

TCP/11/16(590) – 18/01820/IPL – Erection of a dwellinghouse (in principle), land 120 metres north east of East Tulchan Farm, Glenalmond
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TCP/11/16(590) – 18/01820/IPL – Erection of a dwellinghouse (in principle), land 120 metres north east of East Tulchan Farm, Glenalmond

**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)

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E-mail*

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

Yes ☒ No ☐

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

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

18/01820/IDL

Site address

TULLCHAN STEADING, GLENALMOND

Description of proposed
development

ERECTION OF A DWELLING HOUSE IN PRINCIPLE

Date of application

8 OCTOBER 2018

Date of decision (if any)

19 NOVEMBER 2018

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

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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

Site inspection

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

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

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

Statement

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

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

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

* SEE ATTACHED STATEMENT

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

Yes ☐ No ☒

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

List of documents and evidence

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

DOC 1. DECISION LETTER 18/01820/IPL 19 NOVEMBER 2018
 DOC 2. REPORT OF HANDLING 18/01820/IPL
 DOC 3. DECISION LETTER PK/96/1298 6 NOVEMBER 1996
 DOC 4. LOCATION PLAN PK/96/1298 4 SEPT 1996
 DOC 5. IMPLEMENTATION OF PLANNING CONSENT PK/96/1298 2 NOVEMBER 1998
 DOC 6. INDICATIVE SITE PLAN 18/01820/IPL
 PHOTOS 1 - 10

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

13/02/2019

Statement

Notice of Review

Erection of a dwellinghouse (in principle) on Land 120 north east of East Tulchan Farm, Glenalmond for Mr Danny Cartwright.

Application Ref: 18/01820/IPL

Introduction

This Notice of Review is submitted following the refusal of planning permission 18/01820/IPL under delegated powers on the 19 November 2018 for the erection in principle of a dwellinghouse at Tulchan Steading (Doc 1) based upon the recommendation in the Report of Handling (Doc 2).

The reason for the Review application was for a replacement dwellinghouse in an alternative location from that of a previously approved dwellinghouse where part of the application site was within a flood risk area within the functional flood plain. The replacement dwellinghouse is considered to be in a more appropriate location away from the River Almond and closer to the public road.

The 5 reasons for refusal are outlined below, relating to housing in the countryside policy guidance and impact on the countryside, landscape character and amenity.

1. *The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location. Furthermore the proposed dwelling position does not achieve a suitable landscape fit to protect and enhance the landscape interests of this area of Perth and Kinross.*
2. *The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in this location.*
3. *The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development in the corner of a field with no landscape framework does not respect the character and amenity of this area of Perth and Kinross.*
4. *The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.*

5. *The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.*

The Notice for Review will demonstrate that the proposed alternative site for the dwellinghouse is acceptable in principle and will not have any greater visual impact or detrimental impact on the character and appearance of the landscape or the amenity of the surrounding countryside than the previously consented dwellinghouse, in accordance with local plan policies PM1A, PM1B and ER6.

The Review site is not within any Special Landscape Area as identified by Perth and Kinross Council's Supplementary Guidance Landscape 2015 and it is not within any other national, regional or local landscape designation such as National Park or National Scenic Area where new development is more strictly controlled.

Background to the proposal

The Review site lies approximately 1.5km to the west of Glenalmond College on the north side of the public road to the east of East Tulchan. The applicant's land ownership consists of a rectangular strip of land stretching northwards from the road to the River Almond.

Previously, before the Review application, the applicant was granted detailed planning consent in November 1996 for the erection of a single dwellinghouse on the northern part of his landownership close to the River Almond under PK/96/1298. (see attached consent, Doc 3 and the consented site plan, Doc 4). The C listed Mercer Family Burial Ground is situated to the west of the site. This planning consent has been implemented in perpetuity and confirmed in writing by Perth and Kinross Council in a letter to the applicant's Solicitor dated the 2 November 1998 (Doc 5). Although the consent was implemented by doing some preliminary work, the dwellinghouse has not been constructed.

Since implementing the consent, the flood risk parameters have changed and presently part of the consented site now falls within SEPA's 1:200year return period flood envelope. Under the previous 1:100year return period parameters there was no flood risk issue posed on the 1996 consented site. This change has worried the appellant and he is concerned that the flood risk will increase in the future which will have an adverse impact on any property at this location.

It was proposed and requested in the Review application therefore, that Perth and Kinross Council would consider an alternative site within the applicant's landownership which avoids the current flood risk issue, has a closer relationship with built development in the area and will have no greater impact on the visual amenity and landscape character of the countryside in the locality. It will also have a lesser impact on the C listed Mercer Family Burial Ground which is close and to the west of the consented site. If the Review application was approved then the previous consent nearer the river can be revoked.

The Review site consists of a rectangular area of land comprising 0.13 ha which is currently grazing land situated immediately adjacent and on the north side of the public road. The Review site sits below the level of the public road. The land on the south side of the road opposite the site is woodland. There is a line of mature trees which bounds the applicant's land to the west. This tree belt seems to be associated with the Mercer Burial Ground to the north. East Tulchan Farmhouse and steading is approximately 120m to the west. A new access is proposed onto the public road at the same position as an existing field gate.

Reasons for Refusal and Grounds of the Review

The reasons for the Review and matters to be taken into account in the determination of the review refer to the reasons for refusal which relate to housing in the countryside policy guidance and impact on local landscape character and amenity. The reasons for refusal are re-stated below followed by the appellant's statement and argument against these reasons in support of the Review.

The first 2 reasons for refusal relate to Housing in the Countryside Policy Guidance and state:-

1. *The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location. Furthermore the proposed dwelling position does not achieve a suitable landscape fit to protect and enhance the landscape interests of this area of Perth and Kinross.*
2. *The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in this location.*

The proposed site is within the designated countryside in the adopted Perth and Kinross Local Development Plan 2014 where residential development falls to be assessed under the Council's Housing in the Countryside Policy Guidance 2014.

Under this policy guidance there is a presumption in favour of housing development in the countryside under the following circumstances:-

- (a) Building Groups.
- (b) Infill sites.
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (d) Renovation or replacement of houses.

- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

Under the section New Houses in the Open Countryside favourable consideration will be given to proposals for the construction of new houses in the open countryside where they fall into at least one of the following categories:

- i) Existing Gardens
- ii) Flood Risk
- iii) Economic activity
- iv) Houses for local people
- v) Pilot projects creating eco-friendly houses

In this case the application is submitted under the category of Flood Risk where:-

a) Relocation of an existing house from within a flood risk area to the best and nearest alternative site, provided the flood risk house is demolished, the site made good, and any ad-hoc protection measures associated with the at-risk property removed, following the occupation of the replacement house.

The policy guidance states that proposals for a new house falling within category 3 above will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following siting criteria:-

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

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

- a) it occupies a prominent, skyline, top of slope/ridge location;
- b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and
- c) is unable to provide a suitable degree of enclosure for a new house in the countryside.

As indicated above the applicant has an implemented consent for a dwellinghouse on his landownership further to the north near the River Almond under PK/96/1298. Part of this garden ground is within the 1:200year flood risk envelope as indicated on SEPA's flood maps.

This application is to provide an alternative replacement dwellinghouse on a site within the appellant's landholding at Tulchan which has no flood risk and does not compromise the storage capacity of the River Almond floodplain.

Relocation away from the River Almond to the south will not constitute any greater impact on the landscape character and appearance of the countryside than that of the approved dwellinghouse on the banks of the River Almond and the proposed new dwelling will be more closely related to the public road and existing built development nearby on the roadside. Single dwellinghouses situated on the public roadside are not unusual in the Glenalmond area and the Review proposal therefore will not be contrary to this existing residential character and pattern of development. Photos 1-7 indicate roadside residential development in the local area at Buchanty, Tulchan, Campsie and South Ardittie.

This new alternative site will also provide a more financially feasible development than the consented site, which due to it's location involves significant expenditure on providing a suitable road access from the public road and more expensive ground preparation works, which has made it difficult to realise the consented scheme. The feasibility of a dwellinghouse on the applicant's land therefore is an important material consideration in this case. And as noted above it is accepted that if this application is approved then the previous 1996 consent can be revoked.

Reasons for refusal 3, 4 and 5 relate to the impact that the proposal would have on the landscape character and amenity of the countryside at Glenalmond, stating the proposal is contrary to local plan policies PM1A, PM1B and ER6

3. *The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development in the corner of a field with no landscape framework does not respect the character and amenity of this area of Perth and Kinross.*
4. *The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.*
5. *The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.*

These reasons for refusal conclude that the proposed single dwellinghouse at this location will not fit in with the local landscape and character of the built development in this part of Glenalmond. This is not accepted particularly when you consider the design and siting of the dwellinghouse and its context in relation to other examples of built development in the local area, notably the new housing development at Campsie (Photo 5)

Furthermore, the Review site is considered to be the most appropriate alternative site for a dwellinghouse within the appellant's landholding at Tulchan. The Review site is not within any Special Landscape Area or any other national, regional or local landscape designation where landscape character and amenity is protected.

In terms of visual impact, the proposed alternative site will not have any greater impact on the character and appearance of the countryside at Tulchan than the previous approval. The proposal is more closely linked to built development than the previous approval, being adjacent to the public road and closer to neighbouring residential property at East Tulchan.

The proposed site does not occupy a prominent skyline and has a backdrop of trees and is within a woodland setting which helps to absorb any development and reduce its impact. (Photos 8-10) Supplementary planting would consolidate existing and new boundaries for the site providing enclosure to the wider countryside. The Review site sits below the level of the adjacent public road and can be 'dug in' further to reduce its visual impact. The strengthening of the site boundaries for the dwellinghouse by new planting can be achieved by condition on any consent and this will allow the proposal to have a better landscape fit and provide screening of the house gable from the view as you approach the Review site along the public road from the east.

The Review application is in principle and the detailed design of the dwellinghouse will be determined at the detailed stage where it is confirmed that it will be designed to complement the existing dwellinghouses nearby and reflect local character and therefore conserve the character and appearance of the area. An indicative house type was submitted with the Review application which proposes a single storey scale and the design of dwellinghouse which will reflect and complement the rural vernacular (Doc 6). There will be no loss of any mature trees on the application site as a result of the proposed development.

In terms of Policy PM1A it states that *"the design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development."*

As indicated above the scale and indicative design of the Review proposal is not out of keeping with the character and amenity of individual roadside residential development in Glenalmond, where links to roads infrastructure are improved and new landscape and planting works will be in keeping with existing boundary treatment and planting in the area. This proposed single storey locally styled dwellinghouse will not be detrimental to the quality of surrounding built development or the wider natural environment.

In terms of Policy PM1B criterion a) it is stated that proposals should *“create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.”*

It is argued here that this criterion and therefore the reason for refusal is not relevant to a single dwellinghouse in the countryside, and instead this part of the policy and the general terms of Policy PM1B relate more closely to the creation of larger residential development schemes or masterplan layouts.

However, this aside, it is considered that the Review proposal is in accordance with criteria b) and c) of Policy PM1B.

In terms of Policy ER6 the Review proposal is not within a Special Landscape Area as designated in the Perth and Kinross Local Development Plan 2014 Supplementary Guidance Landscape 2015. There is no statutory landscape character designation at the Review site location and within the Tayside Landscape Character Assessment 1999, the site is within the Lowland River Corridor character unit, where *in the upper part of the glen, the river corridor is relatively unsettled, farms and hamlets clustering along roads on more level ground to the north and south.* It is considered here on this more level ground beside the road that a suitably designed single dwellinghouse which respects the character and appearance of the Lowland River Corridor character unit can be accommodated.

It is considered that the planning policy context for the Review proposal should not include Policy ER6 and it is not relevant to the determination of the application for a single dwellinghouse. It is considered that the main aim of this policy guidance is to manage the identified significant “forces for change” in Special Landscape Areas which does not include single house development in the countryside.

As stated above a carefully designed and landscaped single dwellinghouse can be accommodated within the Lowland River Corridor character unit at Glenalmond and it will not *erode local distinctiveness, the diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross*

Conclusions

The question to be considered in this Review is whether or not the alternative siting of the consented dwellinghouse at Tulchan Steading will have a significantly greater impact on the character and appearance of the countryside than the previously consented dwellinghouse?

The Notice of Review illustrates that the principle of the proposal is acceptable under the Housing in the Countryside guidance by avoiding flood risk at the consented site and avoiding possible worsening flood risk into the future. Relocating the dwellinghouse to beside the roadside will not have any significantly adverse impact on the character or appearance of the landscape in Glenalmond or any significantly detrimental impact on the quality of built development in the area, bearing in mind that the Review site is not within any formally designated landscape character area.

It is concluded that the Review proposal is not contrary to Policies RD3, PM1A, PM1B, and ER6 of the Perth and Kinross Local Development Plan 2014 or Perth and Kinross Council's Housing in the Countryside Guide (SPG) 2014

It is requested that the Notice of Review be upheld in accordance with Section 25 the Town and Country Planning (Scotland) Act 1997.

PERTH AND KINROSS COUNCIL

Mr Danny Cartwright
c/o Mark Williamson
34 Hermitage Drive
Perth
PH1 2SY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 19th November 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01820/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 9th October 2018 for permission for **Erection of a dwellinghouse (in principle) Land 120 Metres North East Of East Tulchan Farm Glenalmond** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location. Furthermore the proposed dwelling position does not achieve a suitable landscape fit to protect and enhance the landscape interests of this area of Perth and Kinross.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in this location.
3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development in the corner of a field with no landscape framework does not respect the character and amenity of this area of Perth and Kinross.

4. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
5. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.

Justification

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

Notes

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

18/01820/1

18/01820/2

18/01820/3

18/01820/4

18/01820/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01820/IPL	
Ward No	P9- Almond And Earn	
Due Determination Date	08.12.2018	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 120 Metres North East Of East Tulchan Farm Glenalmond

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 31 October 2018

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

This is an application in principle for the erection of a dwellinghouse to the West of Glenalmond College. The site is located to the north-east of the T - junction to Keilour in the corner of an open field.

A site plan has been submitted delineating the site. An indicative foot print and indicative house type have also been provided.

The supporting statement stipulates that an earlier application was granted planning consent for a dwelling house under PK/96/1298 to the north of the current site beside the River Almond. The agent considers this consent has been implemented and is at risk of flooding. They consider that relocation is justified given the site circumstances.

SITE HISTORY

96/01298/FUL Erection of a house and form an access (reserved matters), Approved.

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy PM4 - Settlement Boundaries

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy RD3 - Housing in the Countryside

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

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

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

Policy HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and

use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy EP2 - New Development and Flooding

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

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

Development Contributions

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

Housing in the Countryside Guide

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

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

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

PKC Supplementary guidance - Flood risk and flood risk assessments

This Guidance assists developers, their consultants and all stakeholders involved in the planning process in relation to flooding and drainage about the requirements of Perth & Kinross Council; including when a flood risk assessment will be required, and what that assessment should contain.

CONSULTATION RESPONSES

Environmental Health (Private Water) – No objection subject to conditional control and the use of informatives.

Methven Community Council – Object. Contrary to current policies associated with building in the countryside. The proposal will be detrimental to the environs.

Transport Planning – No objection.

Scottish Water – No public Scottish Water Infrastructure in the vicinity of the site, the applicant is advised to investigate private options for water supply and foul disposal.

Development Negotiations Officer – No objection subject to conditional control to enable the applicability of the developer contributions to be assessed at the matters specified by condition stage.

Environmental Health (Contaminated Land) – No objection received.

REPRESENTATIONS

1 representation received from Methven Community Council. Their comments are summarised under the 'Consultation Response' heading above.

ADDITIONAL INFORMATION RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

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

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

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not relate to:-

- (a) Building Group.
- (b) Infill sites.
- (d) Renovation or replacement of houses.
- (e) Conversion or replacement of redundant non-domestic buildings.
- (f) Development on rural brownfield land.

The agent is of the view that the proposal for the new dwelling should be assessed under criterion (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance. I therefore turn to the supplementary guidance that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3.

From my review it does not meet 3.1 Existing Gardens, 3.3 agricultural need or other rural business justification, 3.4 Houses for Local People or 3.5 pilot projects creating eco-friendly houses where a rural setting is required.

Category 3.2 Flood Risk relates to flood risk:-

3.2 Flood Risk:

- a) Relocation of an existing house from within a flood risk area to the best and nearest alternative site, provided the flood risk house is demolished, the site made good, and any ad-hoc protection measures associated with the at-risk property removed, following the occupation of the replacement house.*

The supporting statement confirms the following:-

Since implementing the consent the flood risk parameters have changed and presently part of the consented site now falls within the SEPA's 1:200 year return period flood envelope. Under the previous 1:100 year return period parameters there was no flood risk issue posed on the 1996 consented site.

From my site inspection there is little evidence of application 96/01298/FUL being implemented. However, from my site inspection the majority of land that relates to application 96/01298/FUL sits in an elevated position well above the River Almond. From my review of the SEPA flood maps the 1:200 year period is confined by topography to the heel of the river bank and any risk would be a small proportion of the garden ground along the riverbank.

Given the majority of the site and the location of the house and access under 96/01298/FUL fall out with the flood risk envelope relocation is not warranted under 3.2 Flood Risk.

Siting Criteria

Proposals for a new house falling within category 3 are required to demonstrate that they meet the siting criteria of the SPG. The proposed dwelling is located within the south-west corner of a field. While there are some trees on part of the west boundary there is no curtilage definition for the site to the north, east or south. I do not consider that the boundary treatment associated with the existing field creates an identifiable site for a dwelling house to be sited as required by criterion (c).

Furthermore I consider that the scheme as proposed will conflict with criterion (d) as it will have a detrimental impact on the surrounding landscape and I explore this further under the landscape heading. The agent has highlighted that the site will also provide a more financially viable development than the consented site but I attach little weight to this given the conflicts with the Local Development Plan.

Design and Layout

No detailed design or layout has been submitted only indicative plans. If this application was approved conditional control would be required to reserve assessment of these matters.

Landscape

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria of Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes.

The site is located within the Lowland River Corridor Character of the Tayside Landscape Character Assessment (TLCA). The Lowland River Corridors of the Tay and the Almond stand out as having distinctly different characters from the surrounding landscapes. The Almond has some striking similarities with the Tay, reflecting its proximity to the Highlands and its common geological structure. Most noticeable perhaps is the deep, gorge like valley that the river has cut through the sandstone and glacial deposits. Although flowing in a meandering course the river is entrenched within a valley some forty metres deep until it enters the open flood plain of the Tay above Perth.

The TLCA confirms that there is development pressure within these landscape character types due to the proximity to Perth and it highlights in its lower reaches of River Almond provide a series of mill sites along its lower reaches, where the river cuts through a series of igneous dykes, here mills and associated houses are perched alongside the river, concealed from the wider landscape.

In contrast this proposal would be located in the corner of a field away from the river and in an unconcealed location.

I therefore disagree with the agent. The relocation of the development to the corner of a field will not lessen the impact on landscape character but increase it. As a consequence I am of the view the proposal will erode local distinctiveness, diversity and quality of this Perth and Kinross landscape character area. It would detract from the character type's visual integrity, identity and scenic quality, thus contrary to Policy ER6.

Policy PM1A confirms that development must contribute positively, to the quality of the surrounding built and natural environment. In this case the siting of the development does not respect the character and amenity of this area of the River Almond Lowland River Corridor and is contrary to policy PM1A.

From my review of Policy PM1B, the proposal also fails to create a sense of identity and erodes the character of the countryside (a).

Residential Amenity

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed properties is required and in this case cognisance of the surrounding land uses has to be taken into account.

I do not consider that this proposal would have any detrimental impact on residential receptors or neighbouring agricultural/woodland uses.

Consultation with Environmental Health has confirmed that this area is served by private water supplies. To ensure the new development has an adequate and consistently wholesome supply of water and maintain water quality and supply in the interests of residential amenity conditional control is recommended. They also note that the development should take account of existing private water supplies in the vicinity of the site and/or septic drainage systems of neighbour.

Roads and Access

There are no objections to the proposed dwelling houses on roads or access grounds from Transport Planning. They recommend conditional control to secure appropriate car parking, turning facilities, access and visibility splays to comply with Policy TA1B. From my site visit it is likely visibility splays will be impeded due to hedging at the access position. As a consequence this will likely result in an amended access position to provide suitable visibility splays.

Drainage and Flooding

Drainage

To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity as well as ensuring the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance conditional control is recommended by Environmental Health.

Surface water and the implementation of SUDS can also be dealt with by conditional control to ensure adherence to the requirements of Policy EP3C.

Flooding

The site is not in an area subject to river or surface water flooding.

Conservation Considerations

The agent is of the view that the relocation of the house and access track will result in an improvement in the setting of the listed 1877 burial enclosure of the Mercer family of Perth. A railed enclosure with 2 square, coped gatepiers bearing tablets inscribed with information relating to the Mercer family history. With original finials of storks holding sea serpents restored 1983.

The listed building is located within a wooded area in an elevated position above the River Almond. This site was listed on the 21 June 1982 and as a consequence the assessment of 1996 application would have had to take account of the setting of this listed building.

When viewed from the public road the positioning of the dwelling associated with the 1996 application would appear to be set below the ridge of the field and would not be visible. While the access to the 1996 application would be visible it would not be significantly detrimental to the setting of the listed building in my view.

However the proposed house and the listed building would be seen in tandem from the public road. I am not convinced that the relocation of the house to the field site would result in an improvement to the setting of the Category 'C' listed building.

Developer Contributions

Education:-

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Logiealmond Primary School. As this application is only "in principle" it is not possible to provide a definitive answer at this stage on the capacity of the primary school. The determination of appropriate contribution, if required, would be based on the status of the school when the full/reserved matters application is received and information submitted by the agent on the status of application 96/01298/FUL.

Transport Infrastructure:-

With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be

attached to any planning application if granted. The determination of appropriate contribution, if required, would be based on the status of the application 96/01298/FUL when if a full/reserved matters application is received.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location. Furthermore the proposed dwelling position does not achieve a suitable landscape fit to protect and enhance the landscape interests of this area of Perth and Kinross.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in this location.

- 3 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development in the corner of a field with no landscape framework does not respect the character and amenity of this area of Perth and Kinross.
- 4 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
- 5 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.

Justification

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

Informatives

None.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/01820/1

18/01820/2

18/01820/3

18/01820/4

18/01820/5

Date of Report 19.11.2018

PERTH AND KINROSS COUNCIL

D CARTWRIGHT
C/O TIMBER COMPONENTS
REDDING ROAD
FALKIRK

P.O.Box 77
2 High Street
PERTH
PH1 5PH

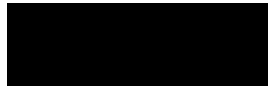
Date 6 November 1996

ROY MITCHELL
27 GLENWINNELL ROAD
ALVA
CLACKS FK12 5NX

Town & Country Planning (Scotland) Acts.

Application No. PK/96/1298

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 4/9/96 for permission for ERECTION OF HOUSE AND FORMATION OF ACCESS (RESERVED MATTERS) AT LOT 1, TULCHAN STEADING, GLENALMOND subject to the undernoted conditions. One set of the relative plans, duly docquetted with reference to this approval, is returned herewith.



Director of Planning and Development.

Conditions referred to above

1. The development shall be begun no later than two years from the date of this consent or five years from the date of the outline consent, whichever is the later.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. All external walls shall be finished in wet dash render, painted white to the satisfaction of the Council as Planning Authority.
4. The roof shall be finished in natural slate to the satisfaction of the Planning Authority.
5. The detailed landscaping and planting scheme for the site which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
7. The vehicular access shall be formed in accordance with the specification type B access detail (as per drawing number PK96/1298/1) to the satisfaction of the Planning Authority.
8. The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.
9. Turning facilities shall be provided within the site to enable all vehicles to enter and leave within a forward gear to the satisfaction of the Planning Authority.

Reasons for Conditions

1. In accordance with the terms of Section 39 of the Town and Country Planning(Scotland) Act 1972.
2. To ensure that the development is carried out in accordance with the plans approved.
- 3-4. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 5-6. In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
- 7-9. In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

Notes

1. The conditions contained in the original consent still apply insofar as they do not conflict with this consent.
2. Please consult the Director of Roads & Transport, Perth & Kinross Council, Business Park, Whitefriars Crescent, Perth PH1 0XA regarding requirements for the vehicular access.
3. No work shall be commenced until an application for building warrant has been submitted to and approved by the Buildings Authority, please contact the Director of Public and Environmental Protection.

04 SEP 1961



PO Box 77 2 High Street Perth PH1 5PH
Tel: 01738 475000 Fax: 01738 475310
email: economic_dev@pkc.gov.uk

Archibald Campbell & Harley WS
Solicitors
37 Queen Street
EDINBURGH
EH2 1JX

Contact: Mr N Randall
Direct Dial: 01738 475359

Our ref: PK/96/1298

Your ref: E. Allan

Date: 2 November 1998

Dear Sirs

**Erection of Dwellinghouse and Formation of Access (Reserved Matters) at Lot 1
Tulchan Steading, Glenalmond**

I refer to your letter dated 26 October 1998 regarding the above. I can confirm that you have complied with condition 1 of your planning consent from the evidence you have submitted with your letter.

Yours faithfully

[Redacted signature]

for Director of Planning and Development Services

NR/liz

INDICATIVE SITE PLAN

Streetwise



BLOCK/SITE PLAN
AREA 90m x 90m
SCALE 1:500 on A4
CENTRE COORDINATES: 295853, 728191



Front Elevation

1



2.



YLENTÄLMÄ

3.



4.



5.



6.



7.



8.

Review Site



9.



10.

<p>TCP/11/16(590) – 18/01820/IPL – Erection of a dwellinghouse (in principle), land 120 metres north east of East Tulchan Farm, Glenalmond</p>

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 485-486)*

REPORT OF HANDLING *(included in applicant's submission, see pages 487-498)*

REFERENCE DOCUMENTS *(part included in applicant's submission, see page 505)*

The map is a topographic representation of the Keillour Forest region. It features contour lines indicating elevation, with peaks such as Murray's Hill (246m) and Hill Plantation (234m). The A85 road runs horizontally across the lower half of the map. Key locations include Glenalmond, Keillour, Fowls, and various smaller settlements and farms. A red box near Glenalmond marks the 'SITE LOCATION'. The map also shows natural features like Gorthy Wood and Low Moor Wood, and man-made structures like the Roman Fort and Signal Station. A north arrow is located in the upper right corner.

513

CENTRE COORDINATES: 295905, 728379



 APPLICATION SITE



 APPLICANT'S
LANDOWNERSHIP

Supplied by Streetwise Maps Ltd
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 Licence No: 100047474
 05/10/2018 11:41:04

BLOCK/SITE PLAN
 AREA 90m x 90m
 SCALE 1:500 on A4
 CENTRE COORDINATES: 295853, 728191



Supplied by Streetwise Maps Ltd
www.streetwise.net
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 02/10/2018 18:09:45

Supporting Statement

Erection of a dwellinghouse in principle on land at East Tulchan, Glenalmond, PH1 3SG

Mr D Cartwright

Introduction & Description of the proposal

This is an application in principle for the erection of a single dwellinghouse on an area of land at Tulchan, Glenalmond for a Mr D Cartwright. The site lies approximately 1km to the west of Glenalmond College on the north side of the public road to the east of East Tulchan. The applicant's land ownership consists of a rectangular strip of land stretching northwards from the road to the River Almond.

On the 6 November 1996 the applicant was granted detailed planning consent for the erection of a single dwellinghouse on the northern part of his landownership close to the River Almond under PK/96/1298. (see attached consented site plan) The C listed Mercer Family Burial Ground is situated to the west of the site. This planning consent has been implemented in perpetuity and confirmed in writing by Perth and Kinross Council in a letter to the applicant's Solicitor dated the 2 November 1998 (copy attached). Although the consent was implemented by doing some preliminary work, the dwellinghouse has not been constructed.

Since implementing the consent the flood risk parameters have changed and presently part of the consented site now falls within SEPA's 1:200year return period flood envelope. Under the previous 1:100year return period parameters there was no flood risk issue posed on the 1996 consented site.

It is proposed and requested therefore that Perth and Kinross Council accept an alternative site within the applicant's landownership which avoids the current flood risk issue, has a closer relationship with built development in the area and will have a lesser impact on the visual amenity and landscape character of the countryside in the locality. It will also have a lesser impact on the C listed Mercer Family Burial Ground which is close and to the west of the consented site.

The proposed site consists of a rectangular area of land comprising 0.13 ha which is currently grazing land situated immediately adjacent and on the north side of the public road. The land on the south side of the road opposite the site is woodland. There is a line of mature trees which bounds the applicant's land to the west. This tree belt seems to be associated with the Mercer Burial Ground to the north. East Tulchan Farmhouse and steading is approximately 120m to the west. A new access is proposed onto the public road at the same position as an existing field gate.

Development Plan Policy

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states:-

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2014

The application site falls within the designated countryside in the adopted Perth and Kinross Local Development Plan 2014 where the relevant policies for residential development are summarised below :-

Policy PM1A: Placemaking.

Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy PM3: Infrastructure Contributions

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

Policy RD3: Housing in the Countryside

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

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

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River Tay SACs.

Note: For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide.

Policy HE2: Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special interest.

Encouragement will be given to proposals to improve the energy efficiency of listed buildings within Perth and Kinross, providing such improvements do not impact detrimentally on the special interest of the building.

Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy EP2: New Development & Flooding

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of

flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.

Where a risk of flooding is known or suspected the Council will use the flood risk framework shown in the diagram overleaf and considers that areas of: (i) medium to high flood risk are not suitable for essential civil infrastructure; (ii) low to medium flood risk are suitable for most forms of development; and (iii) little or no flood risk shown present no flood related constraints on development.

All development within areas of medium to high flood risk must incorporate a 'freeboard' allowance and the use of water-resistant materials and forms of construction appropriate to its function, location, and planned lifetime relative to the anticipated changes in flood risk arising from climate change.

To allow for adaption to increased flood risk associated with climate change, development should not: (a) Increase the rate of surface water run-off from any site; (b) Reduce the naturalness of the river; (c) Add to the area of land requiring flood protection measures; (d) Affect the flood attenuation capability of the functional flood plain; nor (e) Compromise major options for future shoreline or river management.

Note: Please refer to the further detailed guidance on flood risk and flood risk assessment which is contained within the Supplementary Guidance accompanying this Plan.

Other policies

Housing in the Countryside Guide 2012

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross and the revised policy applies to other subject areas of Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

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

Developer Contributions and Affordable Housing Supplementary Guidance September 2016

Along with affordable housing guidance this includes guidance on education provision and transport infrastructure.

Principle of Development

The proposed site is within the designated countryside in the adopted Perth and Kinross Local Development Plan 2014 where residential development falls to be assessed under the Council's Housing in the Countryside Policy Guidance 2014.

Under this policy guidance there is a presumption in favour of housing development in the countryside under the following circumstances:-

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

Under the section New Houses in the Open Countryside favourable consideration will be given to proposals for the construction of new houses in the open countryside where they fall into at least one of the following categories:

- i) Existing Gardens
- ii) Flood Risk
- iii) Economic activity
- iv) Houses for local people
- v) Pilot projects creating eco-friendly houses

In this case the application is submitted under the category of flood risk where:-

a) Relocation of an existing house from within a flood risk area to the best and nearest alternative site, provided the flood risk house is demolished, the site made good, and any ad-hoc protection measures associated with the at-risk property removed, following the occupation of the replacement house.

The policy guidance also states that proposals for a new house falling within category 3 above will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following siting criteria:-

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

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

- a) it occupies a prominent, skyline, top of slope/ridge location;
- b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and
- c) is unable to provide a suitable degree of enclosure for a new house in the countryside.

As indicated above the applicant has an implemented consent for a dwellinghouse on his landownership further to the north near the River Almond under PK/96/1298. Part of this garden ground is within the 1:200year flood risk envelope as indicated on SEPA's flood maps. This application therefore is to provide an alternative replacement dwellinghouse on a site which takes the garden ground outwith the flood risk envelope and does not compromise the storage capacity of the River Almond floodplain at this location. Relocation away from the River Almond to the south will also have a lesser impact on the landscape character and appearance of the countryside along the banks of the River Almond and the proposed new dwelling will be more closely related to the public road and existing built development nearby on the roadside.

This new alternative site will also provide a more financially feasible development than the consented site, which due to it's location involves significant expenditure on providing a suitable road access from the public road and more expensive ground preparation works, which has made it difficult to realise the consented scheme. It is accepted that if this application is approved then the previous 1996 consent will be revoked.

In terms of visual impact the proposed alternative site will have a lesser impact on the character and appearance of the countryside at Tulchan. The proposed site does not occupy a prominent skyline and has a backdrop of trees and is within a woodland setting which helps to absorb any development and reduce it's impact.

Supplementary planting would consolidate existing and new boundaries for the site providing enclosure to the wider countryside.

Scale, Design and Layout

This is an application in principle and the detailed design of the dwellinghouse will be determined at the detailed stage where it is confirmed that it will be designed to complement the existing dwellinghouses nearby and reflect the local character and therefore conserve the character and appearance of the area. An indicative house type has been submitted which proposes a scale and design of dwellinghouse which reflects and complements the rural vernacular. There will be no loss of any mature trees on the application site as a result of the proposed development.

Residential Amenity

The application site is of sufficient size to comfortably accommodate a dwellinghouse without impacting on the amenity of neighbouring properties with regard to privacy, overlooking or overshadowing.

Access and parking

A new vehicular access is proposed which will have sufficient visibility for accessing the public road. There is also sufficient space within the plot for car parking and turning facilities, in accordance with the Council's road design standards.

Listed buildings

The proposed application site for a dwellinghouse will have a lesser impact on the C listed Mercer Burial Ground than the 1996 consented dwellinghouse and the access road which would be associated with it.

Flood Risk

The relocation of the dwellinghouse to the proposed site near the roadside will take the previously consented scheme outwith the 1:200 year flood risk envelope and will not compromise the storage capacity of the River Almond floodplain in accordance

with Policy EP2 which states that *'there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere'*.

Conclusions

The proposal for a replacement dwellinghouse on the application site is considered to be acceptable in principle as the site is considered to be a suitable alternative to the previously consented site where there would be less risk from flooding, a lesser impact on the appearance and character of the countryside along the River Almond and a lesser impact on the listed cultural heritage resources of the area. The proposed site would have a closer relationship with the public road and built development nearby which is also situated adjacent to the roadside. The proposed application site would be more financially feasible with less capital expenditure required to service and access the site from the public road.

For the above reasons it is considered that the proposed alternative site is in accordance with the adopted local plan policies PM1A, RD3, EP2 and HE2 and it is requested that the application is approved.



PO Box 77 2 High Street Perth PH1 5PH
Tel: 01738 475000 Fax: 01738 475310
email: economic_dev@pkc.gov.uk

Archibald Campbell & Harley WS
Solicitors
37 Queen Street
EDINBURGH
EH2 1JX

Contact: Mr N Randall
Direct Dial: 01738 475359

Our ref: PK/96/1298

Your ref: E. Allan

Date: 2 November 1998

Dear Sirs

**Erection of Dwellinghouse and Formation of Access (Reserved Matters) at Lot 1
Tulchan Steading, Glenalmond**

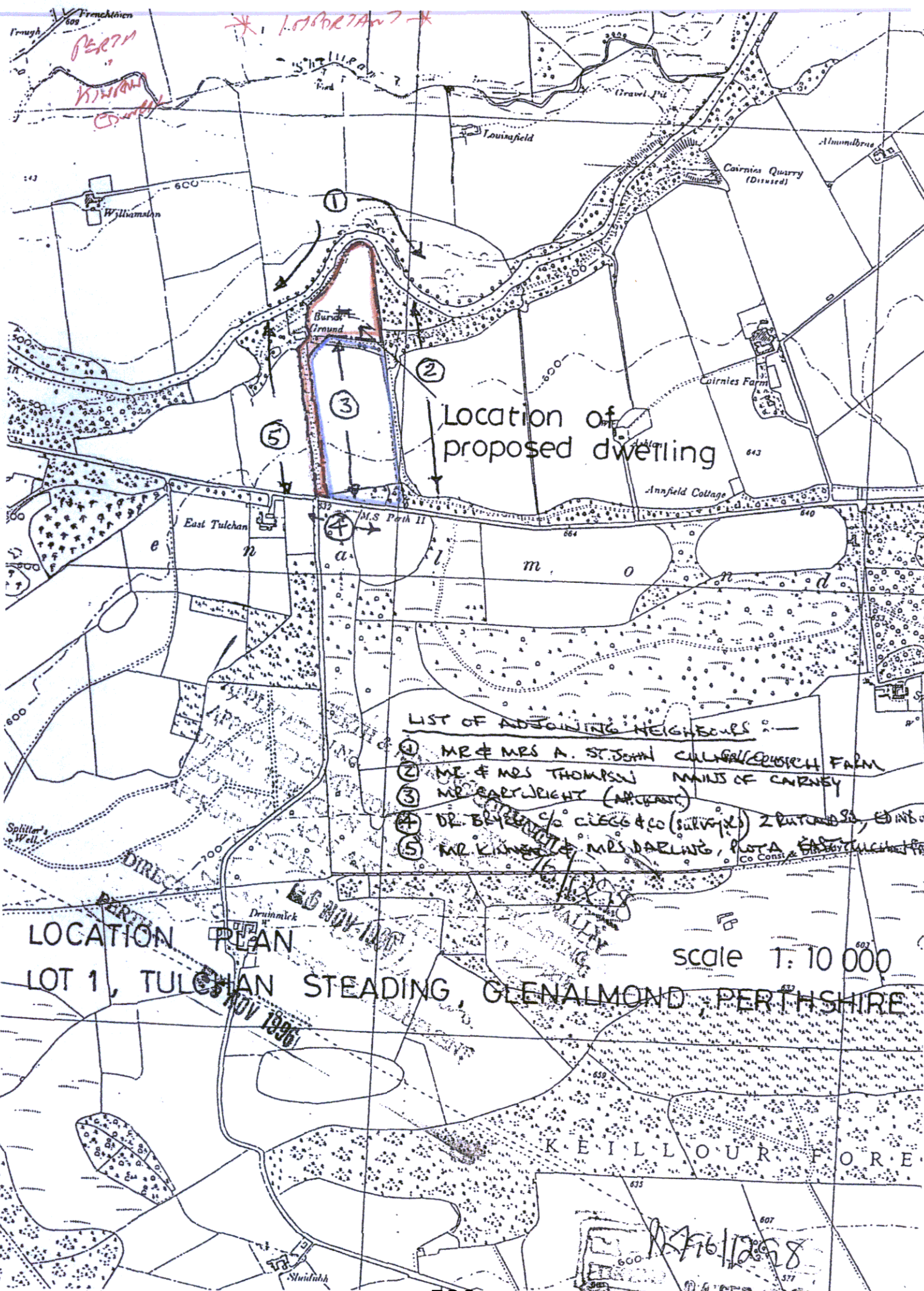
I refer to your letter dated 26 October 1998 regarding the above. I can confirm that you have complied with condition 1 of your planning consent from the evidence you have submitted with your letter.

Yours faithfully

[Redacted signature]

for Director of Planning and Development Services

NR/liz



TCP/11/16(590) – 18/01820/IPL – Erection of a dwellinghouse (in principle), land 120 metres north east of East Tulchan Farm, Glenalmond

REPRESENTATIONS

18th October 2018

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



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

PH1 Glenalmond East Tulchan Farm Land 120M NE Of
PLANNING APPLICATION NUMBER: 18/01820/IPL
OUR REFERENCE: 768141
PROPOSAL: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- Unfortunately, according to our records there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private options.

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

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

www.sisplan.co.uk

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Tracy McManamon

From: Ros Pearson [REDACTED]
Sent: 24 October 2018 16:23
To: Development Management - Generic Email Account
Subject: ref 18/01820/IPL dwelling house 120 metres NE East of East Tulchan farm, Glenalmond
Attachments: CC Weekly List 22-10-2018.pdf; CC Weekly List 22-10-2018.rtf; Decision List 22-10-2018.pdf; Decision List 22-10-2018.rtf

Methven Community Council has considered this application and requests that it is refused. Recent local plan policies included a small zone where any residential growth near Glenalmond College could be accommodated, so that the environs could be protected from damaging development, and we consider that this application is unacceptable. While a farm steading has been redeveloped across the road to the south west, (East Tulchan), we deplore the proposal to build north of the road, and we think that current policies for building in the countryside ought to prevent it. We do not accept the owner???s arguments for a new consent are relevant.

Peter Pearson, Methven & District Community Council

ENTERED IN COMPUTER

25 OCT 2018

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01820/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 120 Metres North East Of East Tulchan Farm, Glenalmond		
Comments on the proposal	<p>Primary Education</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 Logiealmond Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		

	<p>Transport Infrastructure</p> <p>CO00 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.</p>
Recommended informative(s) for applicant	N/A
Date comments returned	24 October 2018

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 18/01820/IPL

Our ref MA

Date 1/11/2018

Tel No

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of a dwellinghouse (in principle) Land 120 Metres North East Of East Tulchan Farm Glenalmond for Mr Danny Cartwright

I refer to your letter dated 23 October 2018 in connection with the above application and have the following comments to make.

Water (assessment date – 1/11/18)

Recommendation

I have no objections to the application but recommend the undernoted condition and informatives be included in any given consent.

Comments

The development is for a dwelling house in a rural area with private water supplies known to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and or to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives. It should be noted that once the development is operational this Service may have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor the water quality. No public objections relating to the water supply were noted at the date above.

WS00 Condition

Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

WAYL - Informative 1

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

PWS - Informative 2

The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01820/IPL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 120 Metres North East Of East Tulchan Farm, Glenalmond		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
Recommended planning condition(s)	Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant			
Date comments returned	01 November 2018		

