



# Perth and Kinross Local Review Body

Council Building  
2 High Street  
Perth  
PH1 5PH

04/09/2023

A hybrid meeting of the **Local Review Body** will be held in **the Council Chamber** on **Monday, 11 September 2023 at 13:00.**

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

**LISA SIMPSON**  
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 Bob Brawn (Convener)  
Councillor Ken Harvey  
Councillor Ian James  
Councillor Hugh Anderson (Reserve)

## **Advisers**

Clerk  
Legal Adviser  
Planning Adviser

## **Applicant**



**Local Review Body**

**Monday, 11 September 2023**

**AGENDA**

- 1 WELCOME**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE LOCAL REVIEW BODY OF 14 AUGUST 2023** **1 - 6**  
(copy herewith)
- 4 APPLICATIONS FOR CONSIDERATION**
  - 4(i) LRB-2023-24 - 22/02096/FLL - ERECTION OF A DWELLINGHOUSE, LAND 70 METRES SOUTH EAST OF MYLNEFIELD HOUSE, INVERGOWRIE** **7 - 122**  
Review papers attached
  - 4(ii) LRB-2023-26 - 23/00655/FLL - ALTERATIONS AND EXTENSION TO DWELLINGHOUSE, GEAN TREE COTTAGE, RAIT, PERTH, PH2 7SA** **123 - 164**  
Review papers attached
  - 4(iii) LRB-2023-27 - 23/00252/FLL - ALTERATIONS TO DWELLINGHOUSE, FORMATION OF VEHICULAR ACCESS, ALTERATIONS TO REAR VEHICULAR ACCESS AND INSTALLATION OF GATES, MORVEN, BALMORAL ROAD, RATTRAY, BLAIRGOWRIE, PH10 7AF** **165 - 222**  
Review papers attached

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All Council Services can offer a telephone translation facility.



## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Monday 14 August 2023 at 1:00pm.

Present: Councillors B Brawn, H Anderson and B Leishman.

In Attendance: R Burton (Planning Adviser), C Elliott, (Legal Adviser) and J Guild (Democratic Governance Officer) (all Corporate and Democratic Services).

Also Attending: A Brown and M Pasternak (both Corporate and Democratic Services) and C Brien (Communities).

### 1. WELCOME

Councillor Brawn welcomed all present to the meeting.

### 2. DECLARATIONS OF INTEREST

No declarations were made in terms of the Councillors' Code of Conduct.

### 3. MINUTES

The minute of meeting of the Local Review Body of 3 July 2023 was submitted and noted.

### 4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-20  
Planning Application – 22/01986/FLL – Erection of 2 short term let holiday accommodation units (in retrospect) Land 75 metres North East of The Steading, Kinfauns, Perth – Gloag Foundation**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of 2 short term let holiday accommodation units (in retrospect) Land 75 metres North East of The Steading, Kinfauns, 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 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 erection of 2 short term let holiday accommodation units (in retrospect) land 75 metres North East of The Steading, Kinfauns, Perth, be refused for the following reasons:
1. The proposal is contrary to Policies 29: Rural Development (parts a & b) and 30: Tourism (part b) of National Planning Policy Framework 4, and Policies 8: Rural Business and Diversification and 9C: Timeshare and Fractional Ownership of the Perth and Kinross Council Local Development Plan 2 (2019). The proposal fails to meet the relevant criteria of countryside development to be justified, promotes unsustainable travel patterns, fails to provide convenient access to the countryside and natural environment, fails to meet a specific need by virtue of its quality or location in relation to existing businesses or tourist facilities, and is not of a high design quality.
  2. The proposal is contrary to Policy 8: Green Belt of National Planning Policy Framework 4 and Policy 43: Green Belt (parts a & d) of the Perth and Kinross Local Development Plan 2 (2019). The proposal fails to demonstrate that a green belt location is essential, undermines the purpose of the Perth Green Belt by developing land within it without sufficient justification and therefore eroding the identity of the settlement, fails to support an established use or develop a new business with direct relationship to the land, and fails to advance public access to the countryside by virtue of its convenient location for pedestrians and cyclists.
  3. The proposal is contrary to Policies 13: Sustainable Transport (part b) and 14: Design, quality and place (part c) of National Planning Policy Framework 4, and Policies 1B: Placemaking (parts a & e) and 60B Transport Standards and Accessibility Requirements: New Development Proposals of the Perth and Kinross Council Local Development Plan 2 (2019). The proposal fails to create a safe, accessible or inclusive environment for guests of the holiday accommodation and discourages pedestrian, bicycle or public transport usage by virtue of its location next to a busy trunk road and motorway junction which is poorly served by streetlighting. The proposal in turn perpetuates car dependency despite its geographic proximity to Perth.

### **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) **LRB-2023-21**  
**Planning Application – 23/00116/FLL – Extension to ancillary accommodation, 6 Main Street, Keltybridge, Kelty – Mr K Crombie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to ancillary accommodation, 6 Main Street, Keltybridge, Kelty.

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 extension to ancillary accommodation, 6 Main Street, Keltybridge, Kelty, be refused for the following reasons:

- 1. The proposal, in addition to the two existing sets of ancillary accommodation, would result in an excessive provision of ancillary accommodation, which would further reduce the functional relationship to the host dwellinghouse.

Refusal would therefore be in line with Policy 14(c) of National Planning Policy Framework 4 and approval would be contrary to Policies 14(a) and (b) and 16(g) of National Planning Policy Framework 4, Policies 1A, 1B(c) and 17(c) of Perth and Kinross Local Development Plan 2 (2019) and Perth and Kinross Placemaking Guide, which seek to ensure that the density and siting of all developments respects the character and amenity of the place.

Furthermore, the proposals are contrary to Perth & Kinross Council's Ancillary and Annex Accommodation 2021 Supplementary Guidance, which seeks to ensure that there is a strong functional relationship between ancillary accommodation and the host dwellinghouse and that the extent of the ancillary accommodation is reasonable and proportionate.

- 2. The proposal, by virtue of its position, height, orientation and projection, would have an imposing, overbearing and significant adverse impact upon the residential amenity of the adjacent window and garden, in terms of overshadowing in the morning and loss of daylight generally.

Approval would therefore be contrary to Policies 14(a) and (b) and 16(g) of National Planning Policy Framework 4, Perth and Kinross Placemaking Guide 2020, Perth and Kinross Council's Ancillary and Annex Accommodation 2021 and Policies 1A, 1B(c) and 17(c) of the Perth and Kinross Local Development Plan 2 (2019), which seek 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.

(iii) **LRB-2023-22**  
**Planning Application – 23/00101/FLL – Extension to dwellinghouse, Wester Hassendean, Montrose Road, Auchterarder PH3 1BZ – Ms J Martin**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse, Wester Hassendean, Montrose Road, Auchterarder PH3 1BZ.

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 extension to dwellinghouse, Wester Hassendean, Montrose Road, Auchterarder PH3 1BZ, be granted subject to the imposition of relevant terms, conditions and informatives.

**Justification**

Members considered the proposal to be in accordance with the Development Plan.

**Note**

Councillor Brawn dissented from the majority opinion. He considered that, whilst recognising the limited space available, the design was unsympathetic, of excessive proportion and inappropriate materials and therefore not in accordance with the Development Plan.



(iv) **LRB-2023-23**  
**Review of Condition 2 on planning permission 23/00070/FLL – Change of use of road to form extension to outdoor seating area (for temporary period) at 145-151 South Street, Perth PH2 8NY – Centre Global Ltd.**

Members considered a Notice of Review seeking a review of Condition 2 on planning permission 23/00070/FLL – change of use of road to form extension to outdoor seating area (for temporary period) at 145-151 South Street, Perth PH2 8NY.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the material planning considerations 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 of Condition 2 on planning permission 23/00070/FLL – change of use of road to form extension to outdoor seating area (for temporary period) at 145-151 South Street, Perth PH2 8NY, be refused. Condition 2 remains as follows:
  - 2. Permission is hereby granted for a limited temporary period. The use of the seating area must cease by Monday 2 October 2023 and the entirety of the temporary structure removed by Friday 6 October 2023.

**Justification**

In view of the nature of the development and location of the proposed development on a main arterial route into Perth City Centre and due to the requirement to ensure ongoing maintenance of the gullies and the requirements of the strategic road network in this location.

(v) **LRB-2023-25**  
**Planning Application – 23/00186/FLL – Part demolition, alterations and extension to dwellinghouse, Forest Lodge, Ladywell, Birnam, Dunkeld PH8 0DU – Ms C Norfolk**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse part demolition, alterations and extension to dwellinghouse, Forest Lodge, Ladywell, Birnam, Dunkeld PH8 0DU.

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 majority decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) The applicant to produce a Full Ecological Survey, in addition to the already provided Bat Roost Assessment, both of which will be passed to the Tree and Biodiversity Officer and Development Management for comment.
- (iii) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

**Note**

Councillor Leishman dissented from the majority opinion. He considered enough information to be available to determine the review.

DRAFT

**LRB-2023-24**  
**22/02096/FLL – Erection of a dwellinghouse, land 70 metres south east of Mylnefield House, Invergowrie**

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**LRB-2023-24**

**22/02096/FLL – Erection of a dwellinghouse, land 70 metres south east of Mylnefield House, Invergowrie**

**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)	Agent (if any)			
Name <input type="text" value="MC M. HARRIS"/>	Name <input type="text"/>			
Address <input type="text" value="MYLNFIELD HOUSE&lt;br/&gt;INVERKONNIE"/>	Address <input type="text"/>			
Postcode <input type="text" value="DD2 5KH"/>	Postcode <input type="text"/>			
Contact Telephone 1 <input type="text"/>	Contact Telephone 1 <input type="text"/>			
Contact Telephone 2 <input type="text"/>	Contact Telephone 2 <input type="text"/>			
Fax No <input type="text"/>	Fax No <input type="text"/>			
E-mail* <input type="text"/>	E-mail* <input type="text"/>			
Mark this box to confirm all contact should be through this representative: <input type="checkbox"/>				
<table border="0"> <tr> <td style="padding-right: 20px;">* Do you agree to correspondence regarding your review being sent by e-mail?</td> <td>Yes <input checked="" type="checkbox"/></td> <td>No <input type="checkbox"/></td> </tr> </table>		* Do you agree to correspondence regarding your review being sent by e-mail?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
* Do you agree to correspondence regarding your review being sent by e-mail?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		

Planning authority	<input type="text" value="PERTH and KINROSS COUNCIL"/>		
Planning authority's application reference number	<input type="text" value="22/02096/FLL"/>		
Site address	<input type="text" value="LAND 70 METRES SOUTH EAST OF&lt;br/&gt;MYLNFIELD HOUSE, INVERKONNIE"/>		
Description of proposed development	<input type="text" value="ERECTION OF DWELLING HOUSE"/>		
Date of application	<input type="text" value="25th FEB 2022"/>	Date of decision (if any)	<input type="text" value="24th April 2023"/>

**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:

PLEASE NOTE THERE IS MY SECURITY GATE BUT I AM MORE THAN HAPPY TO PROVIDE THE CODE OR ACCESS AT ANY TIME



**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 SHEET

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. Planning Report  
 2. Letter to Review Board dated 26<sup>th</sup> June 2023

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]

Date 25<sup>th</sup> JUNE 2023

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

26<sup>th</sup> June 2023

Dear Sir/madam

I am seeking a review of the Council's decision to refuse my application for Planning Permission to build a dwelling within my grounds at Mylnefield House, Invergowrie. DD2 5EH.

I obtained Full Planning Permission to build a Pool/house on the same area of ground back in 2010. I also secured a Building Warrant and after purifying the conditions I commenced the works.

Access to the plot was established and a road was created to allow vehicles and machinery and a new sewer was installed removing the need for a septic tank. A water main, drainage and the foundations were all progressed until the build costs escalated and works ceased.

After discussions with my architects I decided to apply for Planning to simply build the house without the pool. Planning was refused and my architects had missed the date for seeking a review which resulted in a new application being submitted.

It is my understanding that we had no communications with the Planning Department after the application was lodged.

A tree survey was carried out and was submitted which confirms that none of the trees need removed and as the access road and foundations are already in existence no additional measures were required.

It's a little ironic that I can build a pool/house but not simply a house without the pool.

My neighbour at Mylnefield Walled Garden has had his Planning approved and has spent months clearing the trees. His Planning approval is for five large houses of a very modern design and nothing in keeping with the two houses next to the now cleared site.

I respectfully request that my Planning application documents be reviewed and this includes the Planning Report that I had prepared which contains photographs and supporting information. I also believe it would be helpful if the site was inspected.

Regards

M. Harris  
Applicant

Email [planninglrp@pkc.gov.uk](mailto:planninglrp@pkc.gov.uk)



# Planning Statement

Erection of a dwellinghouse.

Land 70m South East of Mylnefield House, Invergowrie,  
Dundee, DD2 5EH

Prepared for Mr Mark Harris

October 2022



85 High Street  
Newburgh. KY14 6DA

Tel: 01337 840088



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[info@asassociatesltd.co.uk](mailto:info@asassociatesltd.co.uk)

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## 1.0 INTRODUCTION

1.1 This statement has been prepared for Mr Mark Harris, to provide information to assist the Council in its assessment of this proposal for erection of a dwellinghouse.

1.2 This application follows the submission, in late 2021, of an application for erection of a dwellinghouse on the same site (21/01825/FLL). That application was refused, with a decision issued on 22nd December 2021.

1.3 There were no representations submitted to that application. There were no objections to the proposal from any of the Council's Internal or External Consultees. The application was refused for three reasons: that a tree survey had not been submitted; the proposal was not identified as gaining support from the categories of development acceptable in the countryside; and the proposal was not considered in keeping with the character and amenity of the area.

1.4 This application seeks to address the issues in the assessment of the earlier application that had led to its refusal. The following points will be set out in more detail in this statement, in justification of the proposal:

- Mylnefield House is a country mansion house with extensive grounds. This proposal lies within these grounds and a case is made that the proposal gains support from category 3:1 of LDP2 Policy 19 Housing in the Countryside—where a proposal for a new house (or houses) lies within the original garden ground associated with an existing country or estate house.
- The applicant has submitted a Tree Survey with this application (Arboricultural Assessment, Mylnefield House, Arboretum Internationale, 5th April 2022). This assessment contains a tree protection plan to demonstrate the impact of the proposed development on the existing trees, concluding that the proposed development does not require the removal of any trees (with one defective/dying tree recommended for removal, irrespective of the development proposals). Recommendations are included for tree protection.
- The proposal is located over the footprint of an existing foundation - for a swimming pool house (09/00043/FUL). This consent has been implemented (building warrant approved), with the foundation excavated and services installed. The applicant no longer wishes to continue with construction of the pool house, now proposing the site for a single storey dwellinghouse, of smaller scale than the consented pool house, over its footprint. The principle of a building on this site is established, given that the applicant could continue to build the pool house.
- The Council had no concerns with siting the pool house building within the grounds, or with its impact on Mylnefield House or the neighbouring area in the previous assessment of the pool house application.
- We contend that this proposal is entirely in keeping with the character and amenity of the area, as supported by the Housing in the Countryside policy—there is a well contained site providing an appropriate landscape setting.
- We highlight that there have been several consents for residential developments nearby Mylnefield House, including the walled garden at Mylnefield and at Over Pilmore, the most recent consent being in August 2022. These are referred to in section 3.0 Planning History in this Statement. These proposals had similar characteristics and issues addressed in their assessment—leading to approval of the applications. We believe that this statement demonstrates that this current application is acceptable in terms of the Council's Local Development Plan 2 and related Supplementary Guidance.

## 2.0 SITE CONTEXT AND DESCRIPTION

2.1 The application site lies within the garden grounds of Mylnefield House, a country mansion house set within extensive grounds. The site lies approx. 70m to the south east of the current Mylnefield House. There have been two earlier mansion houses within the grounds. This house, the 3rd, replaces a house partially destroyed in the early 19C. The second house no longer stands, although its previous site, located to the south east of the existing house, and west of the application site, is identifiable within the grounds. Historic mapping is included on the following page.

2.2 Mylnefield House is accessed from the A90, west of Invergowrie, by a private driveway and also serves the gate Lodge and further modern dwellinghouse to the north east of Mylnefield House ( Dalriada - approval 10/00466/FLL). There is a further traditional dwelling, Linden Cottage, located to the east of Dalriada and served by its own access from the A90. There are two garage/ancillary accommodation buildings located to the north side of Mylnefield House.

2.3 The grounds of Mylnefield House consist of formal areas with lawn and extend into areas of parkland/ woodland. The site is a wooded area with a large grassy clearing at the south side where it is proposed to locate the dwellinghouse. This area contains the excavated foundations and installed foundations, identifying the location of the proposed dwellinghouse. An access driveway into the site has also been formed from the main Mylnefield House driveway (with gate installed). This was implemented in 2010 to facilitate the construction of the pool house.

2.4 The site is well contained with the proposed dwellinghouse screened by mature trees and with a hedge directly to the south/south east of the proposed house. The proposed dwellinghouse will not be seen from the A90, the primary source of most visual receptors in the area. It will also be screened from Mylnefield House and the other residential properties to the north.





**2.0 SITE CONTEXT AND DESCRIPTION**



View to S along driveway to Mylnefield House from A90.



View to N along driveway from Mylnefield House to A90.

## 2.0 SITE CONTEXT AND DESCRIPTION



View to S along driveway to Mylnefield House (sweeping round to right). Vehicle in background is parked on separate driveway to proposed dwellinghouse.



Vehicle parked on driveway (obscured by leaves) to proposed dwellinghouse, with gate in foreground.



View of driveway between gates and location of proposed dwellinghouse.

## 2.0 SITE CONTEXT AND DESCRIPTION



View NW towards Mylnefield House from path running to the W of the application site, illustrating nature and extent of the country house grounds.



NW corner of excavated pool house foundation & location of proposed house.



Excavated pool house foundation.

View NE across application site, from path running to the W of the site.



View towards SW, across application site, towards path running to the W of the site. (Excavated foundation of pool house and installed services in view).



Existing driveway into site.

Driveway to Mylnefield House

View W towards Mylnefield House from junction of its driveway and existing driveway for application site.

2.0 SITE CONTEXT AND DESCRIPTION



Views of excavated extent of pool house foundation and installed services.

## 2.0 SITE CONTEXT AND DESCRIPTION

### Historic Mapping of Mylnefield House and grounds



1861

Location of proposed dwellinghouse ★

OS Six inch 1st Edition 1861

*not to scale*

Reproduced with permission of the National Library of Scotland



1891

Location of proposed dwellinghouse ★

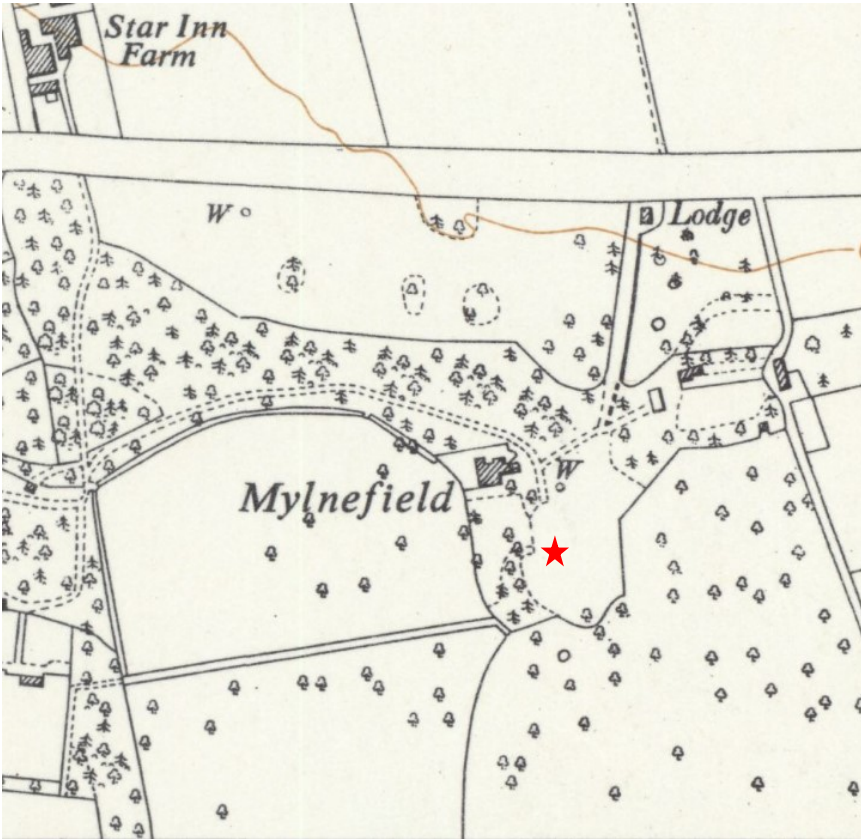
OS 25 inch 1898

*not to scale*

Reproduced with permission of the National Library of Scotland

## 2.0 SITE CONTEXT AND DESCRIPTION

### Historic Mapping of Mylnefield House and grounds

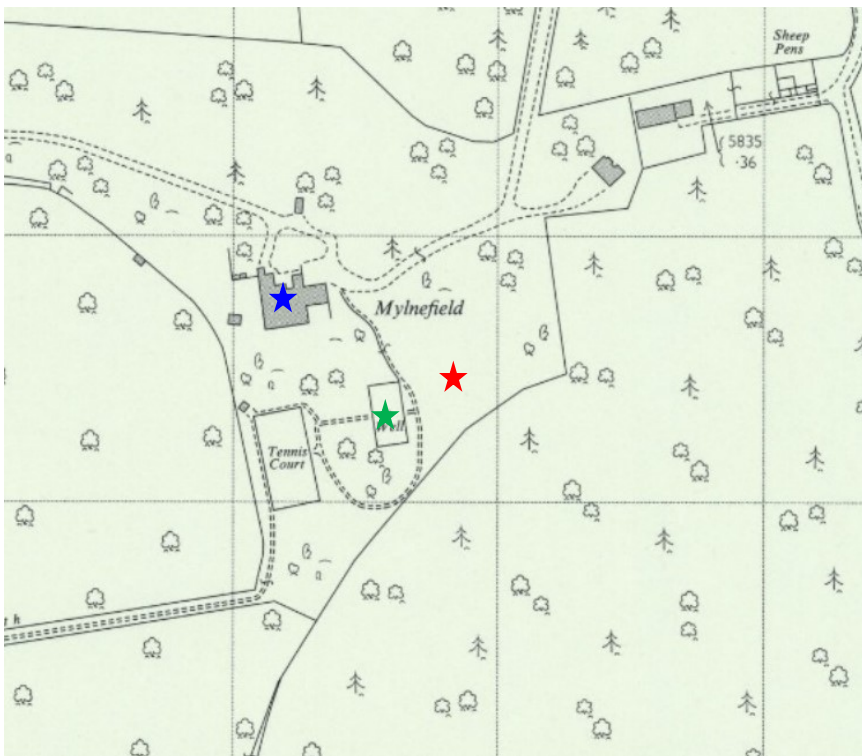


Location of proposed dwellinghouse ★

OS National Grid maps, published 1959

*not to scale*

Reproduced with permission of the National Library of Scotland



Current location of Mylnefield House (3rd house, replacing 1st house, partly destroyed in early 19C)

★

Site of second Mylnefield House

★

Location of proposed dwellinghouse ★

OS National Grid maps 1970

*(not to scale)*

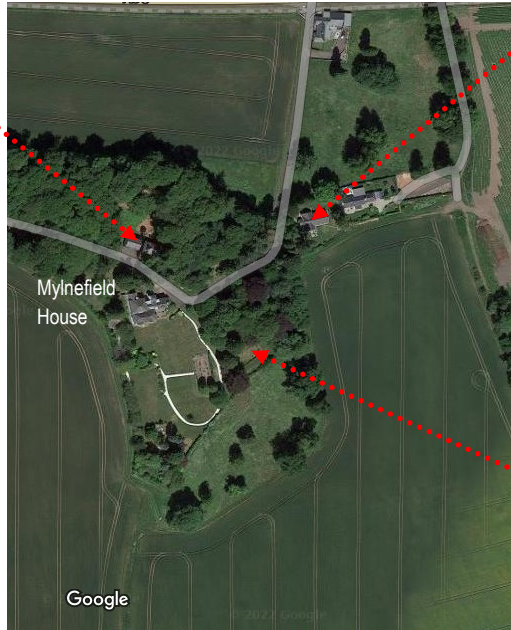
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### 3.0 PLANNING HISTORY

3.1 There is significant planning history relating to the development in the grounds of Mylnefield House, as outlined below. In particular, the implemented consent for the swimming pool building (the footprint of the current proposed dwellinghouse) is the reason the applicant seeks to progress this application in this location.

3.2 There is also significant planning history relating to consents for residential development in similar situations, within the grounds of large country houses, as indicated below.

10/02213/FLL  
Erection of double garage with ancillary accommodation, Mylnefield House (Approved 18 March 2011 - Development completed)



10/00466/FLL Erection of a dwellinghouse, Land 130 Metres North East Of Mylnefield House (Approved 28 Jul 2010— Development completed)

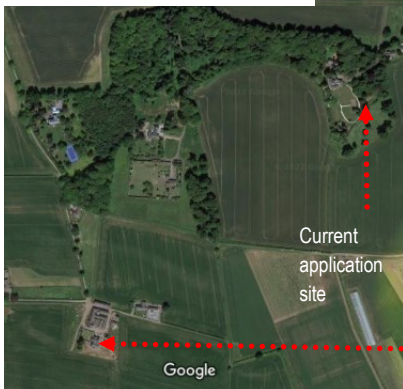
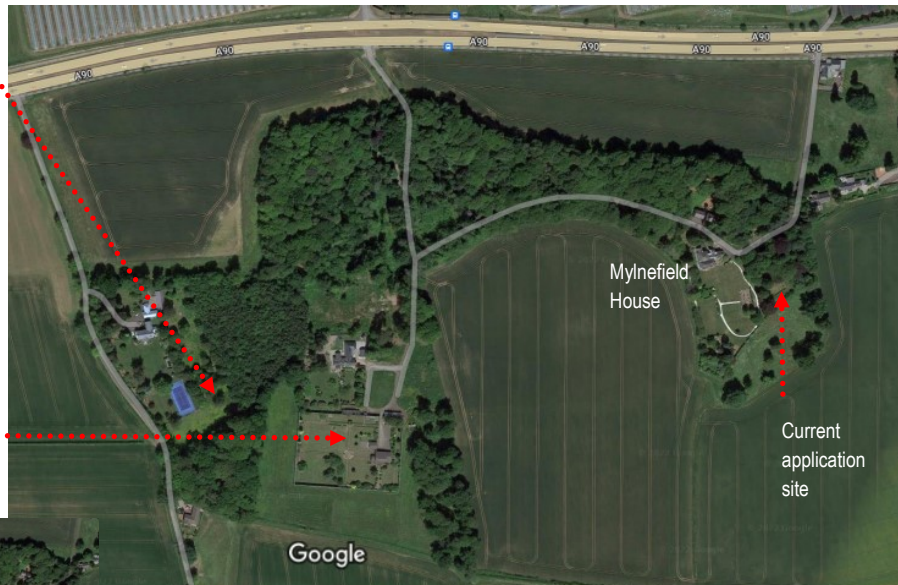
09/00043/FUL  
Erection of a swimming pool, land 70m SE of Mylnefield House (Approved 7 April 2009— Development started—excavation for foundation and services in place)

-  
On same site, proposed dwellinghouse on footprint of excavated foundations of pool house—21/01825/FLL  
Erection of a dwellinghouse, (Refused 22 Dec 2021)

22/00253/FLL Erection of 2 dwellinghouses, SE of Over Pilmore (Approved 24 August 2022)

20/01814/IPL, Residential Development (in principle), Land 70 Metres SE of Over Pilmore (Approved 09 May 2021)

Several consents (6) for dwellinghouses at The Gardens, Mylnefield, including most recently 17/00695/FLL & 17/00696/FLL for erection of 3 dwellinghouses. One dwelling constructed.



18/00256/FLL Erection of a dwellinghouse at East Pilmore (Approved 20 April 2018—Development completed)

#### 4.0 PROPOSAL

4.1 The applicant proposes the development of a single dwellinghouse on the site of approx. 600 sqm using an existing private access from the A90. The first part of this driveway, joining with the A90, is surfaced and serves the Gatehouse, Dalriada and Mylnefield House. The plot size is relatively large, reflecting the existing character of the grounds of Mylnefield House.

4.2 The site includes the existing excavated foundation and services for the consented swimming pool house, with the proposed footprint of the dwellinghouse to be located over this foundation. In effect, the applicant seeks to replace the pool house building that he could continue to construct on the site, with a smaller scaled dwellinghouse.

4.3 A driveway (constructed 2010) of approx. 30m length extends from the main driveway to Mylnefield House, through an entrance gate and into the application site, accessing the area of the pool house footprint.

4.4 The proposed dwellinghouse is 3 bedroom and single storey. The proposal includes parking and turning area to accommodate two cars. There is ample space for refuse/recycling bins. The parking area and paths will all be formed from permeable surfacing.

4.5 The proposed dwellinghouse is 14.5m in length, with a patio area extending 3m from the W elevation. The width of the building is in part 10.5m for the main living space and reduces to 8m for the remainder of the dwelling. It has an overall floor area of 126 sqm and height to the ridge of 5.5m. Overall, the proposed dwellinghouse is of a smaller scale than the approved pool house (dimensions of , approx. 8.4m x 16m, (area of 134 sqm) and with a height of approx. 6m.)

4.6 The proposed dwellinghouse will have white smooth render walls, grey slate effect tiles, white uPVC windows and doors and black uPVC rainwater goods (the same finishes as the pool house).

#### 5.0 PLANNING ASSESSMENT— INTRODUCTION

5.1 Scottish Planning Policy 2014 (revised 2020) (SPP) reinforces that the Town and Country Planning (Scotland) Act 1977 requires decisions to be made on planning applications in '*accordance with the development plan unless material considerations indicative otherwise. Proposals that accord with development plans should be considered acceptable in principle and the consideration should focus on the detailed matters arising*'. (SPP, para. 32)

5.2 The Development Plan which applies to this site is the Approved TAYplan Strategic Development Plan 2016—2036 (2017) and the Adopted Perth & Kinross Local Development Plan 2 (2019) (LDP2). Perth & Kinross Council's supplementary guidance is also a consideration in the assessment of this proposal, including the Housing in the Countryside Supplementary Guidance 2020 and Placemaking Supplementary Guidance 2020.

5.3 The TAYplan Strategic Development Plan 2017 is the strategic planning framework for the southeast Scotland area and sets out key areas of strategic direction for the preparation of Local Development Plans. Its strategy and policies are relevant to this proposal in several topic areas where its strategic direction is implemented through the strategy, policies and proposals of the Perth & Kinross Local Development Plan 2019 (LDP2).



## 6.0 PLANNING ASSESSMENT— PRINCIPLE OF DEVELOPMENT

6.1 The application site lies within the ‘countryside’, and does not adjoin a settlement boundary, as defined by the LDP2. The key LDP2 policies applying to the principle of development on this site are Policy 6: Settlement Boundaries and Policy 19: Housing in the Countryside.

6.2 LDP2 Policy 6: Settlement Boundaries indicates that for a proposal that is on a site outwith a settlement boundary or for a proposal that does not adjoin a settlement boundary, LDP2 Policy 19: Housing in the Countryside will apply.

6.3 LDP2 Policy 19: Housing in the Countryside provides support to proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside where they fall within several specified categories. The Housing in the Countryside Supplementary Guidance (2020) provides further assistance in assessing the acceptability of proposals.

6.4 This proposal is submitted as gaining support from one of the criteria attached to this policy, i.e,

- Category 3—New Houses in the Open Countryside

The applicant’s further justification for the proposal in terms of this policy is set out on the following pages.

### Category 3—New Houses in the Open Countryside

6.5 The Supplementary Guidance lists several categories of housing in the countryside that the Council will consider favourably. We believe that this proposal falls within category 3.1 Existing Gardens.

6.6 The Report of Handling for the earlier application for this proposal, 21/01825/FLL, made an assessment of the proposal in terms of the Supplementary Guidance: Category 1—Building Groups; and Category 2—Infill Development. The assessment concluded that the proposal did not gain support from either category. The Report of Handling did not assess the proposal in terms of any part of Category 3—New Houses in the Open Countryside. We contend that category 3.1 provides support for the proposal, as set out overleaf.

#### Extract from Housing in the Countryside Supplementary Guidance 2020

##### 3.1 Existing Gardens:

a) Proposals for a new house or houses within the original garden ground associated with an existing country or estate house will be supported providing that there is an appropriate landscape setting and additional development will not fundamentally affect the qualities and integrity of the site, particularly where the house is a listed building or falls within a Historic Garden or Designed Landscape. A country or estate house is defined as a large house set within its own estate or extensive grounds. This section does not apply to domestic scale gardens or where gardens have been created at a later date, for example, by the change of use of agricultural land to garden ground.

6.7 We contend that:

- Mylnefield House meets with the policy definition of a ‘country or estate house’ - defined as ‘a large house set within its own estate or extensive grounds’.
- The proposal for a new house is within the original garden ground associated with Mylnefield House, as confirmed by the historic mapping on pages 6 and 7
- Mylnefield House is not a listed building and the grounds are not a designated Historic Garden or Designed Landscape. The proposal will not affect the qualities and integrity of Mylnefield House and is provided with an appropriate landscape setting. It will not impact on the presence of Mylnefield House or its relationship with its surrounding grounds. The site is well defined and contained by its wooded nature—capable of accommodating the proposal without impact on the surrounding grounds of Mylnefield House.

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.1 Residential Amenity

7.1.1 LDP2 Policy 1: Placemaking, 1A requires that development should respect the ‘amenity of the place’. The application site is large, well contained, and a considerable distance from the nearest neighbours at Mylnefield House (75m) and Dalriada (100m). The dwellinghouse will have sufficient plot ratio with spacious garden ground as set out in the Placemaking Guide (2020), i.e. ‘As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for 3+ bedrooms. Each dwelling should have a minimum garden depth of 9m’. This proposal will meet these requirements,.

7.1.2 The Report of Handling for the earlier application 21/01825/FLL included that ‘*the location of the proposed dwellinghouse is remote from any other residential receptor, therefore it is considered that there will be no loss of amenity. There is also sufficient amenity ground provided for the scale of the proposed dwellinghouse.*’

7.1.3 We contend that the proposal can fully comply with the amenity considerations as contained within the LDP2 Policy 1: Placemaking and the Supplementary Placemaking Guide 2020.

### 7.2 Visual Amenity, Design and Layout

7.2.1 LDP2 Policy 1: Placemaking, requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. LDP2 Policy 39: Landscape aims to ensure that all development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross’s landscapes.

7.2.2 We note that in Report of Handling for 21/01825/FLL the assessment states, in terms of ‘Design and Layout’ that ‘*Overall, it is considered that there are no adverse concerns in relation to design and layout.*’ The proposal is as previously submitted—single storey, finished in white wet dash with grey tile roof—all considered appropriate in the earlier application and compatible with neighbouring properties. The Report of Handling for 21/01825/FLL refers to the scale of the building being appropriate for the site and that its siting have been chosen to minimise tree felling.

7.2.3 The application site does not lie within a designated Local Landscape Area. The site lies within the Tayside Firth Lowlands Landscape Character Type (SNH National Landscape Character Assessment), encompassing the Carse of Gowrie. The area is described as well settled, principally an agricultural area, with scattered settlements, farmsteads and hamlets. Castles and designed landscapes are noted as indicating the past wealth of the area and contributing to the landscape.

7.2.4 We contend that this proposal respects the character and amenity of the place. Mylnefield House is not a listed building and the grounds are not a designated Historic Garden or Designed Landscape. The proposal has a well established landscape setting and will not impact on the qualities, presence or integrity of the setting of Mylnefield House or its relationship with its surrounding grounds. The site is well defined and the proposed dwellinghouse will be contained by, and absorbed by, its wooded nature. The footprint of the proposed dwellinghouse is set within an area of mature trees to the north, west and east— with an established hedge and high fence screening and bounding the site to the south. We note that the consented swimming pool house was assessed as acceptable in terms of the character and visual amenity of the area and that this proposal will be similar, with the difference relating solely to design.

7.2.5 Overall, we believe that this proposal can be assessed as respecting the character and amenity of the place and compliant with LDP2 Policy 1: Placemaking and LDP2 Policy 39: Landscape.

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.3 Drainage and Flooding

7.3.1 LDP2 Policy 52: New Development and Flooding addresses the delivery of actions to manage flood risk. LDP2 Policy 53: Water Environment and Drainage, sub policies 53A: Water Environment includes that development of any scale and at any location should protect, and where practical improve the water environment, both ground and surface water. Sub policies 53B: Foul Drainage and 53C Surface Water Drainage set out the Council's requirements to connect to the public sewer where available and to use Sustainable Urban Drainage Systems (SUDS) measures.

7.3.2 The SEPA Flood Map shows that the site is at no risk from river or surface water flooding and we contend that the proposal will cause no increased risk of flooding elsewhere, compliant with LDP2 Policy 52.

7.3.3 There are services—new sewer and mains water—already installed at the site, as part of the development of the pool house (as shown on the photographs on page 5 and 6), compliant with LDP2 Policy 53C: Foul Drainage.

7.3.4 A surface water soakaway plan, drainage calculations and percolation test results are submitted with this application, as previously submitted with application 21/01825/FLL. The Report of Handling for that application states that these submissions '*demonstrate compliance with Policy 53C 'Water Environment and Drainage: Surface Water Drainage.'* It is anticipated that, likewise, this proposal will be assessed as compliant.

### 7.4 Built and Cultural Heritage

7.4.1 LDP2 Policy 26B: Archaeology seeks to protect areas or sites of archaeological interest, and their settings. We note that a condition was attached to the earlier swimming pool house consent, (09/00043/FUL), requiring an investigation of the site as the area was considered to have archaeological potential as the grounds of Mylnefield House were recorded as the site of a prehistoric stone circle in the early 20C. This condition was discharged, with an archaeological evaluation having been undertaken in May 2009. The Canmore entry (303584) notes that '*No deposits or features relating to the stone circle or any other prehistoric remains were identified*'. We note the in its consultation response on application 21/01825/FLL the Perth & Kinross Heritage Trust had no objection, subject to a condition. We believe this proposal can be fully compliant with LDP2 Policy 26B: Archaeology.

### 7.5 Infrastructure Impact

7.5.1 LDP2 Policy 5: Infrastructure Contributions addresses the impact of new development in relation to current and future needs for additional infrastructure, community facilities and affordable housing. The Council's Developer Contributions & Affordable Housing Supplementary Guidance (2020) explains how developer contributions will be achieved.

7.5.2 The Guidance indicates that a financial contribution towards increased primary school capacity is required in areas where there is an identified capacity constraint. The application site lies within the Invergowrie Primary School catchment. We note that The Report of Handling for the earlier application 21/01825/FLL indicates that Children's Services have no capacity concerns and we anticipate that this is likely to remain the case at this time. The guidance indicates that contributions for transport infrastructure or affordable housing would not be sought for this proposal. We believe that the proposal complies with LDP2 Policy 5: Infrastructure Contributions

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.6 Natural Heritage

7.6.1 LDP2 Policy 38: Environment and Conservation protects international, national and local designation sites and areas. LDP2 Policy 40: Forestry, Woodland and Trees identifies the criteria to be met to gain the Council's support, including in relation to the protection and management of trees and woodland, especially those with high natural, historic and cultural heritage value and where new woodland planting is promoted. LDP2 Policy 41: Biodiversity seeks to protect and enhance wildlife and habitats, both designated or otherwise. LDP2 Policy 42: Green Infrastructure requires all new development to contribute to the creation, protection, enhancement and management of green infrastructure. Overall, we contend that this proposal is fully compliant with these policies, as set out below. We note that the Report of Handling for 21/01825/FLL states that *'However, due to the location and scale of the proposed dwellinghouse, it is likely that the proposal development will (not) have any adverse impact upon the natural heritage and biodiversity of the area.'*

#### Protected Sites and Species

7.6.2 The information recorded on NatureScot's SiteLink shows that the site is not the subject of any statutory nature conservation designations.

#### Woodland and Trees

7.6.3 The application site includes a number of trees. The location of the proposed dwellinghouse (over the footprint of the foundations of the pool house) is within a grassed clearing and the driveway area is also clear of trees.

7.6.4 We note that the Report of Handling for 21/01825/FLL indicated that a Tree Survey and Tree Protection Plan were required to demonstrate the impact of the proposal on the existing trees on the site. The applicant has submitted a Tree Survey with this application (Arboricultural Assessment, Mylnefield House, Arboretum Internationale, 5th April 2022). This assessment identifies 10 trees within and immediately adjacent to the site. One of these trees (a cypress) is recorded as dead/dying and identified for removal due to its poor condition, irrespective of the development proposal. The assessment indicates that no other tree work (felling or pruning) is required to create space for the proposed dwellinghouse or for access. A tree constraints plan and tree protection plan, along with recommendations for tree protection are included in the report. We contend that this proposal is fully compliant with LDP2 Policy 40: Forestry, Woodland and Trees.

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.8 Roads, Transport and Accessibility

7.8.1 The main policy heading, LDP2 Policy 60: Transport Standards and Accessibility Requirements includes LDP2 Policy 60B: New Development Proposals. The policy aims to reduce travel demand by car and promotes access to a choice of sustainable modes of travel, including opportunities for active travel and green networks. The policy states that *All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport.* The proposal will not have significant travel generation but in any case is well located for sustainable travel.

#### Public Transport

7.8.2 Bus transport is accessible from the site. There is a bus stop located on the A90, approx. 600m from the site, accessible along the A90 footway. Stagecoach service X16 provides a frequent service between Dundee and Perth. The site is very close to Dundee for access to the wider public transport network—both bus and rail. There is also a rail station in Invergowrie, providing access to an hourly service between Dundee and Perth.

#### Active Travel

7.8.3 The site is well place for active travel, with an off road footway along the A90 linking into Longforan, Invergowrie and Dundee. There is a wider network of paths, readily accessible to the site and linking into the surrounding area.

#### Private Car Use

7.8.4 Travel from the site by car provides quick and direct access to the main public transport hubs Dundee and Perth, along with access to the main central Scotland road network with direct access on to the A90. The location of the site supports the reduction in unsustainable longer car journeys.

#### Access

7.8.5 Access to the proposed dwellinghouse will be along an existing driveway (approx. 35m long), constructed at the time of the initial works for the pool house. This connects to the main driveway between Mylnefield House and the A90. A new gate and gateposts have been installed (These are retrospective elements of this application and detailed drawings are submitted). The driveway and gates are shown in the photographs on pages 5 and 6.

7.8.6 We note that in relation to the earlier dwellinghouse application 21/01825/FLL, the Council's Transport Planning Team and Transport Scotland were content with the proposal, making no comments or objection and that the Report of Handling stated that *'It is therefore considered that there are no roads or access implications and the proposal complies with Policy 60B 'Transport Standards and Accessibility.'*

## 8.0 CONCLUSION

### 8.1 In conclusion:

- ◆ This proposal provides for a modestly sized dwellinghouse within the grounds of Mylnefield House, gaining support in principle from category 3.1 of LDP2 Policy 19: Housing in the Countryside and, in detail, from the range of other relevant LDP2 policies and guidance, as set out in detail in this statement.
- ◆ The proposed dwellinghouse is located on the footprint of an earlier approved swimming pool house. Construction had begun on this building more than 10 years ago, with foundations excavated and services installed. The applicant now wishes to replace the further construction of the pool house with a dwelling house. We contend that the proposal will be equally acceptable as development in this location.

8.2 We look forward to receiving the Council's comments on this proposal and would request that the case officer contact us, to request any further information sought in support of the proposal, and to update on a likely recommendation, prior to a decision being made.

**LRB-2023-24**

**22/02096/FLL – Erection of a dwellinghouse, land 70 metres south east of Mylnefield House, Invergowrie**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**







Mr Mark Harris  
c/o Jim Lough  
2 Riverside Gardens  
Balloch  
Alexandria  
G83 8QD

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **24th April 2023**

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

Application Reference: **22/02096/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 25th February 2023 for Planning Permission for **Erection of a dwellinghouse Land 70 Metres South East Of Mylnefield House Invergowrie**

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

### **Reasons for Refusal**

1. The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as it does not comply with any of the categories of the policy guidance.
2. The proposal is contrary to Policy 17 Rural Homes of National Planning Framework 4 as the proposal does not meet any of the criteria within the policy.
3. The proposal is contrary to Policy 40B 'Forestry, Woodland and Trees" of the Perth and Kinross Local Development Plan 2 (2019), as insufficient information has been submitted with regards to the existing trees on the site. The tree survey submitted does not detail the development as proposed and how it can be constructed with tree protection measures in place and without damage to tree roots as works are proposed within the root protection areas for a number of trees.

### **Justification**

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

## Notes

N/A

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

Plan Reference

01

02

03

04

05

06

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## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	22/02096/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	24th April 2023	
Draft Report Date	21st April 2023	
Report Issued by	JF	Date 21/04/2023

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 70 Metres South East Of Mylnefield House  
Invergowrie

#### 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.

#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 70metres South East of Mylnefield House, Invergowrie, on an area which is heavily vegetated with mature trees. The application seeks detailed planning permission for the erection of a dwellinghouse. The proposed dwellinghouse is a detached 3 bedroomed bungalow and is located to the South of the site.

The application follows on from a refusal ref 21/01825/FLL which was considered contrary to Housing the Countryside Policy Category 1 and 2 with additional reasons in relation to trees.

#### SITE HISTORY

21/00793/FLL Erection of a dwellinghouse 14 June 2021

21/01360/FLL Erection of a dwellinghouse 3 September 2021

21/01825/FLL Erection of a dwellinghouse 22 December 2021 Application Refused

#### PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

#### DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

## **National Planning Framework 4**

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4 :

Policy 1: Tackling the Climate and Nature Crisis

Policy 3: Biodiversity

Policy 6: Forestry, Woodland and Trees

Policy 29: Rural Development

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

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 41: Biodiversity

Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

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

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

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

## **Statutory Supplementary Guidance**

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

## OTHER POLICIES

### Non Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)

## NATIONAL GUIDANCE

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

### National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## CONSULTATION RESPONSES

Scottish Water	No objection
Transportation And Development	No objection
Development Contributions Officer	No contribution required
Dundee Airport Ltd	No objection
Perth And Kinross Heritage Trust	No objection

## REPRESENTATIONS

No representations were received.

### Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
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 comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

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 not located within a designated settlement boundary. As such, Policy 6 'Settlement Boundaries' is directly applicable. Policy 6 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 19 'Housing in the Countryside', it is acknowledged that opportunities do exist for housing uses 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 units or groups of units which fall within the six identified categories will be supported. The Council will support proposals for the erection, or creation through conversion, of single units and groups of units in the countryside which fall into at least one of the following categories:

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the supplementary guidance
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

The previous application was considered under category 1 'Building Groups' and category 2 'Infill Sites'. The proposal was considered not to comply with these categories.

Within the supporting statement the agent considers the site would comply with Category 3.1 Existing Gardens (a). This policy states that proposals for a new house or houses within the original garden ground associated with an existing country or estate house will be supported providing that there is an appropriate landscape setting and additional development will not fundamentally affect the qualities and integrity of the site, particularly where the house is a listed building or falls within a Historic Garden or Designed Landscape. A country or estate house is defined as a

large house set within its own estate or extensive grounds. This section does not apply to domestic scale gardens or where gardens have been created at a later date, for example, by the change of use of agricultural land to garden ground.

The submission is supported by historic maps which show in 1891 there was an extensive dwelling sited to the west of the application site with a long drive providing access, there is an additional building to the north which may have served as ancillary to the original estate/country house. In the 1959 map the house is no longer present with the ancillary building now forming 'Mylnefield'. In a 1970 map some ancillary development of this house has taken place to the south. In addition the plans submitted for the proposal show the full extent of the land ownership which is proportionate to the scale of the house but not considered for the purposes of the policy to constitute a country or estate house set within its own estate or extensive grounds. It also appears from the maps that this area was wooded and not laid out as gardens these lie to the west.

It is also considered that in this case the commencement of a development for an ancillary building does not justify the erection of a dwelling which will be required to have its own access and usable amenity space within a contained plot.

In summary, it is considered that the proposal would not comply with Category 3.1 and therefore the principle of the development is not supported under this category.

### **Design and Layout**

The dwelling proposed is modest and simple in form/design. It is single storey finished with a mock slate roof and the walls will be finished in a smooth white wet dash render. The windows and doors will be white uPVC units. All rainwater goods will be black uPVC. A new set of electronic gates are proposed at the end of the new driveway.

There are no significant concerns regarding the design however it's unfortunate that some traditional detailing or materials.

### **Residential Amenity**

The location of the proposed dwellinghouse is remote from any other residential receptor, therefore it is considered that there will be no loss of amenity. There is also sufficient amenity ground provided for the scale of the proposed dwellinghouse however it should be noted that the tree report submitted highlights the level of tree cover and shading arcs would have impacted the use of the amenity space and may have led to tree removal by future occupants.

### **Roads and Access**

The proposal incorporates a large driveway which connects to the existing access road. The driveway has parking facilities for at least 2 vehicles and turning facilities to allow for all vehicles to exit the site in a forward gear. These arrangements are considered suffice for the level of traffic likely to be generated by the proposed development. The Council's Transport Planning Team have been consulted.

Transport Scotland were not consulted as the proposal did not meet the thresholds for consultation.

It is therefore considered that there are no roads or access implications, and the proposal complies with Policy 60B 'Transport Standards and Accessibility Requirements'.

### **Conservation Considerations**

Perth & Kinross Heritage Trust (PKHT) were consulted as part of this application and have no objection to offer, subject to conditional control regarding archaeology. This is due to the archaeological sensitivity of the Carse of Gowrie area. The recommended condition would ensure compliance with Policy 26B 'Scheduled Monuments and Archaeology: Archaeology'.

### **Natural Heritage and Biodiversity**

The site is currently woodland and has a significant number of mature trees present. Policy 40B 'Forestry, Woodland and Trees: Trees, Woodland and Development' requires that a Tree Survey is submitted by a suitably qualified professional where there are existing trees on the site.

This application is accompanied by a tree survey, but this does not appear to directly relate to the site plan submitted. The site plan shows trees which are not in the tree survey and vice versa for example there is a soakaway proposed to the west of the dwelling which would lie within a tree RPA, this tree is not on the site plan. The proposal is therefore still contrary to Policy 40 as the tree report submitted does not detail how the dwelling, soakaway and access road which all lie within RPAs can be constructed and that there is no plan showing how the tree protection in line with the RPAs could be erected and maintained during construction.

### **Drainage and Flooding**

The site is not located within an area of identified flood risk and the proposals are not considered to increase the risk of flooding or create any drainage implications. A surface water drainage plan, soakaway calculations and percolation test results have been submitted which demonstrate compliance with Policy 53C 'Water Environment and Drainage: Surface Water Drainage'.

However the soakaway is located within the root protection area of tree and as noted the tree report plans (showing tree locations and RPAs) does not match up with the site plan submitted.

### **Developer Contributions**

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



## **Economic Impact**

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

## **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was not varied prior to determination.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly the proposal is refused on the grounds identified below.

### **Conditions and Reasons**

- 1 The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as it does not comply with any of the categories of the policy guidance. In particular the site is not considered for the purposes of the policy to form part of a country or estate house set within its own estate or extensive grounds
- 2 The proposal is contrary to Policy 17 Rural Homes of National Planning Framework 4 as the proposal does not meet any of the criteria within the policy.
- 3 The proposal is contrary to Policy 40B 'Forestry, Woodland and Trees' of the Perth and Kinross Local Development Plan 2 (2019), as insufficient information has been submitted with regards to the existing trees on the site. The tree survey submitted does not detail the development as proposed and how it can be constructed with tree protection measures win place and without damage to tree roots as works are proposed within the root protection areas for a number of trees.

**Justification**

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

**Informatives**

N/A

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01  
02  
03  
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13  
14



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100608426-001

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 dwelling house land 70 m South East of Mylnefield House, Invergowrie

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:	<input type="text"/>	
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *
First Name: *	<input type="text" value="Jim"/>	Building Name: <input type="text"/>
Last Name: *	<input type="text" value="Lough"/>	Building Number: <input type="text" value="2"/>
Telephone Number: *	<input type="text" value="07771970537"/>	Address 1 (Street): * <input type="text" value="Riverside Gardens"/>
Extension Number:	<input type="text"/>	Address 2: <input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: * <input type="text" value="Balloch"/>
Fax Number:	<input type="text"/>	Country: * <input type="text" value="Alexandria"/>
		Postcode: * <input type="text" value="G83 3QD"/>
Email Address: *	<input type="text" value="jim@jimlough.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="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="Mark"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Harris"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## 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

Land 70 meters South East of Mynefield House, Invergowrie Dundee DD2 5EH

Northing

730274

Easting

333422

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

612.00

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)

Garden grounds

## 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?

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, 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?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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)

hardstanding for 4 domestic waste bins

## 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 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: Alison Arthur

On behalf of: Mr Mark Harris

Date: 25/11/2022

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. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes | <input 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)

Arboricultural assessment

## 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: Mrs Alison Arthur

Declaration Date: 25/11/2022

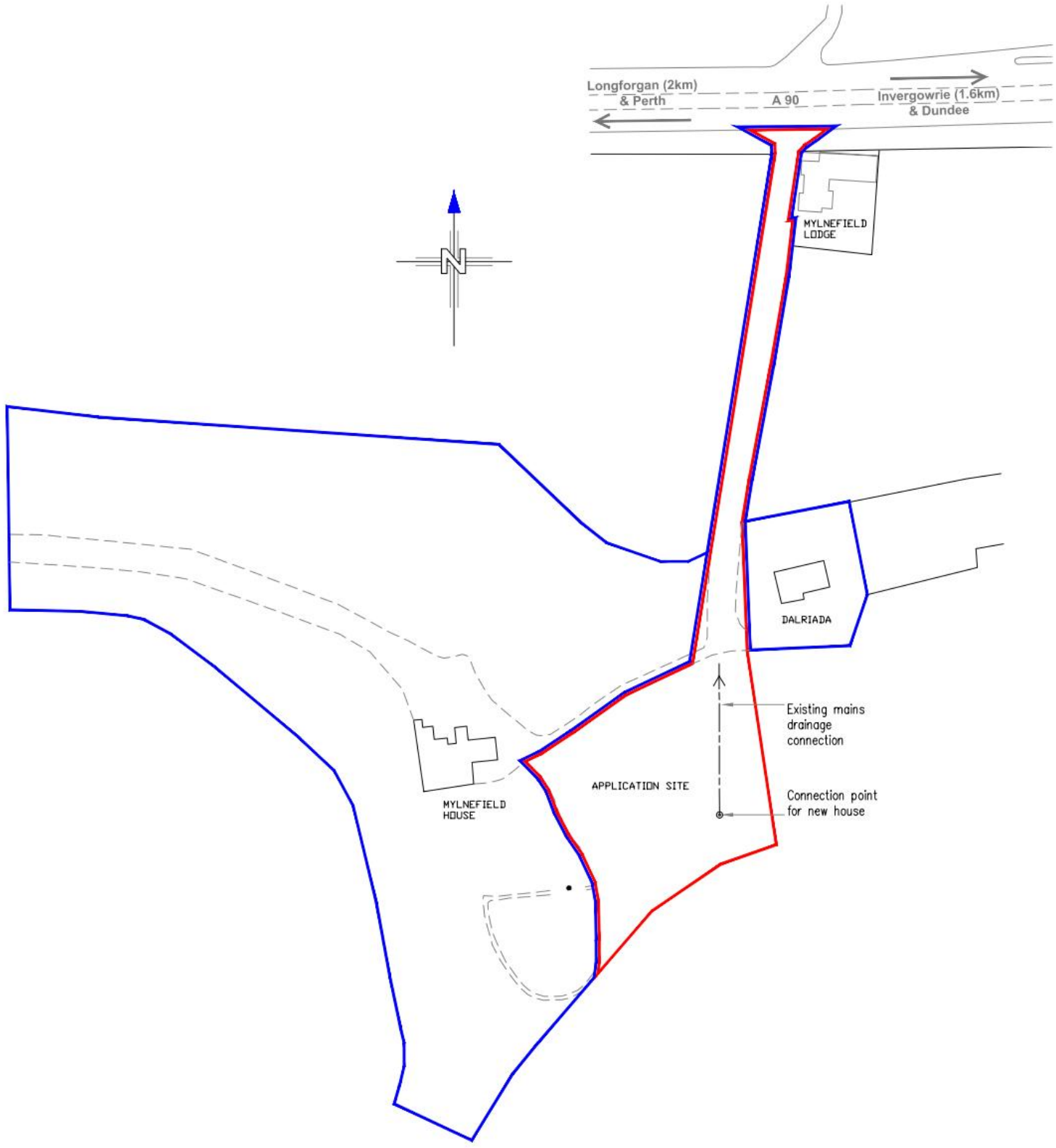
House plot at  
' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.  
Erection of Detached House

**JIM LOUGH**  
Surveying & Architectural Services  
2 Riverside Gardens, Balloch, G83 8QD  
e-mail ; jim@jimlough.co.uk web ; jimlough.co.uk  
tel ; 0777 1970 537

### Location Plan

Project Ref **21.10.01** Drg **01** 23/12/21

Rev A - 10/01/23 - Plan extended to show ownership boundaries for Planning Application  
Rev B - 09/02/23 - Ownership boundaries amended



**NON STRUCTURAL**

12.5mm plasterboard, taped & filled



90x40mm CLS studs @ 600mm crs

12.5mm plasterboard, taped & filled

**RACKING**

12.5mm plasterboard taped & filled



90x40mm studs @ 600mm crs

9.5mm OSB board &  
12.5mm plasterboard taped & filled

**LOADBEARING**

12.5mm plasterboard taped & filled



97x47mm studs @ 600mm crs

12.5mm plasterboard taped & filled

**LOADBEARING & RACKING**

12.5mm plasterboard taped & filled



97x47mm studs @ 600mm crs

9.5mm OSB board &  
12.5mm plasterboard taped & filled

1. Where on plan walls are shown with insulation plasterboard is to be a min' density of 10kg/m<sup>2</sup> and the wall cavities are to be filled with 100mm quilt with a minimum density of 10kg/m<sup>3</sup>.
2. Moisture resistant plasterboard is to be used for all kitchen, bath and shower rooms
3. Walls of shower areas are to be sealed with a proprietary waterproof wallboard or ceramic tiles fixed with waterproof adhesive & grout to a height of 2.0m above finished floor level.

House plot at

' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.

Erection of Detached House

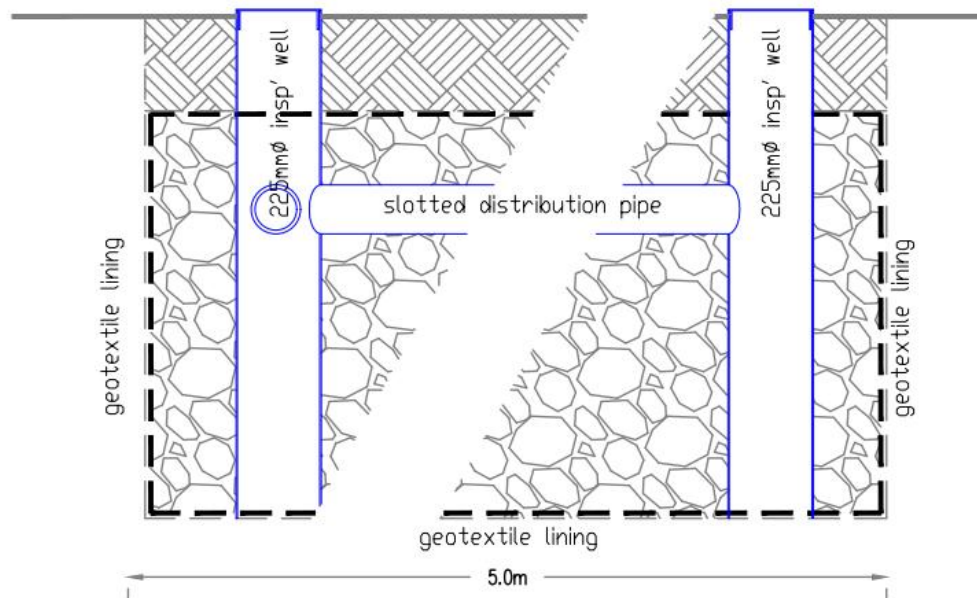
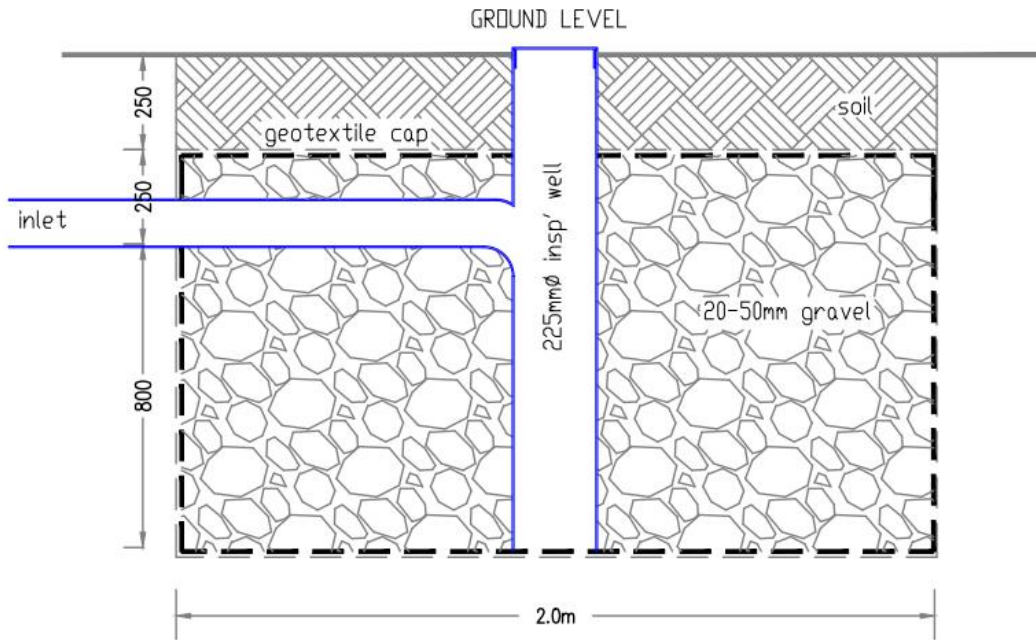
# JIM LOUGH

## Surveying & Architectural Services

2 Riverside Gardens, Balloch, G83 8QD  
e-mail ; jim@jimlough.co.uk web ; jimlough.co.uk  
tel ; 0777 1970 537

## Soakaway Details

Project Ref **21.10.01** Drg **08** 21/12/21



$$\begin{aligned}
 S &= [A \times R] - [a_{s50} \times f \times D] \\
 &= [163 \times 0.0145] - [(2(5+2) \times .8 \times \frac{1}{2}) \times (1/12.5/1,000) \times 900] \\
 &= 2.36 - [5.6 \times 2 \times 10^{-5} \times 900] \\
 &= 2.36 - 0.10 \\
 &= 2.26
 \end{aligned}$$

$$\begin{aligned}
 VS &= \text{Volume of soakaway} \times \text{voids ratio of 40\%} = [2 \times 5 \times .8] \times 0.28 \\
 &= 2.24\text{m}^3, \text{ which is } > 2.26\text{m}^3 \text{ therefore sufficient}
 \end{aligned}$$

THE CONTRACTOR SHALL ;

- be responsible for verifying all sizes and angles prior to purchasing or ordering materials or components.
- be responsible for verifying that he is working to drawings and specifications which have been approved by the local authority.
- shall ensure that the work area is supervised or secured at all times to ensure that unauthorised persons do not gain entry.

GENERAL NOTES;

ALL WORKMANSHIP, materials, components, fixtures, fittings and installation to be in accordance with British Standards Codes of Practice or BBA Certificates where they exist or in accordance with the manufacturer's recommendations and instructions.

All Structural works are to be completed in accordance with the structural engineer's drawings and specification. Should a conflict between the engineering and architectural details be encountered Jim Lough is to be advised.

DRAINAGE;

Gradients to be; 110mm 1:90, 50mm 1:30.

The base of fouls drain stacks and sub stacks are to be fitted with long radius bends. A screwed access cap to be fitted close to ground level.

Bedding & backfill to be min of 100mm sand (size 10-32mm) or rounded aggregate (max. size 14mm) and compacted, thereafter backfill with as dug material. All backfill to be compacted in max. layers of 200mm.

Drainage less than 600mm below ground level to be protected by 75mm min. pea gravel all round below a 50mm thick concrete slab. Minimum slab width to be 3 x pipe diameter.

Inspection chambers are to be proprietary 450mm diameter upvc chambers with a max invert depth of 750mm.

All drainage to be in accordance with BS EN 12056 1 & 2:2000 and BS EN 753:2017 (underground).

WATER SUPPLY;

A cold-water feed to the kitchen sink is to be fed directly from the rising main.

Water efficient fittings should be provided to all WCs and WHBs. Dual flush WC cisterns should have an average flush volume of not more than 4.5 litres. Single flush WC cisterns should have a flush volume of not more than 4.5 litres.

Taps serving wash or hand rinse basins should have a flow rate of not more than 6 litres per minute.

MASONRY;

ALL MORTAR BEDS and perpend joints in masonry walls to be fully filled with mortar.

DPCs to be provided below all wallplates and at all cavity closures to external walls.

An external leaf DPC is to be provided between 150mm & 375mm from the adjacent ground level.

JOINERY;

The junctions of all windows, doors, walls, floors and ceilings and all service penetrations are to be caulked or taped & filled to prevent draughts

KITCHEN UNITS are to provide a minimum of 1.0cub'm storage.

WINDOWS & DOORS; upvc, U-value= 1.8 W/m<sup>2</sup>K

ALL GLAZING-

To be in accordance with BS6262-4:2018. All glazing below a height of 800mm from floor level is to be laminated. All glazed doors to be laminated full height. All windows to incorporate trickle ventilators, see ventilation notes.

DOORS MINIMUM CLEAR OPENING WIDTHS (between face of open door & face of door check)-

Accessible Entrance - Min 800mm. Elsewhere Min 775mm

SECURITY-

New windows and doorset to be manufactured to meet recognised product standards and defined component performance and be installed in accordance with recommendations given in Section 8 of BS 8213-4:2016.

Window Security Specification:

- tested and certified for security in accordance with BS 7950: 1997.
- designed and constructed in accordance with BS 644: 2012 for timber windows or BS7412: 2007 for PVCu units
- Ironmongery: a keyed locking system that uses a removable key.

Door Security Specification:

- tested and certified for security in accordance with BS PAS 24: 2016.
- designed and constructed in accordance with recommendations given in Annex A of BS 8220-1: 2000.
- Ironmongery:
  - a. hinges in accordance with BS EN 1935: 2002 for hinges grade 11 or above and to be of a type that does not permit the removal of the hinge pin unless the door is open.
  - b. multi-point locking system with dead locking facility.
  - c. cylinder in accordance with BS EN 1303: 2015, grade 5 key security and grade 2 attack resistance min.
  - d. shoot bolts at head and foot of secondary leaf.

VENTILATION;

Apartments to be provided with a min of opening windows or doors to provide an opening area greater than 1/30th of the floor area of the apartment.

Extract fans, ducted through the roofspace to the soffit and fitted with vermin proof terminals, are to be fitted to the Kitchen, Utility Room, Bathroom and ensuite. All in accordance with the CIBSE Guide 1986.

Kitchen, over hob	30l/s.
Utility room	30l/s.
Bathroom	15l/s.
Ensuite	15l/s

The minimum trickle ventilation to be provided in any "apartment" is to be 12,000mm<sup>2</sup>, elsewhere 10,000mm<sup>2</sup>.

A Carbon Monoxide Alarm is to be installed in the Utility Room in compliance with BS EN 50291-1:2018.

A mains operated wall mounted carbon dioxide monitor/detector with a 24 hour data recall capability manufactured in accordance with European Directive 2006/95/EC is to be installed in Bedroom 1, the Accessible apartment, within 1m of the proposed headboard position, 200mm clear of any corner and 1.5m above floor level.

HEATING;

Wall mounted oil condensing boiler (SEDBUK RATING 91%) with a 7-day manual programmer and a thermostat to prevent cycling. Thermostatic Control Valves are to be fitted to all radiators except in bathrooms.

Foam lagging is to be fitted to all hot, cold and heating pipes in all unheated spaces and to hot water pipes throughout the building, including heated spaces. All joints in foam lagging to be taped.

The heating and hot water system is to be installed, inspected, tested and commissioned in accordance with the manufactures instructions and guidelines. The manufacturer's installation instructions and user's manual are to be handed over to the owner prior to occupation of the building. If the owner is not to be the occupier a copy of the user's manual shall be issued to the tenant.

Air infiltration is to be minimised by; a) caulking the junctions of windows and doors to walls and floors, b) caulking the junction of walls to ceilings and floors, c) lapping and taping all vapour barriers and d) sealing all vapour barrier penetrations at sockets and switches.

Where both hot and cold water are supplied to a facility a thermostatic mixing valve (TMV) or fitting complying with BS EN 1111 or BS EN 1287 shall be fitted as close to the point of delivery as practicable. It shall allow flexibility in setting of a delivery temperature, up to a maximum of 48°C, in a form that is not easily altered by building users.

OIL STORAGE;

Polyethylene twin walled tank BRM H250 by "Balmoral Tanks". The tank is to sit on a 150mm thick concrete base surrounded by screening masonry walls, with weep holes to prevent the build-up of rainwater.

The feed pipe to the combustion appliance is to be fitted with a fire valve and in full accordance with the manufacturer's instructions and BS5410: Part 1: 1997.

ELECTRICAL WORKS;

It will be the contractor's responsibility on completion of the works to provide the client with a certificate confirming that the electrical installation has been designed, constructed, installed and tested in compliance with the requirements of BS 7671: Amd 1:2020 and where appropriate that the fire detection system has been designed, constructed, installed and tested in compliance with the requirements of BS:5839:Part6:2019. This/the certificate(s) must be accompanied by a schedule of inspections and a schedule of test results. The certificate(s) and schedules must be completed by a suitably qualified and competent person.

All new sockets, switches, timer controls, programmers to be positioned at least 350mm from any internal corner, projecting wall or similar obstruction and not more than 1.2m above FFL. New light switches shall be positioned at a height of 1.05m.

New standard switches or unswitched socket outlets and outlets for other services such as telephone or television should be positioned 400mm above FFL. Above an obstruction, such as a worktop, fixtures should be at least 150mm above the projecting surface.

Where socket outlets are concealed, such as to the rear of white goods in a kitchen, separate switching should be provided in an accessible position, to allow appliances to be isolated before removal.

All electrical fittings in bath or shower rooms are to have a min IP rating of 65. Light and fan switches, and a fan isolation switch, are to be located out with the shower room.

A heat alarm is to be fitted in the kitchen in compliance with BS:5446:Part2:2003

An optical smoke alarms is to be fitted in the Lounge.

An ionisation smoke alarms is to be fitted in the Hall.

All in compliance with BS EN 14604:2005/AC:2008,

All heat and smoke alarms are to be ;

- a. mains powered, taken from the local lighting circuit
- b. interconnected so that detection by unit will cause all to sound and
- c. each alarm is to have an internal standby battery.

All alarms to be fitted where shown on plan and in accordance with the manufacturer's instructions.



House plot at

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Erection of Detached House

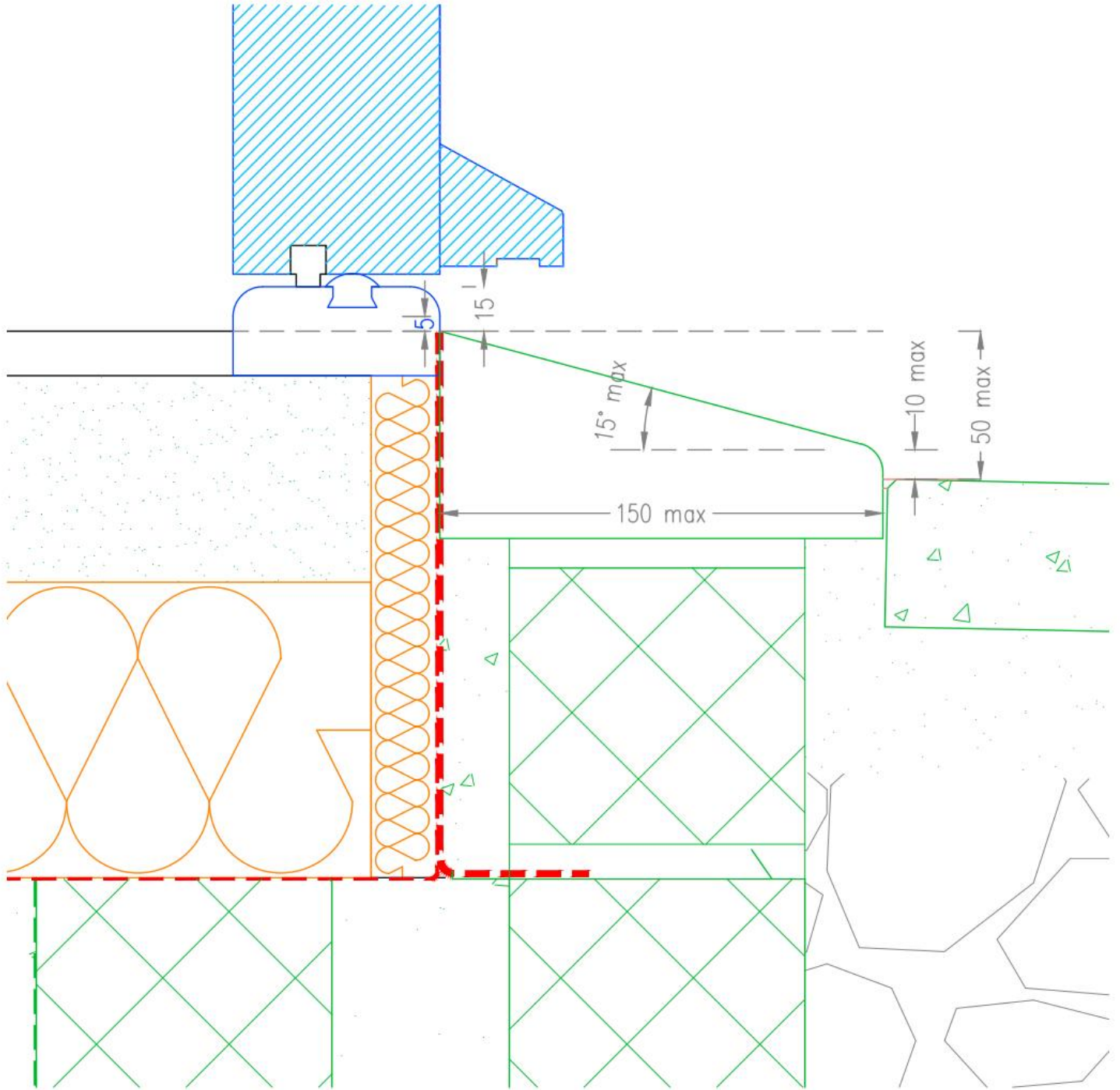
# JIM LOUGH

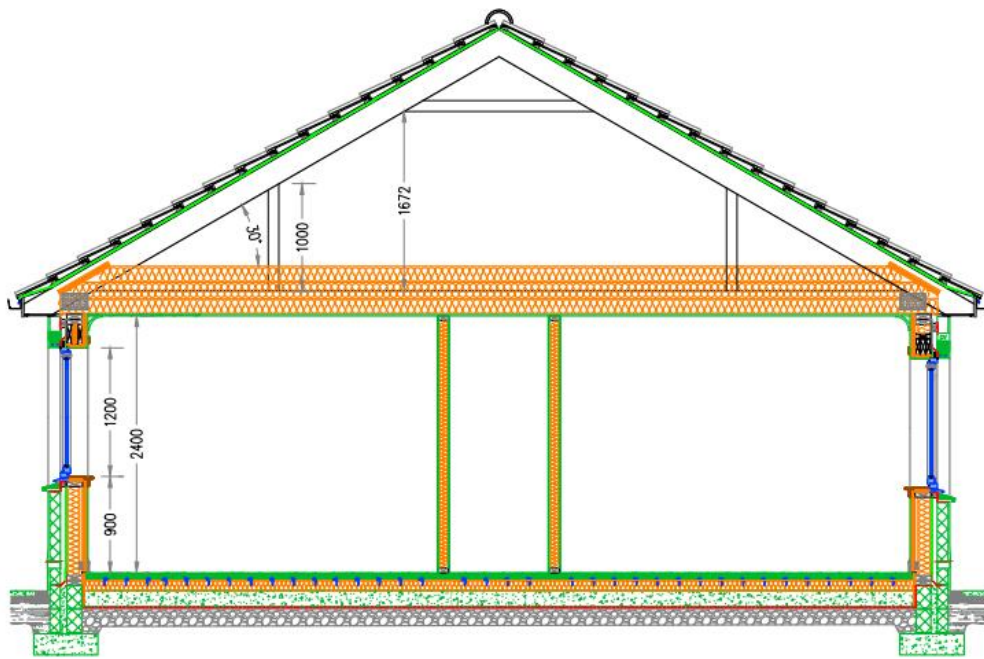
Surveying & Architectural Services

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e-mail ; jim@jimlough.co.uk web ; jimlough.co.uk  
tel ; 0777 1970 537

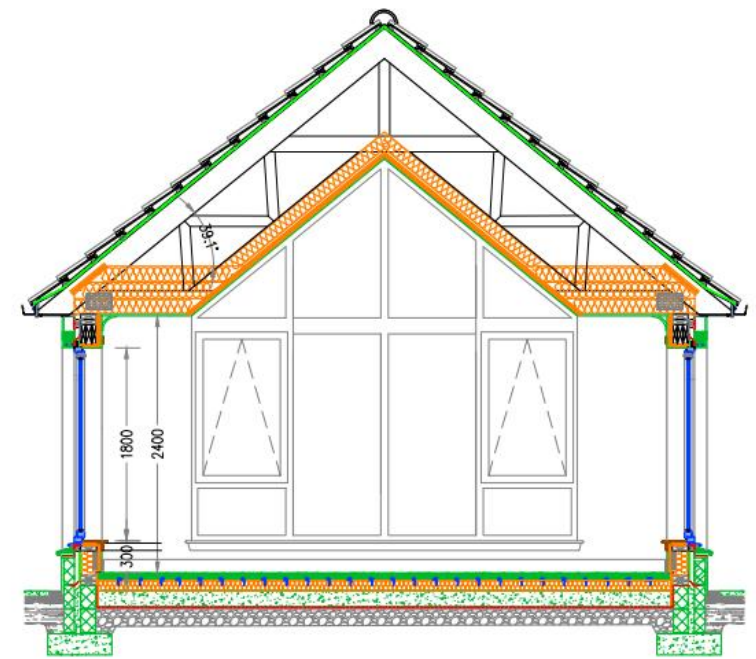
## Access Threshold Details

Project Ref **21.10.01** Drg **10** 21/12/21





Section 1



Section 2

Rev A : 23/12/21 Re-drawn & insulation amended

1:50 @ A3

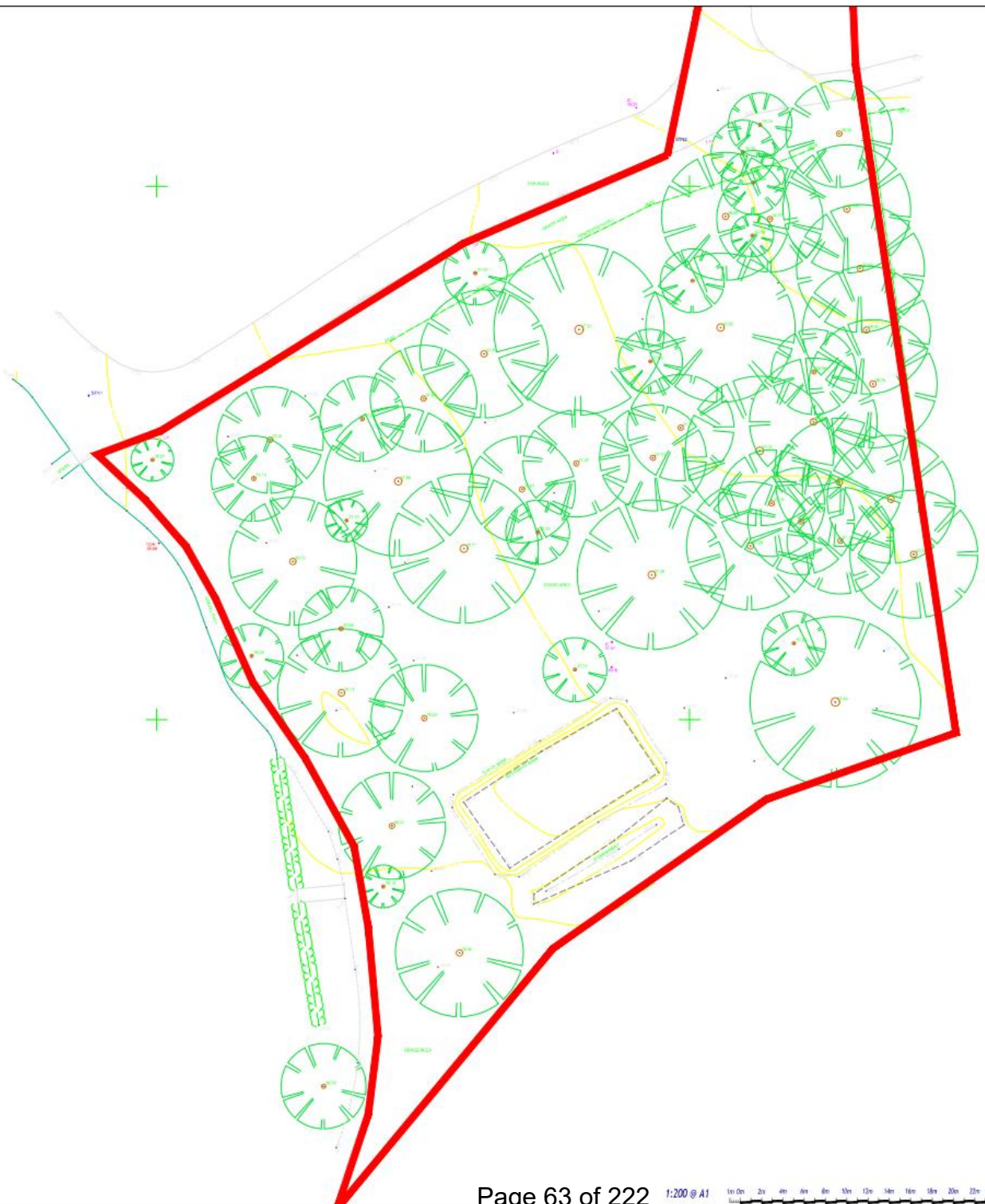


House plot at  
 'Mylnefield House'  
 Invergowrie, Dundee, DD2 5EH.

**JIM LOUGH**  
 Surveying & Architectural Services  
 2 Riverside Gardens, Balloch, G83 8QD  
 e-mail ; jim@jimlough.co.uk web ; jimlough.co.uk  
 tel ; 0777 1970 537

Sections

Project Ref **21.10.01** Drg **05** 24/10/21



**LEGEND**

**SYMBOLS**

BORSHOLE	STUMP
CONTROL STATION	TRIAL PIT
GATE	TREE
SERVICE COVER	

**LINE STYLES**

BOTTOM OF BANK	
BUILDING FOOTPRINT	
BUSH CANOPY	
CHANGE OF SURFACE	
CHANNEL LINE	
FENCE	
HEDGE	
OVERHEAD WIRES	
ELECTRIC	
TELECOM	
PATH EDGE	
ROAD CENTRE LINE	
STRIP GULLY	
TOP OF BANK	
TOP OF HEDG	
TREE CANOPY	
WALL	

**ABBREVIATIONS**

AV = AIR VALVE	LP = LAMPPOST
BB = BOREHOLE	MB = MANHOLE
BCL = BOUNDARY	MR = MARKER
BOX = ELEC. BT BOX	PIT = TRIAL PIT
BT = BRITISH TELECOM	PLG = MARKER PEG
EA = EAVES LEVEL	RD = RIDGE LEVEL
EC = ELECTRICITY COVER	RS = ROAD SIGN
EP = ELECTRICITY POLE	SB = SIGN BOARD
FE = FENCED FLOOR LEVEL	SC = STOP COCK
FP = FLAG POLE	SV = STOP VALVE
GAS = BRITISH GAS	TB = TELEPHONE CALL BOX
HT = FIRE HYDRANT	TL = TRAFFIC LIGHT
IN = INSPECTION COVER	TP = TOP OF PAVEMENT
IN = INVERT LEVEL	TV = TELEVISION
SD = STRIP GULLY	WM = WATER METER

- NOTES**
- GRID IS RELATED TO O.S. GRID
  - ALL LEVELS REFER TO U.S.M. ADJUSTED MEAN SEA LEVEL
  - CONTOURS ARE AT 0.50 M INTERVALS
  - CONTOURS AT VERTICAL FEATURES ARE INDICATIVE
  - LEVELS FOR ROAD ARE TAKEN ALONG CHANNEL LINE
  - WHILE EVERY EFFORT HAS BEEN MADE TO LOCATE THE POSITION OF ALL SERVICE COVERS (eg. manholes) IT SHOULD BE NOTED THAT THIS MAY NOT HAVE BEEN POSSIBLE AT THE TIME OF SURVEY DUE TO GROUND COVER OR LOCAL OBSTRUCTIONS.
  - ISOLATED MATURE TREES ARE DENOTED BY TRUNK AND ESTIMATED AVERAGE OUTER CANOPY.
  - ALL CONTROL STATION COORDINATES SHOULD BE CHECKED AND VERIFIED ON SITE PRIOR TO USE. DOUGLAS LAND SURVEYS SHOULD BE INFORMED OF ANY DISCREPANCIES FOUND.
  - OWNERS OF DE SURVEY DATA DESIRES WITH DOUGLAS LAND SURVEYS, UNTIL INVOICE RELATING TO SUCH DATA HAS BEEN PAID IN FULL.

**CONTROL STATIONS**

None listed on this page.

**Douglas LAND SURVEYS Ltd.**

AGRA HOUSE,  
19 KING STREET,  
NEARBYCE COUNTRY,  
FIFE, DD8 8BN,  
SCOTLAND

T: 01302 - 541333  
F: 01302 - 541000  
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W: www.DouglasLandSurveys.co.uk

LAND SURVEYS  
HYDROGRAPHIC SURVEYS  
PHOTOGRAMMETRIC SURVEYS  
AS BUILT SURVEYS  
BOUNDARY RESOLUTION

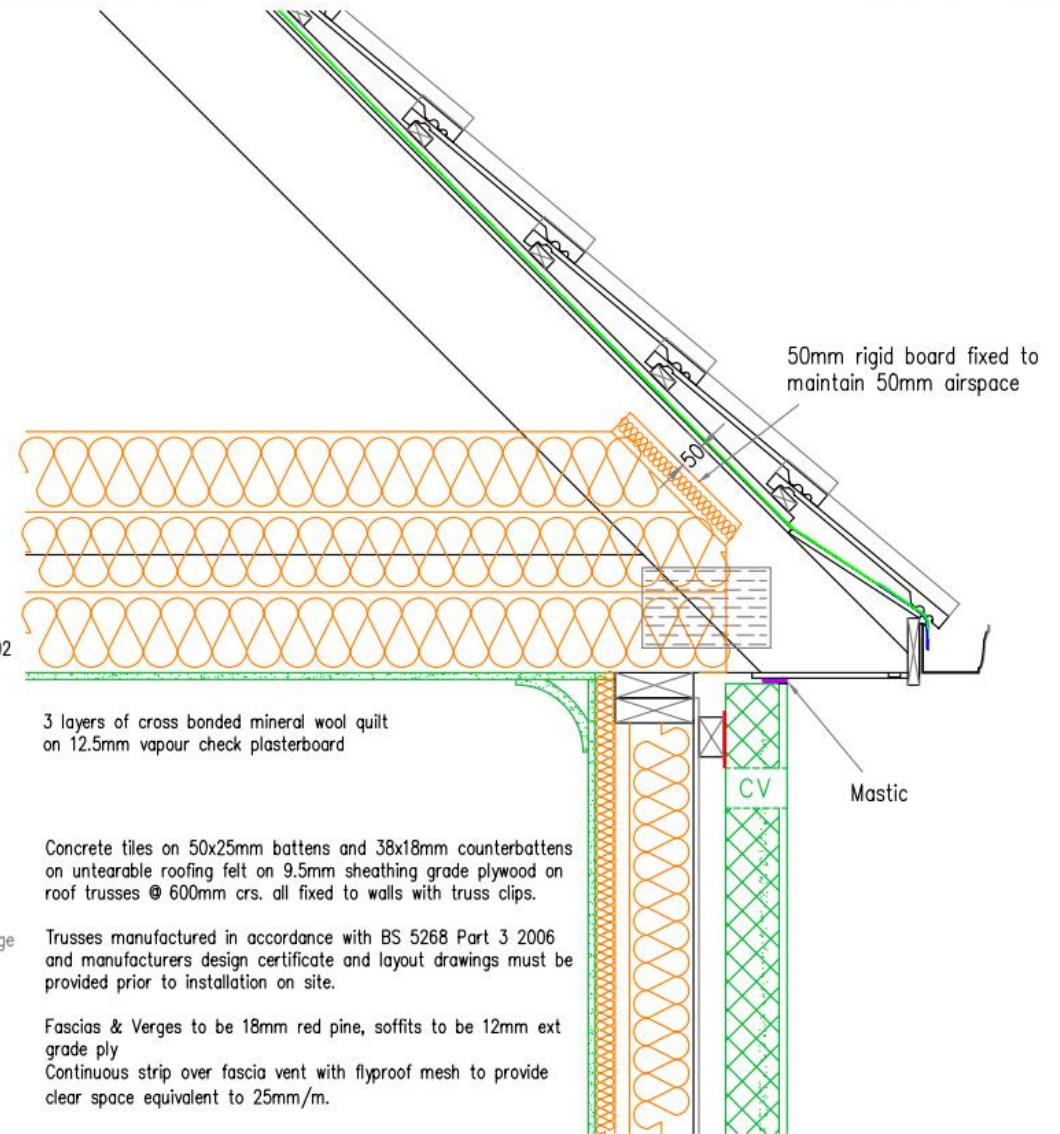
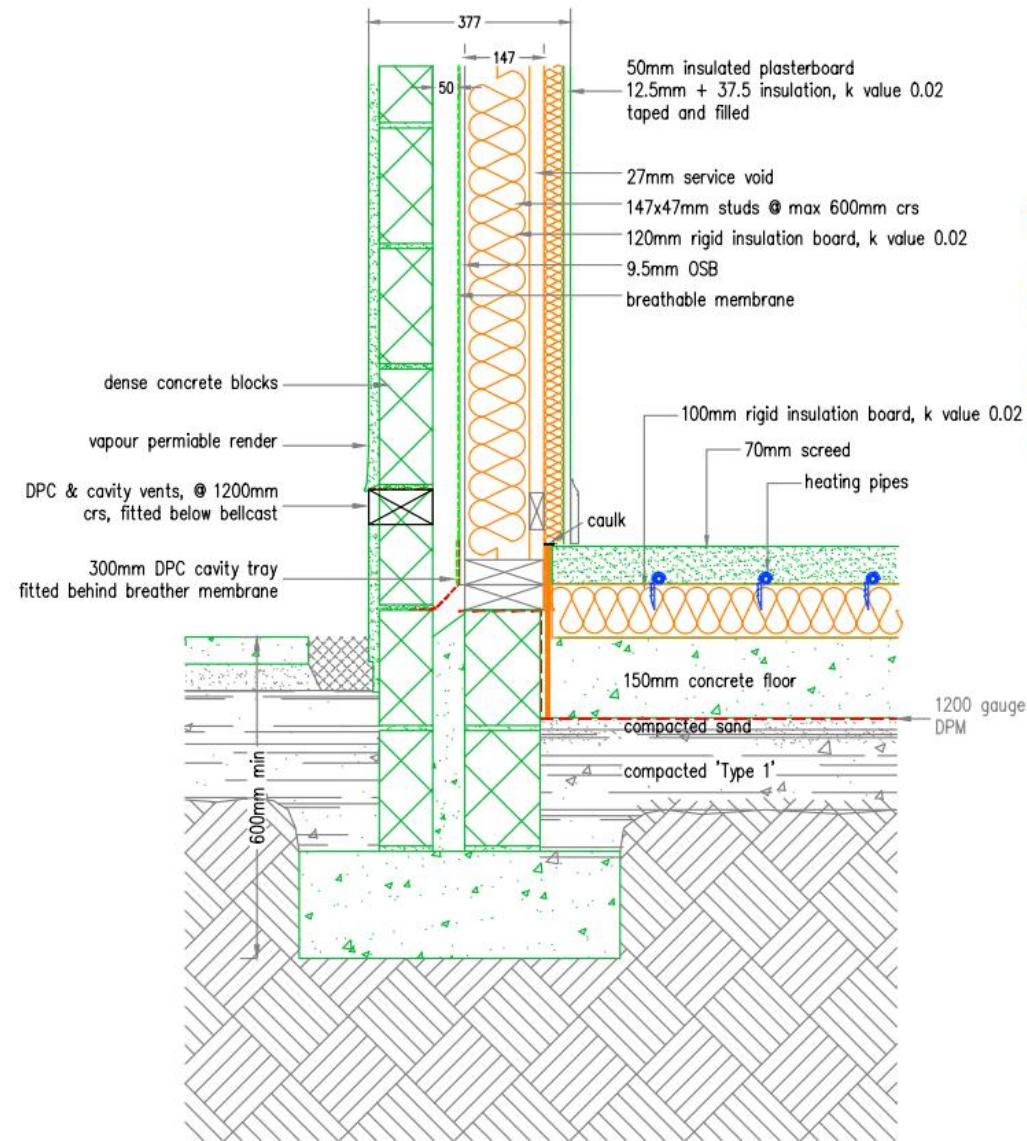
Mylnefield House, Invergowrie

Drawn By: SWILSON    Scale: 1:500    Date: 11/07/2021

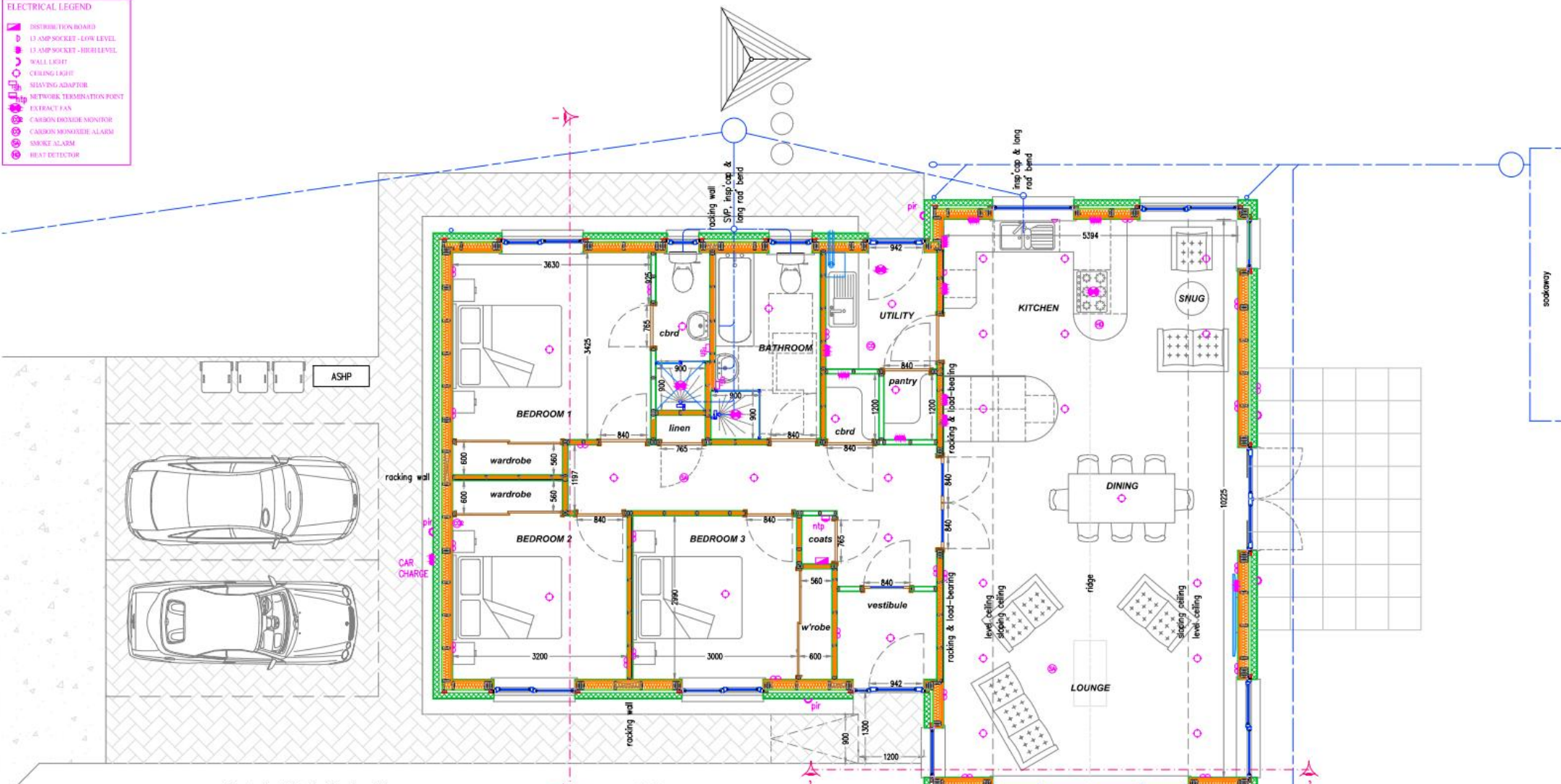
Drawing Number: 30121    Revision: 02

Vapour resistant plasterboard is to be used in bathrooms, shower-rooms, kitchens and utility rooms.

All plasterboard junctions with floors, windows, doors, etc and all service penetrations are to be caulked.



ELECTRICAL LEGEND	
	DISTRIBUTION BOARD
	13 AMP SOCKET - LOW LEVEL
	13 AMP SOCKET - HIGH LEVEL
	WALL LIGHT
	CEILING LIGHT
	SHAVING ADAPTOR
	NETWORK TERMINATION POINT
	EXTRACT FAN
	CARBON MONOXIDE MONITOR
	CARBON MONOXIDE ALARM
	SMOKE ALARM
	HEAT DETECTOR



**Construction Notification Compliance Plan**

The Applicant shall ensure that Building Standards and Development control are notified in advance of works commencing and at completion.

In addition Building Standards shall be advised when works are approaching the following stages :

- Excavation of foundations prior to pouring concrete,
- completion of substructure and floor to DPC/DFM level,
- completion of structural frame,
- wind & watertight insulation,
- insulation complete prior to dry lining and
- laying of underground drains prior to backfilling

Prior to completion durable copies of the Energy Performance Certificate and Sustainability Labels shall be fixed to the wall adjacent to the electrical distribution box.

On or prior to completion Building Standards are to be provided with copies of the :

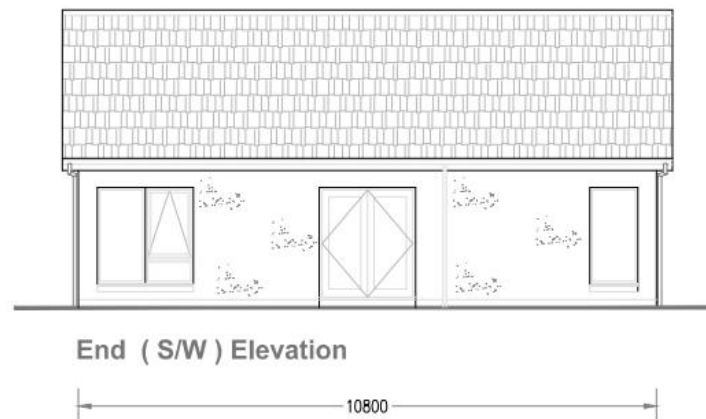
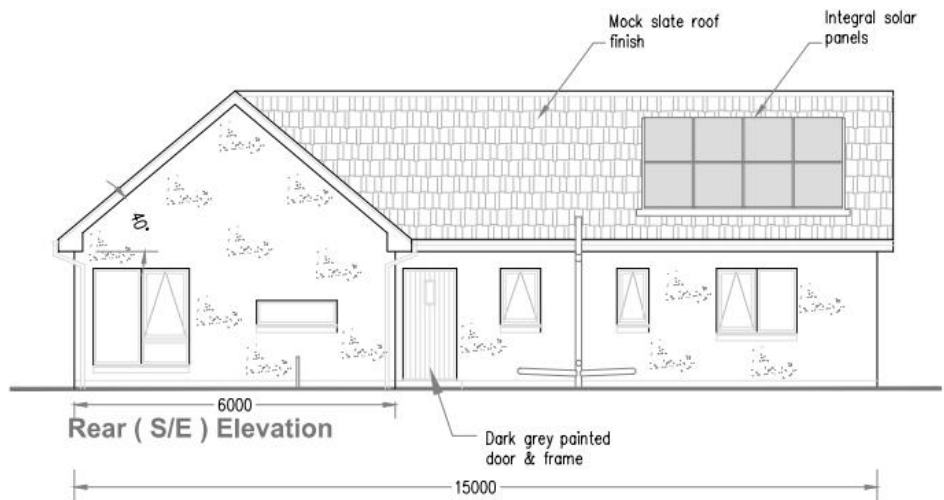
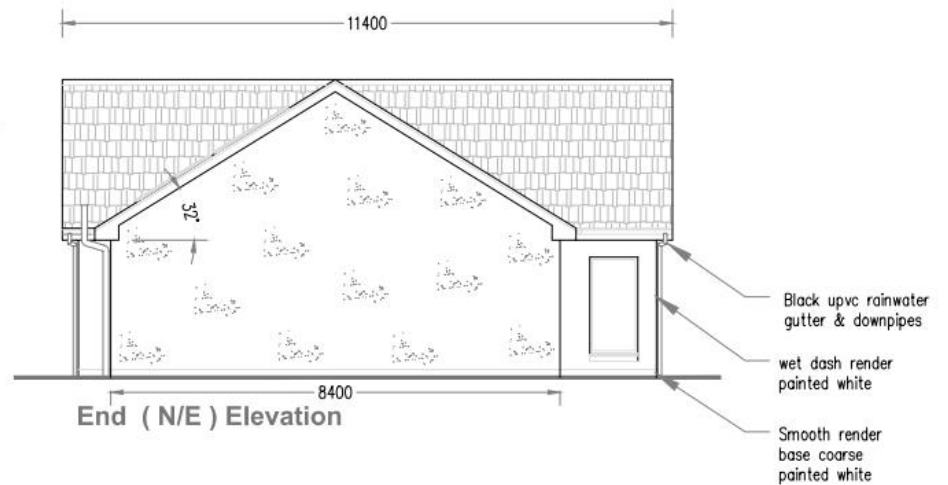
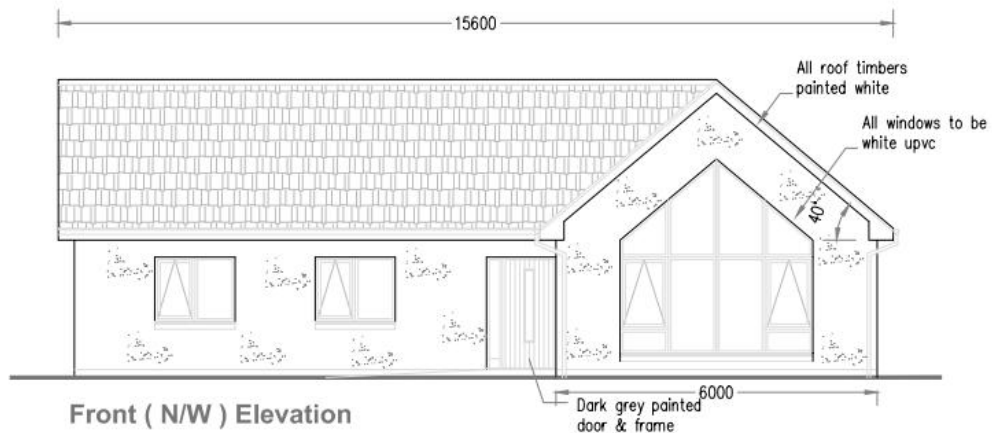
- structural engineer's Form Q,
- electrical test certification,
- EPC and
- sustainability label

**ACCESS:**

A 900mm access path is to be laid at a shallow gradient of 1:20 or less from the car parking area to the 1.2m x 1.2m plot at the main entrance door, as shown on plan. The plot shall have a nominal cross fall of 1:90 to prevent ponding.

The path, plot and parking areas are to be finished with paviers, slabs, tarmac, concrete or some other permanent safe pedestrian surfaces suitable for unassisted wheelchair use. Smooth cobbles may be used but not rounded stones with recessed joints. The path is to be at least 250mm from the face of the house wall and the gap between infilled with decorative crushed stone. The garden ground on the other side of the path is to be level with the path for a distance of at least 300mm and beyond the ground shall slope gently to marry with the surrounding garden ground.

Rev B : 10/01/23 Section lines added & oil tank changed for air source heat pump  
Rev A : 23/12/21 updated for BW Submission and external works included



Rev C : 26/01/23 Dimensions added  
 Rev B : 10/01/23 Notes added for Planning Application  
 Rev A : 23/12/21 solar panels and drainage added

House plot at

' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.

Erection of Detached House

# JIM LOUGH Surveying & Architectural Services

2 Riverside Gardens, Balloch, G83 8QD  
e-mail ; jim@jimlough.co.uk web ; jimlough.co.uk  
tel ; 0777 1970 537

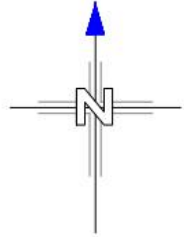
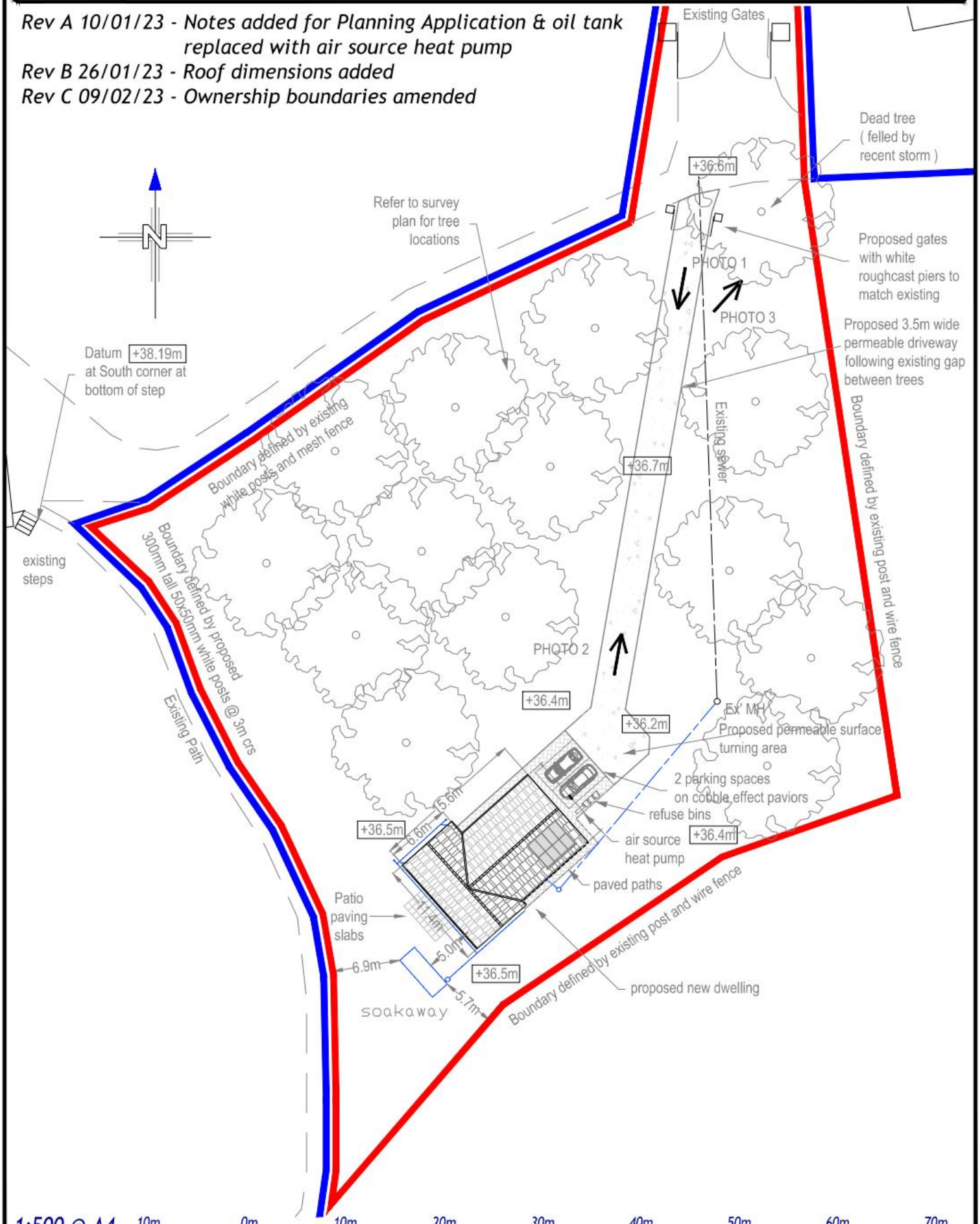
## Site Plan

Project Ref **21.10.01** Drg **02** 21/12/21

Rev A 10/01/23 - Notes added for Planning Application & oil tank replaced with air source heat pump

Rev B 26/01/23 - Roof dimensions added

Rev C 09/02/23 - Ownership boundaries amended



1:500 @ A4



House plot at

' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.

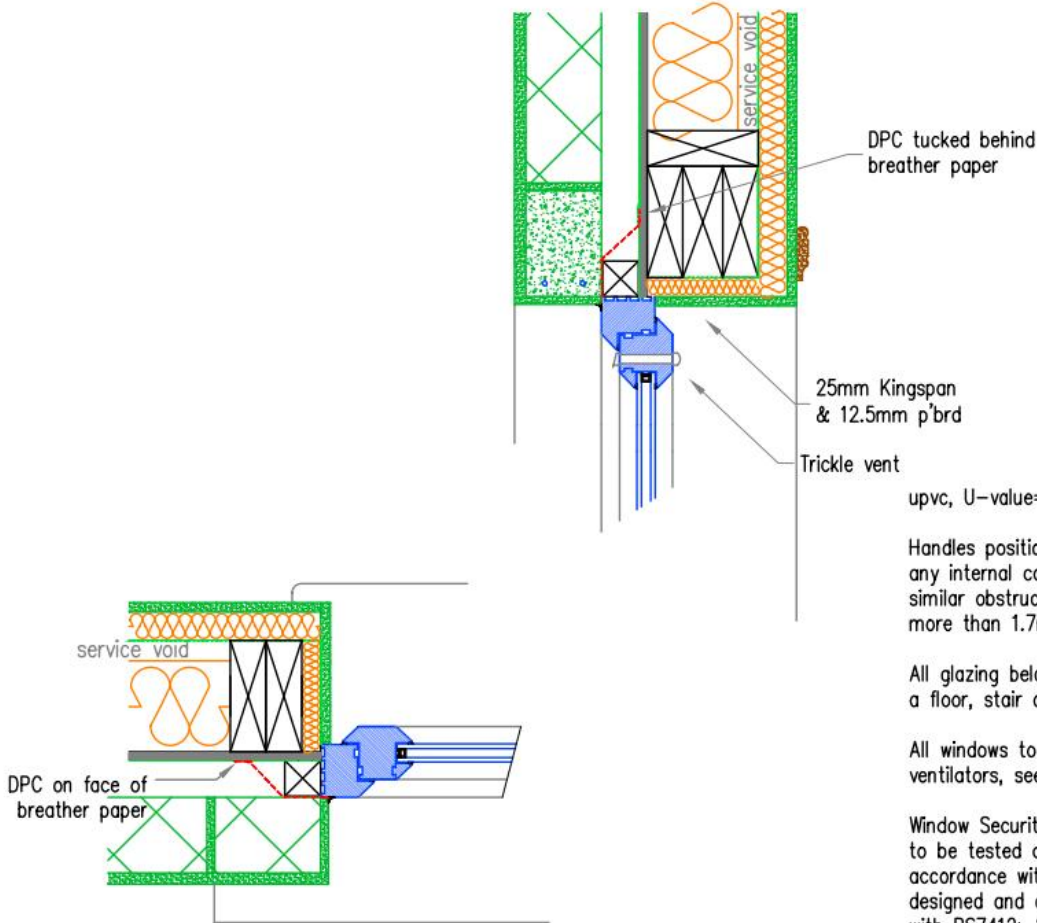
Erection of Detached House

# JIM LOUGH Surveying & Architectural Services

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e-mail ; jim@jimlough.co.uk web ; jimlough.co.uk  
tel ; 0777 1970 537

## Window Details

Project Ref **21.10.01** Drg **09** 21/12/21



upvc, U-value= 1.4 W/m<sup>2</sup>K

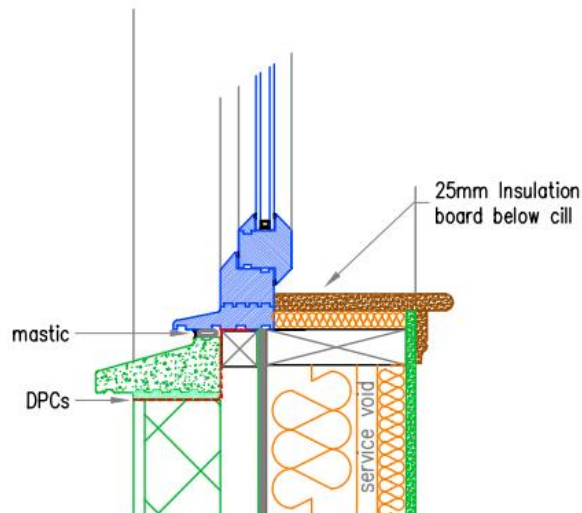
Handles positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of not more than 1.7m above floor level.

All glazing below a height of 800mm from a floor, stair or ramp is to be toughened.

All windows to incorporate trickle ventilators, see ventilation notes.

Window Security Specification:  
to be tested and certified for security in accordance with BS 7950: 1997 and designed and constructed in accordance with BS7412: 2007 and Section 8 of BS 8213-4: 2007

All windows manufactured and installed in accordance with BS6262:Part 4 (2005).





# Planning Statement

Erection of a dwellinghouse.

Land 70m South East of Mylnefield House, Invergowrie,  
Dundee, DD2 5EH

Prepared for Mr Mark Harris

October 2022



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Newburgh. KY14 6DA

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## 1.0 INTRODUCTION

1.1 This statement has been prepared for Mr Mark Harris, to provide information to assist the Council in its assessment of this proposal for erection of a dwellinghouse.

1.2 This application follows the submission, in late 2021, of an application for erection of a dwellinghouse on the same site (21/01825/FLL). That application was refused, with a decision issued on 22nd December 2021.

1.3 There were no representations submitted to that application. There were no objections to the proposal from any of the Council's Internal or External Consultees. The application was refused for three reasons: that a tree survey had not been submitted; the proposal was not identified as gaining support from the categories of development acceptable in the countryside; and the proposal was not considered in keeping with the character and amenity of the area.

1.4 This application seeks to address the issues in the assessment of the earlier application that had led to its refusal. The following points will be set out in more detail in this statement, in justification of the proposal:

- Mylnefield House is a country mansion house with extensive grounds. This proposal lies within these grounds and a case is made that the proposal gains support from category 3:1 of LDP2 Policy 19 Housing in the Countryside—where a proposal for a new house (or houses) lies within the original garden ground associated with an existing country or estate house.
- The applicant has submitted a Tree Survey with this application (Arboricultural Assessment, Mylnefield House, Arboretum Internationale, 5th April 2022). This assessment contains a tree protection plan to demonstrate the impact of the proposed development on the existing trees, concluding that the proposed development does not require the removal of any trees (with one defective/dying tree recommended for removal, irrespective of the development proposals). Recommendations are included for tree protection.
- The proposal is located over the footprint of an existing foundation - for a swimming pool house (09/00043/FUL). This consent has been implemented (building warrant approved), with the foundation excavated and services installed. The applicant no longer wishes to continue with construction of the pool house, now proposing the site for a single storey dwellinghouse, of smaller scale than the consented pool house, over its footprint. The principle of a building on this site is established, given that the applicant could continue to build the pool house.
- The Council had no concerns with siting the pool house building within the grounds, or with its impact on Mylnefield House or the neighbouring area in the previous assessment of the pool house application.
- We contend that this proposal is entirely in keeping with the character and amenity of the area, as supported by the Housing in the Countryside policy—there is a well contained site providing an appropriate landscape setting.
- We highlight that there have been several consents for residential developments nearby Mylnefield House, including the walled garden at Mylnefield and at Over Pilmore, the most recent consent being in August 2022. These are referred to in section 3.0 Planning History in this Statement. These proposals had similar characteristics and issues addressed in their assessment—leading to approval of the applications. We believe that this statement demonstrates that this current application is acceptable in terms of the Council's Local Development Plan 2 and related Supplementary Guidance.

## 2.0 SITE CONTEXT AND DESCRIPTION

2.1 The application site lies within the garden grounds of Mylnefield House, a country mansion house set within extensive grounds. The site lies approx. 70m to the south east of the current Mylnefield House. There have been two earlier mansion houses within the grounds. This house, the 3rd, replaces a house partially destroyed in the early 19C. The second house no longer stands, although its previous site, located to the south east of the existing house, and west of the application site, is identifiable within the grounds. Historic mapping is included on the following page.

2.2 Mylnefield House is accessed from the A90, west of Invergowrie, by a private driveway and also serves the gate Lodge and further modern dwellinghouse to the north east of Mylnefield House ( Dalriada - approval 10/00466/FLL). There is a further traditional dwelling, Linden Cottage, located to the east of Dalriada and served by its own access from the A90. There are two garage/ancillary accommodation buildings located to the north side of Mylnefield House.

2.3 The grounds of Mylnefield House consist of formal areas with lawn and extend into areas of parkland/ woodland. The site is a wooded area with a large grassy clearing at the south side where it is proposed to locate the dwellinghouse. This area contains the excavated foundations and installed foundations, identifying the location of the proposed dwellinghouse. An access driveway into the site has also been formed from the main Mylnefield House driveway (with gate installed). This was implemented in 2010 to facilitate the construction of the pool house.

2.4 The site is well contained with the proposed dwellinghouse screened by mature trees and with a hedge directly to the south/south east of the proposed house. The proposed dwellinghouse will not be seen from the A90, the primary source of most visual receptors in the area. It will also be screened from Mylnefield House and the other residential properties to the north.



**2.0 SITE CONTEXT AND DESCRIPTION**



## 2.0 SITE CONTEXT AND DESCRIPTION



View to S along driveway to Mylnefield House (sweeping round to right). Vehicle in background is parked on separate driveway to proposed dwellinghouse.



Vehicle parked on driveway (obscured by leaves) to proposed dwellinghouse, with gate in foreground.

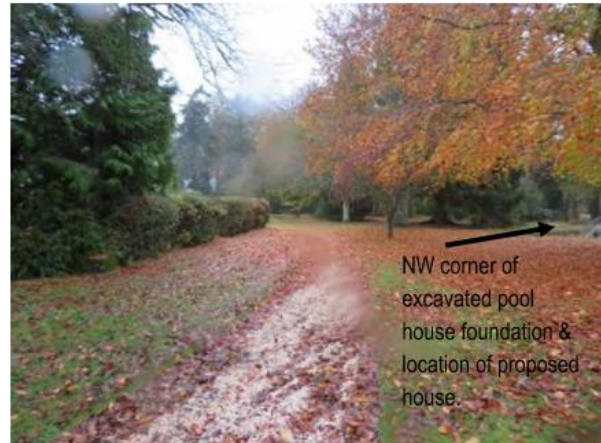


View of driveway between gates and location of proposed dwellinghouse.

## 2.0 SITE CONTEXT AND DESCRIPTION



View NW towards Mylnefield House from path running to the W of the application site, illustrating nature and extent of the country house grounds.



View NE across application site, from path running to the W of the site.



View towards SW, across application site, towards path running to the W of the site. (Excavated foundation of pool house and installed services in view).



View W towards Mylnefield House from junction of its driveway and existing driveway for application site.

2.0 SITE CONTEXT AND DESCRIPTION



Views of excavated extent of pool house foundation and installed services.



## 2.0 SITE CONTEXT AND DESCRIPTION

### Historic Mapping of Mylnefield House and grounds



1861

Location of proposed dwellinghouse ★

OS Six inch 1st Edition 1861

not to scale

Reproduced with permission of the National Library of Scotland



1891

Location of proposed dwellinghouse ★

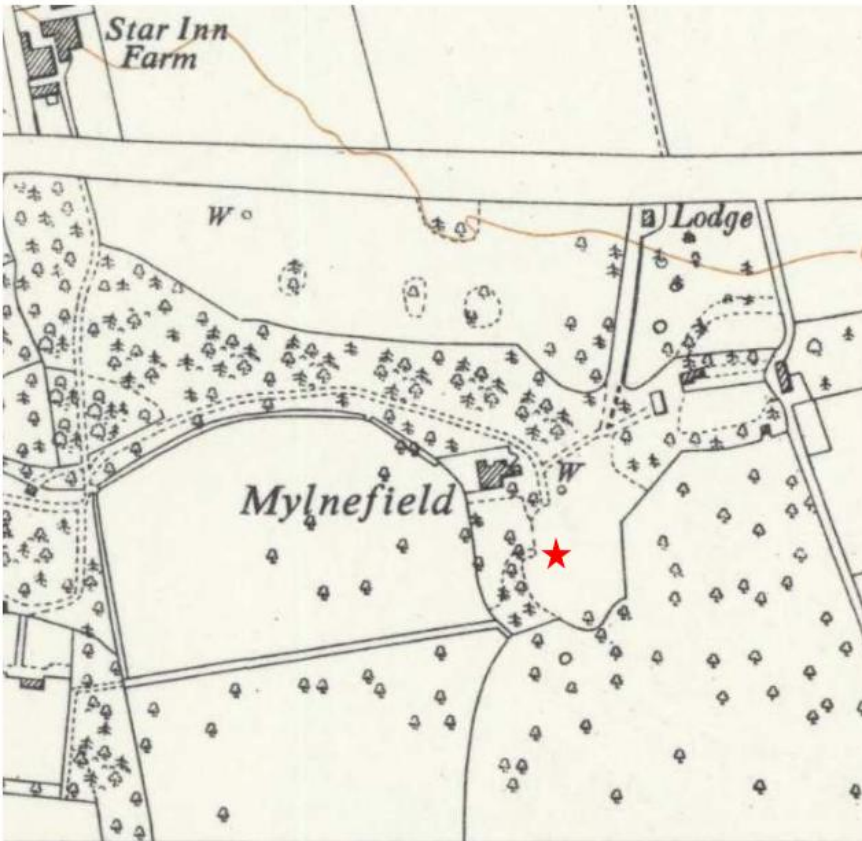
OS 25 inch 1898

not to scale

Reproduced with permission of the National Library of Scotland

## 2.0 SITE CONTEXT AND DESCRIPTION

### Historic Mapping of Mylnefield House and grounds

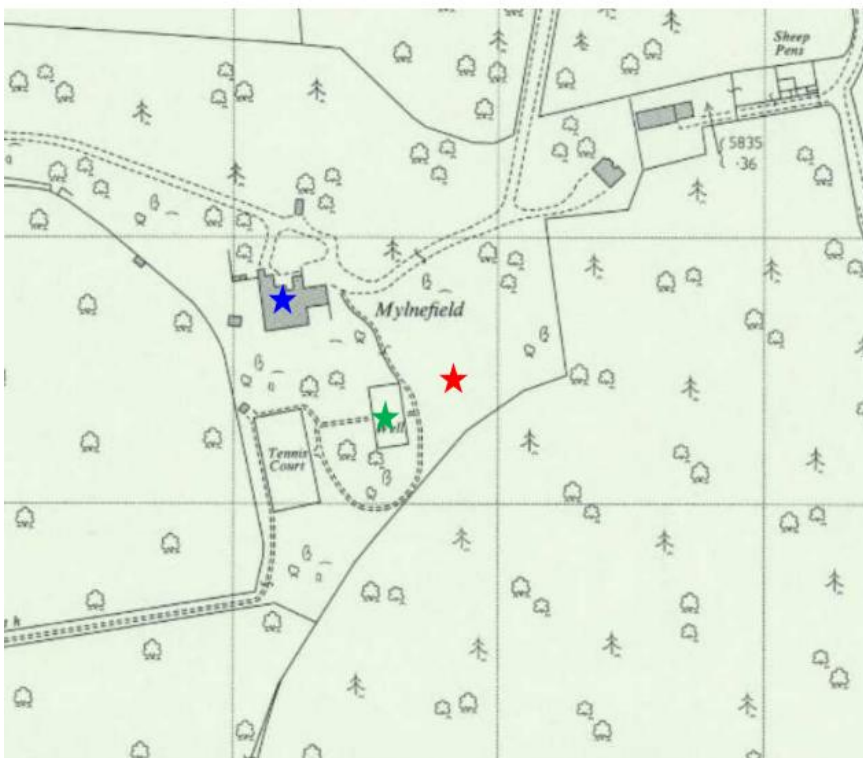


Location of proposed dwellinghouse ★

OS National Grid maps, published 1959

*not to scale*

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Current location of Mylnefield House (3rd house, replacing 1st house, partly destroyed in early 19C)



Site of second Mylnefield House



Location of proposed dwellinghouse ★

OS National Grid maps 1970

*(not to scale)*

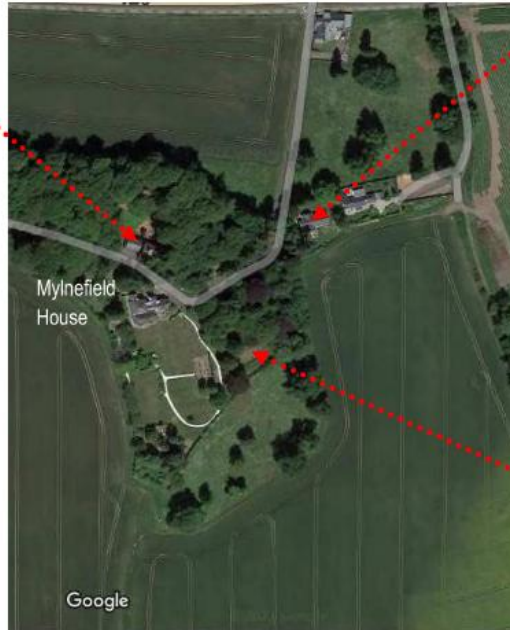
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### 3.0 PLANNING HISTORY

3.1 There is significant planning history relating to the development in the grounds of Mylnefield House, as outlined below. In particular, the implemented consent for the swimming pool building (the footprint of the current proposed dwellinghouse) is the reason the applicant seeks to progress this application in this location.

3.2 There is also significant planning history relating to consents for residential development in similar situations, within the grounds of large country houses, as indicated below.

10/02213/FLL  
Erection of double garage with ancillary accommodation, Mylnefield House (Approved 18 March 2011 - Development completed)



10/00466/FLL Erection of a dwellinghouse, Land 130 Metres North East Of Mylnefield House (Approved 28 Jul 2010— Development completed)

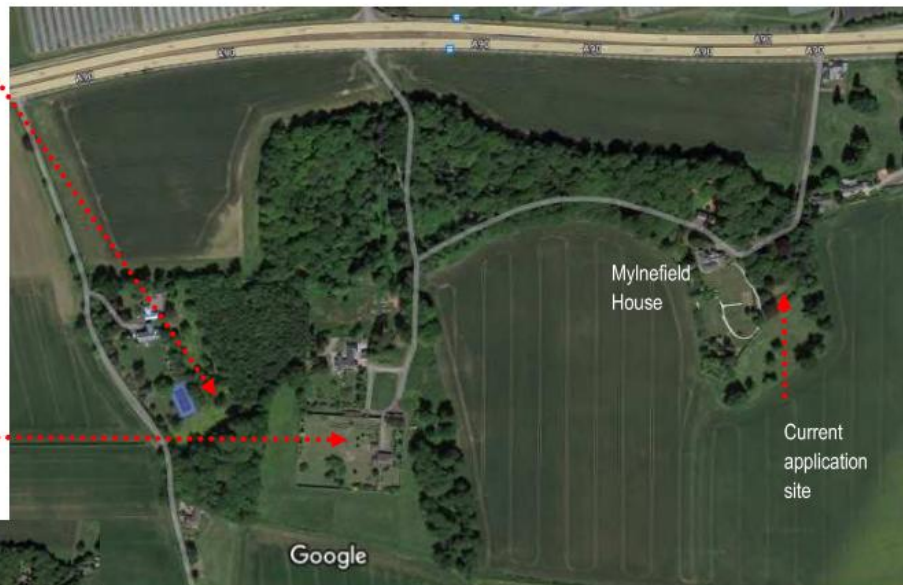
09/00043/FUL  
Erection of a swimming pool, land 70m SE of Mylnefield House (Approved 7 April 2009— Development started—excavation for foundation and services in place)

-  
On same site, proposed dwellinghouse on footprint of excavated foundations of pool house—21/01825/FLL  
Erection of a dwellinghouse, (Refused 22 Dec 2021)

22/00253/FLL Erection of 2 dwellinghouses, SE of Over Pilmore (Approved 24 August 2022)

20/01814/IPL, Residential Development (in principle), Land 70 Metres SE of Over Pilmore (Approved 09 May 2021)

Several consents (6) for dwellinghouses at The Gardens, Mylnefield, including most recently 17/00695/FLL & 17/00696/FLL for erection of 3 dwellinghouses. One dwelling constructed.



18/00256/FLL Erection of a dwellinghouse at East Pilmore (Approved 20 April 2018—Development completed)

#### 4.0 PROPOSAL

4.1 The applicant proposes the development of a single dwellinghouse on the site of approx. 600 sqm using an existing private access from the A90. The first part of this driveway, joining with the A90, is surfaced and serves the Gatehouse, Dalriada and Mylnefield House. The plot size is relatively large, reflecting the existing character of the grounds of Mylnefield House.

4.2 The site includes the existing excavated foundation and services for the consented swimming pool house, with the proposed footprint of the dwellinghouse to be located over this foundation. In effect, the applicant seeks to replace the pool house building that he could continue to construct on the site, with a smaller scaled dwellinghouse.

4.3 A driveway (constructed 2010) of approx. 30m length extends from the main driveway to Mylnefield House, through an entrance gate and into the application site, accessing the area of the pool house footprint.

4.4 The proposed dwellinghouse is 3 bedroom and single storey. The proposal includes parking and turning area to accommodate two cars. There is ample space for refuse/recycling bins. The parking area and paths will all be formed from permeable surfacing.

4.5 The proposed dwellinghouse is 14.5m in length, with a patio area extending 3m from the W elevation. The width of the building is in part 10.5m for the main living space and reduces to 8m for the remainder of the dwelling. It has an overall floor area of 126 sqm and height to the ridge of 5.5m. Overall, the proposed dwellinghouse is of a smaller scale than the approved pool house (dimensions of , approx. 8.4m x 16m, (area of 134 sqm) and with a height of approx. 6m.)

4.6 The proposed dwellinghouse will have white smooth render walls, grey slate effect tiles, white uPVC windows and doors and black uPVC rainwater goods (the same finishes as the pool house).

#### 5.0 PLANNING ASSESSMENT— INTRODUCTION

5.1 Scottish Planning Policy 2014 (revised 2020) (SPP) reinforces that the Town and Country Planning (Scotland) Act 1977 requires decisions to be made on planning applications in '*accordance with the development plan unless material considerations indicative otherwise. Proposals that accord with development plans should be considered acceptable in principle and the consideration should focus on the detailed matters arising*'. (SPP, para. 32)

5.2 The Development Plan which applies to this site is the Approved TAYplan Strategic Development Plan 2016—2036 (2017) and the Adopted Perth & Kinross Local Development Plan 2 (2019) (LDP2). Perth & Kinross Council's supplementary guidance is also a consideration in the assessment of this proposal, including the Housing in the Countryside Supplementary Guidance 2020 and Placemaking Supplementary Guidance 2020.

5.3 The TAYplan Strategic Development Plan 2017 is the strategic planning framework for the southeast Scotland area and sets out key areas of strategic direction for the preparation of Local Development Plans. Its strategy and policies are relevant to this proposal in several topic areas where its strategic direction is implemented through the strategy, policies and proposals of the Perth & Kinross Local Development Plan 2019 (LDP2).

## 6.0 PLANNING ASSESSMENT— PRINCIPLE OF DEVELOPMENT

6.1 The application site lies within the 'countryside', and does not adjoin a settlement boundary, as defined by the LDP2. The key LDP2 policies applying to the principle of development on this site are Policy 6: Settlement Boundaries and Policy 19: Housing in the Countryside.

6.2 LDP2 Policy 6: Settlement Boundaries indicates that for a proposal that is on a site outwith a settlement boundary or for a proposal that does not adjoin a settlement boundary, LDP2 Policy 19: Housing in the Countryside will apply.

6.3 LDP2 Policy 19: Housing in the Countryside provides support to proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside where they fall within several specified categories. The Housing in the Countryside Supplementary Guidance (2020) provides further assistance in assessing the acceptability of proposals.

6.4 This proposal is submitted as gaining support from one of the criteria attached to this policy, i.e,

- Category 3—New Houses in the Open Countryside

The applicant's further justification for the proposal in terms of this policy is set out on the following pages.

### Category 3—New Houses in the Open Countryside

6.5 The Supplementary Guidance lists several categories of housing in the countryside that the Council will consider favourably. We believe that this proposal falls within category 3.1 Existing Gardens.

6.6 The Report of Handling for the earlier application for this proposal, 21/01825/FLL, made an assessment of the proposal in terms of the Supplementary Guidance: Category 1—Building Groups; and Category 2—Infill Development. The assessment concluded that the proposal did not gain support from either category. The Report of Handling did not assess the proposal in terms of any part of Category 3—New Houses in the Open Countryside. We contend that category 3.1 provides support for the proposal, as set out overleaf.

#### Extract from Housing in the Countryside Supplementary Guidance 2020

##### 3.1 Existing Gardens:

a) Proposals for a new house or houses within the original garden ground associated with an existing country or estate house will be supported providing that there is an appropriate landscape setting and additional development will not fundamentally affect the qualities and integrity of the site, particularly where the house is a listed building or falls within a Historic Garden or Designed Landscape. A country or estate house is defined as a large house set within its own estate or extensive grounds. This section does not apply to domestic scale gardens or where gardens have been created at a later date, for example, by the change of use of agricultural land to garden ground.

6.7 We contend that:

- Mylnefield House meets with the policy definition of a 'country or estate house' - defined as 'a large house set within its own estate or extensive grounds'.
- The proposal for a new house is within the original garden ground associated with Mylnefield House, as confirmed by the historic mapping on pages 6 and 7
- Mylnefield House is not a listed building and the grounds are not a designated Historic Garden or Designed Landscape. The proposal will not affect the qualities and integrity of Mylnefield House and is provided with an appropriate landscape setting. It will not impact on the presence of Mylnefield House or its relationship with its surrounding grounds. The site is well defined and contained by its wooded nature—capable of accommodating the proposal without impact on the surrounding grounds of Mylnefield House.

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.1 Residential Amenity

7.1.1 LDP2 Policy 1: Placemaking, 1A requires that development should respect the ‘amenity of the place’. The application site is large, well contained, and a considerable distance from the nearest neighbours at Mylnefield House (75m) and Dalriada (100m). The dwellinghouse will have sufficient plot ratio with spacious garden ground as set out in the Placemaking Guide (2020), i.e. ‘As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for 3+ bedrooms. Each dwelling should have a minimum garden depth of 9m’. This proposal will meet these requirements,.

7.1.2 The Report of Handling for the earlier application 21/01825/FLL included that ‘*the location of the proposed dwellinghouse is remote from any other residential receptor, therefore it is considered that there will be no loss of amenity. There is also sufficient amenity ground provided for the scale of the proposed dwellinghouse.*’

7.1.3 We contend that the proposal can fully comply with the amenity considerations as contained within the LDP2 Policy 1: Placemaking and the Supplementary Placemaking Guide 2020.

### 7.2 Visual Amenity, Design and Layout

7.2.1 LDP2 Policy 1: Placemaking, requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. LDP2 Policy 39: Landscape aims to ensure that all development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross’s landscapes.

7.2.2 We note that in Report of Handling for 21/01825/FLL the assessment states, in terms of ‘Design and Layout’ that ‘*Overall, it is considered that there are no adverse concerns in relation to design and layout.*’ The proposal is as previously submitted—single storey, finished in white wet dash with grey tile roof—all considered appropriate in the earlier application and compatible with neighbouring properties. The Report of Handling for 21/01825/FLL refers to the scale of the building being appropriate for the site and that its siting have been chosen to minimise tree felling.

7.2.3 The application site does not lie within a designated Local Landscape Area. The site lies within the Tayside Firth Lowlands Landscape Character Type (SNH National Landscape Character Assessment), encompassing the Carse of Gowrie. The area is described as well settled, principally an agricultural area, with scattered settlements, farmsteads and hamlets. Castles and designed landscapes are noted as indicating the past wealth of the area and contributing to the landscape.

7.2.4 We contend that this proposal respects the character and amenity of the place. Mylnefield House is not a listed building and the grounds are not a designated Historic Garden or Designed Landscape. The proposal has a well established landscape setting and will not impact on the qualities, presence or integrity of the setting of Mylnefield House or its relationship with its surrounding grounds. The site is well defined and the proposed dwellinghouse will be contained by, and absorbed by, its wooded nature. The footprint of the proposed dwellinghouse is set within an area of mature trees to the north, west and east— with an established hedge and high fence screening and bounding the site to the south. We note that the consented swimming pool house was assessed as acceptable in terms of the character and visual amenity of the area and that this proposal will be similar, with the difference relating solely to design.

7.2.5 Overall, we believe that this proposal can be assessed as respecting the character and amenity of the place and compliant with LDP2 Policy 1: Placemaking and LDP2 Policy 39: Landscape.

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.3 Drainage and Flooding

7.3.1 LDP2 Policy 52: New Development and Flooding addresses the delivery of actions to manage flood risk. LDP2 Policy 53: Water Environment and Drainage, sub policies 53A: Water Environment includes that development of any scale and at any location should protect, and where practical improve the water environment, both ground and surface water. Sub policies 53B: Foul Drainage and 53C Surface Water Drainage set out the Council's requirements to connect to the public sewer where available and to use Sustainable Urban Drainage Systems (SUDS) measures.

7.3.2 The SEPA Flood Map shows that the site is at no risk from river or surface water flooding and we contend that the proposal will cause no increased risk of flooding elsewhere, compliant with LDP2 Policy 52.

7.3.3 There are services—new sewer and mains water—already installed at the site, as part of the development of the pool house (as shown on the photographs on page 5 and 6), compliant with LDP2 Policy 53C: Foul Drainage.

7.3.4 A surface water soakaway plan, drainage calculations and percolation test results are submitted with this application, as previously submitted with application 21/01825/FLL. The Report of Handling for that application states that these submissions '*demonstrate compliance with Policy 53C 'Water Environment and Drainage: Surface Water Drainage.'* It is anticipated that, likewise, this proposal will be assessed as compliant.

### 7.4 Built and Cultural Heritage

7.4.1 LDP2 Policy 26B: Archaeology seeks to protect areas or sites of archaeological interest, and their settings. We note that a condition was attached to the earlier swimming pool house consent, (09/00043/FUL), requiring an investigation of the site as the area was considered to have archaeological potential as the grounds of Mylnefield House were recorded as the site of a prehistoric stone circle in the early 20C. This condition was discharged, with an archaeological evaluation having been undertaken in May 2009. The Canmore entry (303584) notes that '*No deposits or features relating to the stone circle or any other prehistoric remains were identified*'. We note in its consultation response on application 21/01825/FLL the Perth & Kinross Heritage Trust had no objection, subject to a condition. We believe this proposal can be fully compliant with LDP2 Policy 26B: Archaeology.

### 7.5 Infrastructure Impact

7.5.1 LDP2 Policy 5: Infrastructure Contributions addresses the impact of new development in relation to current and future needs for additional infrastructure, community facilities and affordable housing. The Council's Developer Contributions & Affordable Housing Supplementary Guidance (2020) explains how developer contributions will be achieved.

7.5.2 The Guidance indicates that a financial contribution towards increased primary school capacity is required in areas where there is an identified capacity constraint. The application site lies within the Invergowrie Primary School catchment. We note that The Report of Handling for the earlier application 21/01825/FLL indicates that Children's Services have no capacity concerns and we anticipate that this is likely to remain the case at this time. The guidance indicates that contributions for transport infrastructure or affordable housing would not be sought for this proposal. We believe that the proposal complies with LDP2 Policy 5: Infrastructure Contributions

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.6 Natural Heritage

7.6.1 LDP2 Policy 38: Environment and Conservation protects international, national and local designation sites and areas. LDP2 Policy 40: Forestry, Woodland and Trees identifies the criteria to be met to gain the Council's support, including in relation to the protection and management of trees and woodland, especially those with high natural, historic and cultural heritage value and where new woodland planting is promoted. LDP2 Policy 41: Biodiversity seeks to protect and enhance wildlife and habitats, both designated or otherwise. LDP2 Policy 42: Green Infrastructure requires all new development to contribute to the creation, protection, enhancement and management of green infrastructure. Overall, we contend that this proposal is fully compliant with these policies, as set out below. We note that the Report of Handling for 21/01825/FLL states that *'However, due to the location and scale of the proposed dwellinghouse, it is likely that the proposal development will (not) have any adverse impact upon the natural heritage and biodiversity of the area.'*

#### Protected Sites and Species

7.6.2 The information recorded on NatureScot's SiteLink shows that the site is not the subject of any statutory nature conservation designations.

#### Woodland and Trees

7.6.3 The application site includes a number of trees. The location of the proposed dwellinghouse (over the footprint of the foundations of the pool house) is within a grassed clearing and the driveway area is also clear of trees.

7.6.4 We note that the Report of Handling for 21/01825/FLL indicated that a Tree Survey and Tree Protection Plan were required to demonstrate the impact of the proposal on the existing trees on the site. The applicant has submitted a Tree Survey with this application (Arboricultural Assessment, Mylnefield House, Arboretum Internationale, 5th April 2022). This assessment identifies 10 trees within and immediately adjacent to the site. One of these trees (a cypress) is recorded as dead/dying and identified for removal due to its poor condition, irrespective of the development proposal. The assessment indicates that no other tree work (felling or pruning) is required to create space for the proposed dwellinghouse or for access. A tree constraints plan and tree protection plan, along with recommendations for tree protection are included in the report. We contend that this proposal is fully compliant with LDP2 Policy 40: Forestry, Woodland and Trees.



## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.8 Roads, Transport and Accessibility

7.8.1 The main policy heading, LDP2 Policy 60: Transport Standards and Accessibility Requirements includes LDP2 Policy 60B: New Development Proposals. The policy aims to reduce travel demand by car and promotes access to a choice of sustainable modes of travel, including opportunities for active travel and green networks. The policy states that *All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport.* The proposal will not have significant travel generation but in any case is well located for sustainable travel.

#### Public Transport

7.8.2 Bus transport is accessible from the site. There is a bus stop located on the A90, approx. 600m from the site, accessible along the A90 footway. Stagecoach service X16 provides a frequent service between Dundee and Perth. The site is very close to Dundee for access to the wider public transport network—both bus and rail. There is also a rail station in Invergowrie, providing access to an hourly service between Dundee and Perth.

#### Active Travel

7.8.3 The site is well place for active travel, with an off road footway along the A90 linking into Longforan, Invergowrie and Dundee. There is a wider network of paths, readily accessible to the site and linking into the surrounding area.

#### Private Car Use

7.8.4 Travel from the site by car provides quick and direct access to the main public transport hubs Dundee and Perth, along with access to the main central Scotland road network with direct access on to the A90. The location of the site supports the reduction in unsustainable longer car journeys.

#### Access

7.8.5 Access to the proposed dwellinghouse will be along an existing driveway (approx. 35m long), constructed at the time of the initial works for the pool house. This connects to the main driveway between Mylnefield House and the A90. A new gate and gateposts have been installed (These are retrospective elements of this application and detailed drawings are submitted). The driveway and gates are shown in the photographs on pages 5 and 6.

7.8.6 We note that in relation to the earlier dwellinghouse application 21/01825/FLL, the Council's Transport Planning Team and Transport Scotland were content with the proposal, making no comments or objection and that the Report of Handling stated that *'It is therefore considered that there are no roads or access implications and the proposal complies with Policy 60B 'Transport Standards and Accessibility.'*

## 8.0 CONCLUSION

### 8.1 In conclusion:

- ◆ This proposal provides for a modestly sized dwellinghouse within the grounds of Mylnefield House, gaining support in principle from category 3.1 of LDP2 Policy 19: Housing in the Countryside and, in detail, from the range of other relevant LDP2 policies and guidance, as set out in detail in this statement.
- ◆ The proposed dwellinghouse is located on the footprint of an earlier approved swimming pool house. Construction had begun on this building more than 10 years ago, with foundations excavated and services installed. The applicant now wishes to replace the further construction of the pool house with a dwelling house. We contend that the proposal will be equally acceptable as development in this location.

8.2 We look forward to receiving the Council's comments on this proposal and would request that the case officer contact us, to request any further information sought in support of the proposal, and to update on a likely recommendation, prior to a decision being made.

# Arboricultural Assessment

## MyInefield House

**ARBORETUM  
INTERNATIONALE**



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Signed \_\_\_\_\_

5<sup>th</sup> April 2022

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Next review	TBC
Author	Paul Hanson
Approved by	

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## INTRODUCTION

### Instructions:

- This tree assessment was commissioned by Roddy Paul of James Paul Architects on behalf of the site owner Mr. Mark Harris, Mylnefield House, Invergowrie, Dundee, DD2 5EH.

### Terms of Reference:

- To prepare a tree survey containing a suitable tree protection plan to demonstrate the impact of the proposed development upon the existing trees.

### Documents Supplied:

- A pdf. plan entitled Location Plan, drawing no. 747.15A at a scale of 1:1250 @ A4.
- A pdf. plan entitled Proposed New House, drawing no 747.10A, at a scale of 1:500 @ A3.
- A pdf. copy of a section drawing of the proposed new driveway, drawing no. 747.14 at a scale of 1:50 @ A4.
- A dxf. topographical plan of the site entitled Mylnefield House, Invergowrie, drawing no. 30121 Rev. 01 at a scale of 1:200 @ A1.

## 1 Scope and Limitations of Assessment

- 1.1 The assessment and this report are concerned with the arboricultural aspects of the site only. The assessment is restricted to trees within the site or those outside the site that may be affected by its development. No other trees were assessed.
- 1.2 The assessment follows guidelines detailed in British Standard 5837: 2012 'Trees in relation to design, demolition, and construction– Recommendations' (BS5837).
- 1.3 It is based on a ground level tree assessment and examination of external features only – described as the 'Visual Tree Assessment' method expounded by Mattheck et al. in *The Body Language of Trees*. Encyclopaedia of Visual Tree Assessment (2015).
- 1.4 No plant tissue samples were taken, and no internal investigation of the trees was conducted. No soil samples were taken, or soil analyses conducted.
- 1.5 The risk of tree-related subsidence to structures has not been assessed.
- 1.6 No specific assessment of wildlife habitats has been conducted.
- 1.7 It is assumed that there are underground services within the curtilage of the site; the report author is not aware of the specific routes of any such services.
- 1.8 This report should be read in conjunction with the plans and documents noted above. The plans include the position of all significant trees and existing or proposed features, they are based on the plans provided by the client or other instructed professionals.
- 1.9 The statements in this report do not take account of the effects of extremes of climate, vandalism, or accident, whether physical, chemical or fire. Arboretum Internationale cannot therefore accept any liability in connection with these factors, nor where prescribed work is not conducted in a correct and professional manner in accordance with current good practice. The authority of this report ceases at any stated time limit within it, or if none stated after one year from the date of the survey or when any site conditions change or pruning or other works unspecified in the report are conducted to, or affecting, the subject tree(s), whichever is the sooner.



## 2 Assessment Method

2.1 Measurements of the trees considered in this report were taken on site by Arboretum Internationale Ltd.

2.2 Each tree has been assessed in terms of its arboricultural, landscape, cultural and conservation values in accordance with BS5837 and placed within one of the four following categories:

**Category U:** Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

**Category A:** Trees of high quality with an estimated remaining life expectancy of at least 40 years.

**Category B:** Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.

**Category C:** Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.

2.3 Whilst the assessment of a tree's condition is a subjective process, Table 1 of BS 5837 (see appendix 2) gives clear guidance on the appropriate criteria for categorising trees and, in particular, the factors that would assist the Arboricultural Engineer (AE) in determining the suitability of a tree for retention. BS5837 makes a clear distinction between trees on development sites and trees in other situations where the factors that determine the retention and management of trees may be different.

## 3 The Site

3.1 The site is located to the south side of the A90 public road to the West of Invergowrie. The proposed development will occupy what is currently a disused, filled in, swimming pool within area of grassland surrounded on the North, East and West sides by mature trees with the garden of Mylnefield House. With regards to the planning application, Mr. Mark Harris is the applicant for the site.

3.2 The site is accessed directly from the A90, a public highway on the northern boundary of the site.

3.3 An informal track (formed from Mot Type 1 aggregate) was introduced to the site (initial crushed material laid in 2010, hardcore topping added in 2021) to facilitate the removal and subsequent infilling of the swimming pool. The proposed development identifies this track as an appropriate access to and from the proposed development.

## 4 Existing Trees

4.1 This assessment identifies 10 individual trees within and immediately adjacent to the site. Of these 1 is identified at Category U for removal due to poor condition, 1 tree is identified at Category C, 1 tree at Category B and a further 7 at Category A. This classification of trees is based on Table 1 in BS5837: 2012.

4.2 The site is not recorded on any of the Roy maps and on that basis the trees and woodland would not be considered to be ancient woodland.

- 4.3 At this time Arboretum Internationale is not aware of any formal planning restrictions pertaining to any of the trees on site.
- 4.4 The tree population on site was not considered (in this assessment) in relation to wildlife habitat or wider conservation issues.

## 5 Tree Constraints

- 5.1 The tree data recorded in the on-site assessment provides the basis for identifying the above ground and below ground constraints that may be imposed on the site by trees worthy of retention.
- 5.2 Below ground constraints are indicated by the Root Protection Area (RPA) as described for each tree which is calculated in accordance with guidance provided within paragraph 4.6 of BS5837. The RPA is the recommended area in square metres that should be left undisturbed around each tree to be retained, to ensure that damage to its roots or rooting environment is avoided. RPAs may be adjusted and locally increased to incorporate above ground protection for those trees where canopies extend beyond the RPA calculated solely for root protection.
- 5.3 In the case of open grown trees with an even, radial root distribution it would be normal for the boundaries of the RPA to be equidistant from the trunk of the tree. However, BS5837 acknowledges that the disposition of tree roots can be significantly affected by a number of factors and that the actual position of the RPA will be influenced by specific tree and site factors. These factors are to be assessed by an AE and appropriate adjustments to the siting of the RPA made. The RPA for each individual tree is detailed in the Tree Schedule in the at appendix 1 below and shown on the associated plans. Above ground constraints are indicated by the crown clearance height and crown spread recorded in the tree schedule.

## 6 Impact on Existing Trees

- 6.1 The primary objective, in arboricultural terms, is the retention of as many appropriate trees as is practicable. Quite apart from the requirement to retain some of the existing character, the presence of trees is generally accepted as being beneficial to the environment. The following is an assessment of the effects of the proposed development on existing trees and the future landscape.
- 6.2 This report clearly identifies the trees to be removed and those to be retained. Any and all tree work should be undertaken competently and in compliance with the recommendations given in BS5837 and British Standard 3998:2010 (BS3998). Specific and detailed information is prescribed below to facilitate adequate physical protection for trees on site to be installed before construction or other works commence.
- 6.3 **Tree removals and pruning to facilitate the development.**
  - 6.3.1 The proposed development of this site requires the removal of 1 of the 10 individually assessed trees. No other tree work is required to create space for or access to the area proposed for development.
  - 6.3.2 A schedule of required tree works to the individually assessed trees is described in appendix 1 below.

## 6.4 Encroachment within Root Protection Areas

6.4.1 The Tree Schedule provides details of the extent and disposition of RPAs of all trees to be retained, including any offsetting that is considered appropriate in relation to specific site conditions.

6.4.2 Ground works to prepare the existing ground for construction within or close to RPAs could, potentially, cause damage to trees and it is essential that this work is conducted in a manner that meets the criteria described herein.

## 6.5 Underground Services

6.5.1 No information has been provided regarding underground services however there is scope for any new services to be installed outside RPAs.

6.5.2 Should it be necessary however to install or upgrade underground services within RPAs it should be conducted in accordance with Volume 4 of the National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees, 2007 (NJUG Vol.4) and under the supervision of an AE.

# 7 Development Appraisals

7.1 A single tree within the site is identified for removal due to poor condition and the risk posed by its inevitable and foreseeable failure. Quite simply the proposed development does not require the removal of any other trees.

7.2 The current tree population is perhaps in peak condition and should be expected to naturally decline slowly from this point forward, continuing to provide a safe useful arboricultural amenity for the next 40 years or more under normal circumstances.

7.3 Arboretum Internationale has not been provided with details of any existing or proposed new underground services for the site.

7.4 Potential damage to structures by the future growth of trees is not considered herein. (See BS5837:2012 Annex A, and NHBC Standards Chapter 4.2).

# 8 Tree Protection

## General Measures

8.1 BS5837 requires that the RPAs of all retained trees be protected from the effects of development by the installation of protective barriers. It should be noted however, that the position of these barriers may also be influenced by the presence of any tree canopies that extend beyond the RPA and that could be damaged by construction works or where it is desirable to protect areas for future tree planting.

8.2 In addition to protecting retained trees, BS5837 recommends that areas of the site in which new or replacement tree planting is proposed, should also be protected from the effects of construction.

8.3 Protective barriers to demarcate the 'Construction Exclusion Zone' (CEZ) should be installed prior to the commencement of any construction works, including clearance or demolition. They should be maintained for the duration of the works. All weather

notices should be erected on the barriers with words such as 'Construction exclusion zone – Keep out.' Protective barriers should be in accordance with Figure 2 of BS5837:2012 (or similar accepted) – a copy is included as appendix 3.

- 8.4 The position of protective barriers should extend to adequately cover ground proposed for new tree planting; the area within the should be regarded as sacrosanct and protective fences and barriers should not be taken down without the written approval of the local planning authority, or where present, the supervising AE.
- 8.5 Ground Protection.
- 8.5.1 Where it is necessary, for the construction operation, to permit vehicular or pedestrian access within the RPAs, for example to erect scaffolding, retained trees should be further protected by a combination of barriers and ground protection.
- 8.5.2 Ground protection should be of sufficient strength and rigidity to prevent disturbance or compaction to the soil underneath. In areas of heavy and/or continued usage it is advised that the protection plates or mats are linked or connected and that they are placed over a bed of bark or wood chippings (100 to 150mm depth).
- 8.5.3 Contamination of the soil by any substances should be prevented by the use of geotextile fabric.
- 8.6 Do not raise or lower soil levels or strip topsoil around trees – even temporarily; avoid disturbing the natural water table level; do not light fires near trees; do not attach notice boards, telephone cables or other services to any part of a tree.
- 8.7 No construction materials should be stored within root protection areas. Toxins such as diesel, petrol, or cement should be suitably stored to prevent such substances leaching into the soil.
- 8.8 Particular care and planning are necessary to accommodate the operational arcs of excavation, unloading, and lifting machinery, including their loads, especially large building components such as beams and roof trusses. Operations like these have the potential to cause incidental damage to trees and logistical planning is essential to avoid conflicts. Any movement of plant and materials near trees should be conducted under the supervision of a competent banksman to ensure that adequate clearance from trees is maintained at all times.

### **Specific Measures**

- 8.9 RPAs should be considered as the minimum area of ground that requires exclusion from construction works. Where a tree canopy extends beyond the measured RPAs then any protection should be extended to include the extent of the whole tree canopy.
- 8.10 It is both unreasonable and unnecessary to fence off the ground within the tree RPAs that is crossed by the informal access track. In this instance the track surface should be retained with any improvement works limited to additions to the surface material without the need for any excavation. Tree protective fencing should be installed at the edge of both sides of the existing track along its entire length to prevent construction activities from trespassing into the RPAs.

## 9 Recommendations

- 9.1 In accordance with recommendations in BS5837, the tree survey addresses preliminary recommendations for works that should be conducted in the interests of good arboricultural practice (see appendix 1 below). In this instance the removal of 1 individual tree noted at appendix one is appropriate
- 9.2 These recommendations are made in the knowledge that the site is the subject of development proposals and that the nature and extent of works would not perhaps be appropriate if the future use of the site were different. For example, BS5837 recommends that any trees 'in such condition that their existing value would be lost within 10 years should be removed' (i.e., Category C).
- 9.3 The tree protection measures detailed in section 8 above should be implemented and supervised by an appropriately qualified and experienced AE before any construction works begin.
- 9.4 Before authorising these, or any other tree works, the local planning authority should be consulted in accordance with the current version of the Town and Country Planning (Scotland) Act. All tree works should be undertaken in accordance with the current version of British Standard 3998:2010 'Tree work - Recommendations' and by a suitably qualified, competent, and insured tree contractor.

## CONCLUSIONS

These development proposals have been assessed in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).

1 tree defective/dying tree is identified for removal irrespective of the development proposals. The proposed development does not require the removal of any other trees.

Retained trees must be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works. The strict observance of the guidance herein, together with any additional guidance from the AE will ensure the successful integration of these proposals with retained trees.

## Appendix 1 Schedule of Trees

'Tree no.' Reflects the numbers detailed on the TCP and affixed to trees on site.

'Species' Trees are described with both botanical and common names.

'Age Class' may have been recorded in the Tree Schedule in the following terms: **NP** (newly planted) – tree still supported by staking or other support, **Y** (young) - less than one-third life expectancy, **EM** (early-mature) – one-third to two-thirds life expectancy; **M** (mature) – more than two-thirds life expectancy, **OM** (over-mature) – beyond the normal life expectancy, **V** (veteran) - veteran tree or legacy tree is a tree which, because of its great age, size or condition, is of exceptional cultural, landscape or nature conservation value.

'Tree height' (Height) is given in metres; heights have been estimated to the nearest 1m.

'Crown height' is given in metres and indicates the average height of the lower reaches of the canopy, where GL appears the canopy is a ground level.

'Lowest branch' this figure indicates the height at which the lowest branch arises, where GL appears the canopy is a ground level.

'Direction' indicates the general cardinal point to which the lowest branch is growing, e.g., north.

'Diameter at Breast Height' (single DBH): this measurement, recorded in millimetres, has been taken with a girthing tape at 1.5m above ground level except; where a measurement was taken a different height that height is recorded below the figure given for the DBH; where the DBH was estimated the measurement is preceded by the letter E; where more than one stem was measured this is denoted below the DBH as a number. Where an 'x' appears in this column the figures have not been calculated. Where parts of this column are 'greyed out' there is no requirement for any information.

'Crown spread' is given in metres measured in the direction of the four primary cardinal points

'General observations': the 'health' or 'vitality' of the tree (assessed by comparison of the number, size and colour of the leaves and the length of annual twig extension growth with what would be expected for an average tree of equivalent age, of the same species) may be described as **Good** - Showing correct leaf colour / density and / or expected twig extension growth. Any wound wood present is seen to be forming well. Very few and minor pathogens and / or pests present (if any) which should only affect visual amenity. **Fair** - Meets the expected average in terms of leaf colour/density and/or twig extension growth. Host to more numerous minor pests and pathogens present; minor die back in areas of the canopy; a history of repeated and significant pruning; evidence of frequent, minor, and moderate, naturally occurring branch loss. **Poor** - Small and sparse leaf cover of an abnormal colour for the species; small increments in twig extension growth; host to significant pathogens and/or infestations of pests; significant crown die-back; a history of severe over-pruning with poor wound-wood development. Where technical terms are used to describe the cause of the defect, a definition, or further information will be found in the Glossary. Defects may be described as: **Minor** – Where the defect is small, shows no sign of instability and there is little concern with regard to safety or tree health and form; **Moderate** – Where the defect is likely to fail with some risk in relation to safety and/or tree health or form, or where the defect significantly affects tree form; **Major** – Where the defect is likely to fail with significant risk to persons and/or property. Severe damage, whole tree failure and/or tree death may occur, or where the defect dramatically affects tree form.

'Management Recommendations': generally, where practical tree-work operations are recommended, it is expected that these will be carried out to the British Standard BS 3998:2010 'Recommendations for tree work' as a minimum.

'Contribution': this is the estimated number of years for which the tree can be expected to make a safe, useful contribution to the tree cover on the site, before any remedial work is conducted. Where an '?' appears in this column further work is required to determine the retention category.

'Retention Category': the code letter in this column reflects the general desirability of the tree for retention on a development site, based on species, form, age, and condition. The definitions of these code letters are as follows: **A**: trees of high quality and value; **B**: trees of moderate quality and value; **C**: trees of low quality and value, which could be retained until replacement plantings have been established (the suffixed number after the code letter indicates the particular sub-category – 1 being mainly arboricultural values, 2: mainly landscape values, 3 Mainly cultural values, including conservation; **U**: trees which should be removed. Where an '?' appears in this column further work is required to determine the retention category.

'Root Protection Area Radius': This figure (recorded in metres) is that to be used to determine the correct location for the erection of protective fencing based on a circular Root Protection Area.

Tree no.	Species	Age class	Crown spread	Height	Lowest branch	DBH Single	DBH Multiple	General condition/observations	Management Recommendations	Contribution	RPA Radius	Root protection area
				Crown height	Direction					Retention category		Calculations
343	Maple	M	N 7 S 6 E 5 W 3	14	2	680		Moderate damage sustained in storm Arwen.	No work required.	>20	8.1	209.18
				4	W					B1		8.12
344	Aspen	EM	N 6 S 6 E 7 W 5	23	6	620		No significant defects.	No work required.	>40	7.5	173.90
				6	W					A1		7.42
345	Cypress	M	N 3 S 2.5 E 3 W 3	21	2	620		90% dead.	Fall.	<2	7.5	173.90
				6	N					U		7.42
346	Beech	M	N 7 S 10 E 6 W 8	24	3	880		No significant defects.	No work required.	>40	10.5	350.33
				2	N					A1		10.54
347	Beech	M	N 8 S 10 E 8 W 7	16	2	890		No significant defects.	No work required.	>40	10.8	358.34
				2	N					A1		10.68
348	Maple	M	N 5 S 5 E 5 W 6	16	2	740		No significant defects.	No work required.	>40	8.7	247.73
				4	NW					A1		8.83
349	Spruce	M	N 6 S 5 E 7 W 4	22	2	1100			No work required.	>40	13.2	547.39
				1	SE					A1		13.19
350	Holly	Y	N 3 S 4 E 3 W 6	8	n/a	80 140 230 0	78900	3 stems from ground level.	No work required.	>10	3.3	280.89
				GI	n/a					C1		35.69
												3.32
												Up to 5 stems
351	Spruce	M	N 4 S 3 E 3 W 3	23	3.5	680		Minor dead wood throughout.	No work required.	>40	8.1	209.18
				12	S					A1		8.12
352	Fagus sylvatica Beech	M	N 9 S 10 E 11 W 8	25	2	1020		Minor dead wood throughout.	No work required.	>40	12.3	470.67
				3	SW					A1		12.21
			N S E W									
			N S E W									
			N S E W									
			N S E W									

## Appendix 2

### Cascade chart for tree quality assessment

#### Category and definition Criteria (including subcategories where appropriate) Identification on plan

##### Trees unsuitable for retention (see Note)

##### Category U

Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g., where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning). Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low-quality trees suppressing adjacent trees of better quality.

*NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.*

#### 1 Mainly arboricultural qualities, 2 Mainly landscape qualities, 3 Mainly cultural values, including conservation.

##### Trees to be considered for retention Category A

**Trees of high quality** with an estimated remaining life expectancy of at least 40 years. Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g., the dominant and/or principal trees within an avenue). Trees, groups, or woodlands of particular visual importance as arboricultural and/or landscape features. Trees, groups, or woodlands of significant conservation, historical, commemorative, or other value (e.g., veteran trees or wood- pasture).

##### Category B

**Trees of moderate quality** with an estimated remaining life expectancy of at least 20 years. Trees that might be included in category A, but are downgraded because of impaired condition (e.g., presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation. Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality. Trees with material conservation or other cultural value.

##### Category C

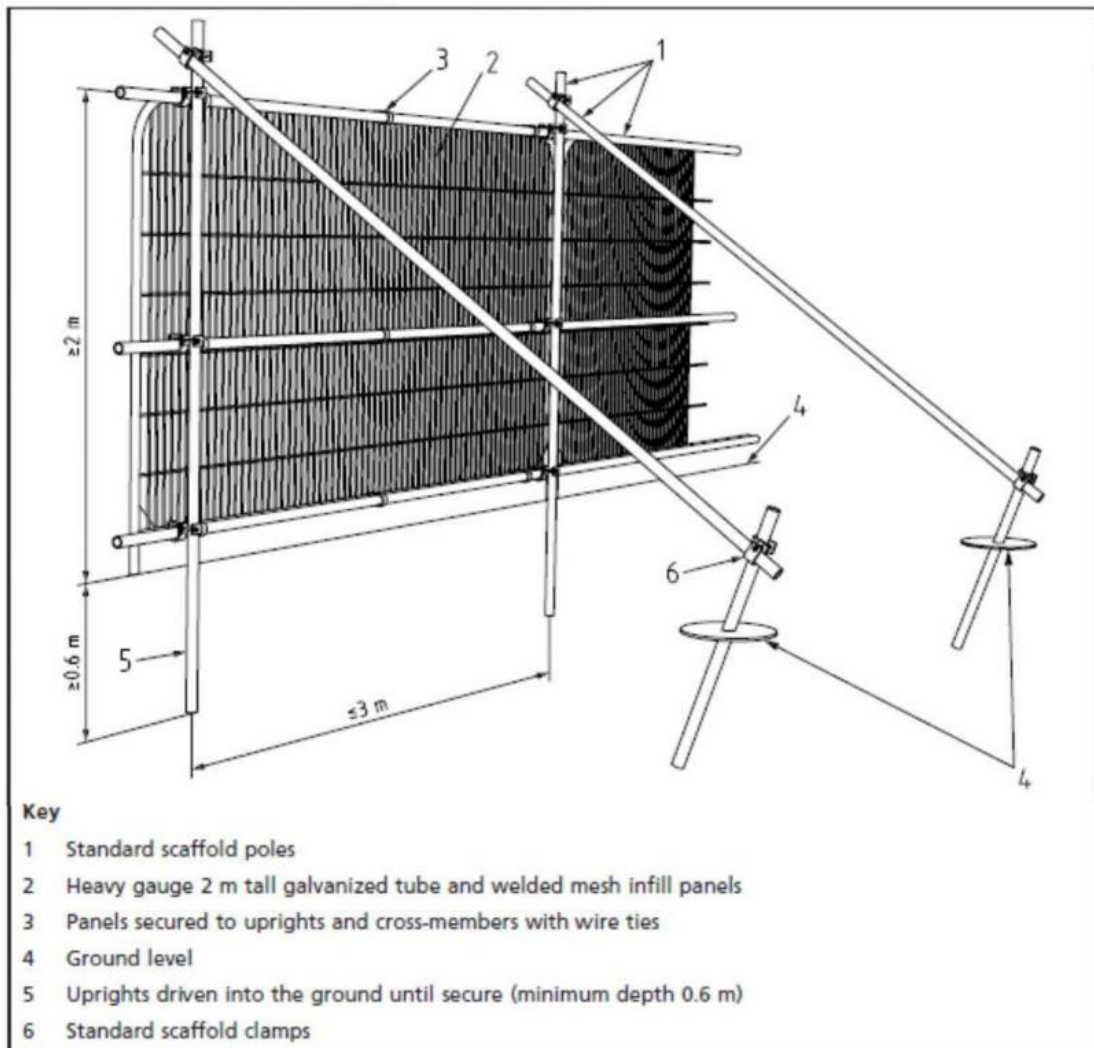
**Trees of low quality** with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm. Unremarkable trees of limited merit or such impaired condition that they do not qualify in higher categories. Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits. Trees with no material conservation or other cultural value.



## Appendix 3

### BS5837: 2012 Figure 2

Figure 2 Default specification for protective barrier



## Appendix 4

### Construction Principles of 'No Dig' Hard Surfaces Close to Trees

Special construction methods are required for hard surfaces within root protection areas [RPAs] of retained trees. Whilst the following information provides guidance in the principles

of such construction, the final specification shall be determined in conjunction with a suitably qualified engineer and guidance from the manufacturers of the products used.

#### Important points to remember about tree roots:

- most tree roots are in the top 600mm of soil, many are just below the surface,
- fine, fibrous roots are just as important as large woody roots, they are easily damaged and prone to drying out,
- roots need moisture and oxygen to survive,
- soil compaction kills roots by reducing the soil's capacity to hold water and oxygen,
- 80% of compaction is caused by the first passage of a vehicle over soil,
- non- permeable surfaces and damage to the soil surface such as smearing or panning prevents water penetration and gaseous exchange.

#### 'No dig' hard surfaces near trees should:

- cause minimal disturbance to soils, both during construction and in the long term
- provide a stable, permanent surface of sufficient strength and durability for its
- include a three-dimensional cellular confinement system such as 'Geogrid' or 'Cellweb'
- be constructed using porous materials to enable percolation of water and gaseous exchange, e.g., gravel, porous tarmac or brick paviors with nibbed edges, joints should be filled with 6mm diameter washed aggregate to maintain porosity (not sand).

#### Construction principles:

- surface vegetation should be removed using an appropriate systemic herbicide that will not harm retained trees or manually, using hand tools
- minor levelling of the existing surface can be carried out where necessary, but using hand tools only; hollows can be filled with sharp sand
- any exposed roots should be covered with good quality topsoil immediately to prevent them drying out; any damaged roots should be cut cleanly with a hand saw/secateurs
- tree stumps shall be removed using a stump grinder rather than by digging to minimise disturbance
- no vehicles or machinery shall travel over unprotected soil surfaces near trees. Where it is necessary to move materials used in the construction of the surface, they should be transported on the laid subbase as it is 'rolled out' through the RPA
- the construction of the path or road should be carried out off an already completed section of the surface – not from bare ground
- the completed surface may require protection if it will be used for access during the construction period, especially where it may see frequent use by heavy machinery.

## Appendix 5

### Removal of Debris Near Trees

- The removal of any material should be carried out from outside the RPA whenever possible and from within the footprint of the existing building or surface where this is within the RPA of a tree.
- The excavation of the material must not extend into the soil underneath. In practical terms the bucket of the excavator must be used so that the cutting edge is horizontal so that any disturbance of the underlying soil is kept to an absolute minimum. The cutting edge of the bucket should be flat and without 'teeth' to further reduce the risk of root damage. Where the surfacing is very thin and/or roots are near the surface, the digging should be done manually.
- Any exposed tree roots should be covered with good quality topsoil immediately to prevent them drying out. Any damaged roots should be cut cleanly with a hand saw or secateurs.
- Debris and rubble of any type must not be stockpiled within the RPA of the tree and must be exported without crossing the RPA.
- Due care and planning must be taken to ensure that the operational arcs of excavators do not damage the crowns of retained trees.
- Where new surfacing is to be installed, if the depth of the old surface is insufficient, the wearing surface may need to be higher than existing in order to accommodate the appropriate thickness. There may be a requirement for a geo-textile membrane to be laid on the soil surface, but this is an engineering matter dependent upon soil type. The separation is beneficial for root development.
- Where the old surface is taken up and not replaced, the infill should be of good quality topsoil laid without compaction.

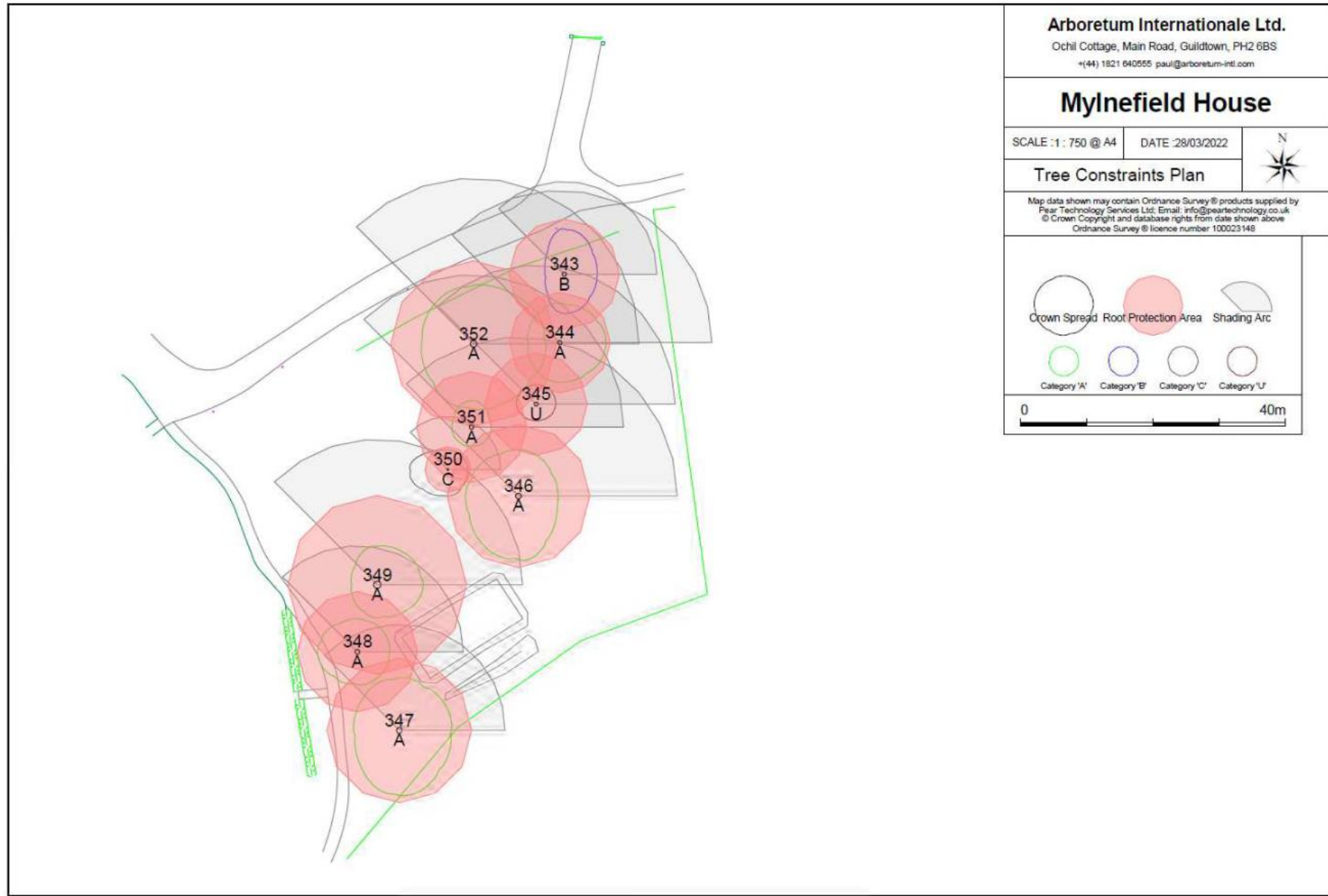
## Appendix 6

### Further Information

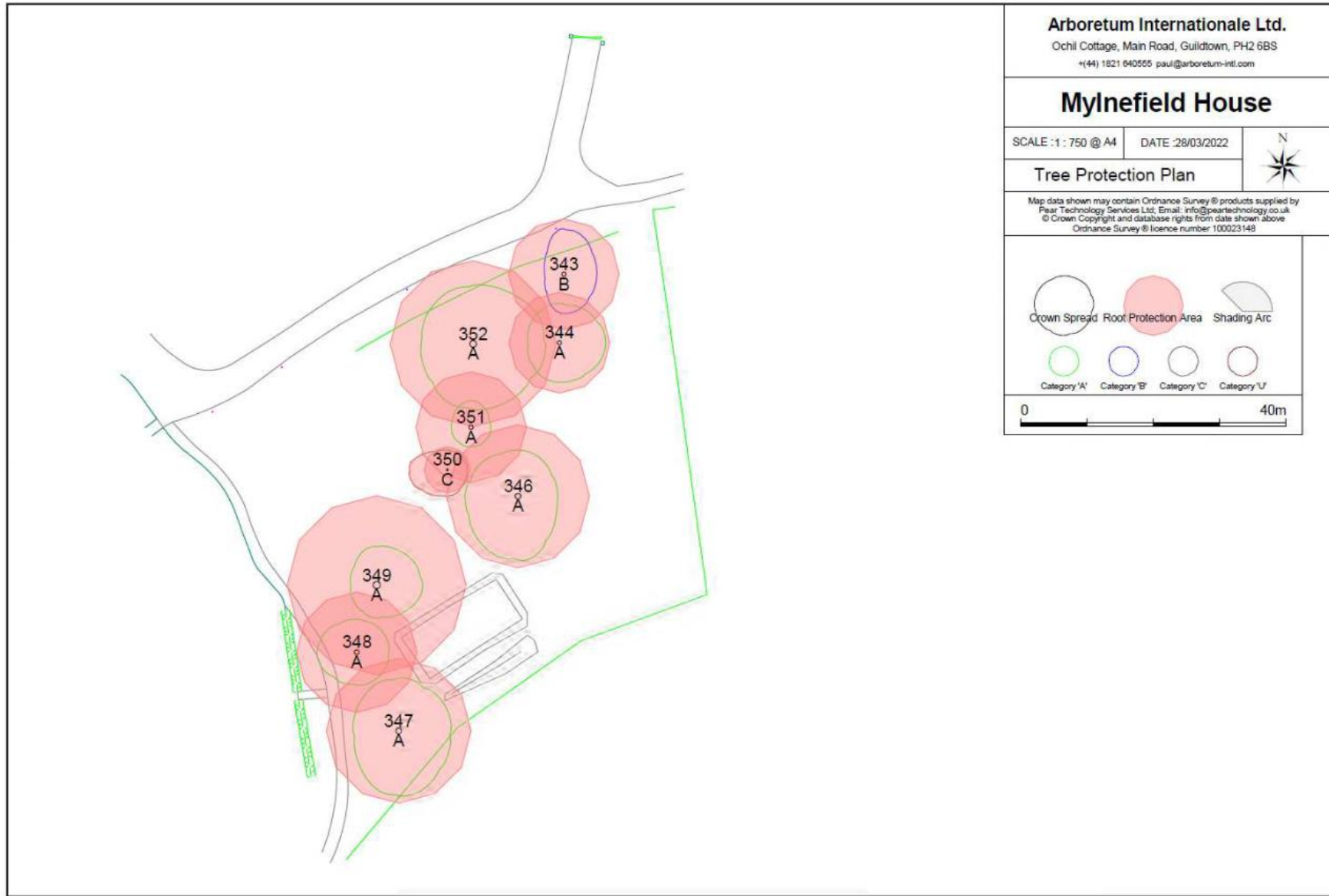
- Anon (2010)            **British Standard Recommendations for Tree Work BS 3998: 2010**  
British Standards Institution  
2 Park Street, London W1A 2BS
- Anon (2012)            **British Standard Recommendations for Trees in relation to design,  
demolition and construction BS 5837: 2012**  
British Standards Institution  
2 Park Street, London W1A 2BS
- Lonsdale D.            **Principles of Tree Hazard Assessment & Management**  
DETR, Elland House, Bressenden Place, London
- Mattheck C.  
Breloer H. (1994)  
Farnham, Surrey        **The Body Language of Trees –A Handbook for Failure Analysis.**  
DOE Arboricultural Advisory and Information Service Alice Holt Lodge,
- Mitchell A. (1989)    **The Trees of Great Britain and Northern Europe**  
Collins, Grafton Street, London
- Strouts R. G.  
Winter T. G. (1994)  
Farnham, Surrey        **Diagnosis of Ill-Health in Trees**  
DOE Arboricultural Advisory and Information Service Alice Holt Lodge,
- Anon (2007)            **National Joint Utilities Group Guidelines for the Planning,  
Installation and Maintenance of Utility Apparatus in Proximity to  
Trees**  
One Castle Lane, London, SW1E 6DR
- Anon (2007)            **Arboricultural Practice Note 12 ‘Through the Trees to Development**  
Alice Holt Lodge, Wrecclesham, Farnham, Surrey, GU10 4LH

## **Appendix 7**

### **Site Plans**



**Tree Constraints Plan**



**Arboretum Internationale Ltd.**  
 Ochil Cottage, Main Road, Guildtown, PH2 6BS  
 +(44) 1821 640555 paul@arboretum-intl.com

**Mylnefield House**

SCALE : 1 : 750 @ A4    DATE :28/03/2022

**Tree Protection Plan**

Map data shown may contain Ordnance Survey © products supplied by  
 Pear Technology Services Ltd, Email: info@peartechtechnology.co.uk  
 © Crown Copyright and database rights from date shown above  
 Ordnance Survey © licence number 100023148

Crown Spread    Root Protection Area    Shading Arc

Category 'A'    Category 'B'    Category 'C'    Category 'U'

0    40m

**Tree Protection Plan**





**LRB-2023-24**  
**22/02096/FLL – Erection of a dwellinghouse, land 70 metres south east of Mylnefield House, Invergowrie**

## **REPRESENTATIONS**



**From:** Nyree Millar Bell  
**Sent:** 24 March 2023 15:30  
**To:** Development Management  
**Subject:** Planning Application Consultation for Application No 22/02096/FLL

**CAUTION:** This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Your Ref: 22/02096/FLL  
Our Ref: 2023/080/DND

Dear Sir/Madam,

Proposal: Erection of a dwellinghouse  
Location: Site Land 70 Metres South East Of Mylnefield House Invergowrie


With reference to the above proposal, our preliminary assessment shows that, at the given position and height, this development would not infringe the safeguarding criteria and operation of Dundee Airport.

Therefore, Highlands and Islands Airports Limited has no objections to the proposal.

Any variation of the parameters (which include the location, dimensions, form, and finishing materials) then as a statutory consultee HIAL requires that it be further consulted on any such changes prior to any planning permission, or any consent being granted.

Kind regards,

Nyree

Nyree Millar-Bell  
**Aerodrome Safeguarding and Operational Support Officer**  
**Highlands and Islands Airports Limited**  
 Visit our Website at [www.hial.co.uk](http://www.hial.co.uk)

Friday, 03 March 2023



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

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
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 Customer,

**Land 70 Metres South East Of, Mylnefield House, Invergowrie, DD2 5EG**  
**Planning Ref: 22/02096/FLL**  
**Our Ref: DSCAS-0082160-GCX**  
**Proposal: Erection of a dwellinghouse**

**Please quote our reference in all future correspondence**

## **Audit of Proposal**

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. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

## **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Clatto Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

## **Waste Water Capacity Assessment**

- ▶ There is currently sufficient capacity for a foul only connection in the Hatton PFI Waste Water Treatment works to service your development. 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 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.

---

## Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

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

Written permission must be obtained before any works are started within the area of our apparatus

---

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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 information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 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-Domestic 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 laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely 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 [here](#).
- ▶ 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)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Ruth Kerr.**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

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



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

<b>Planning Application ref.</b>	22/02096/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner Email: [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 70 Metres South East Of Mylnefield House Invergowrie		
<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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Invergowrie Primary School. Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £0 <b>Total: £0</b></p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	17 March 2023		

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

<b>Planning Application ref.</b>	22/02096/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 70 Metres South East Of Mylnefield House, Invergowrie		
<b>Comments on the proposal</b>	<p>The applicant is proposing to erect a three bedroomed dwellinghouse on the foundations of what was proposed to be a swimming pool building, but the applicant has never completed the development for 2009, under application 09/00043/FUL.</p> <p>The applicant is proposing to provide two car parking spaces, which is inline with the requirements of the National Roads Development Guide.</p> <p>The access and egress for this property is directly off of the A90 Trunk Road, so it is recommended that the planning officer also makes contact with Transport Scotland for comments.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	22 March 2023		



To:	Joanne Ferguson, Planning Officer
From:	Sophie Nicol, Historic Environment Officer
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	23 <sup>rd</sup> March 2023

## 22/02096/FLL | Erection of a dwellinghouse | Land 70 Metres South East Of Mylnefield House Invergowrie

Thank you for consulting PKHT on the above application. I can confirm that the proposed development site lies within an area that has known archaeological remains and is considered to have high archaeological potential.

The grounds of Mylnefield House are recorded in the PKHER as the site of a prehistoric stone circle, which consisted of six large boulders (MPK5189). Although the stone circle's location is presently unknown, the possibility that archaeological remains associated are present within the development area is a material consideration. In addition, the fields to the east, south and west of the grounds of Mylnefield House contain the remains of unenclosed prehistoric settlements (MPK5129, MPK5130, MPK7211). These remains have been identified from cropmarks recorded by aerial photographic survey. In 2009 in advance of a swimming pool a small archaeological evaluation was undertaken at the south of this development site. These results showed rubble material from the former Old Mynefield House and no earlier remains. However, given the proposal of a new access there are still undisturbed areas of the proposed development to be assessed.

The extent, density, and proximity of known archaeological remains in the areas adjacent the grounds of Mylnefield House indicate the significant potential for unidentified archaeology being present within the development area despite the negative results of the earlier excavation at the south. It might be given the nature of the potential here and type of works that archaeological monitoring is undertaken on all ground-breaking works associated with the new access only, as the house footprint has in the most part been assessed.

Therefore, we recommend that a programme of archaeological works is attached to consent to ensure the development and its impact on unknown archaeological remains is appropriately dealt with. The details of this programme should be agreed in advance of works in a Written Scheme of Investigation.

### **Recommendation:**

In line with the National Planning Framework 4's historic environment section (Policy 7, Historic Assets and Places, pages 45-47) it is recommended that the following condition for a programme of archaeological works should 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 their 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.

## CDS Planning Local Review Body

---

**From:** Grace Woolmer  
**Sent:** 20 July 2023 15:03  
**To:** CDS Planning Local Review Body  
**Cc:** Development Management; Joanne Ferguson  
**Subject:** RE: LRB- 2023-24

Dear Magda,

Many thanks for notifying us. A response to the application (22/02096/FLL) was submitted to PKC by my colleague on the 23<sup>rd</sup> March 2023 and we would still support this. Should the review grant the scheme consent, we would stand by our recommendation that a condition for a programme of archaeological works is attached to consent, to ensure the development and its impact on unknown archaeological remains is appropriately dealt with.

Best wishes,  
Grace

• **Grace Woolmer-White** • **Historic Environment Officer**

Please note I now work both from home (Mon, Wed, Fri) and the office (Tues, Thurs) and am best reached by email.



Lower City Mills  
West Mill Street  
Perth  
PH1 5QP

Scottish Charity: SC 003139    Tel: 01738 477056 • [www.pkht.org.uk](http://www.pkht.org.uk)

*Working independently and collaboratively to preserve, enhance and increase understanding of Perth and Kinross's historic environment*



**LRB-2023-26**  
**23/00655/FLL - Alterations and extension to dwellinghouse,**  
**Gean Tree Cottage, Rait, Perth, PH2 7SA**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 125-156***)
  
- (b) Decision Notice (***Pages 135-136***)
  - Report of Handling (***Pages 137-142***)
  - Reference Documents (***Pages 143-153***)
  
- (c) Representations (***Pages 159-164***)





**LRB-2023-26**

**23/00655/FLL - Alterations and extension to dwellinghouse,  
Gean Tree Cottage, Rait, Perth, PH2 7SA**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100637302-001

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:	Wright Planning & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Norma Villa
Last Name: *	Wright	Building Number:	26
Telephone Number: *	07980992740	Address 1 (Street): *	Wilson Street
Extension Number:		Address 2:	Lower Flat
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	United Kingdom
		Postcode: *	PH2 0EX
Email Address: *	john@wrightpdl.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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="The Estate Office"/>
First Name: *	<input type="text" value="Andrew"/>	Building Number:	<input type="text" value="0"/>
Last Name: *	<input type="text" value="Threipland"/>	Address 1 (Street): *	<input type="text" value="Fingask Castle"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Rait"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 7SA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="john@wrightpdl.co.uk"/>		

## 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="GEAN TREE COTTAGE"/>
Address 2:	<input type="text" value="RAIT"/>
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 7SA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="727484"/>	Easting	<input type="text" value="322714"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Alterations and extension to dwellinghouse

## 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.

See attached Statement setting out grounds of appeal.

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)

Application forms; Decision Notice; Delegated Report; Design Statement; Site and Location Plans; Existing and Proposed Plans and Elevations; Appeal Statement; Photographs; Numbered Plan.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00655/FLL

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

21/04/2023

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

27/06/2023

## 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)

## 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 Wright

Declaration Date: 28/07/2023

## Notice of Local Review - Statement

Full planning reference: 23/00655/FLL  
Proposed alterations and extension to dwellinghouse  
Gear Tree Cottage, Rait, Perth, PH2 7SA

Refusal dated 27.06.2023

Full Planning Permission was refused on 27<sup>th</sup> June 2023 with two reasons for refusal stated. The Delegated Report expands on the consideration of issues leading to this decision which we would seek to challenge through this appeal.

The **first reason** is that the extension, by combination of its proportions, position, design, and external finishing materials, would result in an awkward addition which is unsympathetic to the traditional character and architectural and historic interest of the category B-listed former laundry building.

The proposal has been positioned to have the minimal impact on the setting of the Castle as possible considering site constraints (slope etc.) and the curtilage listed nature of the property.

The proposal has been designed as subordinate as possible to Gear Tree Cottage, whilst achieving the necessary expanded accommodation. The ridge height has been kept below the current ridge whilst the eaves match the existing eave height.

The materials are in keeping with the character of the curtilage listed buildings, and no different to those approved to similarly curtilage B Listed buildings within the same property and setting (Ref: 12/01992/FLL; 20/01605/FLL; 21/01991/LBC and 21/00053/LBC). It is unclear why, having been considered acceptable within the same setting before they would be unacceptable here. The materials are also considered to be more sustainable (being locally sourced) than alternative materials, as recommended in the PKC Placemaking Guide.

The proposal is considered the minimum extension necessary to improve accessibility of the holiday let to wider range of occupant by providing a level access to a bedroom with ensuite bathroom (which was not previously possible, with three steps up to the door).

We believe it is unreasonable for the Conservation Officer when commenting on this proposal to rely on an aerial photograph dated 1993 when an up to date image is freely available online demonstrating considerable new planting having been established since then which would serve to remove the view that the Officer considered might be impacted of the rear of the Castle. It is also unclear what view point the Officer was considering this view might be achieved from. We have submitted with this appeal a series of photographs with numbered locations on a plan demonstrating this point.



It is important when reading NPF4 to do so as a whole and to bear in mind the Policy Principles for each and in line with the requirements of Policy 14 we believe that this extension is the minimum necessary to secure disabled access to the property utilising materials consented elsewhere on the property on similarly curtilage listed structures. This is considered to improve the adaptability of the building and secure its long-term future. In terms of Policy 7, whilst there is a presumption in favour of preservation this is balanced against the acceptance that the best guarantee of that preservation is the continued beneficial use of the building and where acceptable the evolution of its structure and surroundings to accommodate this.

It is our view that the key features of the heritage asset that this property is within the curtilage of will be preserved, given the limited visibility of the property from the listed features or public vantage points.

The **second reason** is that the extension, by combination of its proportions, position, design, and external finishing materials, would have an adverse impact on the character and appearance of the designated Garden and Designed Landscape of Fingask Castle and the Sidlaw Hills Local Landscape Area.

The Documents associated with the Garden and Designed Landscape incorrectly identify Fingask Castle as a Category A Listed building, which should correctly refer to it as Category B Listed. Nevertheless, the documents refer to the extensive views to the south of the property from the terraces which stretch southwards from the castle. There is no reference to any particular view within the landscape. This building is referred to in the documents as *“other buildings and cottages near the kitchen garden.”*

In terms of the wider Sidlaw Hills Local Landscape Area, the impact of this proposal would be very localised given the extensive and established woodland cover and therefore considered to be a minor impact outweighed by the other benefits of the proposal.

It is important when considering Policies 4(d) and 7(i) of NPF4 to bear in mind that if proposals likely to have a significant adverse impact that should be resisted, we do not believe that the impact is adverse, or significantly adverse enough (as required by Policy 4(d)) to warrant a refusal of permission. Similarly, in respect of Policy 7(i), we do not consider the contained nature of the site with limited visibility within the property, would result in a significant impact on important views to, from, or within the Local Landscape Area, and certainly not significant enough to support a refusal of permission.

Other **material considerations** include the positive economic impact (beyond the construction phase) of this by adding a third bedroom and increasing the occupancy of the property whilst facilitating disabled access there is a

corresponding increase in economic impact of the existing property, not only to the wider Estate Business but also to the local economy which is worth considering.

Should Full Planning Permission be granted at appeal then an application for LBC will follow, and works could not commence without that in place.



Mr Andrew Threipland  
c/o John Manning Chartered Architect  
John Manning  
Dirnanean  
1 Enochdhu  
Blairgowrie  
Perthshire  
PH10 7PD

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **27th June 2023**

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

Application Reference: **23/00655/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 16th May 2023 for Planning Permission for **Alterations and extension to dwellinghouse Gean Tree Cottage Rait Perth PH2 7SA**

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

### **Reasons for Refusal**

- 1 The extension, by combination of its proportions, position, design and external finishing materials, would result in an awkward addition which is unsympathetic to the traditional character and architectural and historic interest of the category B-listed former laundry building.

Refusal would therefore be in line with Policy 14(c) of National Planning Framework 4. Furthermore, approval would be contrary to Policies 7(c), 14(a)+(b) of National Planning Framework 4, Policies 1A and 1B(c) of Perth and Kinross Local Development Plan 2 2019 and Perth & Kinross Council's Placemaking Guide 2020, which seek to ensure that development contributes positively to the quality of the surrounding built environment in terms of design, proportions and appearance, in order to respect the character and amenity of the place and to safeguard listed buildings from inappropriate development.

- 2 The extension, by combination of its proportions, position, design and external finishing materials, would have an adverse impact on the character and appearance of the designated Garden and Designed Landscape of Fingask Castle and the Sidlaw Hills Local Landscape Area.

Approval would therefore be contrary to Policies 4(d) and 7(i) of National Planning

Framework 4 and Policies 29 and 39 of Perth & Kinross Local Development Plan 2 2019, which seek to protect and enhance the integrity of designated Garden and Designed Landscapes and Local Landscape Areas.

### **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**

- 1 Gean Tree Cottage is the former laundry building at Fingask Castle, and it is listed by association. If a suitable alternative scheme is achieved, it will also require listed building consent.

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

Plan Reference

01

02

03

04

05

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	23/00655/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	15th July 2023	
Draft Report Date	20th June 2023	
Report Issued by	KS	Date 20th June 2023

**PROPOSAL:** Alterations and extension to dwellinghouse

**LOCATION:** Gean Tree Cottage Rait Perth PH2 7SA

### 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.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

Gean Tree Cottage is the former laundry building at Fingask Castle, which is presently used for holiday let accommodation. This application seeks detailed planning permission for the erection of an extension on the northwest elevation.

### SITE HISTORY

None

### PRE-APPLICATION CONSULTATION

Pre application Reference: Not requested.

### DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

#### National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

Policy 4: Natural Places

Policy 7: Historic assets and places

Policy 14: Design, quality and place

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

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 29: Gardens and Designed Landscapes

Policy 39: Landscape

### **Statutory Supplementary Guidance**

- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

### **NATIONAL GUIDANCE**

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

### **Planning Advice Notes**

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 68 Design Statements

### **Creating Places 2013**

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a

system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

## CONSULTATION RESPONSES

Historic Environment Scotland

*No comments*

## INTERNAL COMMENTS

Conservation Team

*The proposed extension would dominate the existing modest cottage. The proposed material of vertical boards is unsympathetic to the stone cottage as are the vertically proportioned windows and roof form. The siting of the extension, to the front of the cottage would dominate views when approached from the north-west of the garden. Overall, the proposal would be overbearing in size to the modest cottage with unsympathetic details and materials.*

## REPRESENTATIONS

No letters of representation have been received in relation to this proposal.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	Habitats Regulations – AA 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 comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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**

Alterations and extensions to an established holiday let are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the scale, form, massing, design, position, proportions and external finishing materials of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual amenity, the character and appearance of the place or the special interest of the category B-listed building.

### **Design and Layout**

Gean Tree Cottage is the former laundry building at Fingask Castle, which is presently used for holiday let accommodation. The stone-built cottage is of modest proportions, and it has a T-plan footprint with timber sash and case windows and pitched slate roofs. The laundry building is within the curtilage of the category B-listed castle, and it directly served the function of the castle. The laundry building (not known as Gean Tree Cottage) meets all tests associated with being listed by association with the castle; the cottage is therefore B-listed itself.

This application seeks detailed planning permission for the erection of an extension on the northwest elevation. The proposed extension projects 6.3 metres from the northwest elevation and measures 5.6 metres in width. The proposed extension has a pitched slate roof with a half-hip. It would have a recessed, open-sided entrance porch canopy and it would be finished in vertically lined timber cladding, with single-pane windows of varying proportions.

No equivalent application for listed building consent has been submitted.

### **Visual Amenity and Conservation Considerations**

As noted above, the building is of modest proportions. The proposal to add a third bedroom, with en-suite, porch and lobby corridor would be a significant addition to a building of such modest proportions. It would also disrupt the symmetry of the T-plan footprint, and its roof design, external finishing materials and window proportions are at odds with the host building. The proposed extension results in an awkward addition which is unsympathetic to the traditional character and architectural and historic interest of the category B-listed former laundry building.

Refusal would therefore be in line with Policy 14(c) of National Planning Framework 4. Furthermore, approval would be contrary to Policies 7(c), 14(a)+(b) of National Planning Framework 4, Policies 1A and 1B(c) of Perth and Kinross Local Development Plan 2 2019 and Perth & Kinross Council's Placemaking Guide 2020, which seek to ensure that development contributes positively to the quality of the surrounding built environment in terms of design, proportions and appearance, in order to respect the character and amenity of the place and to safeguard listed buildings from inappropriate development.



## **Landscape**

The application site is also located within the Sidlaw Hills Local Landscape Area and within the Garden and Designed Landscape of Fingask Castle. Given the concerns noted above with respect to design, proportions, finishing materials and adverse impact on the listed building, the proposal would also not protect and enhance the integrity of the Fingask Castle Garden and Designed Landscape.

Approval would therefore be contrary to Policies 4(d) and 7(i) of National Planning Framework 4 and Policies 29 and 39 of Perth & Kinross Local Development Plan 2019, which seek to protect and enhance the integrity of designated Garden and Designed Landscapes and Local Landscape Areas.

## **Residential Amenity**

The proposed development would not have an adverse impact upon surrounding residential amenity.

## **Roads and Access**

There are no road or access implications associated with this proposed development.

## **Drainage and Flooding**

There are no significant drainage or flooding implications associated with this proposed development.

## **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.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that

would justify overriding the Development Plan. Accordingly, the proposal is refused on the grounds identified below.

### **Reasons for Refusal**

- 1 The extension, by combination of its proportions, position, design and external finishing materials, would result in an awkward addition which is unsympathetic to the traditional character and architectural and historic interest of the category B-listed former laundry building.

Refusal would therefore be in line with Policy 14(c) of National Planning Framework 4. Furthermore, approval would be contrary to Policies 7(c), 14(a)+(b) of National Planning Framework 4, Policies 1A and 1B(c) of Perth and Kinross Local Development Plan 2 2019 and Perth & Kinross Council's Placemaking Guide 2020, which seek to ensure that development contributes positively to the quality of the surrounding built environment in terms of design, proportions and appearance, in order to respect the character and amenity of the place and to safeguard listed buildings from inappropriate development.

- 2 The extension, by combination of its proportions, position, design and external finishing materials, would have an adverse impact on the character and appearance of the designated Garden and Designed Landscape of Fingask Castle and the Sidlaw Hills Local Landscape Area.

Approval would therefore be contrary to Policies 4(d) and 7(i) of National Planning Framework 4 and Policies 29 and 39 of Perth & Kinross Local Development Plan 2 2019, which seek to protect and enhance the integrity of designated Garden and Designed Landscapes and Local Landscape Areas.

### **Justification**

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

### **Informative Notes**

- 1 Gean Tree Cottage is the former laundry building at Fingask Castle, and it is listed by association. If a suitable alternative scheme is achieved, it will also require listed building consent.

### **Procedural Notes**

Not Applicable.

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

- 01
- 02
- 03
- 04
- 05



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 100625970-001

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.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Extension comprising an additional bedroom and en-suite shower room and internal alterations

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:	John Manning Chartered Architect		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Dirnanean
Last Name: *	Manning	Building Number:	1
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Enochdhu
Extension Number:	<input type="text"/>	Address 2:	Blairgowrie
Mobile Number:	<input type="text"/>	Town/City: *	Perthshire
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	PH10 7PD
Email Address: *	<input type="text"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Andrew	Building Number:	<input type="text"/>
Last Name: *	Threipland	Address 1 (Street): *	<input type="text"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## 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

Gean Tree Ciottage Fingask Castle Rait Perth PH2 7SA

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## 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.

## 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## 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 Manning

On behalf of: Mr Andrew Threipland

Date: 21/04/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr John Manning

Declaration Date: 21/04/2023

## Payment Details

Pay Direct

Created: 21/04/2023 12:37



## DESIGN STATEMENT

### Gan Tree Cottage – Fingask

#### Background

Gean Tree Cottage formerly the Laundry is a fine example of its type being stone built T plan with a larger section running North-West South-East and a smaller section facing North East under pitched slate roofs with a large stone chimney and separate ventilator. The building was probably built in the late 18th early 19th century. The windows are large sash and case with an arch headed window in the centre of the North East Elevation in a small projection and has a classical feel typical of early 19<sup>th</sup> century.

The Laundry was converted to a cottage about 20 years ago for a member of the family the much-loved actor Richard Marnier and his wife – commemorated by the plaque. After Richard Marnier died the cottage became a holiday cottage.

Little remains visible of the original internal layout. This is an example of an estate building and is of very good quality. Gean cottage is not specifically included in the Inventory of Designed Landscape and Gardens under Fingask Castle although the adjacent Kennels NO22NW 7.05 NO2271 2745 and Stables NO22NW 7.05 NO2271 2755 are.

The walls are coursed random with dressed quoins and ingoes to the South West and South East elevations and banding round the windows including the central arched window on the North East Elevation. All the windows and sash and case; the stonework is of warm coloured limestone probably locally quarried locally. The roof is covered with Welsh slate with lead ridges and hips.

There is a fireplace in the sitting room with a marble surround which was introduced when the Laundry was converted to a house. There is minimal insulation under the floor, in the walls and roofspace.

#### The Proposal

The proposal is to add another bedroom with an en-suite shower room. There are two bedrooms at the moment with a single bathroom with a shower. Another bedroom would make the house more attractive to visitors to the events, weddings and as a holiday let which it is at the moment for which there is considerable demand.

#### Materials

The external cladding is to be in estate grown off-saw boarding – larch or Douglas fir, board on board with high performance double glazed factory finished windows in Wild Thyme.

The roof in slate to match the existing with zinc roll ridge and hips and galvanised Lindab rhones and downpipes in galvanised finish.

The larger bedroom window in the extension is to be an escape window with minimum 450 clear opening.

#### Services

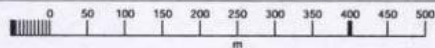
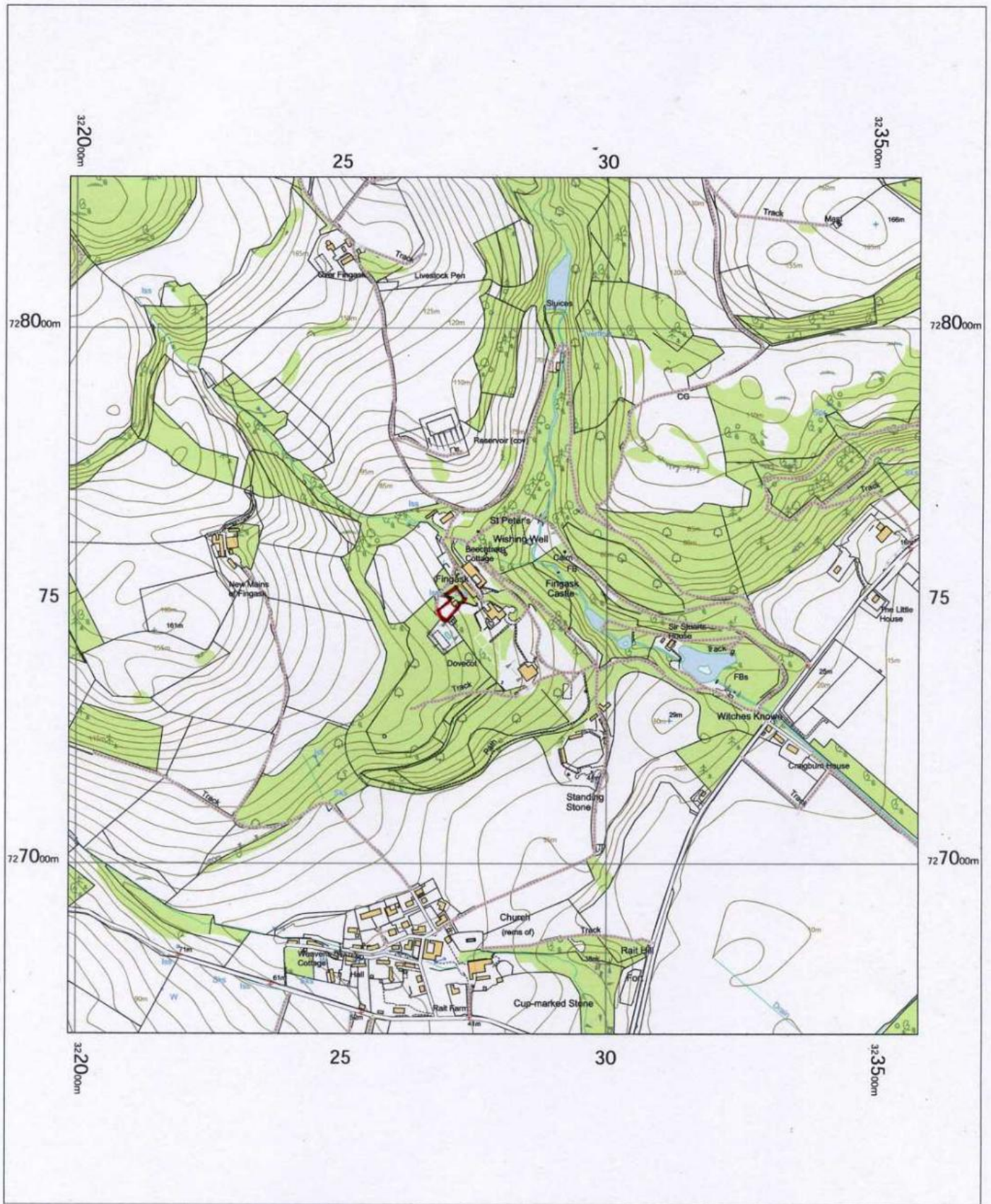
It is intended to use the existing septic tank which was installed 20 years ago. There is mains water and electricity to existing building.

#### Parking and access

The existing parking adjacent to the entrance and access arrangements are adequate and will remain unaltered.

Ref: 564DS01

18.04.2023

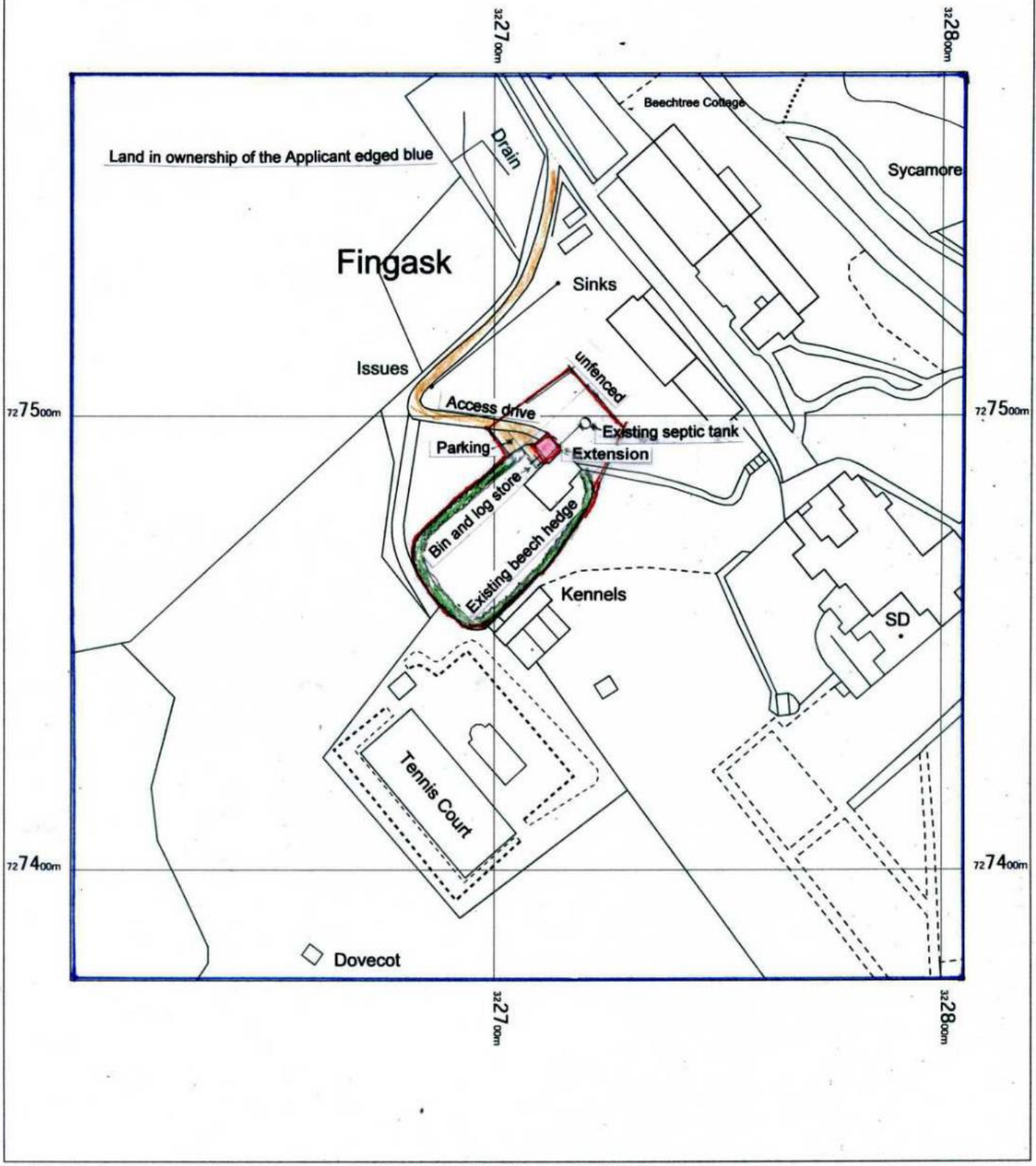


**Extension to Gean Cottage**  
**Fingask Rait Perth PH2 7SA**  
**Location Plan**      **564/LPA**

OS VectorMap Local - Landplan Style  
 Tuesday, April 18, 2023, ID: M4P-01098745  
[www.nicolsondigital.com](http://www.nicolsondigital.com)

1:10000 scale print at A4, Centre: 322787 E, 727482 N  
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**John Manning** Chartered Architect  
 Dimanean Enochdu Blairgowrie Perthshire PH10 7PD  
 Tel +44(0)1250 881400  
 E-Mail [jm@johnmanningarchitect.co.uk](mailto:jm@johnmanningarchitect.co.uk)

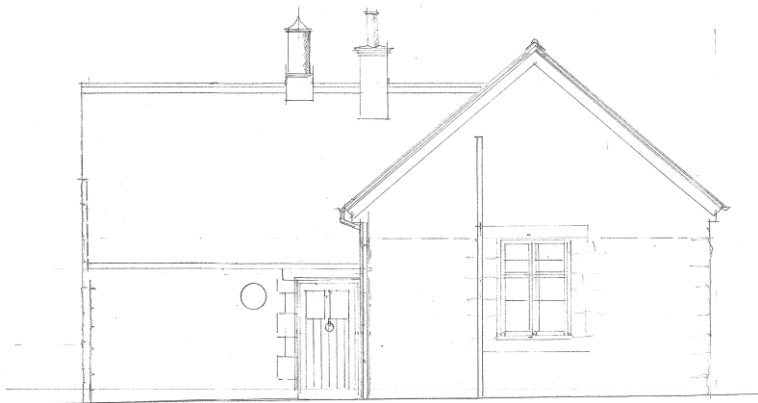


Extension to Gean Cottage  
 Fingask Rait Perth PH2 7SA  
 Site Plan as proposed 564/SPB

OS MasterMap 1250/2500/10000 scale  
 Tuesday, April 18, 2023, ID: M4P-01098744  
 www.nicolsondigital.com  
 1:1250 scale print at A4, Centre: 322705 E, 727476 N  
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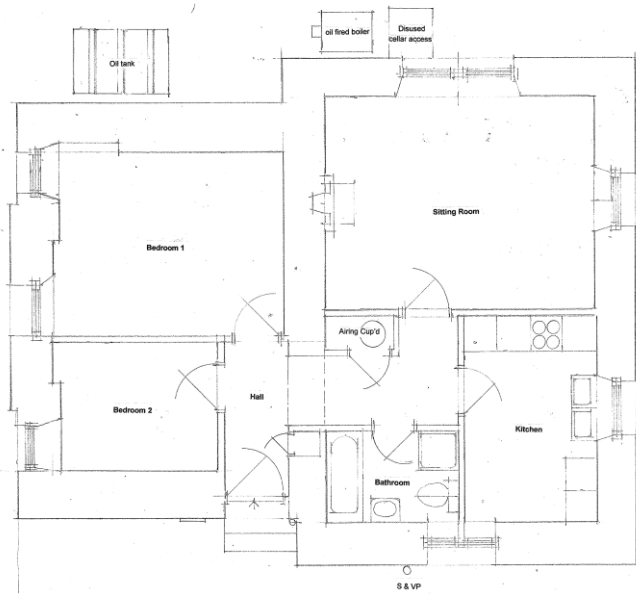
**John Manning** Chartered Architect  
 Dimanean Enochdhu Blairgowrie Perthshire PH10 7PD  
 Tel +44(0)1250 881400  
 E-Mail [jm@johnmanningarchitect.co.uk](mailto:jm@johnmanningarchitect.co.uk)



NORTH WEST ELEVATION



SOUTH EAST ELEVATION



GROUND FLOOR PLAN



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

Geen Tree Cottage  
Fingask Rait Perth PH2 7SA

Plan and Elevations as existing

564/01

Scale @ 1:50  
Date: 21.10.2022  
Revision  
John Manning Chartered Architect  
RICS Accreditation in Sustainable Design  
RICS Accreditation in Conservation Architecture  
Dinwiddie Cloughie Stargrove Perthshire PH10 7PD  
Tel +44(0)1250 881400  
E-Mail: john@manningarchitect.co.uk

Scale Bar 1:50  
0 3 1 2 3



NORTH WEST ELEVATION

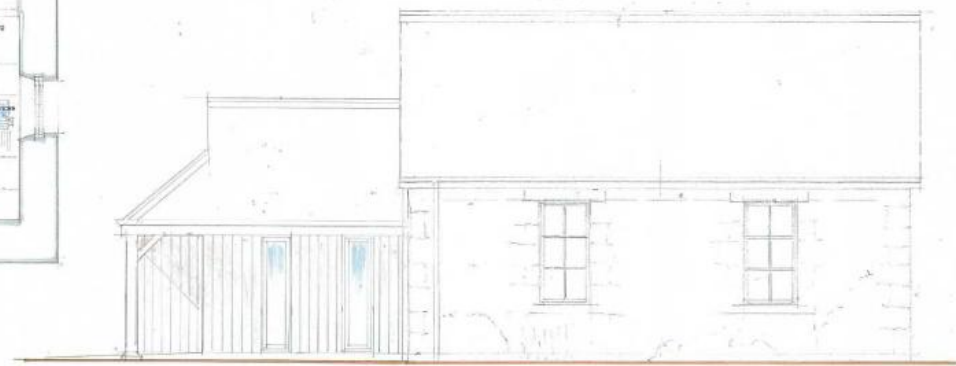


SOUTH EAST ELEVATION

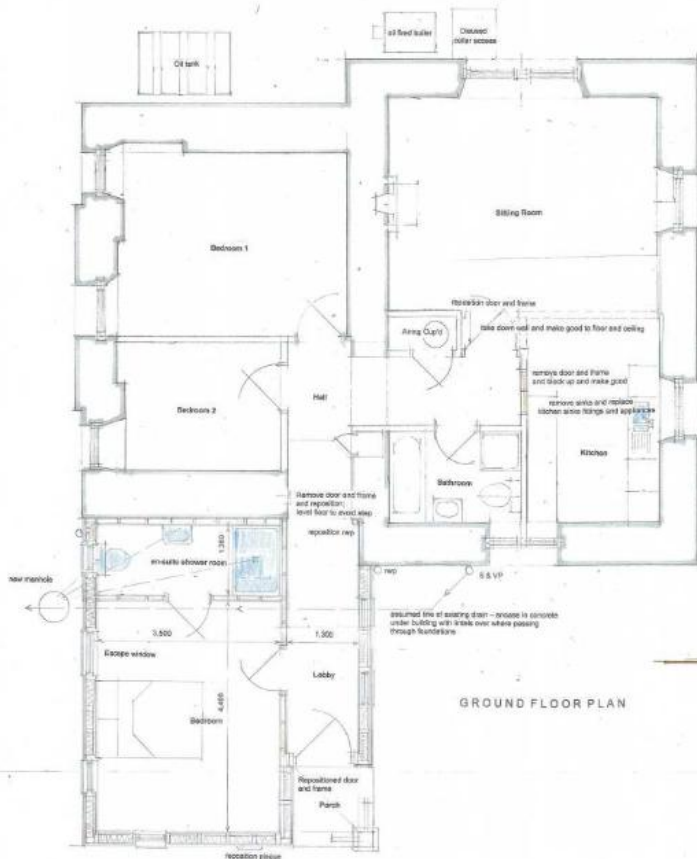
Materials  
 Roof - Slate to match existing  
 Chimney and ridge and hips  
 Valleys and flashings in copper & lead to LDF details  
 Windows and doors - Larch, dark-stained finish  
 Cladding 150 x 22 vertical off saw boarding  
 Larch or Douglas fir (used on lower)  
 Windows Timber factory finished White Tinted  
 Larch/Noxwood



NORTH EAST ELEVATION



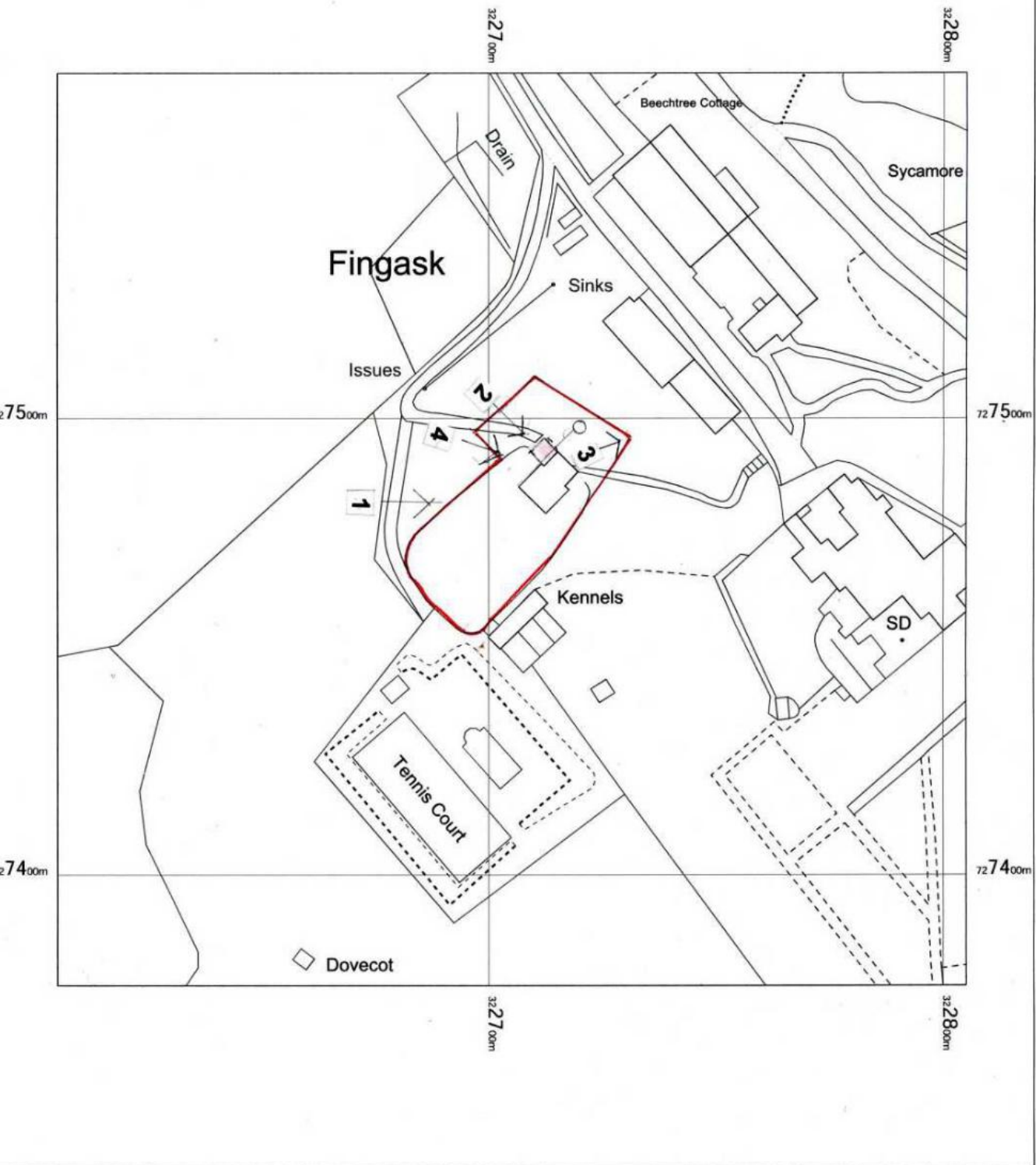
SOUTH WEST ELEVATION



GROUND FLOOR PLAN

Green Tree Cottage  
 Fingask Rail Perth PH2 75A  
 Proposed Extension  
 Plan and Elevations  
 564/02  
 Scale 1:50  
 Date: 27.11.2022  
 Revised  
 John Manning Chartered Architect  
 RIBA Accredited in Sustainable Design  
 RIBA Accredited in Conservation Architecture  
 Dismantled, Erected, Rebuilt, Repaired (PH2) LTD  
 Tel: +44(0)1753 881400  
 E-Mail: info@jrmarchitect.co.uk  
 Scale 1:50  
 0 1 2 3

Views of Fingask Castle from Gean Tree Cottage



**Extension to Gean Cottage  
Fingask Rait Perth PH2 7SA  
Site Plan 564/SP**

OS MasterMap 1250/2500/10000 scale  
Tuesday, April 18, 2023, ID: M4P-01098744  
[www.nicolsondigital.com](http://www.nicolsondigital.com)

1:1250 scale print at A4, Centre: 322705 E, 727476 N

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Views of Fingask Castle from Gean Tree Cottage

John Manning Chartered Architect  
Dirnanean Enochdhu Blairgowrie Perthshire PH10 7PD  
Tel +44(0)1250 881400  
E-Mail [jm@johnmanningarchitect.co.uk](mailto:jm@johnmanningarchitect.co.uk)







**LRB-2023-26**

**23/00655/FLL - Alterations and extension to dwellinghouse,  
Gean Tree Cottage, Rait, Perth, PH2 7SA**

**PLANNING DECISION NOTICE** *(included in  
applicant's submission, pages 135-136)*

**REPORT OF HANDLING** *(included in applicant's  
submission, pages 137-142)*

**REFERENCE DOCUMENTS** *(included in applicant's  
submission, pages 143-153)*



**LRB-2023-26**

**23/00655/FLL - Alterations and extension to dwellinghouse,  
Gean Tree Cottage, Rait, Perth, PH2 7SA**

## **REPRESENTATIONS**





**By email to:**  
**Developmentmanagement@pkc.gov.uk**

Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300065886  
Your ref: 23/00655/FLL  
01 June 2023

Dear Perth and Kinross Council

Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013  
Gean Tree Cottage Rait Perth PH2 7SA - Alterations and extension to dwellinghouse

Thank you for your consultation which we received on 22 May 2023. We have assessed it for our historic environment interests and consider that the proposals affect the following:

<b>Ref</b>	<b>Name</b>	<b>Designation Type</b>
GDL00179	FINGASK CASTLE	Garden and Designed Landscape

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

### **Our Advice**

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

### **Further Information**

This response applies to the application currently proposed. An amended scheme may require another consultation with us.



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

Yours faithfully

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

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

<b>Planning Application ref.</b>	23/00655/FLL	<b>Comments provided by</b>	Jody Blake
<b>Service/Section</b>	Conservation	<b>Contact Details</b>	
<b>Description of Proposal</b>	Alterations and extension to dwellinghouse		
<b>Address of site</b>	Gean Tree Cottage Rait Perth PH2 7SA		
<b>Comments on the proposal</b>	<p>The subject site is located within the setting of the Category B listed Fingask Castle and within the Fingask Castle Garden and Designed Landscape. A listed building application is therefore required for the proposed works.</p> <p>Fingask Castle is a Category B listed building and dates from 1592 with alterations in 1674. Fingask Castle gardens are one of the oldest gardens in Scotland, the terraces and woodland around the category B listed Fingask Castle date from the late 17th century. The 19th century topiary and woodland gardens are of high artistic value.</p> <p>Gardens and designed landscapes are a significant element of Scotland's historic environment. Legislation defines them as grounds that are consciously laid out for artistic effect. They usually include a combination of planting, land-forming (for example creating artificial slopes), built structures, open grounds, water management and natural landscape features. All of these may contribute to the value of the site.</p> <p>NPF4 Policy 7 <i>i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.</i></p> <p>LDP2 Policy 29 Gardens &amp; Designed Landscapes <i>Gardens and designed landscapes make a significant contribution to the character and quality of the landscape in Perth and Kinross. The Council will seek to manage change in order to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes. The Council may require the submission of a management plan with any application for development within areas included in the current Inventory.</i></p> <p>Gean Tree Cottage is located approximately 45m to the northwest of Fingask Castle. The modest cottage was a former laundry and is now used for holiday</p>		

accommodation. It appears on the 1861-62 OS Map. It is single-storey, coursed stone built with slate roof, and timber sash windows. The proposal is to extend the cottage to the north-west (front) to create an additional bedroom with ensuite. The proposed extension would have a dutch gable slate roof and be clad with vertical timber boards and vertically proportioned windows.

The proposed extension to Gean Treet Cottage would dominate the existing modest cottage. The proposed material of vertical boards is unsympathetic to the stone cottage as are the vertically proportioned windows and roof form. The siting of the extension, to the front of the cottage would dominate views when approached from the north-west of the garden.

Overall, the proposal would be overbearing in size to the modest cottage with unsympathetic details and materials. As such it would not *protect and enhance the integrity* of the Fingask Castle garden and design landscape contrary to LDP2 Policy 29.

Gean Tree Cottage is also within the setting of the Category B listed Fingask Castle. Whilst the proposed extension is located away from the castle, the use of materials and the bulk of the proposal obscure views to the rear of the castle.



Figure 1 - 1993 Canmore. Subject site circled red.

Date comments returned

16/06/2023



**LRB-2023-27  
23/00252/FLL – Alterations to dwellinghouse, formation of  
vehicular access, alterations to rear vehicular access and  
installation of gates, Morven, Balmoral Road, Rattray,  
Blairgowrie, PH10 7AF**

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 167-194***)
  
- (b) Decision Notice (***Pages 197-198***)
  - Report of Handling (***Pages 199-204***)
  
  - Reference Documents (***Pages 177-178, 180, 182, 184-193 and 205-210***)
  
- (c) Representations (***Pages 211-222***)



**LRB-2023-27**

**23/00252/FLL – Alterations to dwellinghouse, formation of vehicular access, alterations to rear vehicular access and installation of gates, Morven, Balmoral Road, Rattray, Blairgowrie, PH10 7AF**

**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: X

\* 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:

NOT APPLICABLE

**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:

NOT APPLICABLE

**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 THE ATTACHED SEPARATE DOCUMENTS –

1. NOTICE OF REVIEW APPEAL STATEMENT
2. NOTICE OF REVIEW SUBMISSION APPENDIX

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.

NOT APPLICABLE

### 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.

NOTICE OF REVIEW APPEAL STATEMENT  
NOTICE OF REVIEW SUBMISSION APPENDIX  
PLANNING APPLICATION DRAWINGS AND 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

03/08/2023

# NOTICE OF REVIEW WRITTEN STATEMENT FOR PLANNING REFERENCE 23/00252/FLL

## Introduction

The Planning application was submitted to undertake various alterations to the property including the formation of accesses.

As mentioned in my Supporting Statement with the Planning Application the following is an extract:

### **Current Accessibility, Vehicular Parking and Vehicular Access Gates**

The current means of access to the property is via the rear external courtyard door directly from Balmoral Road and also from Riverside Road via gates having a width of 2.759m.

From the Balmoral Road entrance there are 2 steps down into the courtyard and from Riverside Road there are several flights of external steps up to the house.

Additionally, the availability of vehicular parking is limited to the public road on Balmoral Road or Riverside Road which involves traversing the several flights of external steps.

In current terms the house would be classed as **'inaccessible'** due to the steps involved.

In order to improve accessibility, it is proposed to increase the existing gate width on Riverside Road to 5m and the formation of a new vehicular access via a new electric sliding gate and a 4m opening in the stone boundary wall on Balmoral Road.

As can be verified on the Google Map all neighbouring properties on the same side of Balmoral Road have vehicular access already installed.

Morven has the added advantage that it is located in the centre of a slight bend in Balmoral Road, thereby providing the longest sight lines in both directions.

In terms of turning and parking at the proposed Balmoral Road entrance there is sufficient space to allow 2 vehicles to park and sufficient space within the existing rear courtyard and to the side to allow entering and exit in a forward gear as indicated on the Proposed Ground Floor Plan.

In similarity with some of the neighbouring properties the applicant is proposing to install mirrors to each side of the opening in the stone wall.

With permission to form the vehicular access from Balmoral Road, this would significantly improve accessibility and also provide inclusivity for wheelchair users. This is a current issue for a relative of the applicant and is the principal reason for the submission of the application.

**Reasons for Refusal are as follows:** It has not been demonstrated that the vehicular access onto Balmoral Road can achieve satisfactory lines of sight for drivers leaving the property. Accordingly, the access would create an unacceptable adverse impact on road traffic safety. Therefore, the proposal is contrary to Policy 60B(a) of Perth & Kinross Local Development

Plan 2 2019, which requires that development proposals are designed for the safety and convenience of all potential users.

With regards to the specific requirements, I was copied into the following email which relates to the visibility splays although no mention has been made of the document from which it has been extracted:

**From:** Lachlan MacLean [REDACTED]  
**Sent:** 12 May 2023 08:41  
**To:** Keith Stirton [REDACTED] >  
**Subject:** RE: Morven, Balmoral Road, Rattray Ref: 23/00252/FLL

Dear Keith,

I have taken the opportunity to review the visibility splays that have been provided for the site and can provide the following comments:

- The visibility splay shall be a distance of 43 metre in both directions to the left and right of the property;
- The splay shall be shown from 2.4 metres back from the edge of the public road network;
- The splay shall be drawn to the western side of Balmoral Road, as there are parked cars, vehicle will need to enter the opposing side to pass them.

Can the drawings be amended to show the splay requirements above.

I am currently not in a position to support this application.

Thanks and best regards,  
Lachlan

The last bullet point makes compliance with splay requirements even more difficult to achieve.

### **Comparison of compliance of visibility splays with adjoining public roads and neighbouring properties**

Following receipt of the refusal and in preparation of the appeal I surveyed the local adjoining public roads and neighbouring properties to assess how compliant they are with the above visibility splay measurements. **It turns out that none are compliant not even Victoria Street, Balmoral Lane and Middle Road.** Please see the Location Plan of the properties surveyed.

Additionally, the proposal is not the worst-case scenario as the property is at the bend in the road which maximises the visibility in both directions in comparison to the neighbouring properties and roads.

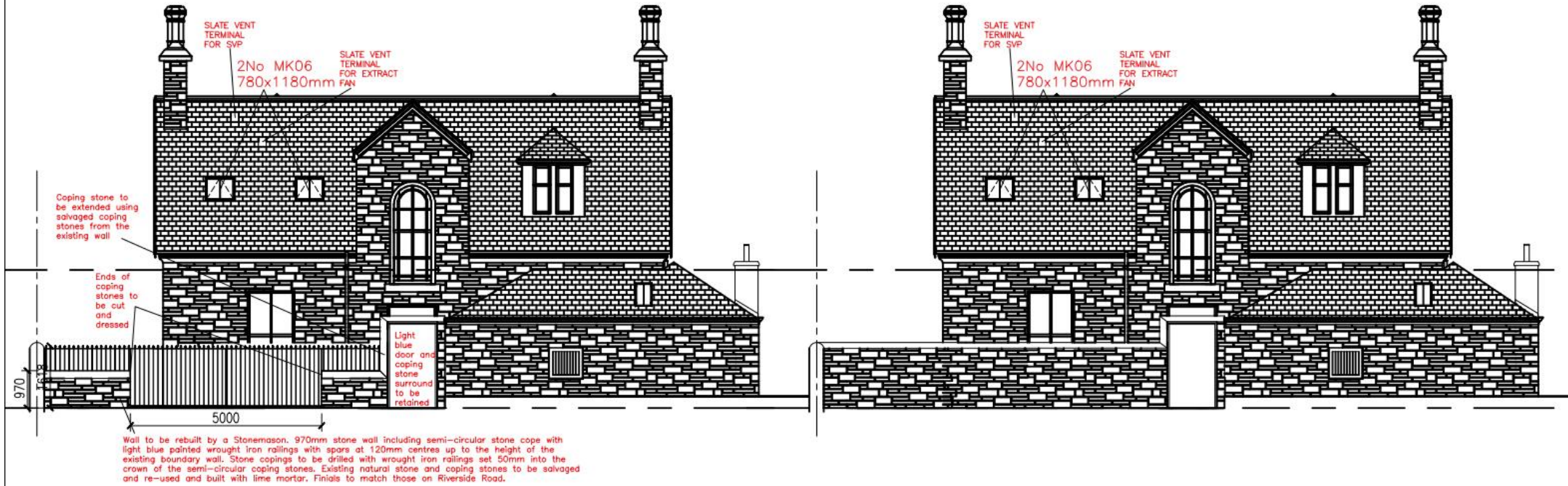
Therefore, the refusal, whilst not being compliant with the above-mentioned visibility splays, appears to be unjust as none of the neighbouring properties and roads are compliant with the measurements requested.

# NOTICE OF REVIEW SUBMISSION APPENDIX FOR MORVEN, BALMORAL ROAD, RATTRAY PH10 7AF

## List of documents

1. Drawing 7B Existing and proposed elevations to Balmoral Road
2. Drawing 9 Existing and Proposed Block Plan with sight lines
3. Drawing 1 Existing and Proposed Plans
4. Drawing 2 Existing Plans and Elevations
5. Google map
6. Location Plan
7. Location Plan annotated with non-compliant neighbouring properties and road junctions 2.4m back from the public road edge and 43m sight line
8. Notice of Review Appeal Statement
9. Drawing 3B Proposed Ground Floor Plan showing initial sight lines, parking, turning and exit in a forward gear
10. Drawing 10 Section through the stone wall and railings
11. Supporting Statement and photos
12. Velux Conservation roof windows brochure
13. Drawing 5 Wall and gates facing Riverside Road

0 1 2 3 4 5 6 7 8 9 10  
 METRES



PROPOSED EAST ELEVATION  
 FROM BALMORAL ROAD WITH FULLY HINGED  
 ACCESS GATES

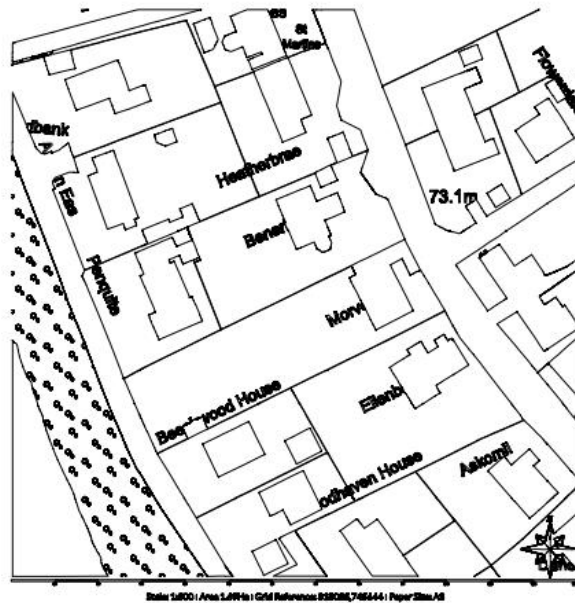
EXISTING WALL WITH PROPOSED EAST  
 ELEVATION  
 FROM BALMORAL ROAD

PROJECT: PROPOSED ALTERATIONS TO MORVEN, BALMORAL ROAD,  
 RATRAY PH10 7AF  
 DRAWING REF: EXISTING AND PROPOSED ELEVATIONS OF ACCESS  
 GATES TO BALMORAL ROAD  
 PAPER SIZE: A1

NORMAN A MACLEOD  
 namacleod@aol.com  
 Tel: 07884177328

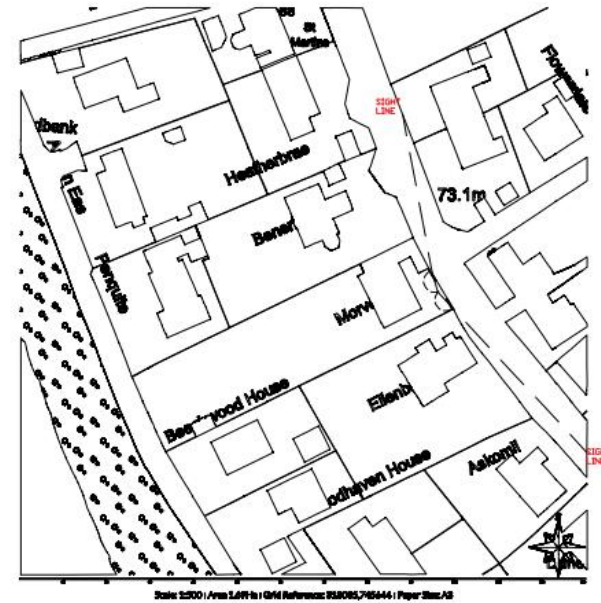
DATE: FEB2023  
 SCALE: 1 TO 50  
 DRAWING NO: 7  
 REVISION: B

16/02/2023  
MORVEN, BALMORAL ROAD, RATTRAY, PH10 7AF



EXISTING BLOCK PLAN 1 TO 500

16/02/2023  
MORVEN, BALMORAL ROAD, RATTRAY, PH10 7AF



PROPOSED BLOCK PLAN WITH SIGHT LINES 1 TO 500

PROJECT: PROPOSED ALTERATIONS TO MORVEN, BALMORAL ROAD,  
RATTRAY PH10 7AF

DRAWING REF: PROPOSED BLOCK PLAN WITH SIGHT LINES

PAPER SIZE: A1

NORMAN A MACLEOD

[namacleod@aol.com](mailto:namacleod@aol.com)

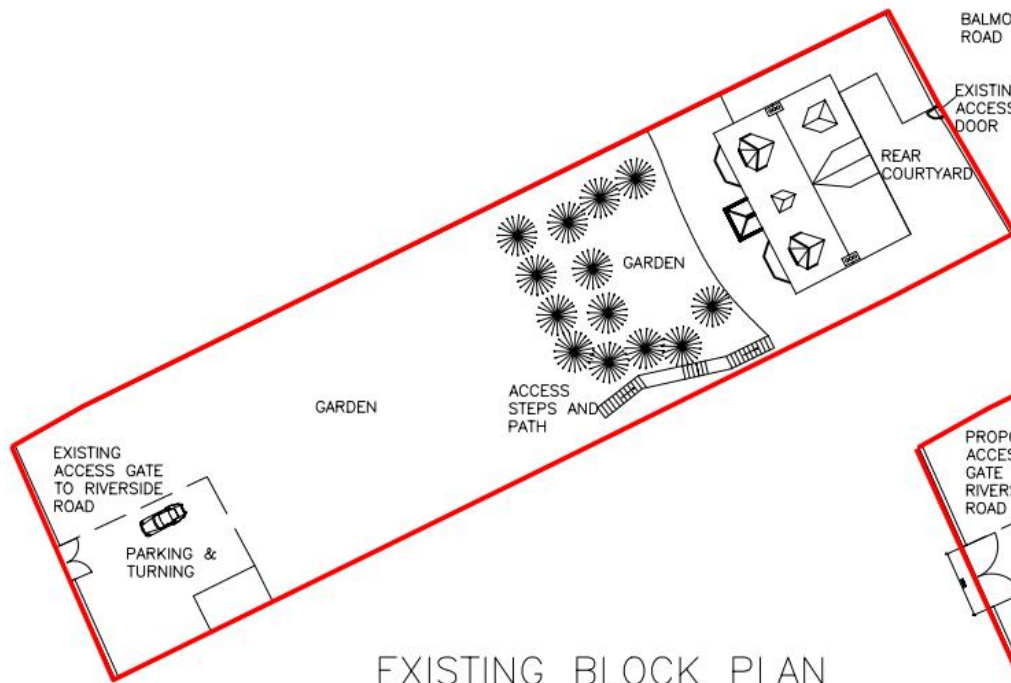
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DATE: APRIL 23

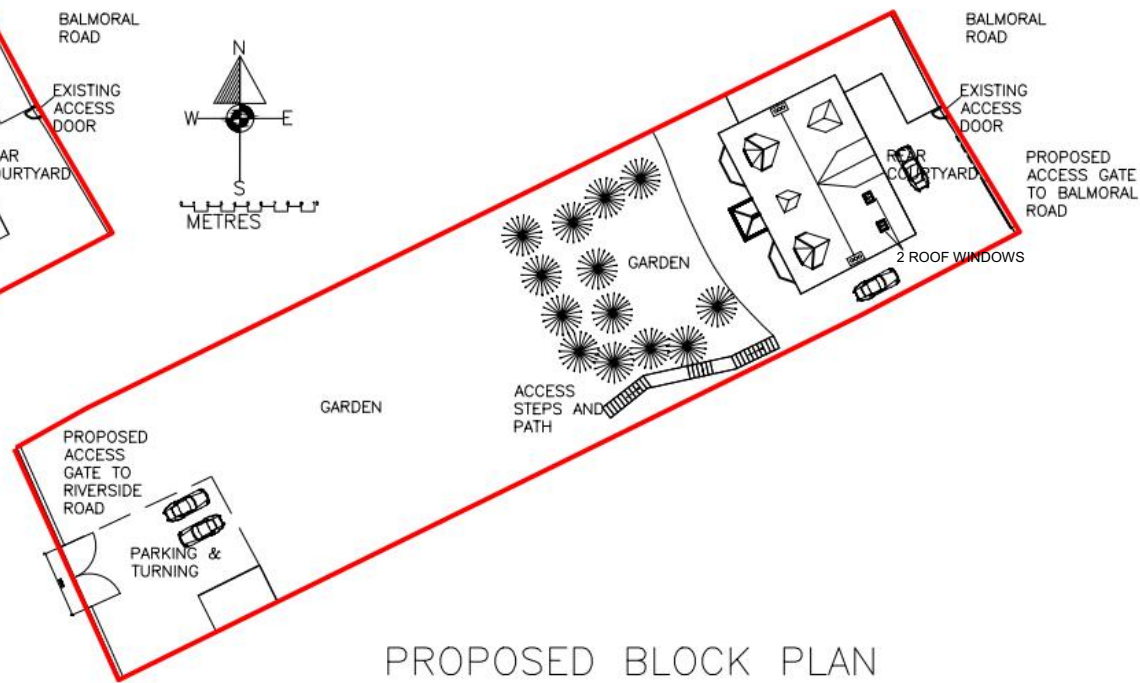
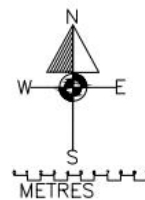
SCALE: 1 TO 500

DRAWING NO: 9

REVISION:



EXISTING BLOCK PLAN



PROPOSED BLOCK PLAN

PROJECT: PROPOSED ALTERATIONS TO MORVEN, BALMORAL ROAD, RATTRAY PH10 7AF

DRAWING REF: EXISTING AND PROPOSED BLOCK PLANS

PAPER SIZE: A1

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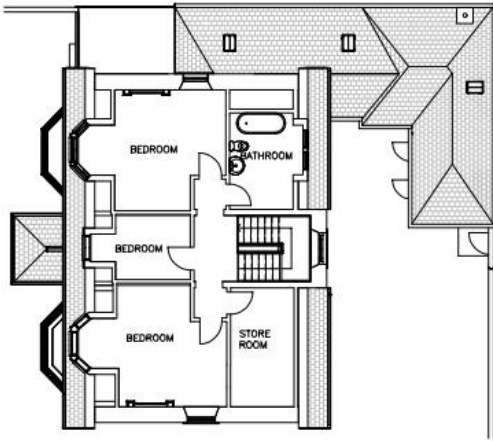
Tel: 07884177328

DATE:FEB 2023

SCALE:1TO200

DRAWING NO:1

REVISION:A



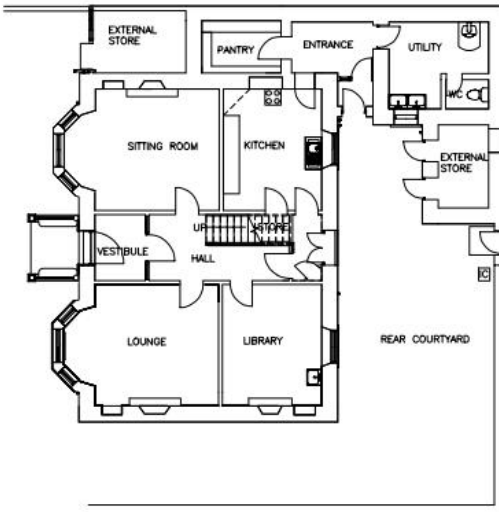
EXISTING FIRST FLOOR PLAN



EXISTING EAST ELEVATION



EXISTING NORTH ELEVATION



EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION

PROJECT: PROPOSED ALTERATIONS TO MORVEN, BALMORAL ROAD, RATRAY PH10 7AF

DRAWING REF: EXISTING FLOOR PLANS AND ELEVATIONS

PAPER SIZE: A1

NORMAN A MACLEOD

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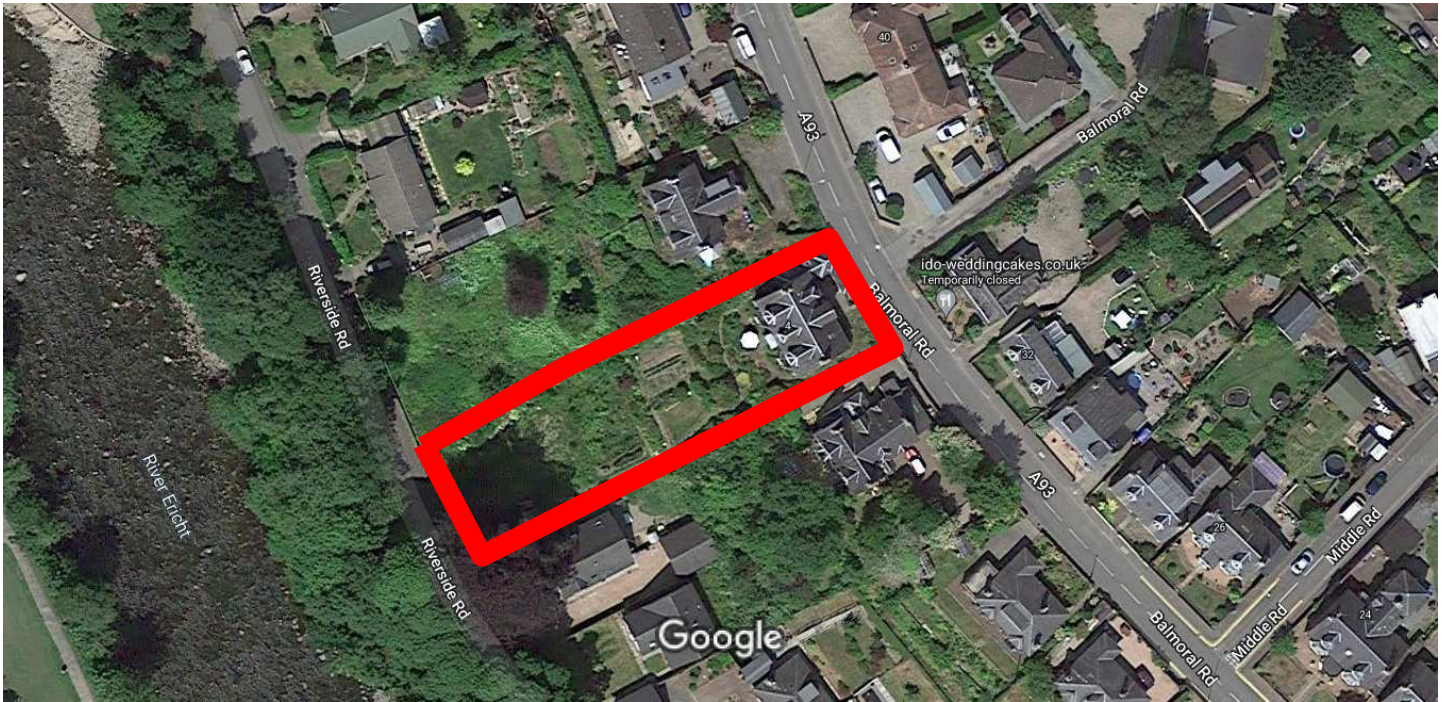
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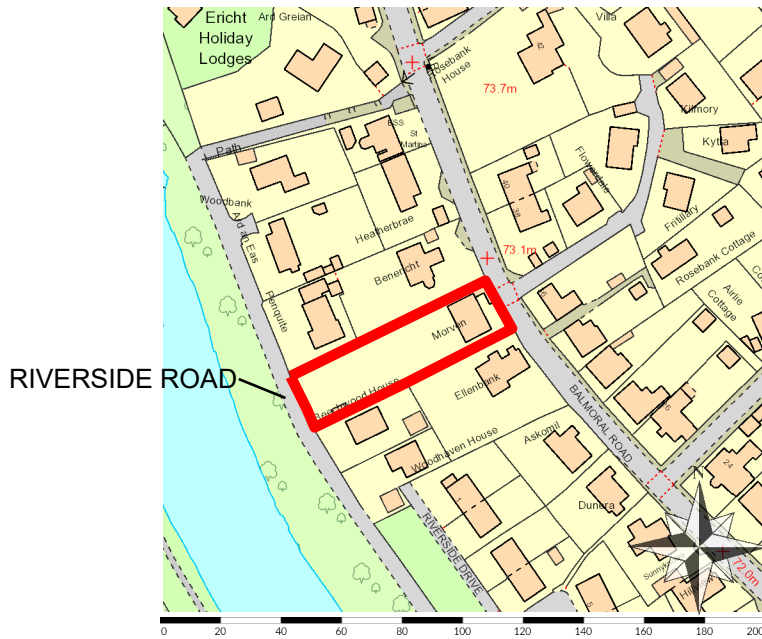
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REVISION:

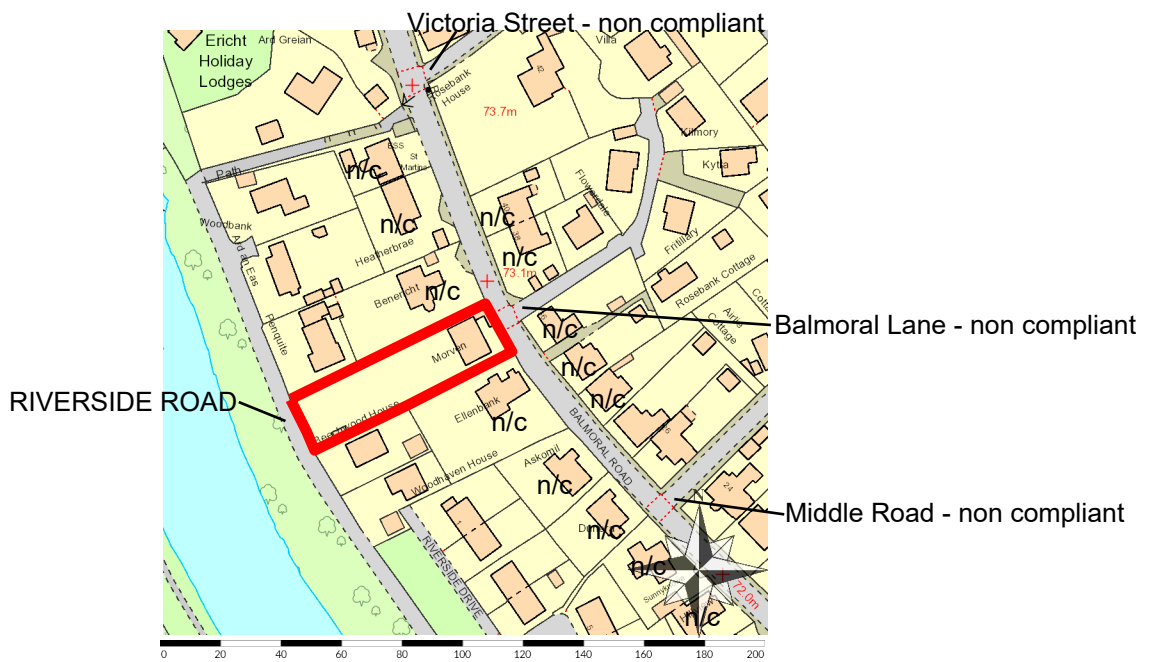




Imagery ©2023 CNES / Airbus, Maxar Technologies, Map data ©2023 10 m



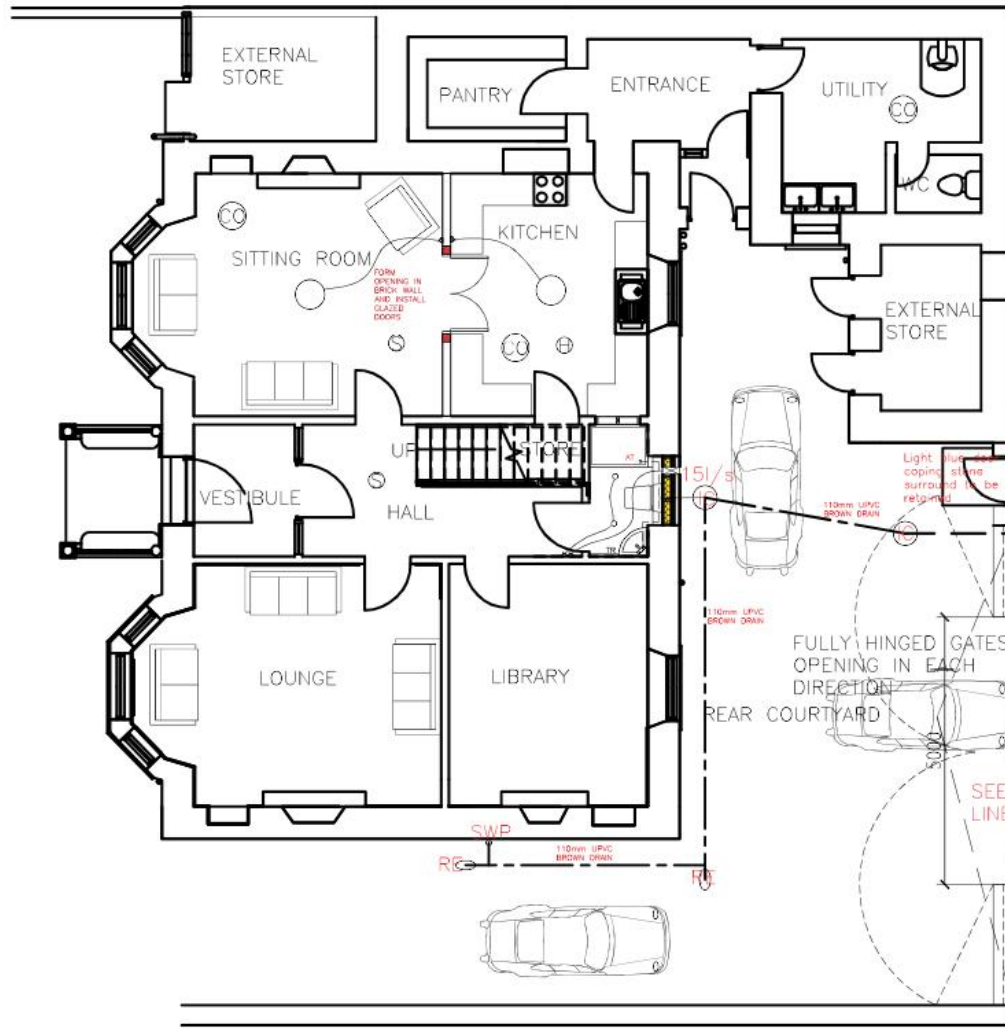
Scale: 1:2500 | Area 4Ha | Grid Reference: 318053,745646 | Paper Size: A4



Scale: 1:2500 | Area 4Ha | Grid Reference: 318053,745646 | Paper Size: A4

n/c non-compliant accesses

2.4m back from public road edge with a sight line of 43m



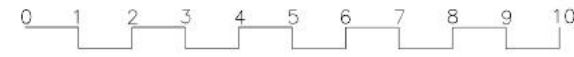
**DRAINAGE LEGEND**  
 RE RODDING EYE  
 IC INSPECTION CHAMBER  
 SWP SOIL WASTE PIPE  
 AT ACCESS TRAP FOR SHOWER  
 AAV AIR ADMITTANCE VALVE WITH ACCESS

**ELECTRICAL LEGEND**  
 TWIN 13A SOCKET OUTLET  
 LIGHT SWITCH  
 SMOKE DETECTOR  
 EXTRACTOR FAN  
 HEAT DETECTOR  
 CARBON MONOXIDE DETECTOR  
 PENDANT LIGHT  
 DOWNLIGHTER

Light fixture and coping stone surround to be retained  
 TO PUBLIC SEWER  
 REBUILD WALL AND RAILINGS

FULLY HINGED GATES OPENING IN EACH DIRECTION  
 ROAD EDGE

SEE BLOCK PLAN FOR SIGHT LINES

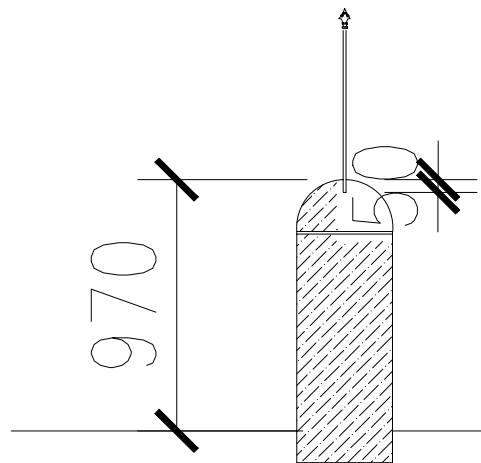


PROPOSED GROUND FLOOR PLAN METRES

PROJECT: PROPOSED ALTERATIONS TO MORVEN, BALMORAL ROAD, RATTRAY PH10 7AF  
 DRAWING REF: PROPOSED GROUND FLOOR PLAN  
 PAPER SIZE: A1

NORMAN A MACLEOD  
 namacleod@aol.com  
 Tel: 07884177328

DATE: FEB 2023  
 SCALE: 1 TO 50  
 DRAWING NO: 3  
 REVISION: B



Vertical  
Cross-Section  
through Stone  
Wall and railings

Wall to be rebuilt by a Stonemason.  
970mm stone wall including  
semi-circular stone cope with light blue  
painted wrought iron railings with spars  
at 120mm centres up to the height of  
the existing boundary wall. Stone  
copings to be drilled with wrought iron  
railings individually set 50mm into the  
crown of the semi-circular coping  
stones. Existing natural stone and  
coping stones to be salvaged and  
re-used and built with lime mortar.  
Finials to match those on Riverside  
Road.  
Ends of coping stones to be cut  
and dressed

PROJECT: PROPOSED ALTERATIONS TO MORVEN, BALMORAL ROAD,  
RATTRAY PH10 7AF

DRAWING REF: VERTICAL CROSS-SECTION THROUGH STONE WALL  
AND RAILING

PAPER SIZE: A1

NORMAN A MACLEOD

[namacleod@aol.com](mailto:namacleod@aol.com)

Tel: 07884177328

DATE: APRIL 23

SCALE: 1 TO 10

DRAWING NO: 10

REVISION:

# SUPPORTING STATEMENT & PHOTOS

## Introduction

Morven is the name of the property that is the subject of the Planning application and is located between Balmoral Road and Riverside Road, Rattray. The building comprises of a 2-storey stone built house and attached single storey ancillary accommodation and outbuilding. All roofs are pitched with a slate finish and all boundary walls are stone.

The property is not listed although it is located within the Blairgowrie and Rattray conservation area.

## Proposed Alterations

The proposals include the following:

1. Formation of a slapping between the kitchen and sitting room in the ground storey;
2. Formation of an ensuite and dressing room in the upper storey.
3. Installation of 2No conservation velux roof windows code MK06.
4. Increasing the width of the vehicular access gate to Riverside Road.
5. Formation of a vehicular access gate to Balmoral Road.

## Current Accessibility, Vehicular Parking and Vehicular Access Gates

The current means of access to the property is via the rear external courtyard door directly from Balmoral Road and also from Riverside Road via gates having a width of 2.759m. From the Balmoral Road entrance there are 2 steps down into the courtyard and from Riverside Road there are several flights of external steps up to the house.

Additionally, the availability of vehicular parking is limited to the public road on Balmoral Road or Riverside Road which involves traversing the several flights of external steps.

In current terms the house would be classed as 'inaccessible' due to the steps involved.

In order to improve accessibility, it is proposed to increase the existing gate width on Riverside Road to 5m and the formation of a new vehicular access via a new electric sliding gate and a 4m opening in the stone boundary wall on Balmoral Road.

As can be verified on the Google Map all neighbouring properties on the same side of Balmoral Road have vehicular access already installed. Morven has the added advantage that it is located in the centre of a slight bend in Balmoral Road, thereby providing the longest sight lines in both directions.

In terms of turning and parking at the proposed Balmoral Road entrance there is sufficient space to allow 2 vehicles to park and sufficient space within the existing rear courtyard and to the side to allow entering and exit in a forward gear as indicated on the Proposed Ground Floor Plan.

In similarity with some of the neighbouring properties the applicant is proposing to install mirrors to each side of the opening in the stone wall.

With permission to form the vehicular access from Balmoral Road, this would significantly improve accessibility and also provide inclusivity for wheelchair users. This is a current issue for a relative of the applicant and is the principal reason for the submission of the application.

Riverside Road photos









Balmoral Road photos





# Conservation Roof Windows

For traditional buildings



## CONSERVATION ROOF WINDOWS

When planning dictates that a window of traditional appearance is required, conservation roof windows should be considered. All of our conservation roof windows have the same superior technological features of a VELUX roof window but in a traditional black conservation style.

- Available in either Centre-Pivot or Top-Hung.
- Black external profiles and glazing bar. RAL colour 9005.
- Recessed installation for slate and tiled roofs.
- Top-Hung roof windows listed below are suitable for emergency escape.
- Other sizes and glazing options available – contact VELUX® for further information.

## CENTRE-PIVOT



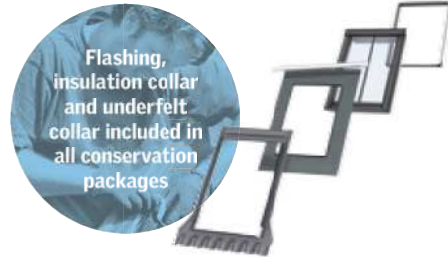
Recessed into slate	20°-90°
Plain tiles	25°-90°
Tiles	15°-90°
Recessed into tiles	20°-90°

## TOP-HUNG



Recessed into slate	20°-55°
Plain tiles	25°-55°
Tiles	15°-55°
Recessed into tiles	20°-55°

For roof pitches of 55°-75°, please specify special springs when ordering.



Flashing, insulation collar and underfelt collar included in all conservation packages



**10 YEARS GUARANTEE**  
ON WINDOWS AND FLASHINGS  
REGISTER AT  
[WWW.VELUX.CO.UK/](http://WWW.VELUX.CO.UK/)  
GUARANTEE

## Conservation Roof Windows

(Other sizes of conservation roof windows are available subject to lead times.)

External frame size (nominal w x h) cm

Code	Description	CK04	CK06	FK06	MK06	MK08	UK04
------	-------------	------	------	------	------	------	------

Packages include: GGL Centre-Pivot or GPL Top-Hung roof window with glazing bar, flashing, insulation collar (BDX) and underfelt collar (BFX).

Centre-Pivot roof windows, pine. Toughened outer pane (~50). U-value 1.3 W/m²K

GGL SD5N1	GGL 3550 roof window + EDN recessed flashing for slate up to 8mm thick (min 20° roof pitch)	£426	£442	£483	£545	£586	£709
GGL SD5P1	GGL 3550 roof window + EDP flashing for plain tiles up to 14mm thick (min 25° roof pitch)	£383	£398	£435	£495	£533	£648
GGL SD5W1	GGL 3550 roof window + EDW flashing for tiles up to 120mm in profile (min 15° roof pitch)	£398	£414	£452	£512	£551	£670
GGL SD5J1	GGL 3550 roof window + EDJ recessed flashing for tiles up to 90mm in profile (min 20° roof pitch)	£426	£442	£483	£545	£586	£709

Top-Hung roof windows, pine. Toughened outer pane (~50). Suitable for emergency escape. U-value 1.3 W/m²K

GPL SD5N1	GPL 3550 roof window + EDN recessed flashing for slate up to 8mm thick (min 20° roof pitch)	-	-	-	-	£704	-
GPL SD5P1	GPL 3550 roof window + EDP flashing for plain tiles up to 14mm thick (min 25° roof pitch)	-	-	-	-	£651	-
GPL SD5W1	GPL 3550 roof window + EDW flashing for tiles up to 120mm in profile (min 15° roof pitch)	-	-	-	-	£669	-
GPL SD5J1	GPL 3550 roof window + EDJ recessed flashing for tiles up to 90mm in profile (min 20° roof pitch)	-	-	-	-	£704	-

## Recessed Flashings

Recessed flashings provide a sleek, streamlined finish as the window is installed deeper into the roof structure (see image), meaning that less of the window protrudes above the roofline. The EDN and EDJ flashings also include a BDX insulation collar and BFX underfelt collar and are recommended by VELUX® for optimum energy efficiency.

Our full range of recessed flashings are available as part of our conservation roof window packages and help you to comply with local conservation requirements.



Grey glazing bars available for standard VELUX roof windows

## Optional glazing bars for standard VELUX Roof Windows

The requirements from conservation officers throughout the country differ and the black finish featured on our conservation roof window packages may not be required in your area.

Consult your local conservation officer to see if you can create a traditional appearance by adding a glazing bar to a standard VELUX roof window with grey exterior. This will allow you to take advantage of more window styles and sizes available.

As with our standard conservation roof window, a more traditional appearance can also be achieved by installing the window deeper into the roofline with the use of VELUX recessed flashing kits (pages 38-41). Recessed flashing kits also have the advantage of providing a greater insulating value for a more energy efficient installation.



## TO CREATE YOUR GREY CONSERVATION PACKAGE:

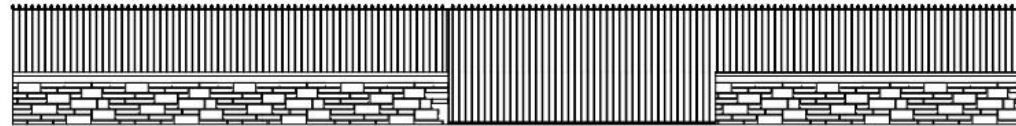
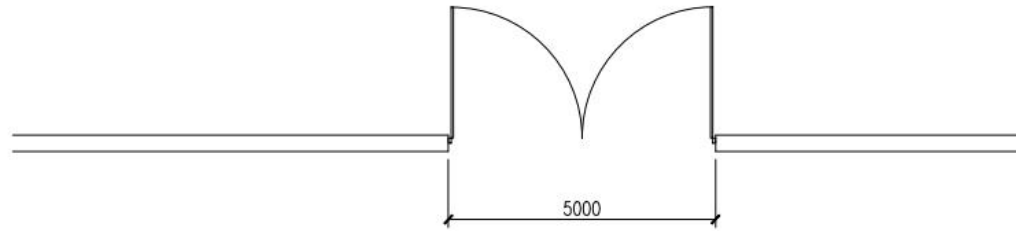
- Select your preferred VELUX roof window. This includes white polyurethane, pine and all operating methods (pages 18-23).
- Choose a flashing kit suitable for your specific roof pitch and roofing material – a recessed flashing kit is recommended (pages 38-41).
- Use VELUX installation products for optimum energy efficiency (pages 36-37).
- Add one or more conservation glazing bars in the corresponding size to your window.

Grey glazing bar to match grey exterior (nearest RAL 7043) finish of standard VELUX roof windows.

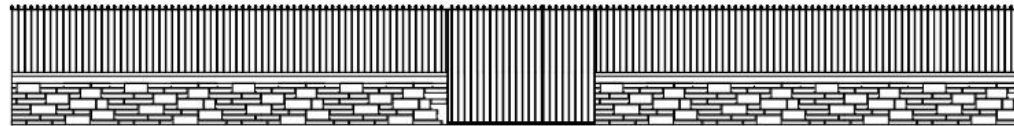
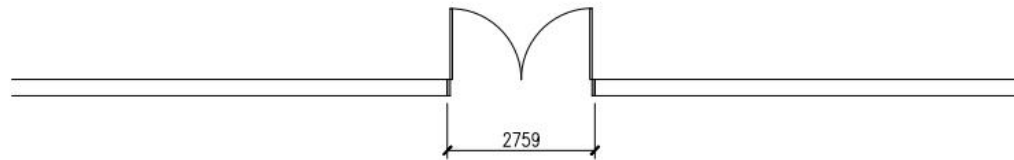
VELUX® recommend the use of two glazing bars for our wider windows such as SK06, UK04 and UK08.

Optional glazing bars for standard windows	CK02	CK04	MK04	UK04	CK06	FK06	MK06	SK06	MK08	PK08	UK08	PK10
2 glazing bars for SK06, UK04 & UK08	ZGA WK02 0024 £20	ZGA WK04 0024 £22	ZGA WK06 0024 £24	ZGA WK08 0024 £26	ZGA WK10 0024 £28							

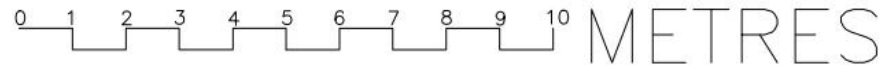
► Glazing bars are not available for ~66 and ~62 glazing variants.  
► All windows and glazing bars have a delivery time of 2 days.  
► Delivery time is in working days from receipt of orders placed before 4pm.



PROPOSED PLAN VIEW & WEST ELEVATION BOUNDARY WALL FACING RIVERSIDE ROAD



EXISTING PLAN VIEW & WEST ELEVATION BOUNDARY WALL FACING RIVERSIDE ROAD



PROJECT: PROPOSED ALTERATIONS TO MORVEN, BALMORAL ROAD,  
 RATRAY PH10 7LF  
 DRAWING REF: PLAN AND ELEVATIONS OF WALL AND GATES  
 FACING RIVERSIDE ROAD

PAPER SIZE: A1

NORMAN A MACLEOD

[namacleod@aol.com](mailto:namacleod@aol.com)

Tel: 07884177328

DATE:FEB 2023

SCALE:1TO50

DRAWING NO:5

REVISION:



**LRB-2023-27**

**23/00252/FLL – Alterations to dwellinghouse, formation of vehicular access, alterations to rear vehicular access and installation of gates, Morven, Balmoral Road, Rattray, Blairgowrie, PH10 7AF**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

**REFERENCE DOCUMENTS** *(part included in applicant's submission, pages 177-178, 180, 182 and 184-193)*







Mr And Mrs J Adams  
c/o Norman MacLeod  
18 Walnut Grove  
Blairgowrie  
PH10 6TH

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **19th May 2023**

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

Application Reference: **23/00252/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 13th March 2023 for Planning Permission for **Alterations to dwellinghouse, formation of vehicular access, alterations to rear vehicular access and installation of gates Morven Balmoral Road Rattray Blairgowrie PH10 7AF.**

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

### **Reasons for Refusal**

- 1 It has not been demonstrated that the vehicular access onto Balmoral Road can achieve satisfactory lines of sight for drivers leaving the property. Accordingly, the access would create an unacceptable adverse impact on road traffic safety. Therefore, the proposal is contrary to Policy 60B(a) of Perth & Kinross Local Development Plan 2 2019, which requires that development proposals are designed for the safety and convenience of all potential users.

### **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**

- 1 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to vehicular access onto Balmoral Road.

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

Plan Reference

01

02

05

07

09

10

11

12

13

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	23/00252/FLL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	12th May 2023	
Draft Report Date	16th May 2023	
Report Issued by	KS	Date 16th May 2023

**PROPOSAL:** Alterations to dwellinghouse, formation of vehicular access, alterations to rear vehicular access and installation of gates

**LOCATION:** Morven Balmoral Road Rattray Blairgowrie PH10 7AF  
**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.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

Morven is an un-listed traditional detached dwellinghouse which is located on Balmoral Road, within the Rattray conservation area. This application seeks detailed planning permission for the installation of roof light windows, the widening of a vehicular access to the west and the formation of a vehicular access with associated gates to the east.

### SITE HISTORY

22/00124/IPL      Erection of a dwellinghouse (in principle)  
Application Returned – 15 February 2022

### PRE-APPLICATION CONSULTATION

Pre application Reference:      Not Applicable.

### DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

Policy 7: Historic assets and places

Policy 14: Design, quality and place

Policy 16: Quality homes

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

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 17: Residential Areas

Policy 28A: Conservation Areas: New Development

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

### **Statutory Supplementary Guidance**

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

### **Non Statutory Guidance**

- [Conservation areas](#)

### **NATIONAL GUIDANCE**

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

### **Planning Advice Notes**

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

## Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

## Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

## National Roads Development Guide 2014, as amended

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## INTERNAL COMMENTS

Transportation And Development

*Cannot support the proposed vehicular access onto Balmoral Road (A93) due to a lack of visibility raising road traffic safety concerns.*

## REPRESENTATIONS

The following comments were made in the 1 letter of representation received:

- Concerns over the number and type of vehicles on the A93
- Lack of visibility leading to road traffic safety concerns on the A93
- Civic issues associated with the private lane access

## Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	Habitats Regulations – AA Not Required
Design Statement or Design and Access Statement	Not 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 comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

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**

Developments which are incidental to the enjoyment of an existing domestic dwelling are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual or residential amenity, road traffic safety or the character and appearance of the conservation area.

### **Design and Layout**

Morven is an un-listed traditional detached dwellinghouse which is located on Balmoral Road, within the Rattray conservation area. This application seeks detailed planning permission for the installation of roof light windows, the widening of a vehicular access to the west and the formation of a vehicular access with associated gates to the east.

### **Visual Amenity and Conservation Considerations**

The proposed roof light windows are of conservation specification, and they are of appropriate size and alignment so as to minimise their visual impact.

The altered opening on the southwest boundary (Riverside Road) would widen the gates from 2.76 metres to 5 metres, whilst replicating the double-gate detail in a sympathetic manner.

However, the proposed vehicular access onto the A93 (Balmoral Road) raised concerns with respect to the inappropriate design and materials of the proposed gate and its impact upon the character and appearance of the conservation area. Revised drawings were submitted on 1 May 2023 to lower the boundary wall, form railings on top and to form vehicular access gates from railings instead. This satisfactorily resolved the concerns with respect to adverse impacts upon visual amenity and the conservation area.

### **Roads and Access**

The revised drawings also sought to demonstrate the sight lines which are capable of being achieved when vehicles exit onto the A93. However, the sight lines have not

been drawn to, nor achieved, the required standard to address road traffic safety concerns. The required standard includes that;

- The visibility splay shall be a distance of 43 metres in both directions to the left and right of the property;
- The splay shall be shown from 2.4 metres back from the edge of the public road network;
- The splay shall be drawn to the western side of Balmoral Road, as there are parked cars, vehicle will need to enter the opposing side to pass them.

It has not been demonstrated that the vehicular access onto Balmoral Road can achieve satisfactory lines of sight for drivers leaving the property. Accordingly, the access would create an unacceptable adverse impact on road traffic safety. Therefore, the proposal is contrary to Policy 60B(a) of Perth & Kinross Local Development Plan 2 2019, which requires that development proposals are designed for the safety and convenience of all potential users.

### **Residential Amenity**

The concerns identified in the representation regarding the private lane are noted. However, these are not matters that are material to the assessment of the planning application. There are no other impacts upon residential amenity.

### **Drainage and Flooding**

There are no drainage and flooding implications associated with this proposed development.

### **Developer Contributions**

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

### **Economic Impact**

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

### **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the vehicular access onto Balmoral Road.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is refused on the grounds identified below.

### **Reasons for Refusal**

- 1 It has not been demonstrated that the vehicular access onto Balmoral Road can achieve satisfactory lines of sight for drivers leaving the property. Accordingly, the access would create an unacceptable adverse impact on road traffic safety. Therefore, the proposal is contrary to Policy 60B(a) of Perth & Kinross Local Development Plan 2 2019, which requires that development proposals are designed for the safety and convenience of all potential users.

### **Justification**

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

### **Informative Notes**

- 1 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the vehicular access onto Balmoral Road.

### **Procedural Notes**

Not Applicable.

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

- 01
- 02
- 05
- 07
- 09
- 10
- 11
- 12
- 13





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 100618868-001

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.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Alterations to install roof windows and access gates

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:

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:

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

Other Title:

Building Name:

First Name: \*

Building Number:

Last Name: \*

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:

MORVEN

Address 2:

BALMORAL ROAD

Address 3:

RATTRAY

Address 4:

Address 5:

Town/City/Settlement:

BLAIRGOWRIE

Post Code:

PH10 7AF

Please identify/describe the location of the site or sites

Northing

745646

Easting

318053

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## 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.

## 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

1

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)? \*

4

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).

## 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: Norman MacLeod

On behalf of: MR AND MRS J ADAMS

Date: 22/02/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Norman MacLeod

Declaration Date: 22/02/2023

## Payment Details

Pay Direct

Created: 22/02/2023 20:18

**LRB-2023-27**

**23/00252/FLL – Alterations to dwellinghouse, formation of vehicular access, alterations to rear vehicular access and installation of gates, Morven, Balmoral Road, Rattray, Blairgowrie, PH10 7AF**

## **REPRESENTATIONS**





**To:** Development Management <DevelopmentManagement@pkc.gov.uk>

**Subject:** FAO Keith Stirton re planning application 23/00252/FLL

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Hello,

I am submitting these comments on behalf of my elderly mother Mrs. Betty H Gellatly, [REDACTED]

[REDACTED]

I found about above the planning application ( 23/00252/FLL) by chance and have discussed it with her and allowed her to provide me with information which I have combined with my own thoughts as we have an Active Power of Attorney in Place.

Having checked with one of the named property notifications on the documents who knew nothing about this and should have I'm concerned about the process and the fact that the residents of the lane who it will also impact on day to day were not notified and also if other properties noted on the list have been informed.

Our comments are as follows:

- The property named in the application lies within the boundaries of the local conservation area.
- We believe a previous such application for access from the same property onto the A93 was refused.
- Balmoral Lane is a private lane which was named only by PKC a number of year ago. The council do not maintain anything other than

a streetlight. The properties in the lane have existed for over 60 years.

- The lane consists of 6 occupied private houses. The lane is the only access/exit the occupants have onto any road: that being the A93. It is also the only access for [REDACTED] [REDACTED] There are therefore between 6 and 12 vehicles using the lane daily as well as delivery/postal vehicles. Access to and from the lane is already challenging as it is on the bend of the road and narrows at the point on the Morven side. With regular bus and HGV use as well as many agricultural vehicles, these wider vehicles are already over the white mid road lines coming up from Middle road due to the narrowing adding to the risk.
- There are now daily between 3 and 8 vehicles parked on the carriageway between the junction of Middle Road and Balmoral Lane. This is worse on particular days when there are events on in the Rattray Community Hall despite some double yellow lines being in place which no one seems to take heed of. This means that traffic trying to exit the lane and go down Balmoral road is forced out further into the carriageway to see clearly and therefore is in the middle of the road. Similarly if you wish to turn right you are also forced further out to get a clear view. If the application was to be approved this would mean exiting lane users being right in the line of requested access gate.
- Access to the lane needs to be maintained at all times for occupants, services and emergency vehicles. Workmen at the named property have been blocking it recently to load/unload goods/equipment as work is already underway.

Should you wish to clarify any points please feel free to contact me [REDACTED]  
[REDACTED]

Kind regards

Tracey Gellatly, daughter of Mrs B H Gellatly

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

<b>Planning Application ref.</b>	23/00252/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Alterations to dwellinghouse, formation of vehicular access, alterations to rear vehicular access and installation of gates		
<b>Address of site</b>	Morven, Balmoral Road, Rattray, Blairgowrie, PH10 7AF		
<b>Comments on the proposal</b>	<p>The applicant is proposing to increase the width of the current and only vehicle access for the property, taken off Riverside Road. In addition, they are proposing to create a new vehicle access on Balmoral Road through the existing stone wall. Both are public roads.</p> <p>The vehicle access taken off Riverside Road, will be widened from 2.75 metres to 5.0 metres. The existing vehicle access on Riverside Road has a low level wall with railings above, meaning that any vehicle accessing or egressing the parking area will be able to looking out into the public road.</p> <p>The applicant is proposing to construct a new vehicle access taken off Balmoral Road. The applicant is proposing to construct a vehicle access with an opening of 4.0 metres. The gate height proposed is 1.6 metres a similar height to that of the boundary walls. <b>The height of the wall will not provide a suitable visibility splay onto the public road network, a wall of a height 1.05 metre is more suitable. The applicant is also requested to show the splay that is available for the proposed vehicle access onto Balmoral Road.</b></p> <p>Transport Planning are not in a position to support this application and require further information.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	03 April 2023		

**From:** [REDACTED]  
**Sent:** 26 April 2023 12:46  
**To:** Development Management <[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)>  
**Subject:** FAO Keith Stirton

**CAUTION:** This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Hello , as a follow up to my earlier submission I attach a photo of the current parking issues I refer to in the application for Morven, Balmoral rd , Rattray .

Photos taken just after 10 am today give you an idea. In the second from last traffic at a standstill as two way and no one can see .

Kind regards,

Tracey













