

TCP/11/16(248)
Planning Application 13/00146/IPL – Demolition of
dwellinghouse and erection of dwellinghouse (in principle)
at site of Burnhead, Stanley

**PAPERS SUBMITTED
BY THE
APPLICANT**

30 APR 2013

RECEIVED

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTSTHE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

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)

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Postcode

Contact Telephone 1

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Fax No

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E-mail* **Steven.cooper@bidwells.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?

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

13/00146/1PL

Site address

SITE OF BURNHEAD COTTAGE, STANLEYDescription of proposed
development**DEMOLITION OF DWELLINGHOUSE AND ERECTION
OF NEW DWELLINGHOUSE**

Date of application

25/1/2013

Date of decision (if any)

22/3/2013**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 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 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.

1. APPEAL STATEMENT
2. PLANNING APPLICATION DOCUMENTS

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

29/4/2013

Planning Review

**Perth and Kinross Council
Refusal of Planning Application 13/00146/IPL
Replacement of Abandoned Dwelling House, Burnhead Cottage, Stanley
April 2013**



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1 Introduction

- 1.1 This Review Request is submitted on behalf of Zurich Assurance Limited following the decision by Perth and Kinross Council to refuse to grant planning permission in principle, under reference 13/00146/IPL for the replacement of the now abandoned Burnhead Cottage, Stanley.
- 1.2 This statement will address the Council's reasons for refusal and set out the appellant's grounds for review.

2 Background

- 2.1 The planning application was submitted on 24 January 2013, and registered as a valid application the following day. The application was supported by a location plan, aerial imagery, an indicative layout plan and a letter setting out the planning justification for the proposal.
- 2.2 On 22 March 2013 The Council refused the application for the following reasons:
- i As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all sites have a good existing landscape framework in which the development proposed can be set.
 - ii The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
 - iii The proposal (by virtue of its inadequate landscape framework) is contrary to the Council's Housing in the Countryside Guide (2012) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.
 - iv As the proposal (by virtue of its inadequate landscape framework) is contrary to the Council's Housing in the Countryside Guide (2012), the proposal is contrary to Policy RD3: Housing in the Countryside of the proposed Local Development Plan 2012 which states that the all proposals for new housing within the landward area of the plan must comply with the Councils Supplementary Guidance (on housing in the countryside).

3 Site Description

- 3.1 Burnhead Cottage stands intact up to eaves height on all four sides. The roof was only removed by the applicant in 15 years ago and the walls capped for safety reasons. The building was last occupied as a house. Burnhead Cottage dates back to the 1850s and is clearly evident on first edition OS Maps (please see appendix A). As such the site and its boundaries are long established.
- 3.2 The site is roughly triangular in shape, bounded by the Burnmouth Road to the south, and by agricultural land to the north and east. Access to the site is from an existing track to the west.
- 3.3 The southern boundary is enclosed by trees. Mature trees have also established on the north and eastern boundaries. The northern boundary is also delineated in part by a drainage channel. The land rises up to the north and gradually to the west. The photographs attached at Appendix B demonstrate the site and its surroundings.
- 3.4 Recently opportune fly-tipping was carried out on the site which the applicant has cleared. As part of the clear up process the site's boundary fencing also had to be replaced.

4 Grounds for Review

- 4.1 A brief justification for the proposed development was set out in the letter that accompanied the planning application. It is not the intention of this appeal statement to replicate the earlier statement, which is included in the appeal papers. There is some overlap however in response to the reasons for refusal, which is unavoidable.
- 4.2 Sections 25 and 37 of the Town and Country Planning (Scotland) Act, as amended by the Planning etc (Scotland) Act 2006, requires that determinations made under the Act such as a planning application or an appeal, shall be made in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 4.3 The development plan comprises the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000) and TAYplan, the strategic development plan. The new Local Development Plan has been sent to the Scottish Ministers and Reporters appointed to carry out the Examination. There are a large number of outstanding objections and as such it carries limited weight. This is evidenced by recent appeal decisions issued by the Directorate for Planning and Environmental Appeals which have either not referred to the Proposed LDP or considered it to be premature as a basis for decision making. Material considerations include statements of Scottish Government Policy set out in the SPP, Planning Advice Notes and Circulars, and Perth and Kinross Council's Housing in the Countryside Policy.

- 4.4 Reasons for refusal 1, 3 and 4 state that the site does not comply with the Adopted Local Plan, Supplementary Guide and the proposed Local Development Plan by virtue of an inadequate existing landscape framework, whilst the second reason states that the site does not comply with any of the categories of development specified in policy 32 of the adopted local plan. Accordingly the determining issues are the acceptability of the proposed land use and its fit with development plan policy and supplementary guidance, and the landscape framework of the site.
- 4.5 Policy 1 of the Adopted Local Plan is a general policy applicable to land out with settlement boundaries that is not subject to a specific site allocation or policy/proposal. As the only issue raised is in relation to 'landscape framework' it is considered that all other components of the policy are satisfied. The relevant component states:
- "The site should have a good landscape framework within which the development can be set and, if necessary, screened completely."*
- 4.6 The Local Plan does not define or provide guidance as to what it considers an acceptable landscape framework. However, the plans attached at appendix A illustrate that the site boundaries have been established for more than 150 years.
- 4.7 In terms of the site's landscape framework, the southern boundary is entirely enclosed by trees and the public road to the south provides containment. The northern boundary also features mature trees and containment is provided by an existing drainage channel. The south eastern corner of the site is also enclosed by mature trees. There are other existing trees within the site. The only boundary which may be lacking existing mature trees is the north eastern corner of the plot. Notwithstanding with at least two thirds of the site benefitting from existing landscaping, and bearing in mind that site has contained the existing building for more than 150 years, it is considered that the landscape framework of the site is more than acceptable.
- 4.8 The wider landscape framework provides an excellent setting. From the northern and western boundaries the land rises gently providing a backdrop to the plot. There are additional mature trees to the north of the field boundary to the north of the site, beyond which the land continues to rise. To the west, there is an access track that is enclosed by mature trees. Similarly, the public road to the south has mature landscaping at its southern edge. The topography of the local landform and the existing landscaping mean that the site is not visible from the public road to the east of the site.
- 4.9 Therefore, the site is visually contained, and as shown in the photographs at appendix B is partly screened by the existing landscape framework. Accordingly the first reason for refusal is not accepted.
- 4.10 Turning to the 2nd reason for refusal, Policy 32 of the Adopted Local Plan states:

The District Council's District wide policy on Housing in the Countryside will apply within most of the Landward Area. Within Areas of Great Landscape Value, the National Scenic Area and the Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.

- 4.11 The Council's District Wide Policy is set out in Annex 1 of the adopted Local Plan. It sets out categories against which proposals will be assessed.

- 4.12 Category d) is most relevant. It states:

Replacement of Houses

The restoration of existing houses will be preferred to their replacement, but consent will be given to the replacement of houses provided:-

- *The existing house is neither worthy of retention nor capable of rehabilitation economically. The applicant must be able to demonstrate that the building was or is used as a dwelling house and the building must be clearly recognisable as a house having the majority of its main structural element intact. Except in the case of demolition for safety purpose within the past five years, evidence of foundations will not be considered adequate evidence of an existing house.*
- *The design and detailed siting of the replacement house is satisfactory. It should not always be assumed that a new house should be built on the solum of the previous house.*
- *The existing house is demolished or converted to some ancillary or alternative use to the satisfaction of the District Council as Planning Authority.*
- *Suitable access and services are available.*
- *The site is acceptable on amenity grounds.*

- 4.13 In the Report of Handling, it is stated that the landscaping of the northern boundary is a concern and whilst new landscaping could be introduced to the north, the *creation* of a suitable landscape framework would not be good planning practice, and to this end the application was considered contrary to Policy 32 and ultimately the land use of the site for a house is considered unacceptable. This is reflected in the second reason for refusal.

- 4.14 The relevant sections of the Policy are stated above. Quite clearly, there is absolutely no reference in Policy 32, nor in Annex 1, to the requirement for a site to have an existing landscape framework. The key policy tests to be met in Category 1(d) are:

- That the building was last used as a house
 - That it is neither worthy of retention nor capable of rehabilitation economically
 - The design and detailed siting of the replacement house is satisfactory
 - The existing house is demolished or converted to some ancillary or alternative use to the satisfaction of the District Council as Planning Authority
 - Suitable access and services are available
 - The site is acceptable on amenity grounds
- 4.15 Taking these issues in turn, it is abundantly clear from visually inspecting the remains of the building that it was previously a house (ie the front door and window openings on the front elevation – please refer to appendix B). Furthermore, Bidwells has managed the property for the applicant for XX years. XXX. There is no doubt as to the former use of the building.
- 4.16 Whilst it is intact up to eaves height, renovation would not be economically viable and its replacement is considered the most realistic way to provide a dwelling that meets modern living standards. The building was after all, built in the 1850s.
- 4.17 The siting of the house shown on the indicative layout plan is close to the solum of the existing house, and the Report of Handling accepts that this is suitable.
- 4.18 The building would have to be demolished before a replacement is built.
- 4.19 An existing access is available. The Council's roads service raised no objection.
- 4.20 There are no residential properties nearby, and there would be no conflict with the surrounding agricultural land use.
- 4.21 Therefore, the statement in the Report of Handling that the land use of the site as a house is unacceptable, when a house has stood on the site for over 160 years (albeit vacant for the last 20), and the proposal meets the policy tests set out in Category 1(d) is rather bewildering. Quite clearly, this proposal complies with the requirements of Policy 32 as it meets the tests for the Replacement of a House set out in Category 1(d) of Annex 1. Accordingly the second reason for refusal is not accepted and is fundamentally inaccurate.
- 4.22 The Council's most recent expression of Policy on Housing in the Countryside is set out in the Housing in the Countryside Guide 2012. This document also establishes a set of categories into which a proposal must fit at least one if it is to be considered acceptable.

- 4.23 The application site can be assessed against Category 4 – Renovation or replacement of house, or Category 6 – Brownfield Land. Policy extracts are copied below.

4. Renovation or Replacement of Houses

Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:

- a) *Restoration rather than replacement will be favoured where the building is of traditional form and construction, is otherwise of architectural merit, makes a positive contribution to the landscape or contributes to local character.*
- b) *Any alterations and extension to an existing house should be in harmony with the existing building's form and proportion.*
- c) *Only if it can be demonstrated that the existing house is*
 - i) *either not worthy of retention,*
 - ii) *or is not capable of rehabilitation at an economic cost, will substantial rebuilding or complete replacement be permitted.*

Note: Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction an independent expert opinion will be commissioned by the Council, at the applicant's expense, to evaluate the costs of alternative options. Where a house has been demolished prior to the submission of an application or grant of planning consent, there will be no guarantee that a replacement house will be granted.

- d) *Where rebuilding or demolition is permitted the replacement house shall be of a high quality design appropriate to its setting and surrounding area.*
- e) *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.*
- f) *The siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road, unless individual site conditions suggest that another position would create a better landscape fit.*

6. Rural Brownfield Land

Redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site. A statement of the planning history of the site, including the previous use and condition, must be provided to the planning authority. Proposals should be small scale, up to maximum of five new houses, and must comply with the criteria set out in the For All Proposals section of this policy. All land within the site, including areas not required for housing or private gardens, must be the subject of landscaping and/or other remediation works.

Proposals for more than five new houses on rural brownfield land will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

- 4.24 We have already established beyond any reasonable doubt that the building was previously used as a house. Category 4 (e) allows the replacement of an abandoned or ruinous house subject to certain criteria. The proposal meets those criteria:

- i) *the building is intact up to eaves height, clearly allowing its size and form to be identified.*

- ii) This is an established site. The site boundaries have been in place for more than 150 years. The landscape setting of the site is also established. The site itself is enclosed by existing mature trees to the south. Parts of the east and north boundaries also feature existing trees, and there is a drainage channel on the north boundary as shown on the photographs at appendix B. The wider landscape framework is excellent with mature trees to the south, west and north of the site, and rising landform to the rear. The landscape framework has been capable of accommodating the existing buildings since the 1850s.
 - iii) the established site boundaries are large and capable of providing a suitable enclosure for a house. The policy does not say this must be by way of existing landscaping, and does not in any way mean that conditions cannot be used. Indeed the words "capable of providing" would indicate that augmentation by additional landscaping would be appropriate. In this case there is an established site, with boundaries that have been in place for many years. The mature trees to the south and on part of the north and east boundaries provide a framework for a site that can be supplemented if necessary to provide a suitable enclosure.
- 4.25 Accordingly the proposal complies with the provisions of Category 4(e) of the 2012 Housing in the Countryside Guide.
- 4.26 Category 6 of the HITC Guide is also relevant and supports the proposal. Clearly, the site can be considered brownfield as it has previously been developed. The proposal would remove the dereliction of the ruinous dwelling and the development would result in a net environmental improvement. Category 6 of the HITC Guide goes on to state that " *All land within the site, including areas not required for housing or private gardens, must be the subject of landscaping and/or other remediation works*". This further contradicts the 3rd reason for refusal as Category 6 does not imply that a site must have any 'landscape framework' to be considered acceptable, and contrary to the statement in the Report of Handling, Category 6 encourages the implementation of additional landscaping.

- 4.27 The fourth reason for refusal relates to Policy RD3 of the Proposed Local Development Plan, which itself refers to the HITC Guide 2012. Previous paragraphs have outlined that the proposal does comply with the provisions of the HITC Guide 2012, Categories 4(e) and 6. Notwithstanding, the Proposed Local Development Plan is subject to outstanding objections that are to be considered at Examination, a process that has only just begun. The 4th reason for refusal has effectively prejudged the outcome of the examination in basing a reason for the refusal on a Proposed LDP Policy. In the *Watson v Renfrew District Council* (1995) case it was established that if a planning authority is to prejudge the outcome of an Examination in taking a decision on an application, it must justify itself by taking full account of the objections and representations to the Proposed LDP in reaching its decision.
- 4.28 The Report of Handling makes no reference to the outstanding objections to the Proposed Local Development on the issue of Housing in the Countryside Policy RD3 and therefore has taken no account of those factors in reaching the decision.
- 4.29 These issues will only be properly considered during an Examination, and until such a time Policy RD3 carries insufficient weight to base sound development management decisions, far less sustain a reason for refusal.

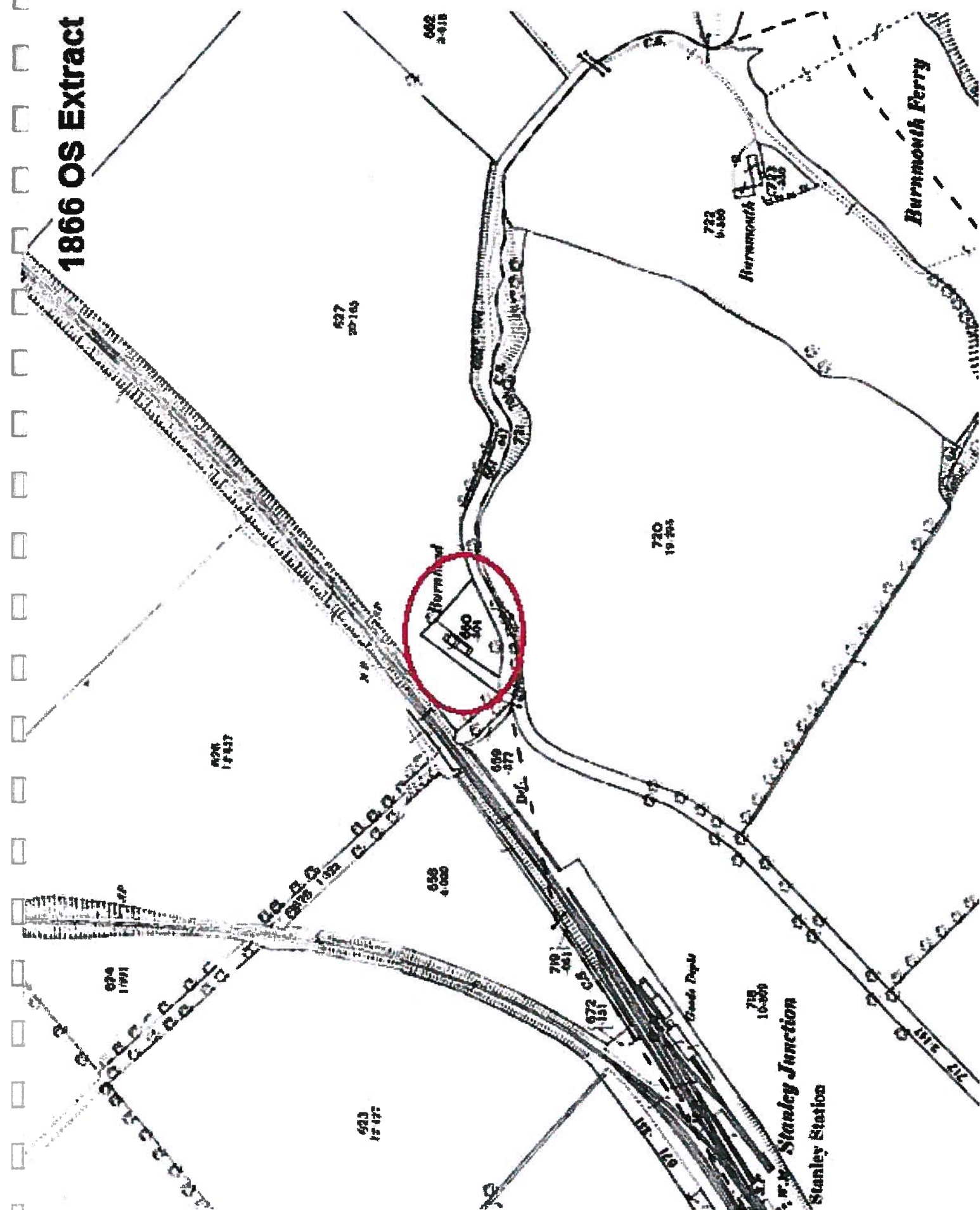
5 Conclusion

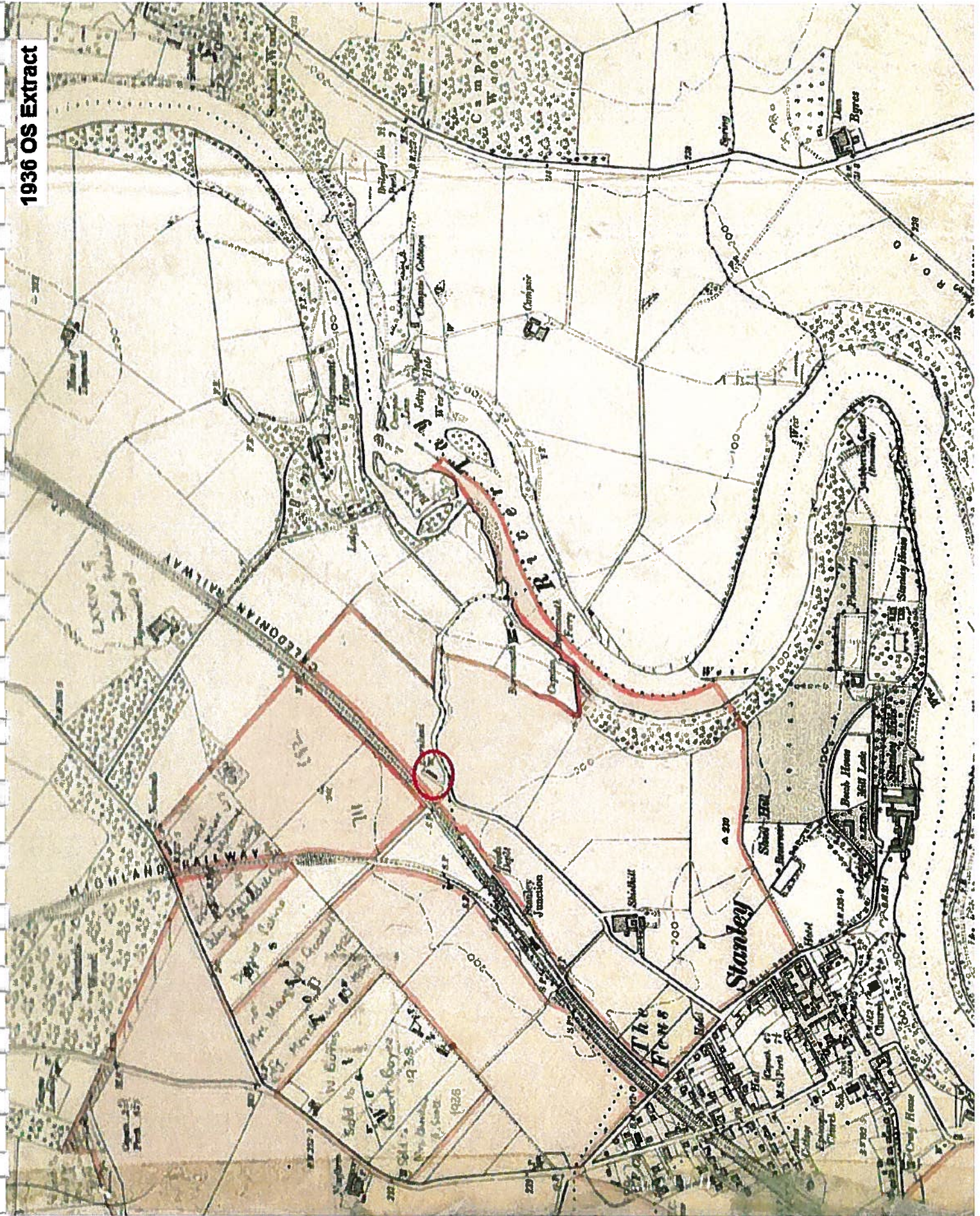
- 5.1 The preceding paragraphs have addressed the reasons for refusal and demonstrate clearly that the proposed development, which is in essence the replacement of a ruinous dwellinghouse, complies with the provisions of the development plan and the council's supplementary guidance.
- 5.2 Contrary to the reasons for refusal, the site does benefit from a strong existing landscape framework as is evidenced in the attached photographs. The site boundaries have been established for more than 150 years.
- 5.3 In accordance with the provisions of Sections 25 and 37(2) of the Town and Country Planning Act 1997, as amended, it is respectfully requested that this review is allowed and planning permission be granted.

Appendix A

Plans

1866 OS Extract



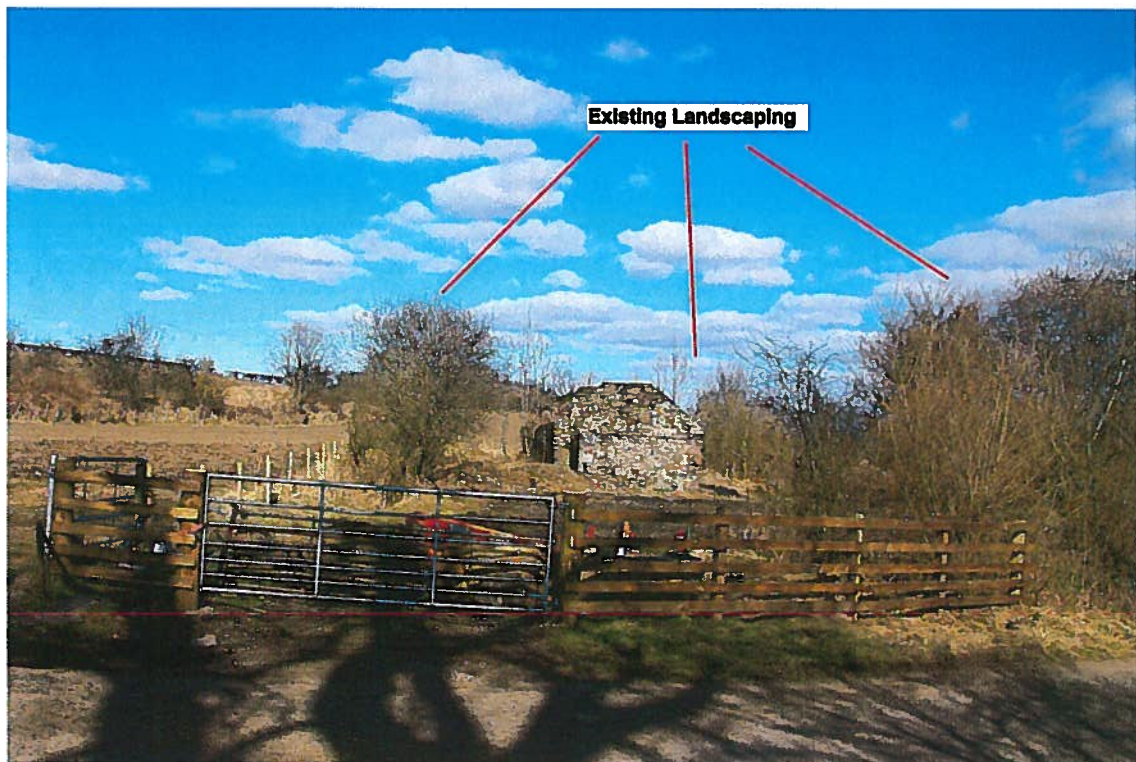


Appendix B

Photographs





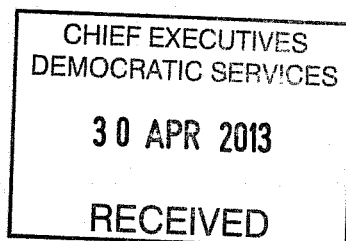




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Dear Sirs

Burnhead Cottage, Stanley

Please find enclosed an application for planning permission in principle for the demolition of the derelict house formerly known as Burnhead Cottage and its replacement with a new dwelling. This letter briefly explains the justification for this proposal.

In support of the application the following documents are enclosed:

- Planning in Principle application forms and application fee
- Location plans at 1:1,250 and 1:10,000
- Indicative site layout
- Neighbour notification fee

The application site lies in the countryside some 800 metres to the north east of the village of Stanley, some seven miles north of Perth. The site contains the remains of a dwelling known as Burnhead. The remains are unroofed but otherwise largely intact up to eaves height. The house was abandoned many years ago and lies in a derelict state.

This proposal seeks planning consent in principle to demolish the remains of the house and erect a new dwelling on the site.

The site lies within the area covered by the Perth Area Local Plan 1995 (incorporating Housing Land Supply Alteration 2001). The Proposed Perth and Kinross Local Development Plan, though the most recent expression of Council Policy, carries little weight as a material consideration prior to the LDP examination process.

Also relevant are the Councils Supplementary Housing in the Countryside Policy, and Scottish Government Policy and Advice.

The application site lies outwith any settlement boundary, within the countryside area. Therefore, Policy 32 of the adopted Local Plan is relevant. The policy states that the Council's District-wide Housing in the Countryside Policy will apply across most of the plan area and that there will be a presumption against built development within AGLV's and Designed Landscapes unless for operational need. The District-wide Policy is set out in Annex 1 of the Plan.



The District-wide policy establishes several categories of housing development which may be considered acceptable. Most relevant to this application is category (d). Category (d) states:

- The restoration of houses will be preferred to their replacement, but consent will be given to the replacement of houses provided:
- The existing house is neither worthy of retention nor capable of rehabilitation economically. The building must clearly be recognisable as a house, having the majority of its structural element intact.
- The design and detailed siting of the replacement house is satisfactory. It should not always be assumed that a new house should be built on the solum of the previous house.
- The existing house is demolished or converted to an alternative use to the satisfaction of the planning authority.
- Suitable access and services are available.
- The site is acceptable on amenity grounds.

The most recent expression of Council Policy on housing in the countryside is set out in the November 2012 revision of the Supplementary Housing in the Countryside Policy.

The 2012 Policy contains similar provisions for the replacement of abandoned dwellings. Category 4 of the Policy applies, and whilst it is stated that restoration is the favoured option, sub-sections (c) to (f) set out the circumstances in which replacement may be allowed.

- c) Only if it can be demonstrated that the existing house is
 - i) either not worthy of retention
 - or
 - ii) is not capable of rehabilitation at an economic cost, will substantial rebuilding or complete replacement be permitted.

Note: Where it is being claimed that a building of architectural quality needs to be wholly or partly demolished to permit rehabilitation or reconstruction an independent expert opinion will be commissioned by the Council, at the applicant's expense, to evaluate the costs of alternative options. Where a house has been demolished prior to the submission of an application or grant of planning consent, there will be no guarantee that a replacement house will be granted.

- d) Where rebuilding or demolition is permitted the replacement house shall be of a high quality design appropriate to its setting and surrounding area.
- e) 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.

- f) The siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road, unless individual site conditions suggest that another position would create a better landscape fit.

The 2012 Policy also contains provisions for the development of Brownfield land under Category 6, which states:

Redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site.

The remains of the building clearly illustrate that the remains are of a house, and although intact largely to eaves height, it is not capable of restoration or rehabilitation at economic cost.

Under such circumstances both the adopted Local Plan and the more up to date Housing in the Countryside Policy allow for the replacement rather than renovation of the house.

The site retains landscaped boundaries, and with additional planting of boundary hedging, the site will benefit from an excellent landscape framework, ensuring that a replacement house will have a good landscape fit.

There are no other residential properties in close proximity and accordingly there will be no complications resulting from impacts on neighbouring properties. The site itself is surrounded by agricultural land and there would be no conflict with the amenity of the new house and surrounding land uses.

Access to the site would be achieved via the existing track which continues beyond the site down to Burnmouth. Water and electricity are available on site and a septic tank and soakaway are proposed to deal with drainage.

The site extends to some 0.219ha which provides ample space for a large house and garage, parking area, amenity space and additional landscaping. The existing house is positioned parallel to the north western boundary. The indicative layout plan shows a larger house positioned closer to the centre of the site. Policy indicates that the new dwelling should not be constrained to the solum of the previous house, and it is considered that a larger house in a revised position would not have a detrimental impact on the wider landscape as a result of the existing site landscaping and the rising land to the rear which provides back-clothing to the site.

The proposal raises no issues of strategic significance relevant to TAYplan. The Proposed Local Development Plan, although at an advanced stage, has yet to be tested at the Examination and in such circumstances does not carry sufficient weight to over-ride the adopted Plan or SPG, although the Proposed Plan reflects the content of the SPG very closely.

It is therefore considered that the principle of the proposed development accords with the relevant provisions of the adopted Local Plan and the Council's latest Supplementary Policy Guidance.

In accordance with Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, the planning application should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Burnhead Cottage, Stanley
24 January 2013
Page 4

As the proposal accords with the development plan, and there are no material considerations that indicate that it should be refused, it is therefore submitted that this application for planning permission in principle should be approved.

Yours sincerely



Steven Cooper
Senior Planner

Enc



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Planning Department

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

Thank you for completing this application form:

ONLINE REFERENCE 000055334-001

The online ref number 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: *

We strongly recommend that you refer to the help text before you complete this section.

- ☒ 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)

Demolition of former dwelling and erection of new dwellinghouse

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

Have the works already been started 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:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title: *

First Name:

Last Name:

Company/Organisation: *

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="Burnhead"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Stanley"/>	Town/City/Settlement:	<input type="text" value="Perth"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PH1 4QF"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northings	<input type="text" value="733882"/>	Easting	<input type="text" value="311537"/>
-----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

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)

Access and Parking

Are you proposing a new or 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 changes to public paths, public rights of way or affecting any public rights 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? *

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)? *

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, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

New septic tank and soakaway

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)

Space for bin storage areas on site

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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 2008? *

☐ 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 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this 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 2008

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: Steven Cooper

On behalf of: Zurich Assurance Ltd

Date: 16/01/2013

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

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, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments, have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) 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 2008, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

d) 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 2008) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) 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

f) 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)

Existing Aerial Plan
Supporting Letter

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: Steven Cooper
Declaration Date: 24/01/2013
Submission Date: 24/01/2013

Payment Details

Cheque: Zurich Assurance Ltd/ Strathord Estate, 004951

Created: 24/01/2013 16:06

BIDWELLS

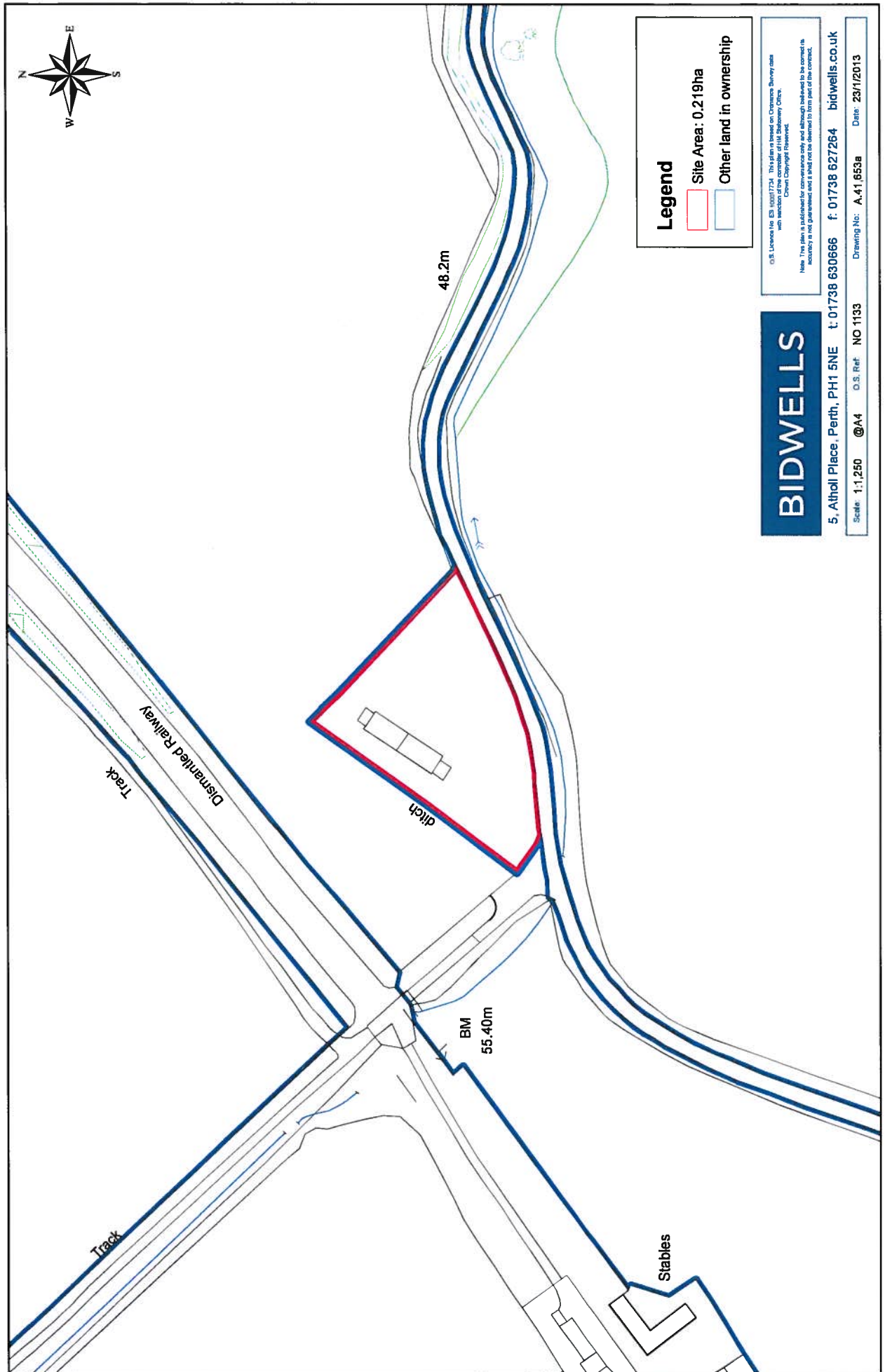
5, Atholl Place, Perth, PH1 5NE t: 01738 630666 f: 01738 627264 bidwells.co.uk

Scale: 1:10,000 @A4 O.S. Ref: NO 1133 Drawing No: A.43.325 Date: 16/12/013

O.S. Licence No. 03 10017734 This plan is based on Ordnance Survey maps with necessary additions and alterations made by Bidwells Ltd. in accordance with the Copyright Act 1988.

Note: This plan is prepared for the use of the client and is not to be used for any other purpose without the written consent of Bidwells Ltd.

Location Plan



Aerial



BIDWELLS

5, Atholl Place, Perth, PH1 5NE t: 01738 630666 f: 01738 627264 bidwells.co.uk

Scale: 1:500 @A4 O.S. Ref: NO 1133 Drawing No: A.43.324# Date: 16/1/2013

O.S. Licence No: ES 10001724 This plan is based on Ordnance Survey data with permission of the Controller of Her Majesty's Stationery Office. Copyright © Bidwells Ltd. This plan is a preliminary survey only and although intended to be used in the field, it is not a substitute for a full survey and should not be used for legal purposes.

Indicative Layout



<p>TCP/11/16(248) Planning Application 13/00146/IPL – Demolition of dwellinghouse and erection of dwellinghouse (in principle) at site of Burnhead, Stanley</p>

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 481-484)*

PERTH AND KINROSS COUNCIL

Zurich Assurance Ltd
c/o Bidwells
FAO Steven Cooper
5 Atholl Place
Perth
PH1 5NE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 22nd March 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00146/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 25th January 2013 for permission for **Demolition of dwellinghouse and erection of dwellinghouse (in principle) Site Of Burnhead Stanley** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all sites have a good existing landscape framework in which the development proposed can be set.
2. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
3. The proposal (by virtue of its inadequate landscape framework) is contrary to the Council's Housing in the Countryside Guide (2012) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

- 4 As the proposal (by virtue of its inadequate landscape framework) is contrary to the Council's Housing in the Countryside Guide (2012), the proposal is contrary to Policy RD3 : Housing in the Countryside of the proposed Local Development Plan 2012 which states that the all proposals for new housing within the landward area of the plan must comply with the Councils Supplementary Guidance (on housing in the countryside).

Justification

The proposal does not accords with the Development Plan, and there are no material reasons which justify approval of the planning application.

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 "Online Planning Applications" page

Plan Reference

13/00146/1

13/00146/2

13/00146/3

13/00146/4

PERTH AND KINROSS COUNCIL

DEMOLITION OF DWELLINGHOUSE AND ERECTION OF DWELLINGHOUSE (IN PRINCIPLE) AT SITE OF BURNHEAD, STANLEY

DELEGATED REPORT OF HANDLING

Ref No	13/00146/IPL	Case Officer	Team Leader	Decision to be Issued?	
Ward	N5 – Strathtay			Yes	No
Target	24 March 2013				
RECOMMENDATION					
Refuse the planning application on the grounds that due to the sites inadequate, existing landscape framework, the proposal is contrary to the Development Plan, and the Council's Housing in the Countryside Guide 2012.					

BACKGROUND & DESCRIPTION

This planning application seeks to obtain a planning in principle consent for the erection of a single dwelling on a rural site located to the east of Stanley. The 0.2 ha site is roughly triangle in shape with a public road running along its southern boundary, and a private access track to the west. To the north, the site is defined by post and wire fencing – one section of which appears relevantly new with a small agricultural field surround the site. On the site at present are the remains of a former building, which the applicant claims to be have previously been a dwelling. Although it is possible that the building may have been a small non-domestic building, I agree that in all probability, the building was probably formerly a dwelling.

The ruin of the building is fairly substantial with only the roof missing with the remains clearly outlining a building which was linear in its footprint (orientated east to west) and single storey in height. An indicative layout of the proposed replacement building has been submitted by the applicant, which is generally on the site of the existing ruin.

APPRAISAL

Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise.

In terms of the Development Plan, the site lies within the landward area of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) where *Policies 1 and 32* are directly applicable. Policy 1 is the general landward policies which seeks (amongst other things) to ensure that all new proposals have a good landscape framework which is capable of absorbing the development which is proposed, whilst *Policy 32* is the Local Plan version of the Housing in the Countryside.

In terms of other material considerations, this principally involves consideration of the contents of the HITCG 2012 which is the most recent expression of Council policy

towards new housing in the open countryside. In addition to this, the contents of the proposed LDP and the Development Contributions document are also relevant. In terms of the proposed LDP, within this plan the site lies within the landward area where the LDP states that the Council's SPG on housing in the countryside will be applicable, whilst the Developer Contributions document seeks education contributions in instances when the local primary school is operating at over 80% capacity.

Based on the above, I consider the two key determining issues to be a) whether or not the site is acceptable in land use terms and b) whether or not the existing landscape framework is acceptable, bearing in mind the contents of the Development Plan.

I shall address these issues in turn.

Firstly, in terms of the principle of a dwelling on this site, the proposal must be assessed against both the HITCP as contained in the Local Plan, and the revised version of 2012. In terms of the Local Plan version of the HITC policy, the reference within the relevant section of this policy (section c) is centred on the possibility of development of site presently occupied by 'abandoned houses'. Although the building on the site probably was a dwelling, in my view it can not reasonably be classed in its current physical state as an abandoned house as it now simply a ruinous building. I consider there to be a material difference between an abandoned dwelling and a ruinous building.

However, the HITCG 2012 offers some scope in principle for the replacement of a ruinous house provided that a number of criteria can be met, which includes a) there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified b) 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 and c) the site boundaries are capable of providing a suitable enclosure for the new house.

In terms of item a), there is clearly visible evidence of the former building which enables its size and form to be identified without too much difficulty. However, in terms of the existing landscape framework, I do have some concerns. The site is bounded by the public road to the south, which in my view offers a suitable degree of landscape containment to the south. However, I note that the other two boundary sides to the north are defined only by post and wire fences, which in my opinion do not offer a suitable level of natural landscaping. I also note that one section of the fence is relevantly new and it's not clear whether or not this fence has replaced an older fence or simply created the boundary within the last few years.

Whilst I appreciate that new landscaping could be introduced to the north, the creation of a *suitable* landscape framework as part of a development is not normally considered to be good planning practice, and in this case I do not see the justification from departing from this view. To this end, I consider the proposal to be contrary to both Policy 32 of the PALP and the HITCG 2012, and ultimately consider land use of the site for a house to be unacceptable.

Turning to the second issue, the suitability of the existing landscape framework, as stated previously, the landscape to the rear of the site (north) is weak, and despite the firm edge which is provided by the public road to the south, I do not consider the existing landscape framework to be suitable for a new dwelling. To this end, I

consider the proposal to be contrary to Policy 1 of the PALP, which seeks (amongst other things) to ensure that all new sites have a good landscape framework.

Lastly, in terms of education matters as this application is for planning permission in principle only, this can be addressed via a suitably worded condition being attached to any consent.

In conclusion, based on the reason stated above, I recommend the planning application for a refusal.

DEVELOPMENT PLAN

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). There are no policies of specific relevance, relevant to this proposal contained in the Tay Plan. Within the Local Plan, the site lies within the landward area where *Policies 1 and 32* are directly applicable. Policy 1 seeks (amongst other things) to ensure that all developments have a good landscape framework which is capable of absorbing the development which is proposed, whilst Policy 32 is the Local Plan version of the housing in the countryside policy.

NATIONAL PLANNING GUIDANCE / POLICIES

The Scottish Government expresses its planning policies through the National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars

The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are Paragraphs 92-96 which relate to Rural Development

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This policy is the most recent expression of Council policy towards new housing in the open countryside, and is applicable across the entire landward area of Perth &

Kinross. This policy offers a more up to date expression of Council Policy towards housing in the countryside to that contained the Local Plans and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories. Within this policy, there is some scope for the replacement of ruinous houses.

Developer Contributions 2012

This document sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting infrastructure improvements necessary as a consequence of development.

Proposed Local Development Plan 2012

Within the proposed LDP, the site lies within the landward area where the SPG policy on HITCP is applicable. The most up-to-date version of the HITCP is the 2012 version.

SITE HISTORY

There has been no previous site history on this site.

PKC CONSULTATIONS

The Executive Director (ECS) has commented on the planning application and indicated that the local primary school (Stanley) is not operating at over its 80% capacity.

Transport Planning have commented on this planning application and have raised no objection to the proposal, subject to conditions.

The Environmental Health Manager has commented on the planning application and raised no concerns subject to conditions.

The Access Officer has commented on the planning application and raised no concerns, subject to conditions.

EXTERNAL CONSULTATIONS

Scottish Water have been consulted on the planning application and have raised no objection.

REPRESENTATIONS RECEIVED

None received or expected.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	None required

LEGAL AGREEMENTS REQUIRED

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDED REASONS FOR REFUSAL

- 1 As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all sites have a good existing landscape framework in which the development proposed can be set.
- 2 The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
- 3 The proposal (by virtue of its inadequate landscape framework) is contrary to the Council's Housing in the Countryside Guide (2012) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.
- 4 As the proposal (by virtue of its inadequate landscape framework) is contrary to the Council's Housing in the Countryside Guide (2012), the proposal is contrary to Policy RD3 : Housing in the Countryside which states that the all proposals for new housing within the landward area of the plan must comply with the Councils Supplementary Guidance (on housing in the countryside).

JUSTIFICATION

The proposal does not accords with the Development Plan, and there are no material reasons which justify approval of the planning application.

INFORMATIVES

None

PROCEDURAL NOTES

None applicable.

REFUSED PLANS

13/00146/1 - 13/00146/4 (inclusive)

TCP/11/16(248)

Planning Application 13/00146/IPL – Demolition of dwellinghouse and erection of dwellinghouse (in principle) at site of Burnhead, Stanley

REPRESENTATIONS

- Representation from Environmental Health Manager, dated 8 February 2013
- Representation from Policy Officer (Access and Infrastructure), dated 15 February 2013
- Representation from Transport Planning, dated 26 February 2013

Memorandum

To	Head of Development Control	From	Environmental Health Manager
Your ref	PK13/00146/FLL	Our ref	LJ
Date	8 Feb 2013	Tel No	(47)5248

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK13/00146/FLL RE: Demolition of dwellinghouse and erection of dwellinghouse (in principle) Burnhead Stanley Perth PH1 4QF for Zurich Assurance Ltd

I refer to your letter dated 29 January 2013 in connection with the above application and have the following comments to make.

Contamination

An inspection of the proposed development site did not raise any real concerns, although it is known that there was historically railway land to the north of the site. A watching brief during redevelopment is required therefore I recommend the following condition be applied to the application.

The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant or his agent, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.



Memorandum

To Nick Brian
Development Quality Manager

From Frances Berry
Policy Officer (Access & Infrastructure)

Your ref 13/00146/ipl

Our ref cc38/FB

Date 15 February 2013

Tel No 01738 475324

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

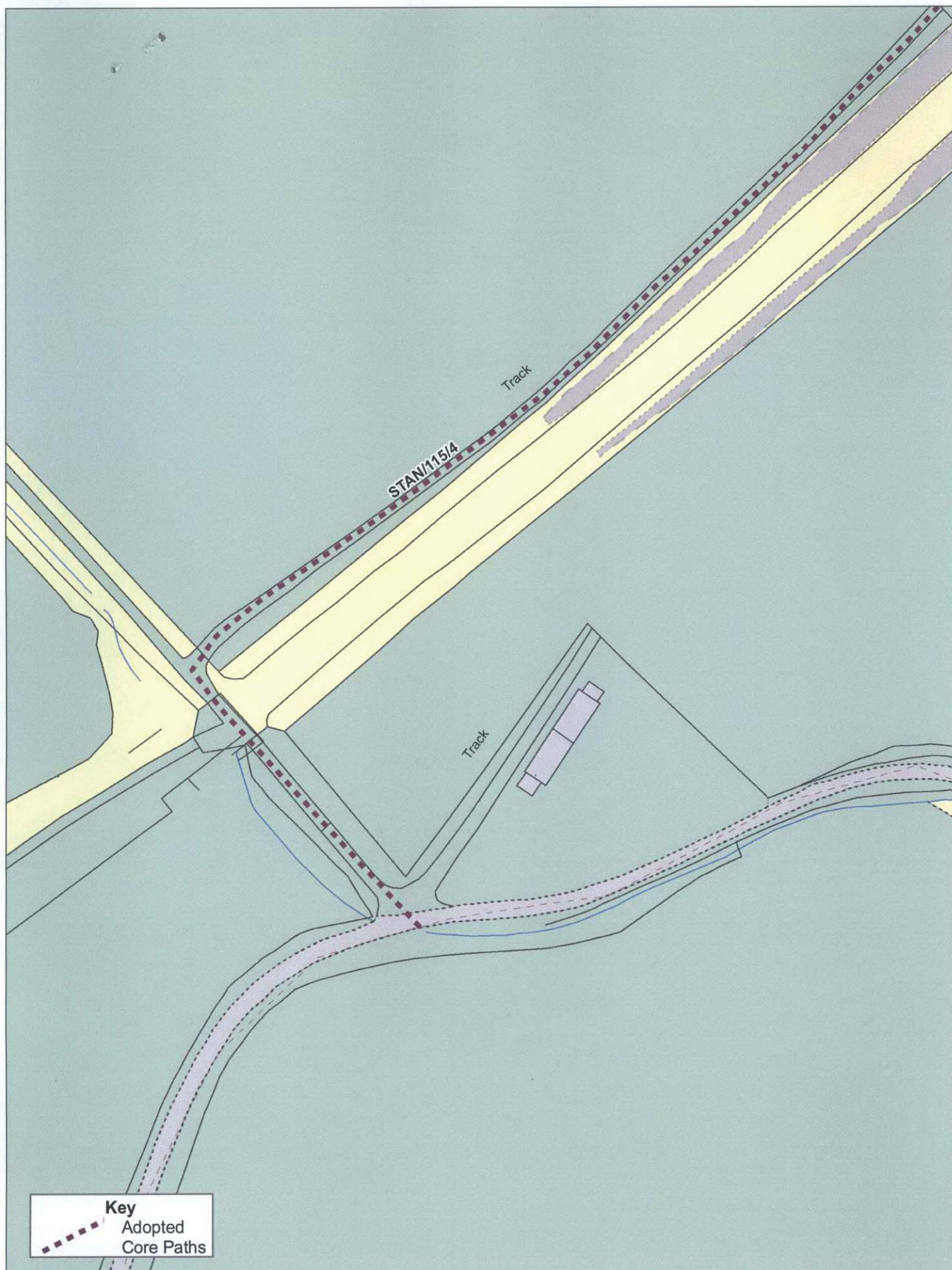
With reference to the application for the Demolition of a dwellinghouse and erection of a dwellinghouse (in principle) at Burnhead Stanley please note that a core path STAN/115 provides access to the development site. A condition is essential here. Please see map attached.

Suggested Condition: The core path shown in PURPLE on the attached plan must not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the house is occupied.

Reason: To ensure continued public access along the public paths.

Please contact Frances Berry, Policy Officer (Access & Infrastructure), on Ext 75324 if you wish to discuss matters.





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13/00146/ipl Burnhead Stanley

Contact: F Berry

Date: 15 February

Map for use in connection with Council duties
under the Land Reform (Scotland) Act 2003

500

Z Scale:
1:1,000





MEMORANDUM

To	Andrew Baxter Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	13/00146/IPL	Date	26 February 2013

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 & ROADS (SCOTLAND) ACT 1984

With reference to the application 13/00146/IPL for planning consent for:- **Demolition of dwellinghouse and erection of dwellinghouse (in principle) Burnhead Stanley Perth PH1 4QF for Zurich Assurance Ltd**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.

