing in close proximity to the site.

Finally, Scottish Government Circular 4/1998 Annex A on The Use of Conditions in Planning Permissions confirms that conditions are a tool that can be used to make an unacceptable development acceptable and can be tailored to tackle any specific problems (paragraphs 13 & 15).

Paragraph 83 of Circular 4/1998 Annex A also confirms that it is appropriate to impose a condition modifying the development permitted where this would not result in a substantial difference in the description of the application. Therefore, for the reasons set out above it is considered that this proposal can be approved subject to any conditions that may be considered necessary or appropriate by the LRB (and these may include one or more of the following; height and colour of the fence, removal of the gate, no garden paraphernalia) and therefore allow the proposal to be approved in accordance with the relevant Development Plan policies outlined above.



# PERTH AND KINROSS COUNCIL

Mr Michael Paton  
c/o Mark Myles  
MBM Planning And Development  
Algo Business Centre  
Glenearn Road  
Perth  
Scotland  
PH2 0NJ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 1st February 2018

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/02003/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 23rd November 2017 for permission for **Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) 26 Almond Grove Huntingtowerfield Perth PH1 3NA** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014 as the proposal will result in the loss of an area of openspace that should be retained as there is a recreational and amenity value associated with the area. Furthermore there is also a conflict with criterion (c) of Policy RD1 as the proposal will not improve the character and environment of the area.
2. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the proposal does not contribute positively to the quality of the surrounding built and natural environment due to extending garden paraphernalia into the river corridor and has restricted open views of the river. This fails to respect the character and amenity of place and fails to improve this well used footpath link.

3. The proposal is contrary to criterion (a) Policy PM1b of the Perth and Kinross Local Development Plan 2014 as it erodes the previous coherent structure of streets, spaces and buildings.
4. The proposal is contrary to criterion (a) of Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience.
5. The proposal is contrary to criterion (b) of policy ER6 of the Perth and Kinross Local Development Plan 2014 as it fails to safeguard views and the landscape experience from the footpath.
6. Approval would establish an undesirable precedent for developments of a similar nature to the detriment of the overall character of the area thus undermine and weaken the established policies of the Perth and Kinross Local Development Plan 2014.

### **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](http://www.pkc.gov.uk) "Online Planning Applications" page**

### **Plan Reference**

**17/02003/1**

**17/02003/2**

**17/02003/3**

**17/02003/4**

**17/02003/5**

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	17/02003/FLL	
Ward No	P5- Strathtay	
Due Determination Date	22.01.2018	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect)

**LOCATION:** 26 Almond Grove Huntingtowerfield Perth PH1 3NA

### SUMMARY:

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

**DATE OF SITE VISIT:** 20 December 2017

### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site is to the north west of 26 Almond Grove. The existing fence to the south east defines the current garden ground of the property. This fence-line continues along the right of way and corepath to define the neighbouring curtilages of the Almond Grove residential development.

This application is for the change of use of open space (riverbank embankment) to private use along with the erection of associated structures, this includes fencing, timber steps, seating and a timber shed. The application site includes the right of way and corepath that is situated along the top of the riverbank embankment, the riverbank and part the River Almond (the River Almond is a tributary to the River Tay SAC).

The supporting statement submitted by the agent confirms this area of land was purchased from the Greenbelt Energy Limited as they had been actively seeking to dispose of their assets having failed to manage the area. The agent also confirms that the applicant's purchase was to improve the local environment and also make it easier, safer and cleaner for genuinely interested users to enjoy.

## **SITE HISTORY**

06/01129/FUL Erection of a sunroom 19 July 2006 Application Permitted

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Contact with Enforcement Team advising that change of use and erection of structures was in breach of planning consent.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy 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 CF2 - Public Access**

Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

#### **Policy NE1A - International Nature Conservation Sites**

Development which could have a significant effect on a site designated or

proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

#### Policy NE4 - Green Infrastructure

Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

#### OTHER POLICIES

None

#### CONSULTATION RESPONSES

**Scottish Environment Protection Agency** – Initially objected but their revised position on this retrospective planning application is that they have no objection. However, they do intend to serve a warning letter to the applicant regarding the breach of Controlled Activities Regulations. Included in this warning letter SEPA will advise that, in the event of the structure failing or requiring maintenance, any maintenance or replacing of the structure will require a simple CAR licence to be in place as the structure will not be deemed as existing.

**Community Greenspace** - The red line area includes the Tay and Almond Path which is an asserted the right of way (2/2) and core path (METH/2). This public path is very well used by walkers, cyclists and others and should not be in encroached upon, obstructed or adversely affected in any way. While the site plan shows the existence of this path care should be taken to ensure it does not appear like part of a private garden area. Community Greenspace are aware of local concerns regarding change of use of the riverbank to garden ground. While we do not know of particular issues with canoeists or others entering the river at this point, it would clearly be of concern if further houses along the riverside followed suit.

**Environmental Health** - The proposed development site is on the site of a former bleachfield which was part of the Huntingtower bleachworks. There are also known to previously have been barrels thought to be associated with the bleachworks found buried within the riverbank. As such there is the potential for the ground in this area to be impacted by contamination associated with this historical land use and so the applicant should satisfy themselves that it is suitable for the proposed development.

**Local Flood Prevention Authority** - No objection.

**Scottish Natural Heritage** – Do not object but have raised concerns with the proposed planting. With regards to access they note that the Council should satisfy itself that the public's use and enjoyment of these active travel assets is unaffected by this development.

## REPRESENTATIONS

7 representations have been received on the application, 3 support the application the other 4 object to the application.

Support comments:-

- This has improved access to the river bank.
- The installation and finish is of a high standard.
- Provides a safe boundary.
- The application is an environmental improvement.

Objections:-

- Adverse effect on visual amenity.
- Excessive height.
- Light pollution.
- Loss of openspace.
- Out of character with area.
- Over intensive development.
- In appropriate landuse.
- The gate is locked it restricts access to this part of the river for anglers and other members of the public.
- There are fences on both-side which restricts access/passing.
- The riverbank was in a natural state consistent with the surrounding area.

There is an impact on title deeds that allows fishing for brown trout. – The impact on title deeds is not a planning matter and would be a legal matter between the parties.

## ADDITIONAL INFORMATION RECEIVED:

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

## **APPRAISAL**

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

26 Almond Grove is part of a residential development at Huntingtowerfield. Policy RD1 of the adopted Local Development Plan 2014 is applicable and this notes that small areas of private and public open space will be retained where they are of recreational or amenity value. The placemaking policies PM1A and PM1B are also of relevance, these require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

With a right of way and a core path running through the site policy CF2 - Public Access is engaged.

The site also includes the River Almond (River Tay SAC) policy NE1A - International Nature Conservation Sites is applicable along with policy NE4 - Green Infrastructure.

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

For reasons set out below the application is considered to be contrary to the development plan.

### **Land use**

I note that the supporting statement submitted by the agent highlights that the amenity ground has not fulfilled its original function, it was unkempt, lacked maintenance and because there were previous stone steps to the river resulted in anti-social behaviour. The application therefore seeks to change the use of what was amenity land into private use (in retrospect). While I note the application has been submitted on behalf of occupant on 26 Almond Grove it is clear from the letters of support that some other nearby residents also have access to the site that is subject to this retrospective application.

The landuse issue on this case is whether this amenity land on the riverbank should be incorporated into the garden ground of 26 Almond Grove or whether it should be retained as amenity land for the wider public to benefit.

The site includes a right of way and corepath which is a well-used resource which facilitates access between Almondbank and Perth. From my review of the Local Development Plan policy RD1 seeks to retain public open space where it is of recreational and amenity value. From my review of the supporting statement and the letters of objection this was an area that previously enabled access to the river and facilitated recreational use associated with the river environment (such as anglers and dog walkers). Although I note that it may have also facilitated other unsavoury activities. While the site may not be afforded the same protection as zoned open space under policy CF1 it is nevertheless a resource that has recreational and amenity value accordingly it should be retained as such to comply with policy RD1.

### **Visual Amenity, Placemaking and Landscape**

Scotland's landscape is one of its most valuable assets it is therefore essential that this quality is maintained and enhanced. Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross, as detailed in policy ER6.

One of the attractions of utilising the right of way and corepath network along this section of the River Almond is the interaction between the path and the river corridor. The close-boarded and painted fence that has been erected between the footpath and the river restricts views of the river corridor. The fence design (a close boarded fence) also has a suburbanising effect along with the other garden paraphernalia that has been erected at the site.

The proposal therefore conflicts with criterion (a) of policy ER6 as it erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience. The development also conflicts with criterion (b) of policy ER6 as it fails to safeguard views from the footpath as well as criterion (c) of policy RD1 as the development will not improve the character and environment of the area. With regards to placemaking it is contrary to policy PM1A as the proposal does not contribute positively to the quality of the surrounding built and natural environment. Criterion (a) of PM1B refers to the structure of streets, spaces and buildings. This development erodes the existing coherent street, space and building structure.

At this juncture it is also worth discussing precedent. Court and appeal decisions have established that it is legitimate for decision makers to give weight to the possibility of creating an undesirable precedent when considering whether to grant permission contrary to planning policy or principles. While a clear harm has been identified with this application on its

own it is worth noting that if approved this would set a dangerous precedent and may result in a cumulative impact with other areas of amenity space being fenced along the River Almond with the Right of Way and Corepath hemmed in.

### **Public Access**

I have already discussed how the landuse change can affect recreational access to the riverbank however there is a requirement to assess how the application affects the Right of Way and the core-path network as per policy CF2.

I note concerns in representation that the erection of the close boarded fence throttles the path and restricts passage between users along this section of the footpath. I note that a post and rail fence has been erected to the north east out with the application site to create a safety barrier between the path and the river (although this still allows views of the river corridor). This is of a similar width to the application site and appears to have been erected following remedial works associated with bank erosion. While I appreciate that this part of the path network is narrow I do not consider that the location of the close boarded fence restricts movement to an extent that would warrant refusal. I do not consider there is a conflict with Policy CF2.

### **Nature Conservation**

The River Almond is part of the River Tay Special Area of Conservation. The qualifying interests are as follows:-

- Atlantic salmon
- sea lamprey
- river lamprey,
- brook lamprey,
- clear-water lochs and
- otters.

It should be noted that there are only a few qualifying interests located in this stretch of the SAC namely:-

- Atlantic salmon, river lamprey and brook lamprey.
- Sea lamprey and clearwater lochs are not found on this stretch of the SAC.
- Otters.

Due to the potential impact on nature conservation and water quality that could affect the qualifying features of the SAC both SEPA and SNH have been consulted.

SEPA originally objected to the planning application however this has been removed. Having reviewed the development and having advice on Controlled

Activities Regulations, they now conclude that the development would have had the potential to have been granted a simple licence under CAR.

They note however that an application for a simple licence under CAR, cannot be accepted retrospectively and any structure which is regulated under this regime and which is in place without authorisation can only be dealt with through further enforcement action and they intend to serve a warning letter to the applicant regarding this breach of CAR.

SNH have viewed the development from the opposite bank and note that the fencing appears to extend beyond the red outlined area on the site plan. It is SNH's understanding that the concrete area has been in place for some time, therefore they do not consider that this development will have had a likely significant effect on the protected features of the River Tay SAC. They note they would have to review their position if future work to extend or maintain the concrete area was proposed.

They advise that any gardening undertaken should be appropriate to this riverbank location, as the riparian habitat is important for the otter population of the River Tay SAC and any planting should complement the existing vegetation.

The garden shrubs are therefore not suitable for this riparian corridor, have an adverse impact on the qualifying interest of the SAC which means the application is contrary to policy NE1A.

### **Drainage and Flooding**

Consultation has been undertaken with the Council's Flood team. They note that in a high flow structures such as the stairway may be washed away if not designed to a high flow standard. However, they note that the washed away debris would only pose a low flood risk as there is little blockage risk downstream.

### **Developer Contributions**

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

### **Economic Impact**

The economic impact of the proposal is minimal.

### **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 not 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 Policy RD1 of the Perth and Kinross Local Development Plan 2014 as the proposal will result in the loss of an area of openspace that should be retained as there is a recreational and amenity value associated with the area. Furthermore there is also a conflict with criterion (c) of Policy RD1 as the proposal will not improve the character and environment of the area.
- 2 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the proposal does not contribute positively to the quality of the surrounding built and natural environment due to extending garden paraphernalia into the river corridor and has restricted open views of the river. This fails to respect the character and amenity of place and fails to improve this well used footpath link.
- 3 The proposal is contrary to criterion (a) Policy PM1b of the Perth and Kinross Local Development Plan 2014 as it erodes the previous coherent structure of streets, spaces and buildings.
- 4 The proposal is contrary to criterion (a) of Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience.
- 5 The proposal is contrary to criterion (b) of policy ER6 of the Perth and Kinross Local Development Plan 2014 as it fails to safeguard views and the landscape experience from the footpath.

- 6 Approval would establish an undesirable precedent for developments of a similar nature to the detriment of the overall character of the area thus undermine and weaken the established policies of the Perth and Kinross Local Development Plan 2014.

### **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**

- 1 This case is to be passed back to the Council's Enforcement Officer for remedial action.

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

17/02003/1

17/02003/2

17/02003/3

17/02003/4

17/02003/5

**Date of Report 31.01.2018**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100075036-001

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.

## Type of Application

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

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use of embankment for private use and erect associated structures on land adjacent to 26 Almond Grove, Huntingtowerfield

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☒ Yes ☐ No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

☐ No ☐ Yes – Started ☒ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

31/07/2017

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

Applicant was unaware that improving the local environment on this part of the embankment required planning permission

## 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:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Michael	Building Number:	26
Last Name: *	Paton	Address 1 (Street): *	Almond Grove
Company/Organisation		Address 2:	Huntingtowerfield
Telephone Number: *		Town/City: *	Perth
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	PH1 3NA
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

26 Almond Grove

Address 2:

Huntingtowerfield

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Perth

Post Code:

PH1 3NA

Please identify/describe the location of the site or sites

Northing

725696

Easting

307064

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐

Meeting

☒

Telephone

☒

Letter

☒

Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Correspondence to applicant confirmed that the change of use and erection of structures was in breach of planning control

Title:

Mr

Other title:

First Name:

David

Last Name:

Rennie

Correspondence Reference  
Number:

17/00142/ALUNDV

Date (dd/mm/yyyy):

15/08/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

850.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

The area was previously neglected, unsafe and in poor condition due to the previous owners failure to properly manage or maintain any of the embankment

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐

Yes

☒

No

If Yes please describe and show on your drawings the position of any existing, Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐

Yes

☒

No

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

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☐

Yes

☒

No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

☐

Yes

☐

No, using a private water supply

☒

No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☐ Yes ☒ No

If Yes or No, please provide further details: \* (Max 500 characters)

Not required

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Mark Myles

On behalf of: Mr Michael Paton

Date: 13/11/2017

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☐ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Engineers Report

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Mark Myles

Declaration Date: 09/11/2017

## Payment Details

Cheque: ,

Created: 13/11/2017 11:11

Head of Development Management  
Environment Service  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

13<sup>th</sup> November 2017

Our ref: PAT001  
Your ref: 100075036-001

Dear Sir

### **Planning Application**

#### **Change of use of embankment for private use and erect associated structures on land adjacent to 26 Almond Grove, Huntingtowerfield**

On behalf of Mr Michael Paton, please find enclosed a planning application for the above development, accompanied by the completed planning application forms and a relevant Ordnance Survey Location plan and Site Plan (drawing no.3). In addition, a proposed block plan (drawing no.1) and proposed elevations of the wildlife watching hide and fencing and also site sections are provided on (drawing no.2).

A separate engineers report which relates to the access stairs and highlights how these have addressed a number of safety issues will be forwarded in due course.

We have also enclosed the appropriate application fee of £401 and the separate advert fee of £61.10 for this application (online reference number – 100075036-001).

### **Background to the Application**

The applicant purchased the small area of land from Greenbelt Energy Limited as they had been actively seeking to dispose of their assets in this area having failed to properly manage or maintain any of the trees or shrubs along the river bank for many years.

One of the reasons why the applicant was keen to purchase this land was because a dead tree had fallen over the footpath and onto his boundary fence crossing into the garden which emphasised that the continual neglect of the area was posing a clear safety risk.

This part of the riverbank has historically been neglected, overgrown and has been in very poor condition although because this particular site was covered in fewer trees and less dense vegetation compared to some of the adjacent areas, and also because it had some old stone steps providing access down to the river, it had also tended to attract a lot of unlawful and unsavoury behaviour.

Therefore, by purchasing this small area of the border and the embankment, the applicant has specifically sought to improve the local environment and also to make it easier, safer and cleaner for genuinely interested users to enjoy.

The installation of the access steps including a safety hand rail now ensures that people can safely go down the slope of the embankment to the flat stone bed at the river's edge. This type of access stair is common along the length of the River Almond and also the River Tay particularly between Perth and Luncarty where the embankment can be steep, and we are not aware of any planning permissions having been requested or granted for any of those many other similar installations.

There were originally stone steps down to the river at this same point, but these slowly disappeared due to years of erosion and neglect, so the new steps were simply replacing a structure that previously existed to an improved and safer standard.

The timber fence and gate simply replicate what is on the other side of the public footpath including their colour and as stated above the gate prevents those that are involved in unlawful behaviour from leaving broken bottles and syringes behind simply for others to find and then dispose of. The applicant is therefore simply trying to protect his family and members of the public who visit this part of the river embankment from such incidents.

The small timber shed structure is used as a shelter/hide to observe and enjoy the wildlife that is located in and along the river in a completely relaxing and safe environment.

### **Planning Policy Statement**

The proposal requires to be considered under the terms of the Perth & Kinross Local Development Plan (PKLDP) (Policies RD1, PM1A and PM1B) which was adopted in February 2014.

Being located within the identified Perth settlement boundary, Policy RD1 would apply to this application. This policy seeks to encourage residential and compatible uses where existing residential amenity will be protected and where possible improved. The policy also requires small areas of private and public open space to be retained where they are of recreational or amenity value.

In particular Policy RD1 states that encouragement will be given to proposals which fall into one or more of the categories listed under the policy, and which are compatible with the amenity and character of the area. The key category consideration for this proposal is category

c) which reads 'proposals which will improve the character and environment of the area or village.'

Policy PM1 within the Local Development Plan further adds that development must contribute positively, to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and where practical beyond the site. Proposals should also incorporate new landscaping and planting works appropriate to the local context and the scale and nature of the development.

Category c) of Policy PM1B specifically states that the design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours and category e) also requires proposals to create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot.

## **Conclusions**

The proposed application can be considered as being compatible with the character of the area without causing any adverse impact on the amenity of the area, in accordance with Policy RD1. In fact, the applicant's proposals and aspirations have greatly enhanced the recreational and amenity value of this small area of open space in accordance with Policy RD1.

The desire to create a safe, clean, pleasant and accessible area of the embankment for people to enjoy is also consistent with the objectives of key aspects of Policy PM1 on Placemaking within the Development Plan. As part of any approval if it was considered necessary the requirement for a planting scheme could be conditioned to provide additional screening and security appropriate to the local context and the scale and nature of the wider area also in accordance with Policy PM1A.

The proposal therefore satisfies the key criteria as set out in Policy RD1 and PM1 of the Perth & Kinross Local Development Plan and therefore can be approved as being in accordance with the Development Plan subject to any conditions considered necessary.

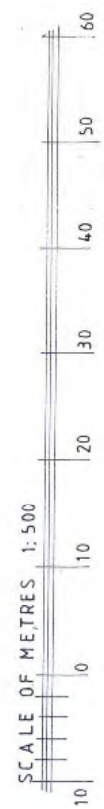
I look forward to hearing from you in connection with this application in due course.

Kind regards

Yours faithfully

Mark Myles







Undefined site boundary  
C.L. of river

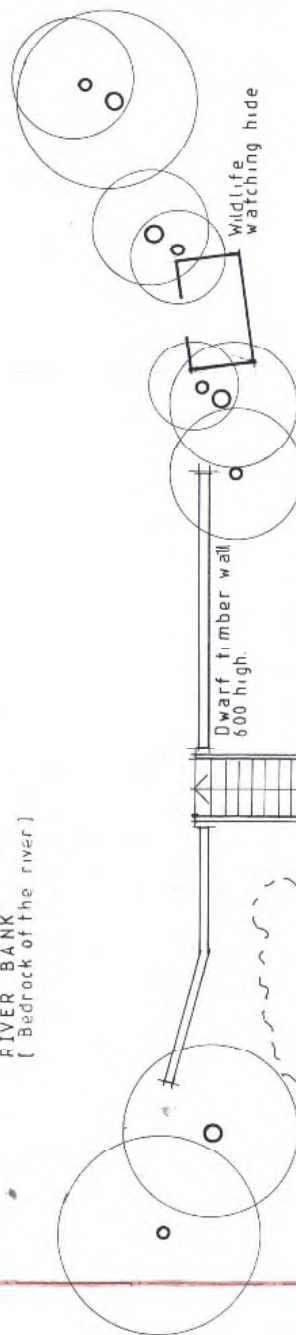
RIVER ALMOND →

Undefined site  
boundary

APPROX. EDGE OF WATER

RIVER BANK  
[ Bedrock of the river ]

Undefined  
site boundary



Scrub trees &  
bushes

Dwarf timber wall  
600 high.

Timber steps down  
to riverbank

Timber fence  
1m high

Planted border

Low timber kerb

Scrub trees &  
bushes

Timber fence  
1-80m high

RIGHT OF WAY

Gate

Gate

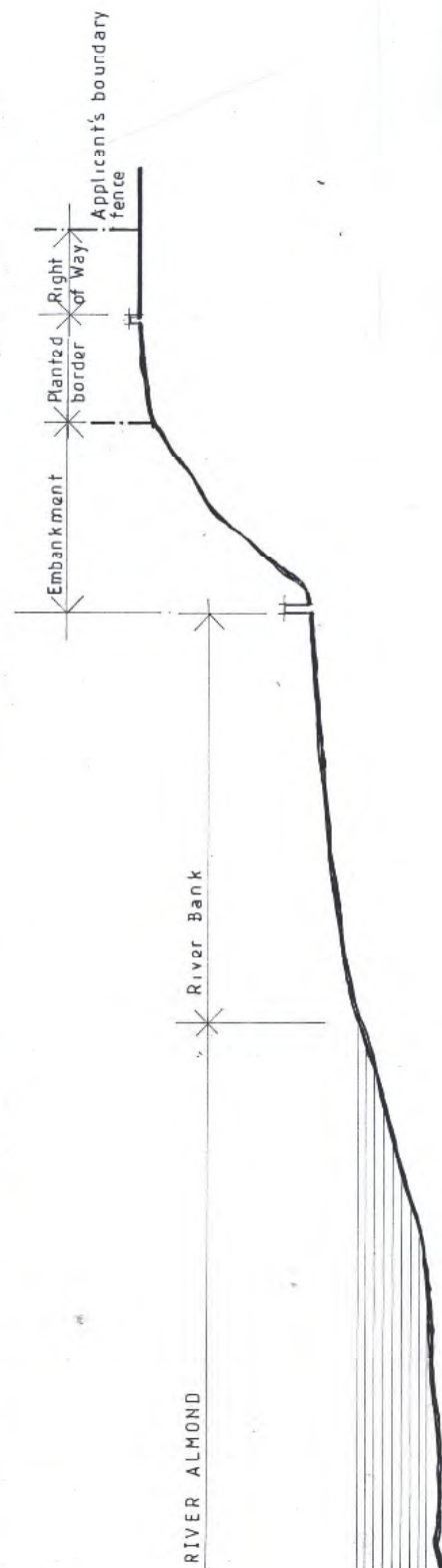
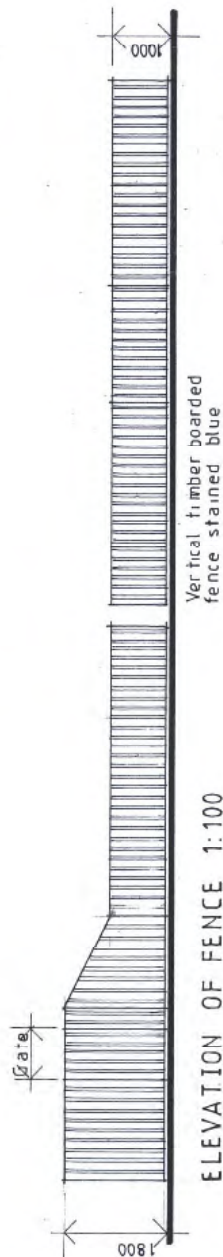
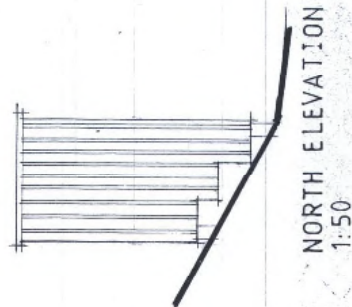
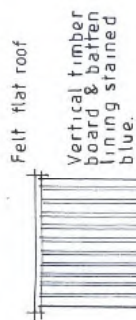
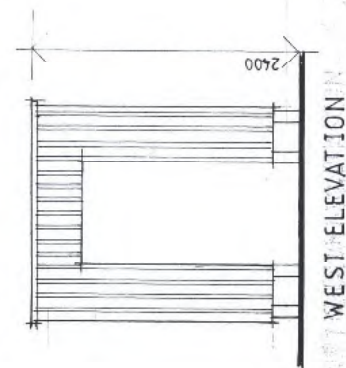
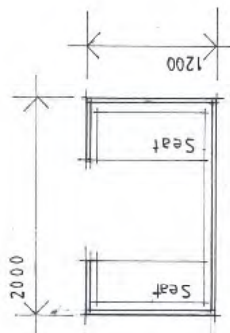
Existing timber fence of  
Applicant's property  
26 Almond Grove

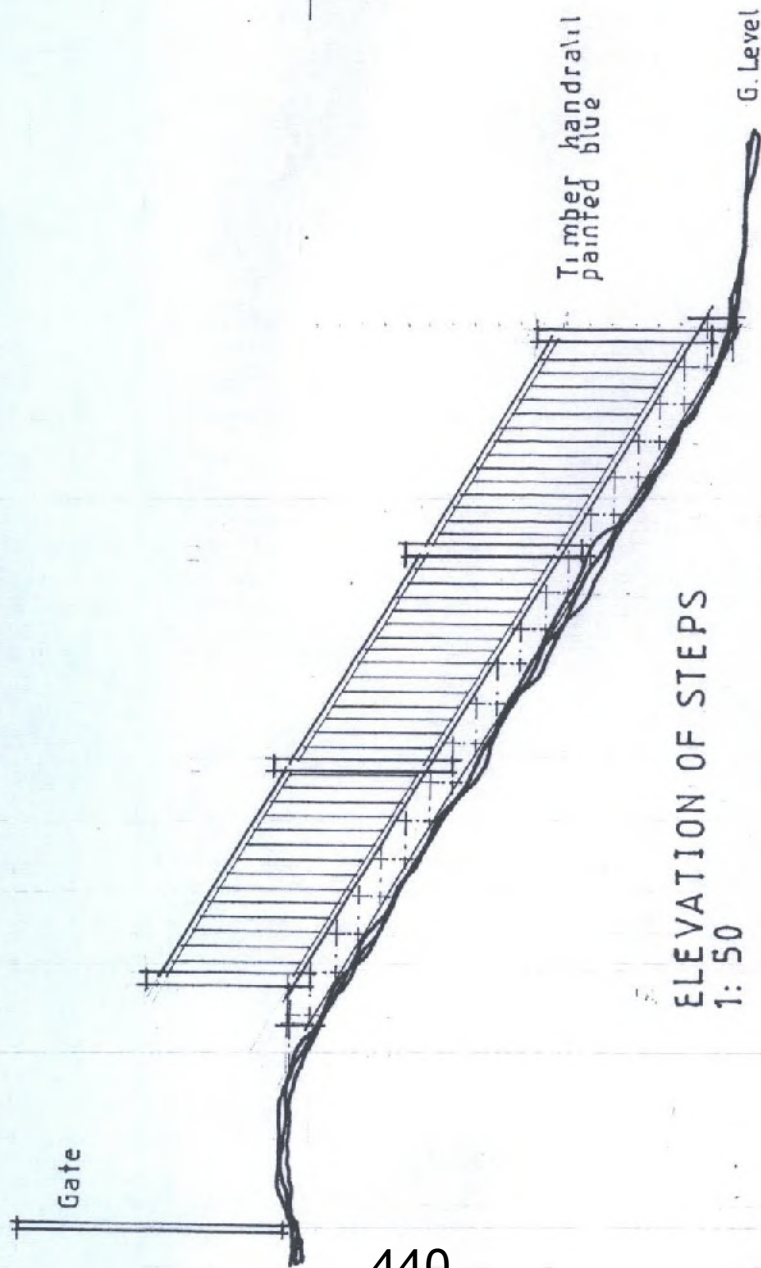
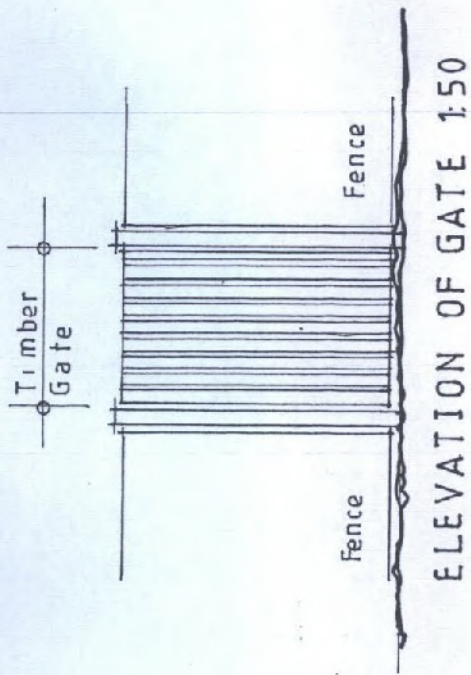
BLOCK PLAN 1:100

SCALE OF METRES 1:50



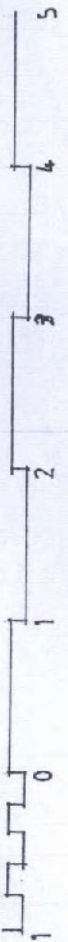
SCALE OF METRES 1:100





17/02003/FLL

SCALE BAR 1: 50





# SLOAN STRUCTURAL SOLUTIONS LTD

12 George Street, Perth, PH1 5JR

t: 01738 561697

m: 07867 880 736

e: mark@3slimited.co.uk

www.3slimited.co.uk

Mr Mike Paton,  
26 Almond Grove,  
Huntingtowerfield,  
Perth,  
PH1 3NA.

14 November 2017

Dear Mr Paton,

**117283      26 Almond Grove, Huntingtowerfield, Perth, PH1 3NA.**

Sloan Structural Solutions Ltd. has been instructed by Mr Mike Paton, to carry out a structural assessment at, 26 Almond Grove, Huntingtowerfield, Perth, PH1 3NA.

The report is based on a visual walk over inspection of the property with no internal intrusive inspections being carried out on Tuesday 31 October 2017. The weather was dry and overcast.

The Sloan Structural Solutions brief was limited to: -

- Structural assessment;

## GENERAL DESCRIPTION OF PROPERTY

The subject of the report is a flight of timber stairs.

## OBSERVATIONS

- A timber stair flight has been installed to the rear of the above property to connect path level to the riverside. The stair has been formed from;
  - Stair Strings of 45 x 260mm deep timber joists,
  - 950mm between strings,
  - 89 x 89mm posts at 2000mm centres,
  - Top of handrail 900mm above nosing,
  - 40 x 40mm spindles with gaps between generally less than 99mm,
  - 950mm between strings,
  - 45mm thick timbers used for treads and risers.
- Some damage of the lower spindle support trim at step 2 and 3 to be repaired.
- There was some movement of the 89 x 89mm posts noted under applied load.

## CONCLUSION AND RECOMMENDATIONS

The arrangement of the stair is generally in keeping with the requirement of the British Woodworking Federation and their documentation "Design Guide: Timber stairs,

A Guide to Designing and Manufacturing Safe and Compliant Staircases". Although this is a guide for internal stairs, the applied loadings remain the same.

The stair would benefit from the following non-essential works;

- Provide a mechanical fixing to tie the posts at low level into sleeper wall timbers,
- Remove soil and vegetation from any support points to the timber string,
- Undertake repairs to the timber trim holding the spindles in position as noted above.

The stair would benefit from the following works;

- Ensure all exposed timber receives a painted finish,
- Regular maintenance to be adopted.

We are satisfied that the stair, in its current arrangement, is of robust construction and is satisfactory for single occupancy use.

For multiple occupancy use we would advise a marshalling arrangement to be established and implemented.

If you require any additional information or information regarding the terminology adopted in this report, please feel free to call.

## **LIMITATIONS AND CONSTRAINTS**

The inspection of the buildings was non-intrusive. No opening up of the building fabric was undertaken to determine the nature or condition of structural members.

The identification of timber rot and/or materials containing asbestos requires specialist inspection and is excluded from this report.

This report is intended for use by Mr Mike Paton and his professional advisors. It is not intended for use by third parties in terms upon which it can be relied.

Regards,



Mark Sloan BEng (Hons) CEng MStructE  
Director

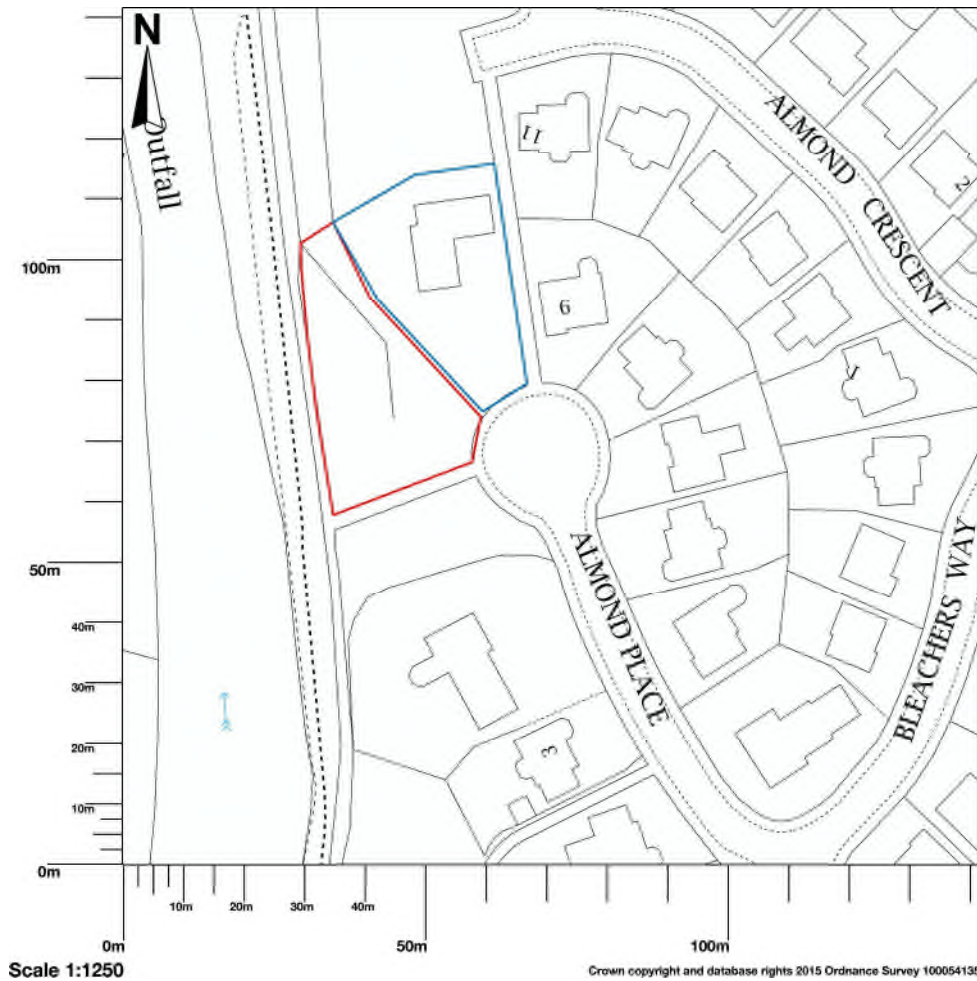


View of stairs from the riverside looking towards the access path.



Side view of stairs showing posts, handrail, spindles, treads and stair string. The arrow highlight areas of the structure in need of decoration.

## 5 Almond Place, Huntingtowerfield, Perth, PH1 3FA



Map shows area bounded by: 307106.28,725842.3,307247.72,725983.7 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**ANYONE USING  
THESE STEPS  
DOES SO  
AT THEIR OWN RISK**







**TCP/11/16(530) – 17/02003/FLL – Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield, Perth**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 411-412)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 413-423)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 437-443)*



**TCP/11/16(530) – 17/02003/FLL – Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield, Perth**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	17/02003/FLL	<b>Comments provided by</b>	Jane Pritchard
<b>Service/Section</b>	Community Greenspace	<b>Contact Details</b>	
<b>Description of Proposal</b>	Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect)		
<b>Address of site</b>	26 Almond Grove Huntingtowerfield Perth PH1 3NA		
<b>Comments on the proposal</b>	<p>We note that the red line area includes the Tay and Almond Path which is an asserted the right of way (2/2) and core path (METH/2). This public path is very well used by walkers, cyclists and others and should not be in encroached upon, obstructed or adversely affected in any way. While the site plan shows the existence of this path care should be taken to ensure it does not appear like part of a private garden area.</p> <p>We are aware of local concerns regarding change of use of the riverbank to garden ground. While we do not know of particular issues with canoeists or others entering the river at this point, it would clearly be of concern if further houses along the riverside followed suit.</p>		
<b>Recommended planning condition(s)</b>			
<b>Date comments returned</b>	27.11.17		



# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK17/02003/FLL	Our ref	LJ
Date	4 December 2017	Tel No	( [REDACTED] )

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

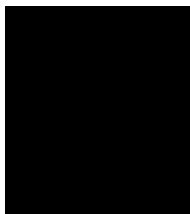
**PK17/02003/FLL RE: Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) 26 Almond Grove Huntingtowerfield Perth PH1 3NA for Mr Michael Paton**

I refer to your letter dated 29 November 2017 in connection with the above application and have the following comments to make.

**Contaminated Land** (assessment date – 04/12/2017)

### Informative

The proposed development site is on the site of a former bleachfield which was part of the Huntingtower bleachworks. There are also known to previously have been barrels thought to be associated with the bleachworks found buried within the riverbank. As such there is the potential for the the ground in this area to be impacted by contamination associated with this historical land use and so the applicant should satisfy themselves that it is suitable for the proposed development. The Land Quality team be contacted on 01738 475000 or es@pkc.gov.uk for further advice regarding this matter if required.





# Comments for Planning Application 17/02003/FLL

## Application Summary

Application Number: 17/02003/FLL

Address: 26 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect)

Case Officer: John Russell

## Customer Details

Name: Mrs Jane Anderson

Address: [REDACTED]

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Out of Character with the Area

Comment: Commenting as a frequent user of the adjacent right of way on foot and bicycle.

The fence blocks views of the river and river bank where normally you can enjoy natural vegetation and wildlife. If every householder along the right of way built similar fences the way would be a corridor between fences.

Does the householder own the piece of embankment and river bank which is now fenced in and has a locked gate?

In my opinion the additions do not enhance the area but spoil it.



**Tracy McManamon**

---

**From:** Sally Gregor [REDACTED]  
**Sent:** 05 December 2017 11:06  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application Reference 17/02003/FLL

To whom it may concern

I recently received an application for retrospective planning permission regarding a property at 26 Almond Grove, Huntingtowerfield, Perth for a M. Paton. I was amazed to get this letter, as I assumed planning permission had previously been granted and that I had merely missed the application in the local press, as I would have been vehemently opposed to this construction, namely the change of use of riverbank to garden ground, erection of a shed, fence, gate, access steps and associated works.

I will give you my reasons for objection as follows:

What used to be a tranquil, natural environment, with various types of trees, has now turned into unnatural pagoda style bird boxes, placed on stumps that have been cut down to accommodate them. The said boxes are approximately two feet square and of various colours, culminating with a three foot silver eagle placed upon another stump.

Said person has also erected a fence on two properties, on his own property and a small fence on an adjoining property where all the paths were leading down to the river. These access points were always the traditional paths for anglers and other members of the public who wished to visit the river. At this point I would like to make you aware that myself and others have, over the last twenty years, fished there for trout as we have the right to do so in our Title Deeds.

I now find that all the traditional access points have been closed off with a blue fence and a locked key code gate, which is not acceptable. It should be made aware to the relevant authorities that several years ago he was asked to remove a set of steps leading to the river by the relevant authorities.

I had no complaints then because access was open to the general public, including my neighbours and myself.

Lastly, I am amazed that Scottish Natural Heritage have not been made aware of this construction which is not in keeping with the flora and fauna. In fact one could say it is all rather tacky in my opinion.

Also, he has erected cctv cameras to oversee the development that he did not seek permission to do. I now discover, he has no signage up to indicate these cameras are in use to the general members of the public. If they are not being used why are they in position.

[REDACTED]

Yours faithfully

Derek Gregor

Sent from my iPad



# Comments for Planning Application 17/02003/FLL

## Application Summary

Application Number: 17/02003/FLL

Address: 26 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect)

Case Officer: John Russell

## Customer Details

Name: Mrs Gwen Morton

Address: [REDACTED]

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Excessive Height
- Inappropriate Land Use
- Lack or loss Of Car parking
- Light Pollution
- Loss Of Open Space
- Out of Character with the Area
- Over Intensive Development

Comment: I object as it restricts access to the part of the river where we use to take the dog for a swim. If a cyclist is coming along there is no room to stand aside to let them past as there is fences on both sides. It looks completely out of character and does not fit in with the rest of the surroundings.



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

<b>Planning Application ref.</b>	17/02003/FLL	<b>Comments provided by</b>	Steven Wilson
<b>Service/Section</b>	TES/Flooding	<b>Contact Details</b>	FloodingDevelopmentControl@pkc.gov.uk
<b>Description of Proposal</b>	Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect)		
<b>Address of site</b>	26 Almond Grove Huntingtowerfield Perth PH1 3NA		
<b>Comments on the proposal</b>	No Objection – it should be noted that in a high flow structures such as the stairway may be washed away if not designed to a high flow standard. Any debris would only pose a low flood risk as there is little blockage risk downstream		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>	PKC Flooding and Flood Risk Guidance Document (June 2014)		
<b>Date comments returned</b>	14/12/2017		



# Comments for Planning Application 17/02003/FLL

## Application Summary

Application Number: 17/02003/FLL

Address: 26 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect)

Case Officer: John Russell

## Customer Details

Name: Mr robert sinclair

Address:

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Inappropriate Land Use

Comment: The site plan shows that a right of way is included within the site. This should not be allowed.

The riverbank was in a natural state consistent with the surrounding area. Any construction in this area is obtrusive and out of place.

Does the applicant actually own the area that he intends to use for his own purposes.



# Comments for Planning Application 17/02003/FLL

## Application Summary

Application Number: 17/02003/FLL

Address: 26 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect)

Case Officer: John Russell

## Customer Details

Name: Mr George Brown

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area

Comment: I am in total support of this application, Mr Paton has transformed this river bank from a area that was not accessible, to an area where i can take my grandchildren to enjoy the river and feed the ducks, it is also a place myself and my wife can go and sit and relax, i am also led to believe there is a few objections to this planning application, i personally believe this is out of jealousy and not concern for the area, and i am sure i read, some objector said they used to go fishing there but i can honestly say in the last four years since i moved in to the area, i have never seen anybody fishing at that point. Also i sincerely hope my comments are taken in to consideration and Mr Paton is allowed to continue with his application.

Yours Sincerely

George and Lorraine Brown



# Comments for Planning Application 17/02003/FLL

## Application Summary

Application Number: 17/02003/FLL

Address: 26 Almond Grove Huntingtowerfield Perth PH1 3NA

Proposal: Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect)

Case Officer: John Russell

## Customer Details

Name: Mr Bruce Miller

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Results in Environmental Improvements

Comment: My original posting is categorised as neutral, however I would like to make it clear we are very much in support of this application as it provides a safe boundary and safe access to the river bank which over time had become very unsafe with gaps in the flora and fauna leading down a steep slope leaving it dangerous for pedestrians and cyclists during hours of darkness and unsafe to negotiate and reach the riverside.

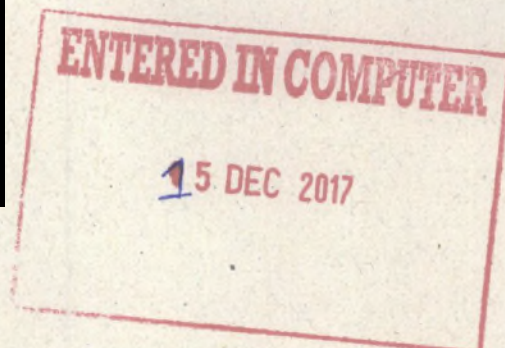
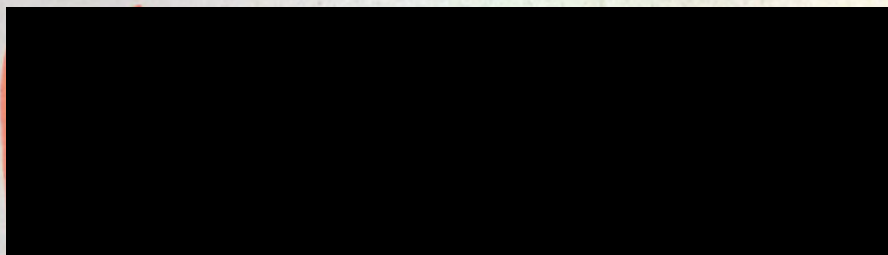
This application is very much an environmental improvement.



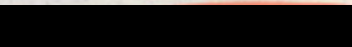
**Meaghan Wilson**

---

**From:** Development Management - Generic Email Account  
**Sent:** 15 December 2017 13:51  
**To:** Meaghan Wilson  
**Subject:** FW: Planning reference 17/020003/FLL



-----Original Message-----

**From:** Bruce Miller [mailto:  
**Sent:** 15 December 2017 13:35  
**To:** Development Management - Generic Email Account  
**Subject:** Planning reference 17/020003/FLL

Hello there

My wife has just spoken with Christopher in Customer Services who gave her this email address to allow us to make comments regarding the above application which are not objections.

I note that in one objection there is a specific reference to having fishing rights with their title deeds. I would point out that those rights are no longer applicable since G S Brown sold the river bank to Greenbelt. All rights were terminated at that time in line with terms of the "Grant of Fishing Rights". A copy of our document of rights is available if required.

Also there is mention too of having access to the area in question to let dogs swim etc. Can I just state since the horrendous high water in 2010 where the river bank, just a short distance away (approx 30m) slid into the river, it became extremely difficult and quite honestly dangerous to navigate down to the rivers edge at the area in question.

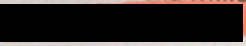
Mention is also made in an objection that there is not enough room now to stand aside if a cyclist passes. In my opinion there is more room here than there is along the new stretch of pathway that was made by the council following the land slip into the river.

Further, there is mention of being unable to see the river bank now because of the fencing. This comment seems redundant as the flood protection scheme works has taken away the view of the river from the weir around to the corner at the Pow burn.

I think what I am trying to point out here is that these objections have no merit and as a family with a dog and young grandchildren living directly next to the area in question, we are very happy to have the said area fenced and steps to provide safe access to the river bank. Safety being a major concern to my wife who was a safety professional before her retirement.

I hope when making your consideration regarding the above application you take onboard our comments.

Regards

Bruce & Sheila Miller  




## **Development Management - Generic Email Account**

---

**From:** [REDACTED]  
**Sent:** 15 December 2017 21:50  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application Reference 17/02003/FLL

Dear Sir,

I have lived in Almondgrove for many years and have enjoyed walking along the river banking in all weathers. When Mr. Michael Paton informed me of his plans for the river banking, I did have my reservations. However, on seeing the completed project, I was very pleasantly surprised.

All the neighbours have been offered the security code for access at any time. It is a pleasure to see young families enjoying such a safe environment leading to the flat river bed.

Mr. Paton has used quality joiners for the installation and the finished effect is of a very high standard of workmanship. Mr Paton has also raised a considerable sum of money for the Scottish Air Ambulance Charity by using this space which is commendable

It would be a great pity if planning for this project were to be refused.

Yours faithfully,  
Sheena C. Wright







## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

Mr N Brian  
Planning  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

20 December 2017  
Our ref: SIT/SAC/River Tay/ASS  
Your ref: 17/02003/FLL

Dear Mr Brian

### **Town and Country Planning (Scotland) Act 1997**

**Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect), 26 Almond Grove, Huntingtowerfield, Perth, PH1 3NA**

Thank-you for your consultation of 24 November 2017. My apologies for the lateness of this response, I was unavoidably off work last week.

### **River Tay Special Area of Conservation**

The development lies within the River Almond, part of the River Tay SAC. Information regarding the SAC qualifying features and Conservation Objectives are available on the Sitelink section of [www.snh.gov.uk](http://www.snh.gov.uk). Details of the legislative requirements are included in Annex 1.

I have viewed the development from the opposite bank and it would appear that the fencing extends beyond the red outlined area on the site plan. However, it is our understanding that the concrete area has been in place for some time, we, therefore, do not consider that this development will have had a likely significant effect on the protected features of the River Tay SAC. We would have to review our position if future work to extend or maintain the concrete area was proposed.

We advise that any gardening undertaken should be appropriate to this riverbank location, as the riparian habitat is important for the otter population of the River Tay SAC. Any planting should complement the existing vegetation. We have previously noted rhododendron along the bank of the River Almond, this species can become dominant, out competing native species and reducing biodiversity. For further information regarding invasive non-native species see our website: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/invasive-non-native-species>

### **Access**

We note the presence of Core Path Meth/2 and National Cycle Route 77 within the development area. The Council should satisfy itself that the public's use and enjoyment of these active travel assets is unaffected by this development.



Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW  
Tel 01738 444177 - Fax 01738 458611 - [www.snh.gov.uk](http://www.snh.gov.uk)

I hope you find this advice useful.

Yours sincerely

(via email)

Nicki McIntyre  
Operations Officer  
Tayside and Grampian  
[nicki.mcintyre@snh.gov.uk](mailto:nicki.mcintyre@snh.gov.uk)

## Annex 1

### Legislative Requirements for European Sites

In Scotland, European Sites are defined as candidate Special Areas of Conservation (cSACs), designated Special Areas of Conservation (SACs) and classified Special Protection Areas (SPAs).

The Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "1994 Habitats Regulations") apply to European Sites. Where reserved matters (within the meaning of Schedule 5 of the Scotland Act 1998)<sup>1</sup> are concerned, certain provisions of the Conservation of Habitats and Species Regulations 2010 as amended (the "2010 Regulations") apply instead. Both sets of regulations require an equivalent process in relation to the assessment of plans and projects with the potential to affect European sites.

The requirements are summarised in Circular 6/1995 as amended June 2000 and include, at paragraph 12,

"The Regulations require that, where an authority concludes that a development proposal unconnected with the nature conservation management of a Natura 2000 site is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated."

The need for appropriate assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

Under regulation 48 of the 1994 Habitats Regulations (or regulation 61 of the 2010 Regulations in respect of reserved matters), this means that the competent authority has a duty to:

- determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

If significant effects are unknown or likely, the competent authority can only agree to the proposal under regulation 48 (or regulation 61 of the 2010 Regulations in respect of reserved matters) after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, either:

1. Reserved matters include: activities consented under sections 36 or 37 of the Electricity Act 1989; activities consented under the Pipelines Act 1962; matters related to the exploration for, and exploitation of, deposits of oil and natural gas; and matters related to defence of the realm.
2. *(i) for sites where no priority habitat<sup>2</sup> is affected* The proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature. If you propose to approve the plan on the grounds of imperative reasons of overriding public interest then regulation 49 (or regulation 62, as modified by regulation 67(3)(c), of the 2010 Regulations) states that you must inform Scottish Ministers (or the Secretary of State) and you must not issue approval for a period of 21 days after receipt by Scottish Ministers (or the Secretary of State) unless notified otherwise<sup>3</sup>.

If proposals are allowed to proceed in accordance with regulation 49 (or regulation

62, as modified by regulation 67(3)(c), of the 2010 Regulations) then it should be noted that regulation 53 (or regulation 66, as modified by regulation 67(3)(c), of the 2010 Regulations) requires that Scottish Ministers (or the Secretary of State) 3 shall secure that any necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.

*Or (ii) for sites where a priority habitat<sup>2</sup> is affected*

The proposal can only be allowed to proceed if there are imperative reasons of overriding public interest. As the site is identified for a priority habitat, reasons of overriding public interest can relate only to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via the Government). If you propose to approve the plan on the grounds of imperative reasons of overriding public interest then regulation 49 (or regulation 62, as modified by regulation 67(3)(c), of the 2010 Regulations) states that you must inform Scottish Ministers (or the Secretary of State) and you must not issue approval for a period of 21 days after receipt by Scottish Ministers (or the Secretary of State) unless notified otherwise<sup>3</sup>.

If proposals are allowed to proceed in accordance with regulation 49 (or regulation 62, as modified by regulation 67(3)(c), of the 2010 Regulations) then it should be noted that regulation 53 (or regulation 66, as modified by regulation 67(3)(c), of the 2010 Regulations) requires that Scottish Ministers (or the Secretary of State) 3 shall secure that any necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.

2 Priority habitats (within the meaning of the Habitats Directive and the Habitats Regulations) which

occur as qualifying interests in SACs in Scotland are listed here

<http://www.snh.gov.uk/docs/B638527.pdf> . Priority habitats are not qualifying interests of SPAs and

there are no European sites designated for any priority species in Scotland.

3 Scottish Ministers are the competent authority in relation to considerations under regulations 49 and

53 of the 1994 Habitats Regulations. Scottish Ministers are also the appropriate authority in relation

to regulations 62 to 66 of the 2010 Regulations for activities consented under sections 36 or 37 of the

Electricity Act 1989 and activities consented under the Pipelines Act 1962. For reserved matters

other than Electricity and Pipelines, the appropriate authority in relation to these provisions is the

Secretary of State (Westminster).

Our ref: PCS/156570  
Your ref: 17/02003/FLL

John Russell  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

If telephoning ask for:  
Paul Lewis

08 January 2018

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Mr Russell

**Town and Country Planning (Scotland) Acts**  
**Planning application: 17/02003/FLL (in retrospect)**  
**Change of use of river bank to garden ground, erection of a shed, fence, gate,**  
**access steps and associated works (in retrospect)**  
**26 Almond Grove, Huntingtowerfield, Perth, PH1 3NA**

Thank you for your consultation which SEPA received on 13 December 2017.

### **Advice for the planning authority**

We **object** to this planning application on the grounds of its non-compliance with the Water Environment (Scotland) Regulations (as amended) (CAR): please see Section 1. We also draw your attention and the attention of the applicant to the advice on flood risk in Section 2.

#### **1. CAR**

- 1.1 When SEPA is consulted on a planning application one of the issues we consider is its potential to be authorised or registered under CAR. We consider that this approach is consistent with the relationship between planning and environmental regulation.

#### **Planning Advice Note 51 (Revised 2006): Planning, Environmental Protection and Regulation**

Paragraph 49 *"Whether authorisation or licensing under another regime would be approved or refused is not a material consideration although whether a proposal was 'capable of being licensed' would be."*

- 1.2 Had we been consulted on a planning application for this development and use of land, we would have advised that these works would require a CAR licence for the steps and shed within the river as these are 'in stream structure.' We would have **objected** to the proposal for the bank protection as it cannot be classed as green bank protection as treated wood

has been used. This is not a suitable material for use in-river. Untreated wood would be acceptable protection and not a breach of CAR General Binding Rule 8.

- 1.3 A retrospective planning application should be treated as if it were a planning application, i.e. as if development had not been started or completed. We can only, therefore, **object** to this planning application.

## 2. Flood Risk

- 2.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we expect Perth & Kinross Council to undertake its responsibilities as the Flood Prevention Authority.
- 2.2 Review of the SEPA Flood Map indicates that the site lies within the 0.5% annual probability (or 1 in 200-year) flood extent and may therefore be at medium to high risk of flooding. Whilst we would generally object to development within the functional floodplain we understand that this application is for an extension to garden ground and the work carried out is unlikely to lead to an increase in flood risk elsewhere.
- 2.3 We would advise that this area is prone to flooding and it is likely that the structures and items within the floodplain could be washed away or damaged. People should avoid the area during periods of high flows on the river and we would recommend that users of the site sign up to receive the flood warning for Almondbank to ensure the area is cleared prior to flooding.

## Caveats & Additional Information for Applicant

- 2.4 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>
- 2.5 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 2.6 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Perth & Kinross Council as Planning Authority in terms of the said Section 72 (1). Our briefing note "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

### Perth Strathearn House

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

## **Regulatory advice for the applicant**

### **3. Regulatory requirements**

- 3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 3.2 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office at:

Strathearn House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RX,  
Tel: 01738 627989

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Paul Lewis  
Senior Planning Officer  
Planning Service

ECopy to: Mark Myles, MBM Planning & Development - [mm@mbmplanning.co.uk](mailto:mm@mbmplanning.co.uk)

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

#### **Perth Strathearn House**

Broxden Business Park,  
Lamberkine Drive, Perth, PH1 1RX  
tel 01738 627989 fax 01738 630997

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

**From:**Lewis, Paul  
**Sent:**Wed, 24 Jan 2018 16:53:06 +0000  
**To:**Development Management - Generic Email Account;John Russell  
**Cc:**'mm@mbmplanning.co.uk'  
**Subject:**Planning Application 17/02003/FLL (in retrospect)

Dear Mr Russell

I am writing to follow up my letter to you of 08 January 2018 (our reference PCS/156570) which is copied below.

Our advice based on the structure not meeting the requirements under GBR 8 rule (e) was incorrect. GBR 8 (e) states:

- e) The revetment can only be constructed from vegetation, geotextiles, untreated wood, or non-grouted stone rip-rap.

However GBR 8 is with reference to □Controlling bank erosion by green bank reinforcement or re-profiling□. In this instance the structures in question are some wooden steps and a hut installed on a riverbank and while made of treated wood the structures are not installed for the purpose of green bank reinforcement or re-profiling and therefore in this instance GBR 8 does not apply.

The steps and hut structures should have been regulated through the granting of a simple licence under the Controlled Activities (Water Environment) (Scotland) Regulations 2011 (CAR). Following table 5 □Engineering levels of authorisation□ on pages 42-44 of the CAR Practical Guide defines this activity as □other controlled activities not defined elsewhere in the table□.

As mentioned at Section 1.1 of our letter of 08 January 2018, when consulted on a planning application one of the issues we consider is its *potential* to be authorised or registered under CAR. (Until we receive an application for a CAR licence we cannot comment on whether the licence will be granted, but we can comment on the potential for a licence to be granted.)

As mentioned at 1.3 of our letter, a retrospective planning application should be treated as if it were a planning application, i.e. as if development had not started. If it is uncertain that the development included elements that had had the potential to be authorised or regulated we can only object to the retrospective planning application.

Having reviewed the development and having reviewed our advice on CAR, we now conclude that the development would have had the potential to have been granted a simple licence under CAR. An application for a simple licence under CAR, however, cannot be accepted retrospectively and any structure which is regulated under this regime and which is in place without authorisation can only be dealt with through further enforcement action. We intend, therefore, to serve a warning letter to the applicant regarding this breach of CAR.

In summary, our revised position on this retrospective planning application is that we have **no objection** but we do intend to serve a warning letter to the applicant regarding the breach of CAR. Included in this warning letter we will advise that, in the event of the structure failing or requiring maintenance, any maintenance or replacing of the structure will require a simple CAR licence to be in place as the structure will not be deemed as ☐existing☐.

Please contact me if you would like to discuss this email or if you would like any further information.

Yours sincerely,

**Paul Lewis**

Senior Planning Officer

Planning Service, SEPA, Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT

Direct line: 0131 273 7334

Email: [paul.lewis@sepa.org.uk](mailto:paul.lewis@sepa.org.uk)



## CHX Planning Local Review Body - Generic Email Account

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**From:** Bruce Miller [REDACTED]  
**Sent:** 05 May 2018 10:15  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(530)

For the attn of Gillian Taylor

With reference to the above application and appeal my wife and I would like to reiterate our support in this matter and point out that Mr Paton has made significant changes to the works that were carried out so as to address objections and concerns that were raised.

As previously stated in our original supporting correspondence, the fencing off of the riverbank has massively improved the safety aspect of the bank which has suffered significant erosion and had left dangerous pathways (gullies) leading down to the river.

With the addition of the steps our family and the general public has safe access to the beautiful riverside.

It is our hope that the council view this application as a positive addition to the riverbank and rescind their refusal and grant retrospective permission.

Yours sincerely  
Bruce & Sheila Miller

[REDACTED]

Sent from my iPad



## **CHX Planning Local Review Body - Generic Email Account**

---

**From:** R SINCLAIR <[REDACTED]>  
**Sent:** 05 May 2018 16:32  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** TCP/11/16(530)

I refer to planning application 17/02003/FLL Change of use of ground at 26 Almond Grove, Huntingtowerfield, Perth.

I am pleased that the planning department refused this application with the reasons for refusal expressing beautifully in official language the points I tried to make in my objection to the application.

The situation has not changed and I would hope that the appeal is dismissed.

R. F. Sinclair



## CHX Planning Local Review Body - Generic Email Account

---

**From:** George Brown [REDACTED]  
**Sent:** 07 May 2018 22:16  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Support for Mr Paton, 26 Almond Grove

I am sending this email in support of Mr Paton at 26 Almond Grove, Huntingtowerfield, what he has done to the river bank, with the access steps in my opinion has completely reformed a derelict part of the river for which nobody could get to the river, only today I walked passed and saw a elderly couple siting down at the the river enjoying the tranquility, also some kids that parked there bikes at the top and were enjoying the river in complete safety, I still don't understand why it has got to this situation apart from jealousy on the part of some objectors, if only more people were like Mr Paton and looked after property they owned, and also I saw one of the objections was, when you are walking passed you could no longer see the river, well I would like to bring to your attention the big wall for the flood prevention scheme which blocks out everything.

Yours in hoping common sense will come through

George Brown  
[REDACTED]

Sent from my iPad  
Sent from my iPad



## **CHX Planning Local Review Body - Generic Email Account**

---

**From:** Mark Myles <mm@mbmplanning.co.uk>  
**Sent:** 21 May 2018 08:53  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** TCP/11/16(530)

**Application Ref: 17/02003/FLL – Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield, Perth**

Dear Audrey

Thank you for your email of 9<sup>th</sup> May enclosing copies of the further representations (2 emails in support and 1 objection) received in respect of the above Notice of Review.

All I would wish to add is that the 2 additional representations in support both take account of several points raised within our grounds of appeal and also highlight the significant changes that have been carried out in response to the concerns that were raised by the appointed officer, whereas the 1 further objection fails to acknowledge anything raised in the grounds of appeal statement and doesn't add nothing new.

I look forward to hearing from you in connection with the date of the LRB meeting in due course.

Kind regards

Mark Myles  
MBM Planning & Development  
Algo Business Centre  
Glenearn Road  
PERTH  
PH2 0NJ

01738 450506  
07887 801965



**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 497-514***)
- (b) Decision Notice (***Pages 517-518***)
  - Report of Handling (***Pages 519-525***)
  - Reference Documents (***Pages 511-513 and 527-542***)
- (c) Representations (***Pages 543-582***)



**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](mailto: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 &amp; 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"/>
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## 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, BLAIRGOWRIE

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 &amp; 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 1,000m<sup>2</sup> 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 330m<sup>2</sup> of open ground designation from the site we can confirm that the remaining 1,000m<sup>2</sup> 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](http://www.msa-architects.com)  
[info@msa-architects.com](mailto: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 (1,000m<sup>2</sup>). MSA drawing 1097/PL/05: Plot analysis indicates that there are residential plots as small as 796m<sup>2</sup> 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

1<sup>st</sup> March 2018

[www.msa-architects.com](http://www.msa-architects.com)  
[info@msa-architects.com](mailto:info@msa-architects.com)

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Aberfeldy PH15 2BB  
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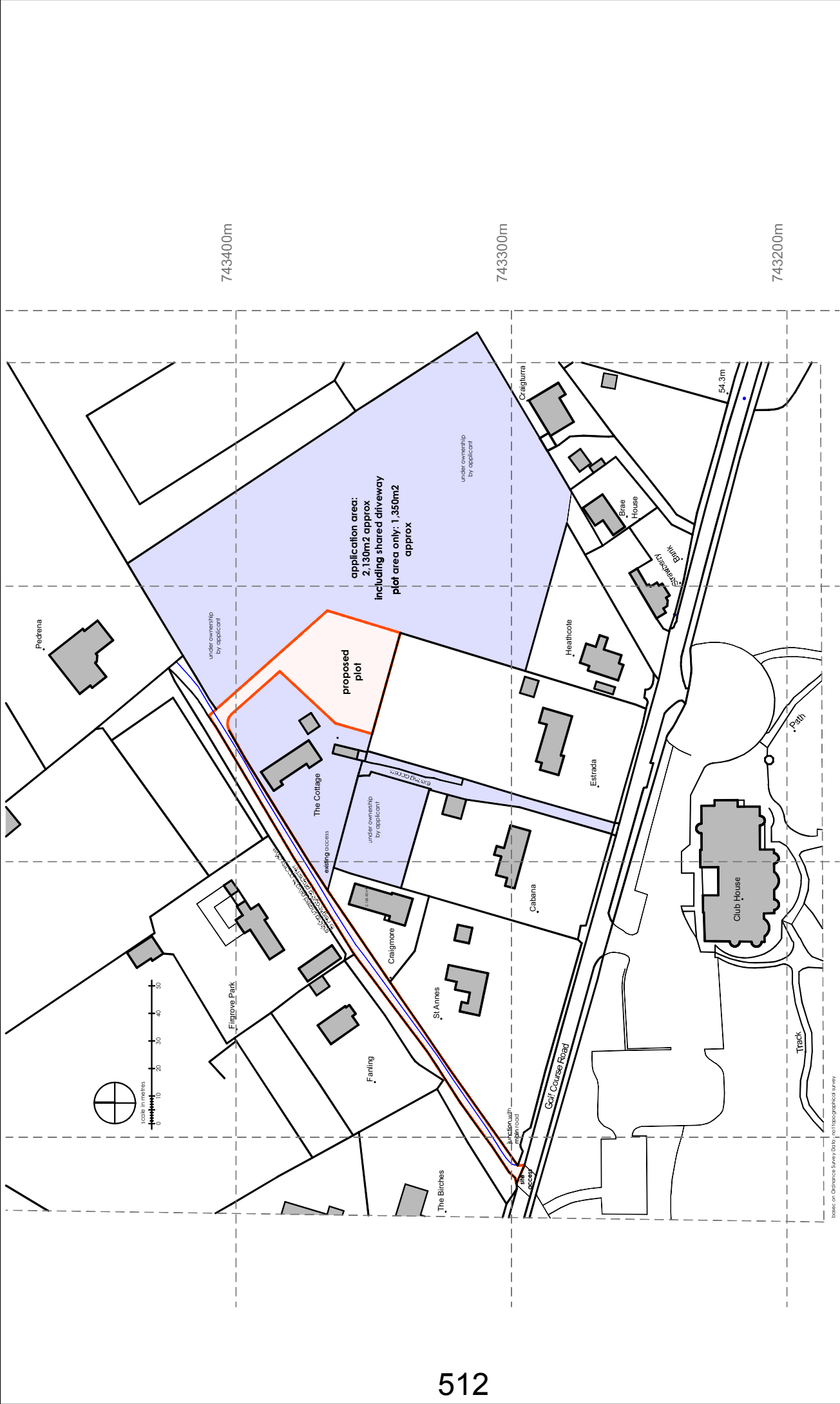
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Vat: 206 222 945

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**Exceeding Your Expectations**  
*in Design, Quality & Service*

[illegible]



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e: info@msa-architects.com

159 Dunkeld Road, Perth, PH1 5AS. T: 01738 445 983

JOB TITLE:  
NEW HOUSE at THE COTTAGE, GOLF COURSE ROAD, BLAIRGOWRIE, PH10 6LF for MR&MRS SMITH

rev date description  
A 10/10/17 updated

DRAWING TITLE:  
location plan

DRAWING STATUS:  
PLANNING IN PRINCIPLE

SCALE:  
1:1250 @A3

DRAWN BY:  
SJ

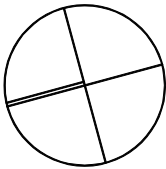
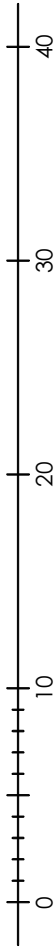
DRAWING NUMBER:  
1097/PL/01

CHECKED BY:  
RJ

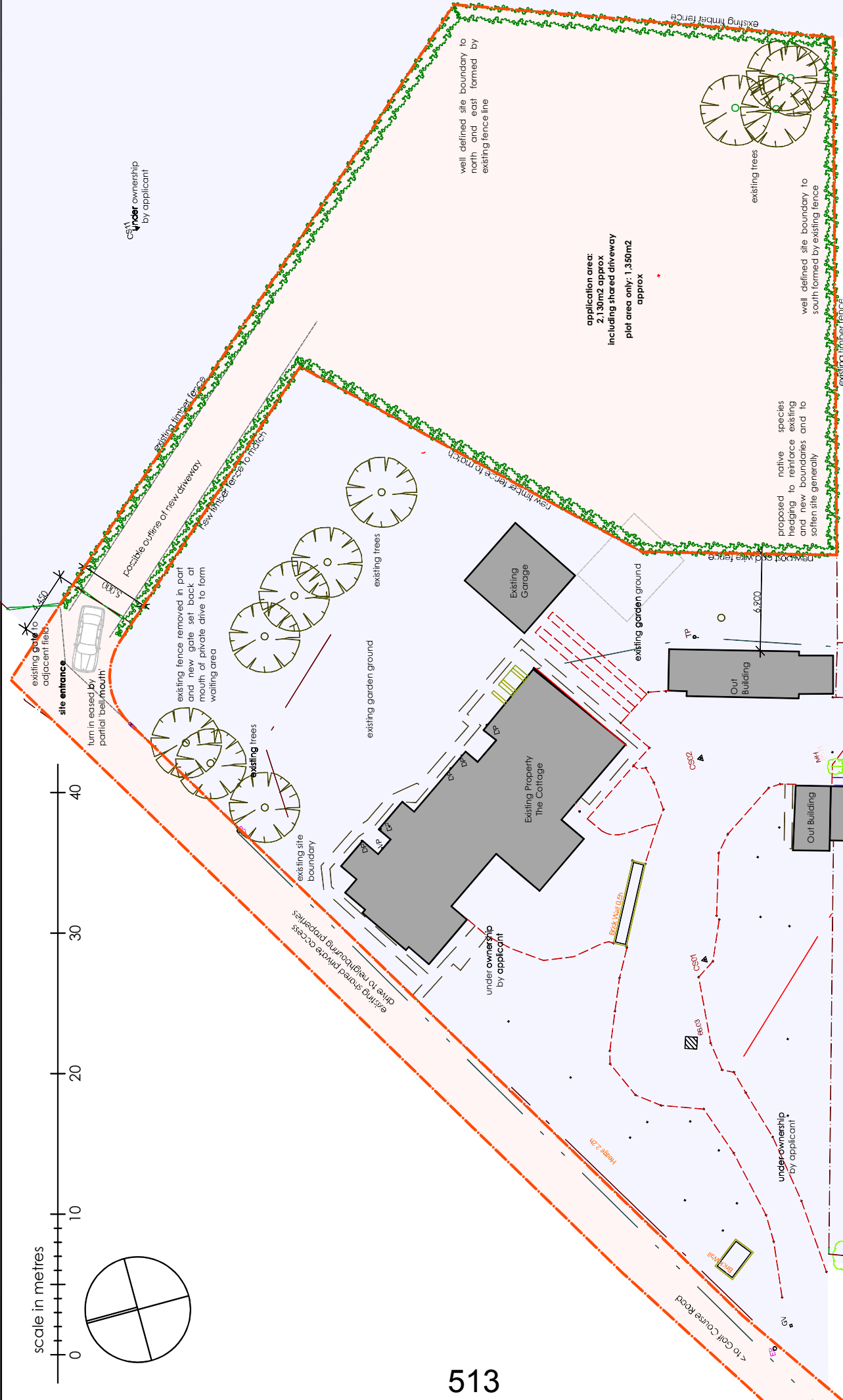
REVISION:  
A

DATE:  
SEPTEMBER 2017

scale in metres



513



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



based on Ordnance Survey Data - not topographical survey

**McKenzie Strickland Associates**  
23 Bank Street, Aberfeldy PH15 2BB. T: 01887 929 228  
e: [info@msa-architects.com](mailto:info@msa-architects.com)  
159 Dunkeld Road, Perth. PH1 5AS. T: 01738 445 983

rev	date	description										
		<div><div><div>JOB TITLE: <b>NEW HOUSE at THE COTTAGE, GOLF COURSE ROAD, BLAIRGOWRIE, PH10 6LF for MR&amp;MRS SMITH</b></div><table><tr><td>DRAWING TITLE: <b>Plot size analysis</b></td><td>SCALE: <b>1:1250 @A3</b></td><td>DRAWING STATUS: <b>PLANNING IN PRINCIPLE</b></td><td>DRAWN BY: <b>SJ</b></td><td>CHECKED BY: <b>RJ</b></td></tr><tr><td>DRAWING NUMBER: <b>1097/PL/05</b></td><td></td><td>REVISION: <b>--</b></td><td></td><td>DATE: <b>January 2018</b></td></tr></table></div></div>	DRAWING TITLE: <b>Plot size analysis</b>	SCALE: <b>1:1250 @A3</b>	DRAWING STATUS: <b>PLANNING IN PRINCIPLE</b>	DRAWN BY: <b>SJ</b>	CHECKED BY: <b>RJ</b>	DRAWING NUMBER: <b>1097/PL/05</b>		REVISION: <b>--</b>		DATE: <b>January 2018</b>
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DRAWING NUMBER: <b>1097/PL/05</b>		REVISION: <b>--</b>		DATE: <b>January 2018</b>								

**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 511-513)*



# 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](http://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**

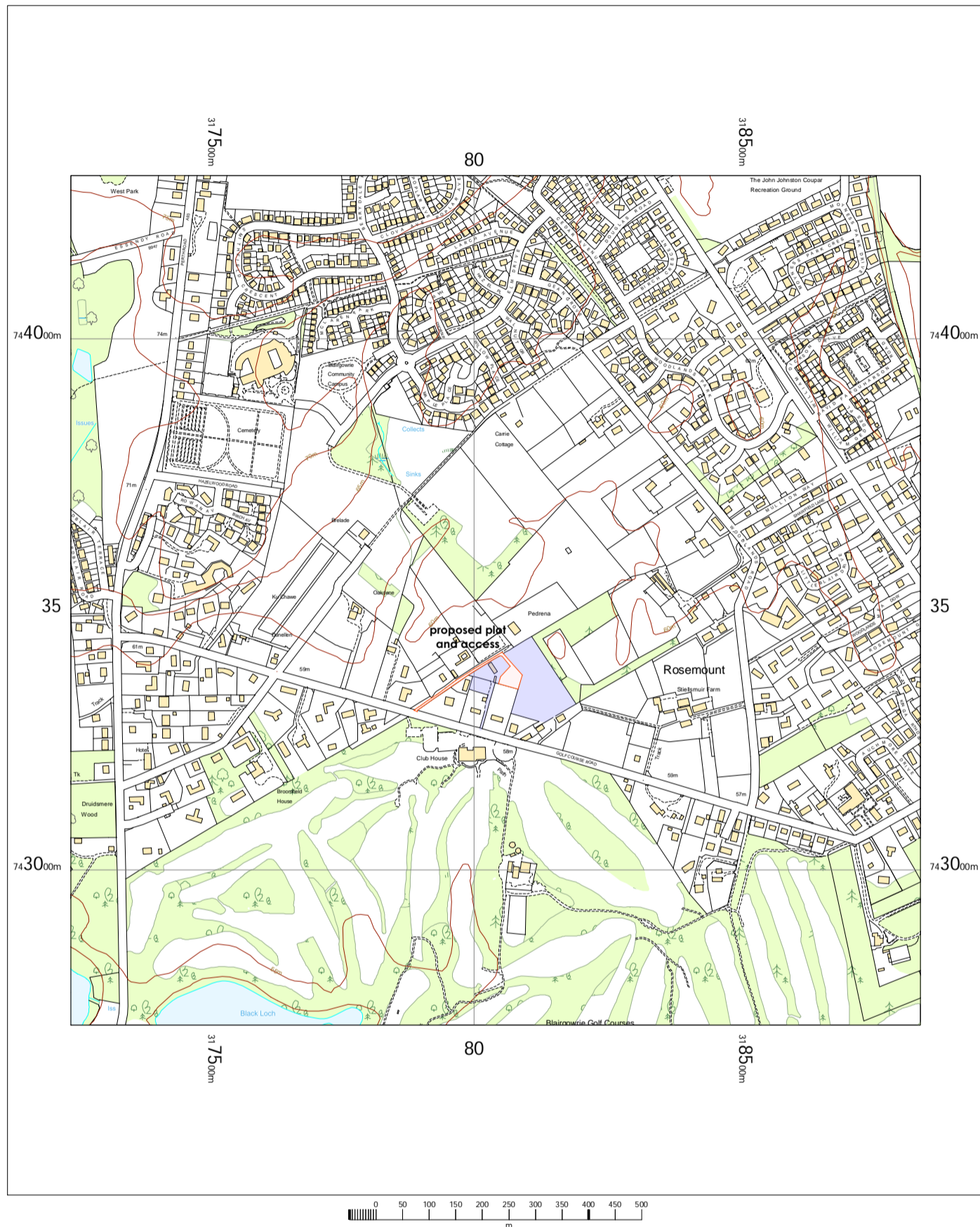
Not Applicable.

## **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**





OS VectorMap Local - Landplan Style  
Wednesday, October 11, 2017, ID: MNOW-00661205  
[www.nicolsondigital.com](http://www.nicolsondigital.com)

1:10000 scale print at A4, Centre: 318041 E, 743508 N

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**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](mailto:info@msa-architects.com)



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## 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 1,350m<sup>2</sup> 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**



18<sup>th</sup> 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](mailto:sw@sisplan.co.uk)**  
**[www.sisplan.co.uk](http://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](http://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](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Megan Innes**

Technical Analyst

[Megan.Innes2@scottishwater.co.uk](mailto:Megan.Innes2@scottishwater.co.uk)

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

<b>Planning Application ref.</b>	17/01743/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 40 Metres South East Of The Cottage, Golf Course Road, Blairgowrie		
<b>Comments on the proposal</b>	<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, 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>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; 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><b>RCO00</b> 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>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	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

>

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> life - Making best use of public resources.

>

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



Additional Comments

SENSITIVE

Tracy McManamon

ENTERED IN COMPUTER

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

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

<b>Planning Application ref.</b>	17/01743/IPL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	██████████ ████████████████████
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 40 Metres South East Of The Cottage Golf Course Road Blairgowrie		
<b>Comments on the proposal</b>	Insofar as the roads matters are concerned, I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	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 1,000m<sup>2</sup> 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 330m<sup>2</sup> of open ground designation from the site we can confirm that the remaining 1,000m<sup>2</sup> 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 1350m<sup>2</sup> . . 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 (1,000m<sup>2</sup>), MSA drawing 1097/PL/05: Plot analysis indicates that there are residential plots as small as 796m<sup>2</sup> 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"*

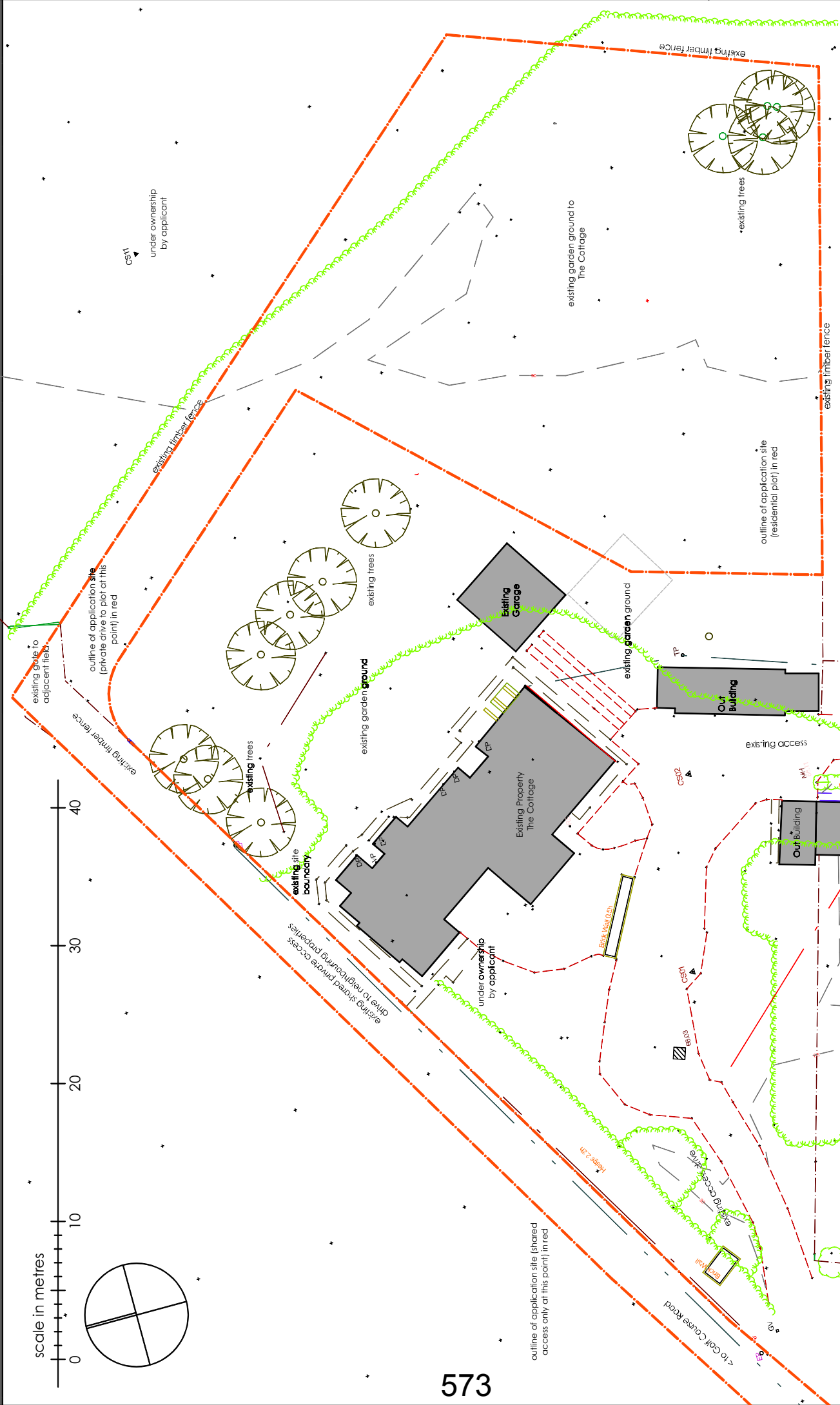
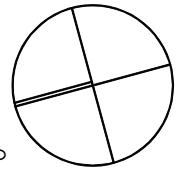
All these properties however were built before 2014 . . the Perth & Kinross Local Development Plan was adopted in February 2014 and I assume applies only to developments since then, so neither 'Craigmore' nor 'Strawberrybank' are precedents and they do not sway the general conclusion that the area is 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

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:		site plan existing		DRAWING STATUS:	CHECKED BY:
SCALE:		1:250 @A3		PLANNING IN PRINCIPLE	SJ RJ
DRAWING NUMBER:		1097/PL/02		REVISION:	DATE:
				A	SEPTEMBER 2017

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Location Plan showing planning application site



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## CHX Planning Local Review Body - Generic Email Account

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**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,

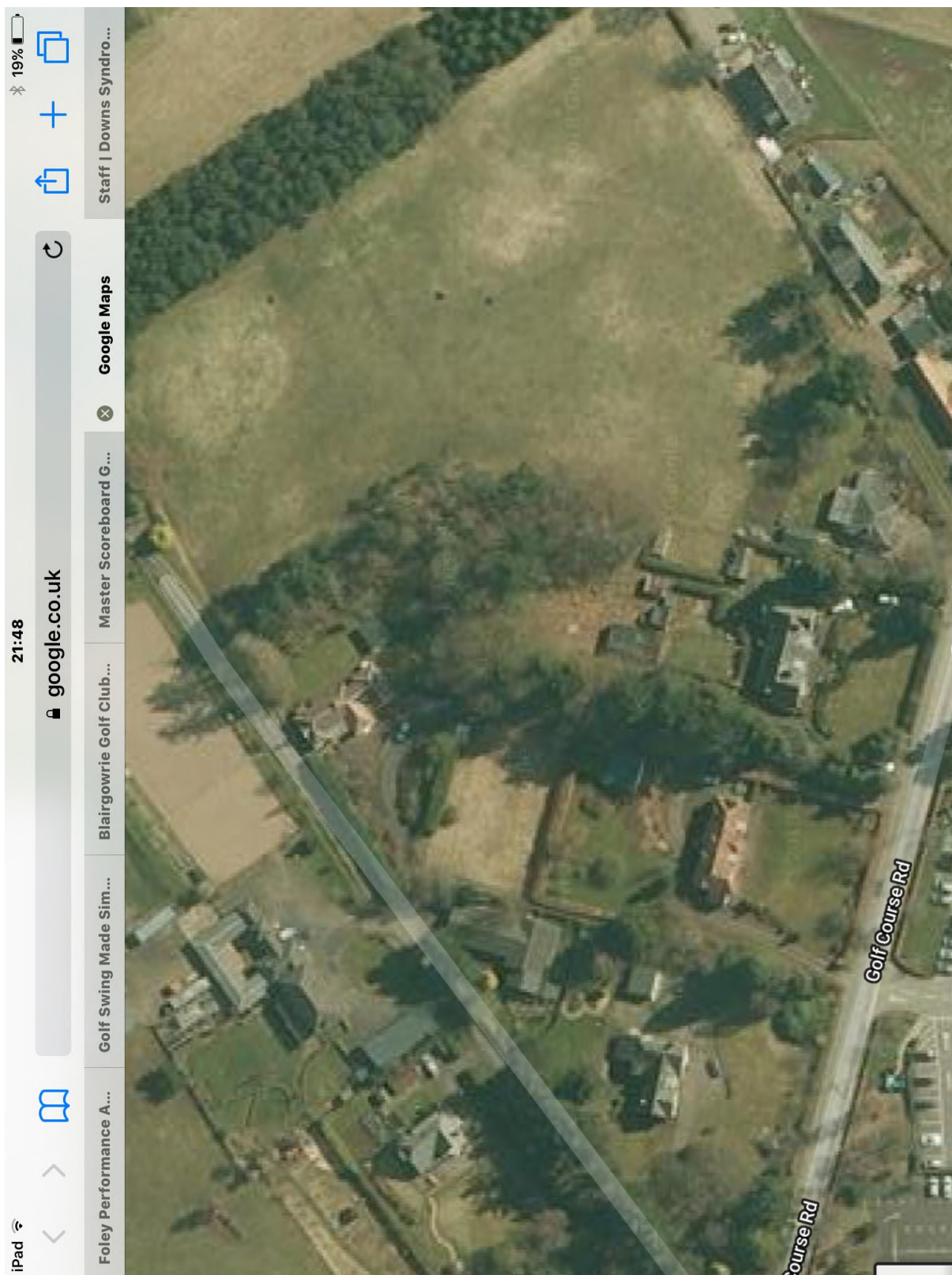
I feel there seems to be a hidden agenda somewhere. If they get planning for this house are they going to build more house's on the field?

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

27<sup>th</sup> 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,  
Blairstown – Mr and Mrs Smith**

We write in relation to your letter of 15<sup>th</sup> 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](http://www.msa-architects.com)  
[info@msa-architects.com](mailto:info@msa-architects.com)

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

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

---

Vat: 206 222 945

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**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*

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**TCP/11/16(539) – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 585-628***)
- (b) Decision Notice (***Pages 597-598***)
  - Report of Handling (***Pages 631-639***)
  - Reference Documents (***Pages 607-619***)
- (c) Representations (***Pages 641-656***)



**TCP/11/16 TCP/11/16(539) – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100123318-001

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:	b3a		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	john	Building Name:	The Distillery, The Whisky Bond
Last Name: *	bol	Building Number:	2
Telephone Number: *	07545 696542	Address 1 (Street): *	Dawson Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G4 9SS
Email Address: *	b3arch@mac.com		

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="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="mohammad"/>	Building Number: <input type="text" value="4"/>
Last Name: *	<input type="text" value="jahangir"/>	Address 1 (Street): * <input type="text" value="Edinburgh Road"/>
Company/Organisation	<input type="text" value="JR Petroleum Ltd"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Uk"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH2 8AR"/>
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="SOUTH INCH FILLING STATION"/>
Address 2:	<input type="text" value="4 EDINBURGH ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 8AR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="722497"/>	Easting	<input type="text" value="311678"/>
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## 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 a single storey commercial unit for retail or office use on land within the boundary of 4 edinburgh road, perth

## 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.

Refusal: Loss of Daylight and Outlook under Policies PM1A + RD1 In our opinion we do not contravene these policies and our proposals will bring much needed additional business to this part of Perth via employment and development to benefit the local and wider community by providing local employment, facilities for local residents and reduction in travelling.

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)

We did not get the opportunity to discuss additional information and amendments with the planning officer.

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)

Appeal statement, Plan statement, location plan, block plans, elevations, Floor Plan, Section, Correspondence

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/02295/FLL

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

22/12/2017

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

08/03/2018

## 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

## 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: Mr john bol

Declaration Date: 08/06/2018



# **Planning Application Appeal Statement**

## **4 Edinburgh Road, Perth ( South Inch Filling Station)**

The application site is situated within the Perth Council boundary. The location of the site is on 4 Edinburgh Road, Perth PH2 8AR, opposite Perth prison establishment.

Reasons for refusal:

Loss of Daylight and Outlook under Policies PM1A + RD1

PM1A: we would state that our proposal improves the current amenity areas of kincardine cottages by removing the current noise issues associated with filling station equipment ( compressed air and vacuum units) positioned directly above the cottages and disturbance caused by the customers to the adjacent take away late into the evening, providing a more peaceful amenity for the residents to enjoy

RD1: as described above we believe we are improving the quality of life for the residents, as also stated within RD1 encouragement is to be given to improvements to local shopping and business use which this proposal will provide.

There is no specific mention within both policies of “daylight or outlook”

We have also provided a daylight analysis of the site and an amended proposal changing the roofscape of the proposal to minimise any impact on amenity and daylighting as documented within the attached documents provided with the proposal providing a wall to the garden side around 150mm higher than the present metal barrier.

We have provided this information as we did not get an opportunity during the application process.

it should also be noted and included within the documentation that daylight and outlook are not issues for the residents and owners of kincardine cottages, they have not objected and at present one property has a plastic covered conservatory while the other has a kitchen and bathroom with the only bedroom has the window covered over, it has to be presumed to prevent overlooking. The main living areas are to the opposite side of the cottages.

In conclusion we state that our proposals do not contravene PM1A or RD1.

## Policy PM1A

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

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

## Policy RD1: Residential Areas

The Plan identifies areas of residential and compatible uses where existing 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 away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.

Generally encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:

- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.
- (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.
- (c) Proposals which will improve the character and environment of the area or village.
- (d) Business, home working, tourism or leisure activities.
- (e) Proposals for improvements to community and educational facilities.



Kincardine cottages

plastic conservatory



Rear elevation

Kincardine Cottages



Service Station forecourt

vacuum units + air compressor



Adjacent take away food retail unit

## PERTH AND KINROSS COUNCIL

JR Petroleum Ltd c/o B3a John Bol The Whisky Bond 2 Dawson Road Glasgow G4 9SS	Pullar House 35 Kinnoull Street PERTH PH1 5GD
	Date 8th March 2018

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/02295/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 5th January 2018 for permission for **Erection of a retail unit Land 20 Metres West Of South Inch Filling Station 4 Edinburgh Road Perth** for the reasons undernoted.

Interim Development Quality Manager

#### Reasons for Refusal

1. The proposal would be contrary to the Perth and Kinross Local Development Plan 2014 Policy PM1A Placemaking as the proposed development by virtue of the proximity to existing residential properties would not respect the amenity of the place due to loss of daylight and outlook.
2. The proposal would be contrary to the Perth and Kinross Local Development Plan 2014 Policy RD1 Residential Areas as the proposed development by virtue of the proximity to existing dwellings would not protect existing residential amenity due to loss of daylight and outlook.

## **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 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

17/02295/1

17/02295/2

17/02295/3

17/02295/4

17/02295/5

17/02295/6

17/02295/7

17/02295/8



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100079801-001

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.

## Type of Application

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

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

erection of a single storey commercial unit for retail or office use on land within the present boundary of 4 edinburgh road, perth

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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:	b3a		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	john	Building Name:	The Whisky Bond
Last Name: *	bol	Building Number:	2
Telephone Number: *	07545 696542	Address 1 (Street): *	Dawson Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G4 9SS
Email Address: *	b3arch@mac.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	south inch filling station
First Name: *	Mohammad	Building Number:	
Last Name: *	Jahangir	Address 1 (Street): *	
Company/Organisation	JR Petroleum Ltd	Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

South Inch Filling Station

Address 2:

4 Edinburgh Road

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Perth

Post Code:

PH2 8AR

Please identify/describe the location of the site or sites

Northing

722497

Easting

311678

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

1902.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

vacant land used for ancillary use for filling station for vacuum cleaning, water and compressed air units

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px; width: 100px;">4</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px; width: 100px;">6</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

If Yes or No, please provide further details: \* (Max 500 characters)

Retaining the existing area for waste collection

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☒ Yes ☐ No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Don't Know

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

107

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

multiple use classes as a small retail unit or office

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

☐ Yes ☐ No ☒ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: john bol

On behalf of: JR Petroleum Ltd

Date: 22/12/2017

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☒ Other.

If Other, please specify: \* (Max 500 characters)

no landscaping is required

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr john bol

Declaration Date: 22/12/2017

# South Inch Filling Station, Perth Proposed retail/office unit

## Supporting Planning, Design + Access Statement



This Supporting Planning, Design and Access Statement has been prepared by b3a, on behalf of JR Petroleum Ltd. It accompanies a planning application for the erection of a retail/office unit within the boundary of the South Inch Filling Station.

### **The Site and Surrounding Area The Location**

- 2.1. The application site is situated within the Perth Council boundary. The location of the site is on 4 Edinburgh Road, Perth PH2 8AR, opposite Perth prison establishment.
- 2.2. The site is well located for public transport with local bus links to the town of Perth and trains from Perth Railway Station for transport links to locations throughout the UK.
- 2.3. The existing site comprises of a mixture of petrol filling station with ancillary equipment and retail unit.
- 2.4. There are similar filling stations located within the area.
- 2.5. The site is currently used as a petrol filling station with ancillary retail unit.
- 2.6. The surrounding buildings are of a typical local vernacular to this area with a mixture of uses.
- 2.7. There is a gradient over the site from South to North of approximately 900 mm.



#### **4. Use**

- 4.1. The area of the site is currently used as an ancillary area for vacuum, water and air compressors.
- 4.2. The proposal will provided a small retail unit/office.

#### **5. Amount**

- 5.1. The site is 1902 sq.m in area.
- 5.2. The visitor centre will be 107 sq.m on a single floor level.
- 5.3 The number of staff will vary from 1 to 2.

#### **6. Layout**

- 6.1. The unit space is accessed directly from the filling station forecourt area with an exit on Edinburgh Road.
- 6.2. The service area for bins and stores is via a created 1m wide service zone to the rear of the proposed property.

#### **7. Scale**

- 7.1. The form of the scheme reflects the density and character of the surrounding area and is suitable in scale. The height of the eaves and ridge of the building frontage matches the adjacent buildings within the filling station and retail unit adjacent.

#### **8. Landscaping**

- 8.1. The proposal does not involve any soft landscaping, all hard landscaping will be to match the existing footpath and concrete hardstanding.

#### **9. Design**

- 9.1. The building is traditional in design and draws inspiration from the surrounding architecture and features of the surrounding area. The architectural treatment of the retail unit is a continuation of the neighbouring buildings on Edinburgh Road.
- 9.2. The proposal is positioned on site infilling a redundant area of the site and consequently will not impact on the day to day activities of the filling station and will have no adverse impact on any surrounding properties.



9.3. The proposed unit will, from the entrance and main road have the appearance of a traditional building, tiled pitched roof, render walls and polyester powder coated aluminium doors and windows.

9.4. The external materials to be used will be tiled roof, off white smooth render to all walls and aluminium polyester powder coated windows to provide a low maintenance solution.

9.65 All new exterior lighting shall be low level, hooded where feasible to reduce the possibility of light pollution.

## 10. Access

10.1. Access to the Unit will be via the extended footpath within the filling station site adjacent to the existing retail unit on site. Exit from the unit will be via the doorway directly on to the footpath on Edinburgh Road.

10.2. The unit will be fully wheelchair accessible throughout.

10.3. All doors to the development will comply with all relevant building regulations where applicable and practicable.

10.4. -

Provision for the following has been included:

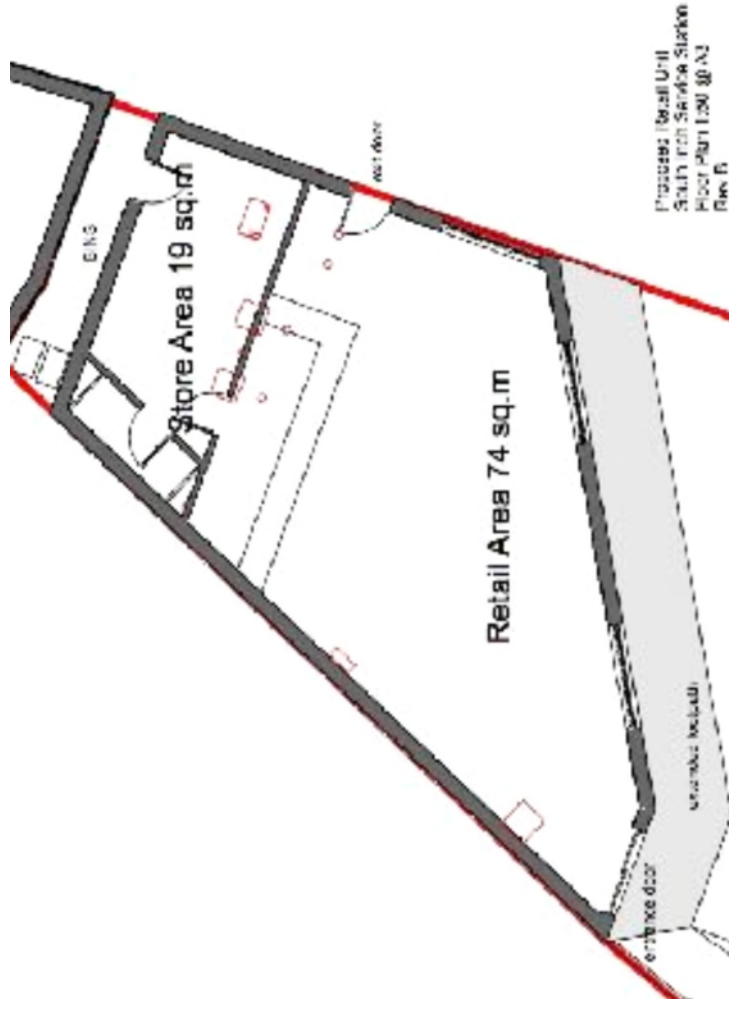
Entrances: Level thresholds to all entrance doors and minimum clear widths to comply with Building Regulations Approval will be provided.

Circulation: Internal ground floor access with minimum clear widths of unobstructed openings will be achieved.

- Means of escape: the provision of a safe means of escape from the building is to be provided via compliance with Building Regulations Approval
- Door widths and openings: All door widths and openings to meet minimum requirements (for clear openings, type and height of handles, vision panels, door closers etc).

## 11. Conclusions

11.1. The proposed development makes best use of previously undeveloped land on this brownfield site with the addition of retail / office unit.



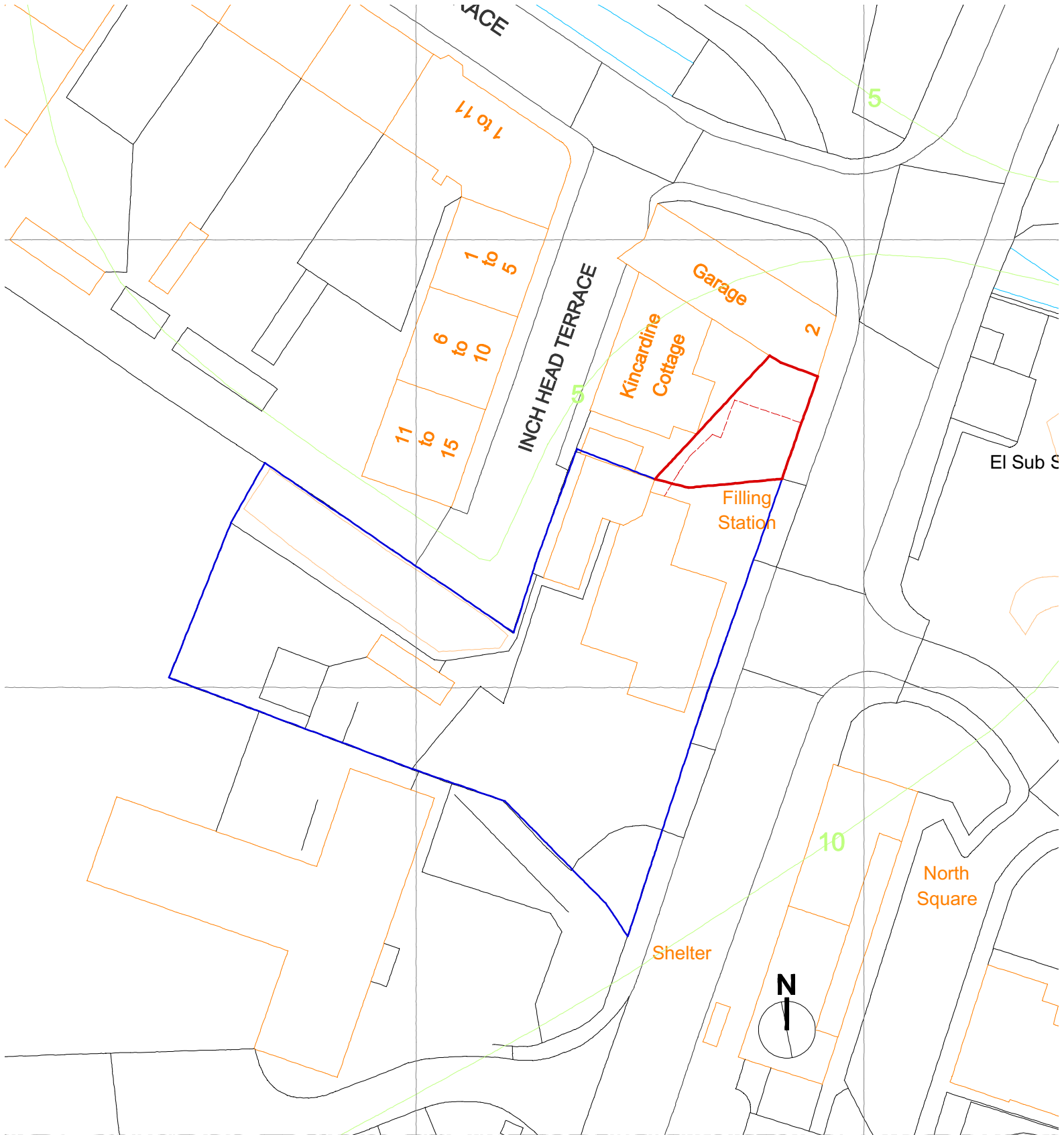


Road Elevation (East)



Side Elevation (South)

Proposed Retail Unit  
South Iron Service Station  
Flooring: 1-100 @A3  
Revision 2



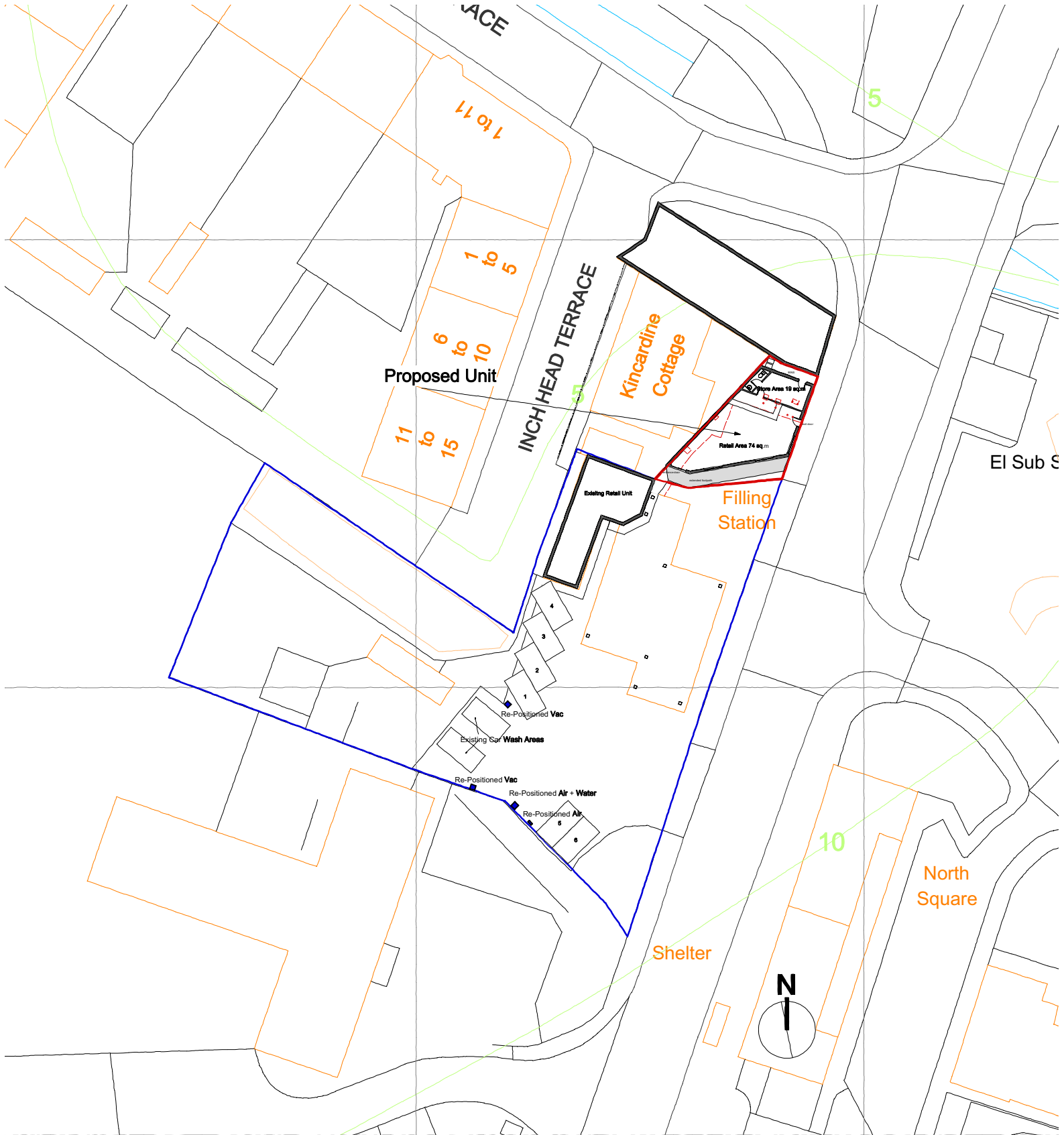
311657

311707

Proposed Retail Unit  
South Inch Service Station  
Existing Block Plan 1:200 @ A1



613 Metres



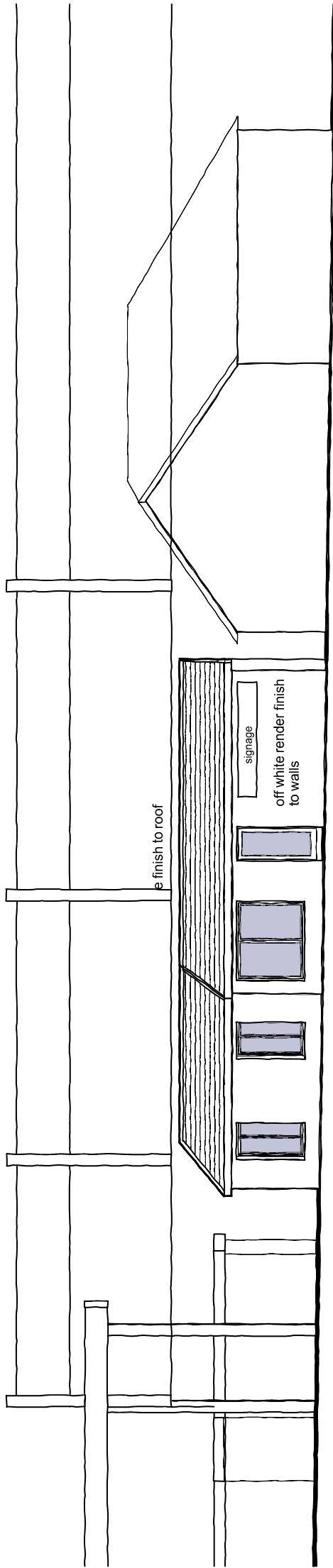
311657

311707

Proposed Retail Unit  
South Inch Service Station  
Block Plan 1:200 @ A1  
Rev B

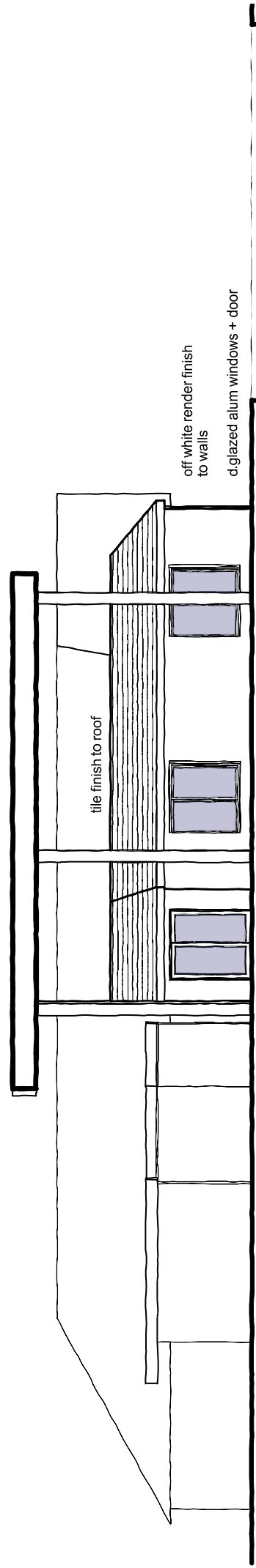


614 Metres



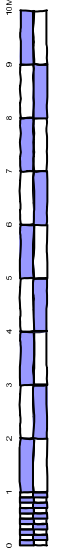
Road Elevation( East)

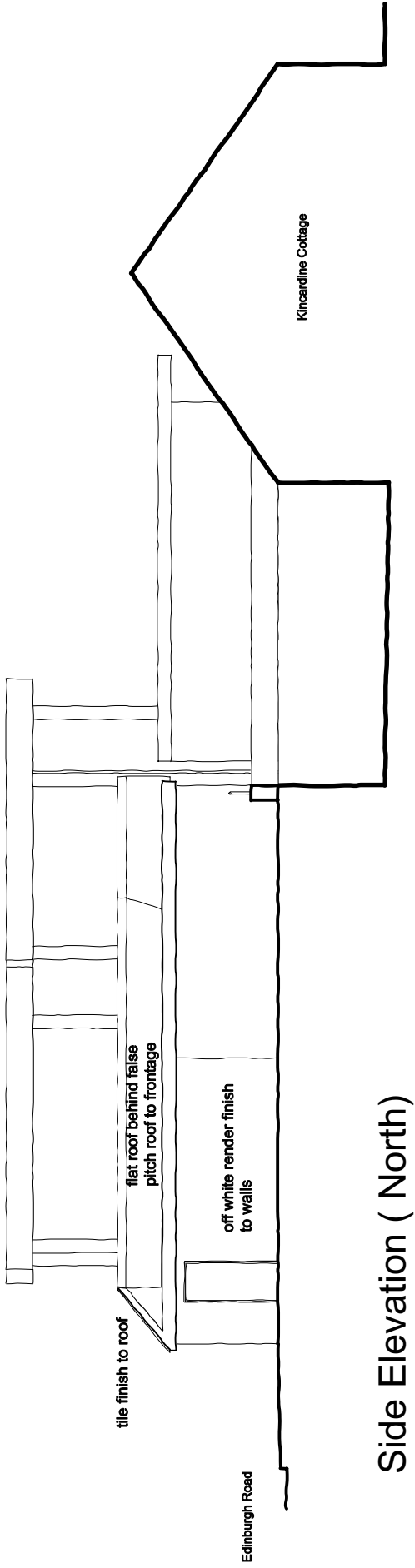
615



Side Elevation ( South)

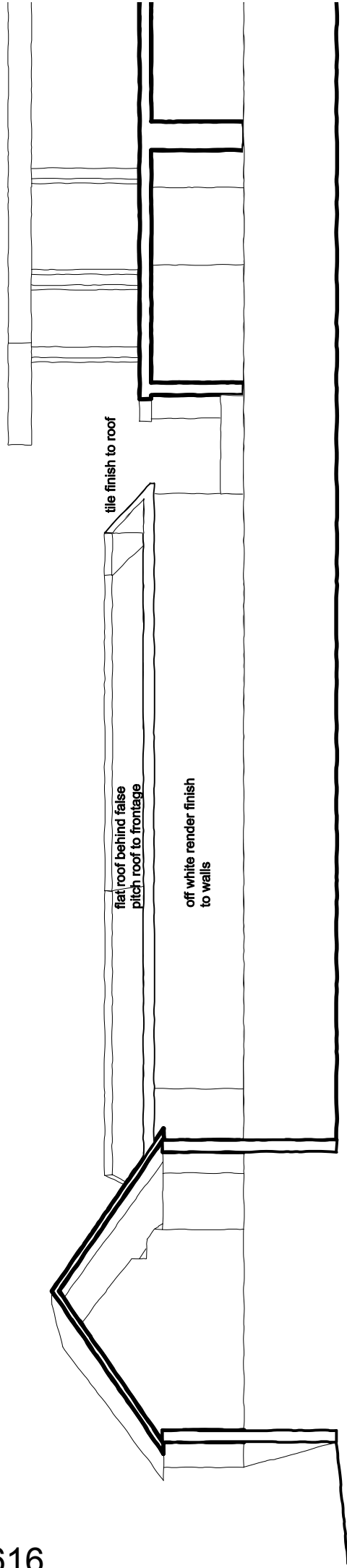
Proposed Retail Unit  
South Inch Service Station  
Elevations 1:100 @A3  
Revision B



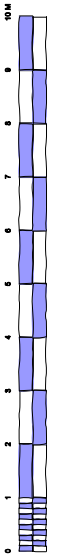


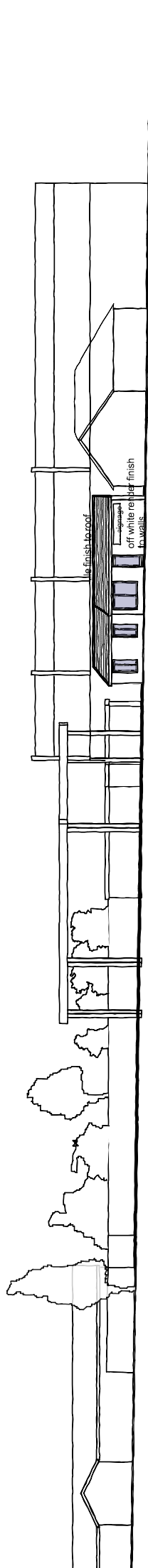
Side Elevation ( North )

616



Rear Elevation ( West )

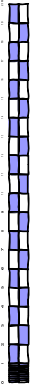


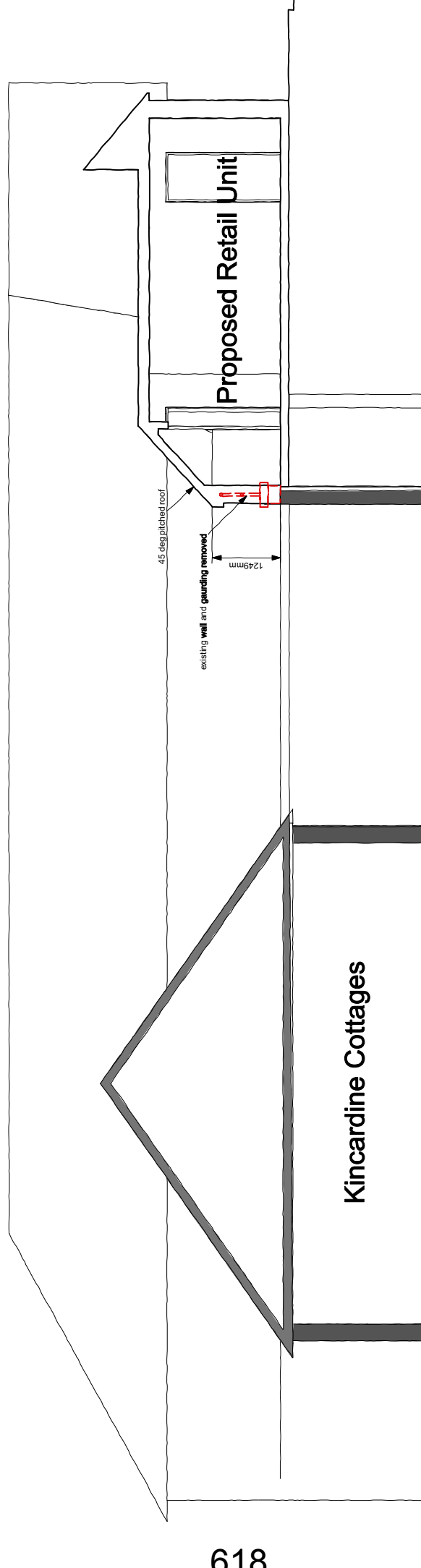


Road Elevation( East)

617

Proposed Retail Unit  
 South Inch Service Station  
 Street Elevation 1:200 @A2

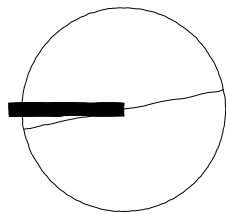




618

Section

N



BINS

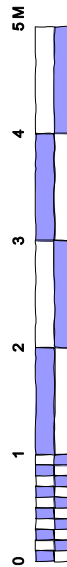
Store Area 19 sq.m

exit door

Retail Area 74 sq.m

entrance door

extended footpath



Proposed Retail Unit  
South Inch Service Station  
Floor Plan 1:50 @ A3

b3a



Dear John ,

For your reference and action , please find below , Email/Reply received yesterday from Anne Condliffe of the Planning Department. I would be grateful if you could contact me as soon as possible in order to discuss the matter.

Regards ,

Mohammad.

-----Original message-----

From : [REDACTED]  
Date : 22/05/2018 - 16:20 (GMTDT)  
To : [REDACTED]  
Cc : b3arch@mac.com  
Subject : RE: Retail Unit at South Inch F/S , 4 Edinburgh Road , Perth , PH2 8AR

Dear Mr Jahangir,

I refer to your email dated 21 May regarding your planning application for the erection of a new retail unit on land west of South Inch Filling Station, Edinburgh Road, Perth. As David Niven (Joanne's Line Manager) is currently off sick, your message has been passed to me to respond. I have discussed the matter with Joanne Ferguson as case officer and Christine Brien (Team Leader) who signed off the original Report of Handling. I must advise that I am in agreement with the decision to refuse planning permission as I consider the proposal would have a detrimental effect on the neighbouring residential properties. I have also reviewed the correspondence that has subsequently occurred between your agent John Bol and the case officer post the decision to refuse permission. I fully accept the effort that has gone in to showing the shadow analysis and in proposing an amended design by trying to cut back the roof. However, as indicated in the latest response to your agent dated 10 May 2018 unfortunately this is still not something that we could support. The layout in the area is unfortunate with the cottages positioned at a lower level than your site but it is important to protect the limited amenity attributed to these residential units. Again I would suggest that an ancillary retail unit to the filling station is acceptable in principle but perhaps it would be better to look at your site as a whole to see if an alternative position can be found. I remain to be convinced that even reducing the unit in size and pulling it towards Edinburgh Road would be sufficient to achieve the retention of sufficient amenity to the cottages. In light of the above I see no merit in meeting on site and would suggest that you take up your option to seek a review of the decision to Local Review Body. Please note that this must be done within 3 months of the decision to refuse the planning application (8 March 2018) and therefore would require to be submitted by 8 June 2018. Whilst I am sure disappointing, I trust the above clarifies matters.

Yours sincerely

Anne Condliffe

Interim Development Quality Manager  
Planning & Development  
Perth & Kinross Council  
The Environment Service  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Tel: 01738 475352

E-mail: [abcondliffe@pkc.gov.uk](mailto:abcondliffe@pkc.gov.uk)

Website: [www.pkc.gov.uk](http://www.pkc.gov.uk)



---

From: Joanne Ferguson  
Sent: 21 May 2018 16:20  
To: Anne Condliffe  
Subject: FW: Retail Unit at South Inch F/S , 4 Edinburgh Road , Perth , PH2 8AR

**From:** MOHD JAHANGIR [mailto:m[REDACTED]]  
**Sent:** 17 May 2018 11:53  
**To:** Joanne Ferguson  
**Subject:** Retail Unit at South Inch F/S , 4 Edinburgh Road , Perth , PH2 8AR

For the Attention of Team Leader David Niven  
-----

Info : - Joanne Ferguson  
-----

Dear Sir ,

To initially clarify , Mr. John Bol of B3A architects was in communication on our behalf with your colleague from your department , Joanne Ferguson , regarding necessary consent for a small retail unit on our premises but it seems that this proposal is without success.

It is extremely important to improve our business to ensure our future survival . Reviewing the correspondence between John Bol and Joanne Ferguson , it seems that the Planning Department has overwhelmingly prioritised the neighbours' situation whilst giving little or no consideration to our rights at all.

We would like to propose for a representative from the Planning Department to attend the premises and offer us suitable guidance for any required modifications to our proposal , ie. positioning of the wall , elevation of the wall. Whatever the recommendations , we would be flexible to adhere to them.

Additionally , I believe that the completed project would be beneficial for the cottages , there would be less noise at night and people would be unable to park their vehicles to eat from the takeaway next door.

I sincerely hope that the Planning Department can consider our case carefully and based on the merit of the project.

If you could reply as soon as possible to this Email , it would be appreciated.

Regards ,

Mohammad Jahangir.  
[REDACTED]

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General enquiries to TACTRAN should be made to [info@tactran.gov.uk](mailto:info@tactran.gov.uk) or 01738 475775.

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Hi John

I did look at this with my Team Leader, David Niven. The existing property (even although they have not objected) has a limited level of residential amenity presently. Although this is an improvement with the cut back of the roof/wall there is still an impact on residential amenity which I don't think can be fully addressed. I don't consider the need for the development in this location to outweigh the residential amenity issue.

I consider that development cannot be accommodated successfully within this location, are there any other locations for the development?

Regards

Joanne

---

**From:** b3arch@mac.com [mailto:b3arch@mac.com]  
**Sent:** 09 May 2018 15:07  
**To:** Joanne Ferguson  
**Subject:** Re: 4 edinburgh road, perth ref 17/02295/FLL

joanne,  
any feedback from your meeting last Friday ?

regards

john bol  
b3a

On 3 May 2018, at 11:42, [b3arch@mac.com](mailto:b3arch@mac.com) wrote:

joanne,  
thank you and please let me have your comments after the meeting

regards

john bol  
b3a

On 3 May 2018, at 11:28, Joanne Ferguson <[J\[redacted\]@mac.com](mailto:J[redacted]@mac.com)> wrote:

John

Sorry haven't had a chance but I've got a meeting with my Team Leader tomorrow so I'm going to run it past him.

Joanne

---

**From:** [b3arch@mac.com](mailto:b3arch@mac.com) [mailto:b3arch@mac.com]  
**Sent:** 03 May 2018 10:56  
**To:** Joanne Ferguson  
**Subject:** Fwd: 4 edinburgh road, perth ref 17/02295/FLL

joanne,  
have you had time to look at this amended proposal for 4 Edinburgh Road ?

regards

john bol  
b3a

Begin forwarded message:

**From:** [b3arch@mac.com](mailto:b3arch@mac.com)  
**Subject:** Re: 4 edinburgh road, perth ref 17/02295/FLL  
**Date:** 25 April 2018 at 12:40:53 BST  
**To:** Joanne Ferguson <[J\[redacted\]@mac.com](mailto:J[redacted]@mac.com)>

joanne,  
thank you for your feedback and conclusions.

In light of your conclusions my client has requested your comments on reducing the height of the proposed building to the kincardine cottages by introducing a 45 deg pitched roof, which will be 150mm above the present wall and guarding as the

attached sketch section.

we would be grateful for your comments on this proposal.

regards

john bol  
b3a

On 16 Apr 2018, at 17:20, Joanne Ferguson <[REDACTED]> wrote:

John

17/02295/FLL

I have considered the submitted shadow analysis and in house we have been able to generate our own comparisons. My concern is that increased morning daylight will be lost at various points throughout the year (more noticeably in Winter early Spring and in the Autumn) in particular to the windows as opposed to the garden which suffers from overshadowing more often throughout the year. I also consider that the rear of the cottage in terms of outlook would be detrimentally impacted by the resulting 5metre wall.

I therefore consider that my opinion on the proposal has not been altered. A review of the decision can sought at the Local Review Body details of which will have been included with the decision notice.

Regards

Joanne

---

**From:** [b3arch@mac.com](mailto:b3arch@mac.com) [<mailto:b3arch@mac.com>]

**Sent:** 04 April 2018 17:47

**To:** Joanne Ferguson

**Subject:** Fwd: 4 edinburgh road, perth ref 17/02295/FLL

joanne,  
any feedback on the email sent on 26th March ?

regards

john bol  
b3a

07545 696542

Begin forwarded message:

**From:** [b3arch@mac.com](mailto:b3arch@mac.com)

**Subject:** Re: 4 edinburgh road, perth ref 17/02295/FLL

**Date:** 26 March 2018 at 17:28:47 BST

**To:** Joanne Ferguson <[REDACTED]>

Joanne,  
thank you for your email.

attached is a snapshot of the shadow analysis showing the shadows at a mid point in the Months of January, April, July + October at 11:30 ( after 12:30 there is no effect) in the morning, with the left hand view as existing and the right hand view as the proposal. We can give you the shadows at ant time of day within a year if you wish more printouts, but I thought this would give you a general impression initially.

we have also attached photos of kincardine cottages from the service station forecourt.

on both issues, we would make the following observations :

shadows: although there is a measure of increased overshadowing to the amenity area during the winter months, in the height of summer the percentage increase in relatively minimal, with the gain for the residents of the cottages, being the removal of overlooking from the forecourt and noise disturbance from the vacuum and air pressure units and debris being thrown into their property from the customers of the fast food outlet adjacent.

outlook: as can be seen from the photographs, the left hand cottage does not have any outlook as this is obscured by the plastic roof sheeting and the right hand cottage has only one window to the kitchen which will still have an outlook through the service gap, the other window being a bathroom window ( obscured) and the remaining window is permanently covered ( assumed to stop overlooking from the forecourt). At present the

remaining window is permanently covered ( assumed to stop overlooking from the forecourt) At present the outlook is to a 3m high retaining wall with railings, satellite dishes with bins and associated equipment from the forecourt.

we would be grateful for your feedback on the contents of this email.

regards

john bol  
for b3 architecture ltd  
b3a

07545 696542

<image001.jpg>

<image002.jpg>

<image003.jpg>

<image004.jpg>

On 21 Mar 2018, at 09:55, Joanne Ferguson <[REDACTED]> wrote:

John

Apologies I have been having back problems and have been working from home a bit.

I would be happy to look at further information on the shadow analysis but I am also concerned with the outlook from the rear of the properties as the resultant wall will be an overbearing feature.

On anything further submitted I'll take to our in house team meeting so I can get a view from my colleagues and Team Leader.

Regards

Joanne

---

**From:** [b3arch@mac.com](mailto:b3arch@mac.com) [<mailto:b3arch@mac.com>]

**Sent:** 19 March 2018 15:36

**To:** Joanne Ferguson

**Subject:** 4 edinburgh road, perth ref 17/02295/FLL

FAO Joanne Ferguson

tried to call you a few times regarding the above application without success.

looking at the decision notice the issue seems to be with kincardine cottage at the lower level with regard to loss of daylight and outlook.

I have carried out a shadow analysis of the property and the percentage increase in shadow due to our proposals are relatively small and only in the early hours of the morning.

In an effort to try and resolve the issues, would you prefer me to email you a copy of the shadow analysis to ascertain your comments on them with a view to coming to a revised design which could be acceptable to the council.

regards

john bol  
b3a

07545 696542

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General enquiries to TACTRAN should be made to [info@tactran.gov.uk](mailto:info@tactran.gov.uk) or 01738 475775.

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General enquiries to TACTRAN should be made to [info@tactran.gov.uk](mailto:info@tactran.gov.uk) or 01738 475775.

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**TCP/11/16 TCP/11/16(539) – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 597-598)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 607-619)*



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	17/02295/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	04.03.2018	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a retail unit

**LOCATION:** Land 20 Metres West Of South Inch Filling Station 4  
Edinburgh Road Perth

### 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:** 26 January 2018

### SITE PHOTOGRAPHS





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The site comprises of part of the forecourt of the filling station located to the north of the building. The site is bound by a hot food take away to the north, dwellings to the west, the garage forecourt to the south and Edinburgh Road to the east.

This application is for the erection of a single storey commercial unit on land used as an ancillary area for vacuum, water and air compressors for the existing filling station (to be relocated). The building has been designed to fill the available space which means it has an unusual floorplan with a mansard style roof.

## **SITE HISTORY**

No site history

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: N/A

## **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning

Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

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

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy PM3 - Infrastructure Contributions**

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

#### **Policy ED1A - Employment and Mixed Use Areas**

Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

#### Policy HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

#### Policy HE1A - Scheduled Monuments and Non Designated A

There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### OTHER POLICIES

No other policies

### CONSULTATION RESPONSES

Perth And Kinross Area Archaeologist	No objection, no conditions required
Local Flood Prevention Authority	No objection, no conditions required
Transport Planning	No objection, no conditions required
Contributions Officer	Contribution for Transport Infrastructure required
Environmental Health	No objection, conditions required to control noise, deliveries and external lighting

### REPRESENTATIONS

No letters of representation 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**

The site is located within the settlement boundary of Perth in an area covered by Policy RD1 Residential Areas and Policy PM 1 Placemaking.

The Policy RD1 identifies areas of residential and compatible uses where existing residential amenity will be protected and improvements to shopping facilities will be supported where it can be shown that they would serve local needs of the area. Policy PM1 states that development must contribute positively to the quality of the surrounding built environment and respect the amenity of the place.

The proposal will provide an additional retail unit which would be acceptable in principle however the proposal would have a detrimental impact on the residential amenity of neighbouring properties, see residential amenity section.

### **Design and Layout**

This application is for the erection of a single storey commercial unit on land used as an ancillary area for vacuum, water and air compressors for the existing filling station.

The building has been designed to fill the available space which means it has an unusual floorplan with a mansard style roof. The building is in line with the hot food takeaway and tapers back to the existing filling station shop.

The finish materials are tiled roof, off white render and aluminium framed windows and doors (a condition will be added to ensure the roof tiles are acceptable). An area for signage has been shown; this may require a further application so an informative will be added.

Whilst the design of the building is acceptable the siting in close proximity to the neighbouring residential is an issue this is covered below.

## **Residential Amenity**

The closest residential properties to the proposed development are 1 & 2 Kincardine Cottage which is directly adjacent to the proposed building. These properties were neighbour notified but did not object.

The cottage is located at a lower ground level than the application site and is accessed from Inch Head Terrace. The proposed building is single storey but built hard up against the site boundary. The building is 3.65m high and combined with the level change of 2.4m would result in a wall 6.05m in height at its closest 2m from the rear of the cottage. As the rear of the cottage is east facing there would be a loss of morning sun and when a daylight calculation is done taking a 45degree angle from the roof of the new building a shadow would be cast across the entire rear elevation of the dwelling. There are existing windows on the rear elevation of the cottage and although they currently face a 2.4m wall the extension of this wall to the height proposed would have a significant detrimental impact on residential amenity in terms of a loss of daylight and outlook.

The applicant has indicated in the supporting statement that the proposed opening times for public access will be 06:00 to 22:00 hours Monday to Sunday.

### **Noise**

There is the potential for noise to be an issue from the proposed retail to existing residential properties in this case EH recommend the conditions to protect residential amenity from any plant noise and noise from deliveries should permission have been granted.

### **Lighting**

The design statement states within section 9.65 that 'all new exterior lighting shall be low level, hooded where feasible to reduce the possibility of light pollution.' EH have no objection to external lighting but recommend a condition to protect existing residential amenity from light nuisance should permission have been granted.

## **Listed Building**

The site of the proposed development is to the west of Perth Prison. The prison site contains a number of individually listed buildings, including the category A listed Staff Club and Visitor Centre (LB 39326) which is on the east side of Edinburgh Road, closest to the site.

It is considered that the scale and siting of the proposed development is unlikely to result in any significant detrimental impact on the setting of the listed buildings.

## **Roads and Access**

The application site is adjacent to the exit for the filling station pumps. Transport Planning have been consulted and have no objection to the proposal and no conditions are recommended.

## **Drainage and Flooding**

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

## **Archaeology**

Perth and Kinross Heritage Trust have been consulted and have confirmed that the proposed development does not raise any significant issues. No archaeological mitigation is required in this instance.

## **Developer Contributions**

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

The proposal is for the creation of a new Office/Retail unit with 74m<sup>2</sup> of trade space and 19m<sup>2</sup> of storage space. For Class 1 Retail and Class 2 Service use a contribution of £123 per m<sup>2</sup> of new floorspace will apply and for the storage use a contribution of £11 per m<sup>2</sup> will apply.

For Class 1 or Class 2 the following contribution would apply (the store room calculated on employment rate):

$$£123 \times 74\text{m}^2 = £9,102$$

$$£11 \times 19\text{m}^2 = £209$$

$$\text{Total} = £9,311$$

The contribution would have needed to be paid upfront or secured by S75 Legal Agreement if permission was granted.

## **Economic Impact**

The economic impact of the proposal is likely to be in the provision of a new retail unit which in turn will provide employment opportunities.

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not 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 not been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Reasons for Recommendation**

1 The proposal would be contrary to the Perth and Kinross Local Development Plan 2014 Policy PM1A Placemaking as the proposed development by virtue of the proximity to existing residential properties would not respect the amenity of the place due to loss of daylight and outlook.

2 The proposal would be contrary to the Perth and Kinross Local Development Plan 2014 Policy RD1 Residential Areas as the proposed development by virtue of the proximity to existing dwellings would not protect existing residential amenity due to loss of daylight and outlook.

### **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**

None

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

17/02295/1

17/02295/2  
17/02295/3  
17/02295/4  
17/02295/5  
17/02295/6  
17/02295/7  
17/02295/8

**Date of Report 08.03.18**



**TCP/11/16 TCP/11/16(539) – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	17/02295/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of a retail unit		
<b>Address of site</b>	Land 20 Metres West Of South Inch Filling Station, 4 Edinburgh Road ,Perth		
<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>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The proposal is for the creation of a new Office/Retail unit with 74m<sup>2</sup> of trade space and 19m<sup>2</sup> of storage space. For Class 1 Retail and Class 2 Service use a contribution of £123 per m<sup>2</sup> of new floorspace will apply and for the storage use a contribution of £11 per m<sup>2</sup> will apply.</p> <p>For Class 1 or Class 2 the following contribution would apply (the store room calculated on employment rate):            £123 x 74m<sup>2</sup> = £9,102            £11 x 19m<sup>2</sup> = £209            Total = £9,311</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Transport Infrastructure: £9,311</p> <p><b><u>Total:</u> £9,311</b></p> <p><b>Phasing</b></p>		

	<p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for applications of this scale are not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p>
<b>Recommended informative(s) for applicant</b>	<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 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>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House</p>

	<p>35 Kinnoull Street Perth PH15GD</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>Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</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>Transport Infrastructure For Transport infrastructure contributions please quote the following ledger code: 1-30-0060-0003-859136</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>	19 January 2018



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

<b>Planning Application ref.</b>	17/02295/FLL	<b>Comments provided by</b>	Gavin Bissett
<b>Service/Section</b>	TES/Flooding	<b>Contact Details</b>	██████████ ████████████████████
<b>Description of Proposal</b>	Erection of a retail unit		
<b>Address of site</b>	Land 20 Metres West Of South Inch Filling Station 4 Edinburgh Road Perth		
<b>Comments on the proposal</b>	No comment on this application.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	23/01/18		



# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 17/02295/FLL

Our ref LRE

Date 25 January 2018

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission PK17/02295/FLL RE: Erection of a retail unit land 20 metres West of South Inch Filling Station 4 Edinburgh Road Perth for JR Petroleum Ltd**

I refer to your letter dated 8 January 2018 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date – 25/01/18)

### **Recommendation**

**I have no adverse objection in principle to the application but recommend that the under noted conditions be included on any given consent.**

### **Comments**

This application is for the erection of a single storey commercial unit for retail or office use on land used as an ancillary area for vacuum, water and air compressors for the existing filling station.

The applicant has submitted a supporting planning, design and access statement with the application and it states that the proposed opening times for public access will be 06:00 to 22:00 hours Monday to Sunday.

The closest residential properties to the proposed development is 1 & 2 Kincardine Cottage which will be directly adjacent to the proposed building; however the cottages are also within close proximity to other commercial operations such as the existing filling station and a fast food takeaway.

There are no letters of representation at the time of writing this memorandum.

### **Noise**

There is the potential for noise to be an issue from the the proposed retail to existing residential properties I therefore recommend the undernoted conditions to protect residential amenity from any plant noise and noise from deliveries.

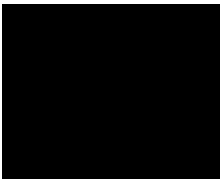
### **Lighting**

The design statement states within section 9.65 that '*all new exterior lighting shall be low level, hooded wheres feasible to reduce the possibility of light pollution.*'

I recommend a condition for new exterior lighting to protect existing residential amenity from light nuisance.

**Conditions**

- EH10** All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
- EH02** Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.
- EH31** All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.



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

<b>Planning Application ref.</b>	17/02295/FLL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	[REDACTED] [REDACTED]
<b>Description of Proposal</b>	Erection of a retail unit		
<b>Address of site</b>	Land 20 Metres West Of South Inch Filling Station 4 Edinburgh Road Perth		
<b>Comments on the proposal</b>	Insofar as the roads matters are concerned, I do not object to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	25 January 2018		



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

<b>Planning Application ref.</b>	17/02295/FLL	<b>Comments provided by</b>	Diane Barbary
<b>Service/Section</b>	Conservation	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Erection of a retail unit		
<b>Address of site</b>	Land 20m west of South Inch Filling Station, 4 Edinburgh Road, Perth		
<b>Comments on the proposal</b>	<p>The site of the proposed development is to the west of Perth Prison. The prison site contains a number of individually listed buildings, including the category A listed Staff Club and Visitor Centre (LB 39326) which is on the east side of Edinburgh Road, closest to the site.</p> <p>I am content that the scale and siting of the proposed development is unlikely to result in any significant detrimental impact on the setting of the listed buildings.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	26/01/18		





To:	Joanne Ferguson, Planning Officer
From:	Sarah Winlow, Heritage Officer
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	29th January 201

**17/02295/FLL: Erection of a retail unit Land 20 Metres West Of South Inch Filling Station 4  
Edinburgh Road Perth for JR Petroleum Ltd**

Thank you for consulting PKHT on the above application.

In respect to archaeology and the planning process, as outlined by Scottish Planning Policy, the proposed development does not raise any significant issues. No archaeological mitigation is required in this instance.

