

**4(i)(a)**

LRB-2023-24

**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)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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



**arb**  
Architects  
Registration  
Board

85 High Street  
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**



Linden Cottage    Dalriada

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.



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.



Land 70m SE of Mylnefield House, Invergowrie

## 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 ★

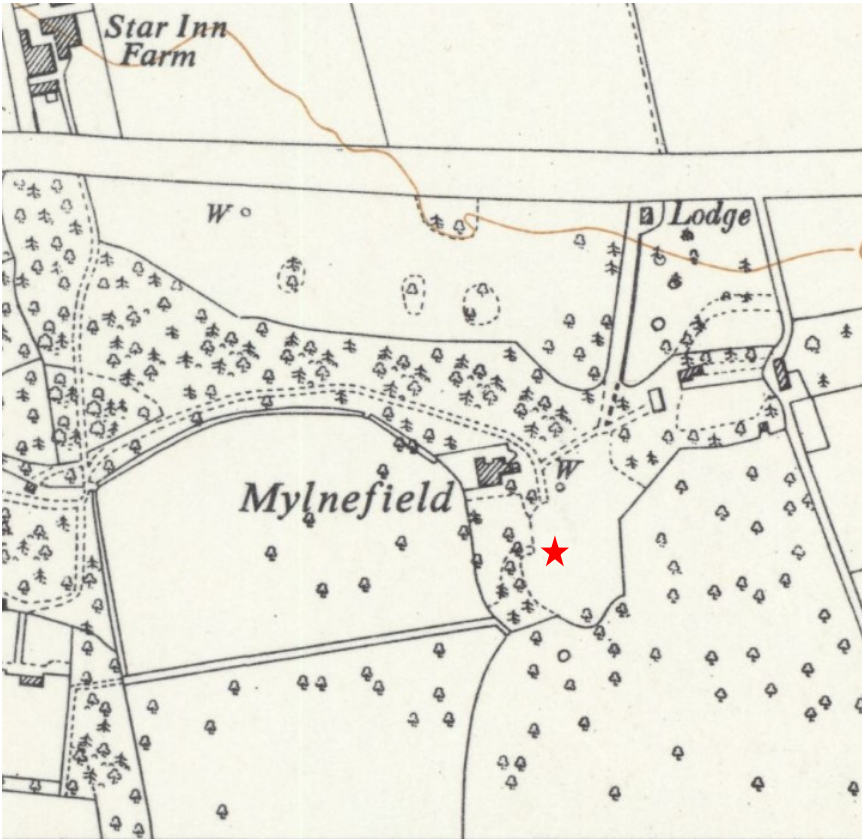
OS 25 inch 1898

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

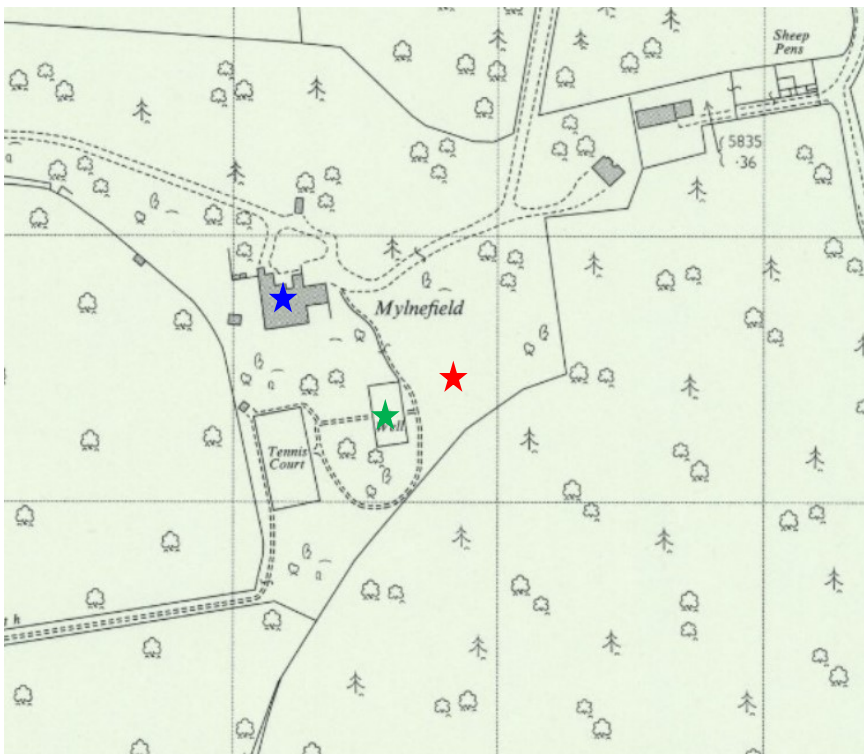


Location of proposed dwellinghouse ★

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)*

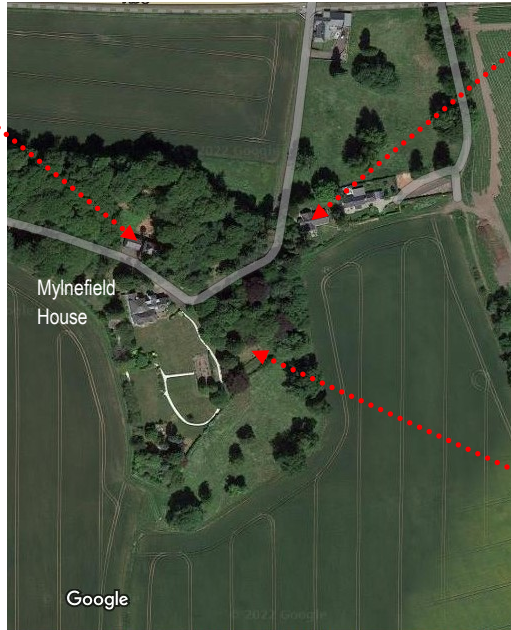
Reproduced with permission of the National Library of Scotland

### 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)

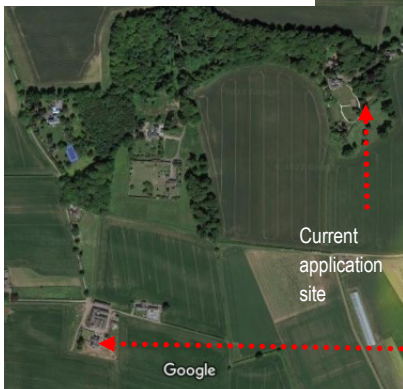
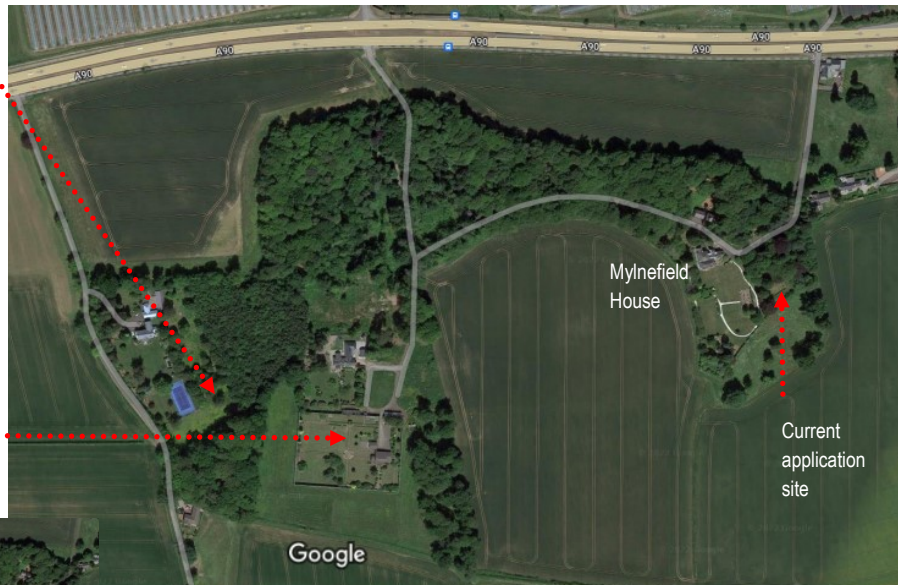
09/00043/FUL  
Erection of a swimming pool, land 70m SE of Mylnefield House (Approved 7 April 2009— Development started—excavation for foundation and services in place)

-  
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.