

TCP/11/16(269)**Planning Application 13/00435/FLL – Erection of dwellinghouse, land 20 meters, south west of Fungarth Farm Cottage, Dunkeld – Atholl Estates**

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- (d) Further Information Requested by LRB (***Pages 199-207***)



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

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

Thank you for completing this application form:

ONLINE REFERENCE 000069117-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

MBM Planning & Development

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

Ref. Number:

Building Name:

Algo Business Centre

First Name: *

Mark

Building Number:

Myles

Address 1 (Street): *

Glenearn Road

Last Name: *

Telephone Number: *

01738 450506

Address 2:

Extension Number:

Town/City: *

Perth

Mobile Number:

Country: *

UK

Fax Number:

01738 450507

Postcode: *

PH2 0NJ

Email Address: *

mm@mbmplanning.co.uk

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: *

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Atholl Estates Office

Building Number:

Address 1 (Street): *

Blair Atholl

Address 2:

Town/City: *

Pitlochry

Country: *

Scotland

Postcode: *

PH18 5TH

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

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

Fungarth

Northing

743263

Easting

303516

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to separate statement attached

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

☐ Yes ☒ No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Planning application forms, application drawings, Report of Handling, Decision Notice and Statement of Appeal

Application Details

Please provide details of the application and decision.

What is the application reference number? *

13/00435/FLL

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

05/03/13

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

05/06/13

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

☒ Yes ☐ No

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

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mark Myles

Declaration Date: 01/08/2013

Submission Date: 01/08/2013

1. Introduction

- 1.1 This appeal statement should be read in conjunction with the Notice of Review submitted on 1st August 2013, on behalf of Atholl Estates for the erection of a dwellinghouse on land 20 metres south west of Fungarth Farm Cottage, Dunkeld. The planning application (13/00435/FLL) was refused by PKC on 5th June 2013.
- 1.2 The proposal requires to be considered under the terms of the development plan policy (Policies 53 and 54 of the Highland Area Local Plan) but more significantly the revised Housing in the Countryside Policy that was approved by the council in November 2012 (HICP).
- 1.3 In addition it is considered that a key material consideration for the Local Review Body (LRB) to take account of is the fact that there have been numerous other examples where applications for single houses have been approved within the Lunan Valley Catchment Area and where the compliance with Policy 54 and the council's HICP has been accepted as a reason to depart from Policy 53.
- 1.4 We therefore contest the council's reasons for refusal of the planning application and the justification given for those reasons within the Report of Handling (copy attached).

2. Response to PKC Reasons for Refusal

- 2.1 As highlighted above the planning application was refused on 5th June for four different reasons.
- 2.2 The first 3 reasons for refusal are in effect all focusing on the same issue i.e. as the site lies on the edge of the Lunan Valley Catchment Area the proposal is considered to be contrary to Policy 53 and Policy 54 of the existing local plan and also the emerging local plan as the development does not involve renovation or extension to existing buildings or a development justified on the basis of operational need. Policy 54 is the development plan version of the housing in the countryside policy that dates back to 2001 and which has been superseded by supplementary guidance on a number of occasions by the council, most recently in November 2012.
- 2.3 In support of this appeal we would however highlight that the site clearly lies within what can only be described as an existing building group (defined as 3 or more properties) and is situated between existing properties where plot ratios, site frontages and existing and proposed house sizes are similar and therefore this proposal can also be considered to comply with the council's policy on infill development. Therefore if it were not for Policy 53 (Lunan Valley Catchment Area Policy) the principle of this development would have been approved as being in accordance with the development plan under the terms of Policy 54 and the council's HICP approved in 2012.
- 2.4 The Lunan Valley Catchment Area policy aims to protect and enhance the nature conservation and landscape interests within the area as identified on the Proposals Map. This site lies right on the edge of this catchment area.
- 2.5 This appeal focuses on the manner in which the council has inconsistently applied Policy 53 and the fact that there are numerous other examples where the council officers have continued to give greater weight to the Housing in the Countryside Policy (Policy 54 and HICP) when determining applications within the Lunan Valley.
- 2.6 We would therefore draw the LRB's attention to the following list of applications that have been approved within the Lunan Valley Catchment Area in accordance with the council's housing in the countryside policy (despite the fact that they did not accord with the Lunan Valley Catchment Area Policy). This list only looks at the last 5 years as it is difficult to know with any certainty the reasons why applications were approved prior to that date, as reports are generally not available on the council's online system.

- 2.7 Examples of applications approved within the Lunan Valley Catchment Area where conformity with Housing in the Countryside Policy took precedence are;
- 12/01570/FUL – Renewal of planning (07/00649/FUL) for replacement of former bothy with a house – approved 23/10/12.
 - 12/01552/FLL – Erection of dwellinghouse (modification of previous consent 11/01899/FLL) at Hatton Grange, Dunkeld – approved 1/10/12.
 - 12/00457/IPL – Erection of house and garage in principle (renewal of 08/01712/OUT) at Sholach, Wester Essendy – approved 11/6/12.
 - 12/00047/FLL – Erect dwellinghouse at Spoutswell Farm Cottage, Meiklour – approved 12/3/12.
 - 11/00298/IPL – Erection of house and garage at Wester Essendy – approved 10/8/11.
 - 10/01873/FLL – Erection of house at Middle Cardney, Butterstone – approved 10/12/10.
 - 09/01888/FLL – Erection of house at Drumellie, Blairgowrie – approved 26/1/10.
 - 09/00799/OUT – Erection of house at Fungarth Farm – approved 7/8/09. (This site is located directly opposite the appeal site and a further application has recently been submitted for a house on that site ref 13/01349/FLL and has yet to be determined).
- 2.8 The above list confirms that the council has regularly and consistently applied a more liberal interpretation of the Lunan Valley Catchment Area policy. In effect if an application has met the terms of the housing in the countryside policy then the council has approved an application providing there have been no objections from SEPA or SNH.
- 2.9 There were no objections from SEPA to this application. SNH were not officially consulted in this application however the Report of Handling acknowledges that *'Notwithstanding, it is anticipated that SNH were not likely to officially object to this proposal, as the proposed drainage strategy could satisfy the required improved effluent levels to avoid any adverse impact on the protected features of the Dunkeld-Blairgowrie Lochs (SAC).'*
- 2.10 The above evidence shows that for whatever reason the council adopted a much stricter approach when assessing the merits of this particular application compared to the many other similar applications that have already been approved.

- 2.11 The list of application also highlights that a clear precedent had already been set on a site immediately opposite this appeal site. The Report of Handling for application 09/00799/OUT makes it clear that the application was approved as it was in accordance with the Housing in the Countryside Policy despite being contrary to Policy 53. A further application has recently been submitted (13/01349/FLL) on the site of the previous 2009 approval.
- 2.12 We therefore simply ask that the LRB adopt a pragmatic and consistent approach to development at Fungarth and the Lunan Valley in general by accepting that as the proposal is consistent with the housing in the countryside policies (Policy 54 and HICP 2012) it can be approved as a departure from Policy 53 as there have been no objections from SNH or SEPA.
- 2.13 Finally we would respond to the 4th reason for refusal which relates to a concern about the setting of the neighbouring property. The neighbouring cottage does sit at a slightly lower level but the proposed house is of a scale and design that is appropriate to this rural area and is of a quality that would meet the terms of the council's housing in the countryside design guidance. Furthermore the house has been sited so that it is aligned with and runs parallel with the site frontage and access road. The ridge line is also consistent with the neighbouring cottage. There are also no windows on the eastern gable of the proposed house so there would be no overlooking issues or concerns relating to loss of privacy. It is therefore considered that the 4th reason for refusal is totally unfounded. We would also draw the LRB's attention to the fact that no objections were received from any neighbouring property to the proposed development.

3	Conclusion
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- 3.1 The principle of development taking place on this site complies with the detailed criteria on building groups and infill sites set out in the council's housing in the countryside policies.
- 3.2 The final reason for refusal is not considered to be valid as the proposed design and relationship between the house and the neighbouring property is such that there would be no adverse impact on or loss of residential amenity. No objections were received from any neighbouring property to the application.
- 3.3 The planning officer's assessment of this proposal focused on a very strict interpretation of the Lunan Valley Catchment Policy. This is in stark contrast to numerous other single house applications within the catchment where the housing in the countryside policy has clearly been the key consideration.
- 3.4 The approval of the various applications listed in paragraph 2.7 confirms this fact and significantly the application 09/00799/OUT (located directly opposite this appeal site) was approved on this very basis.
- 3.5 Due to the significance of this material consideration, and the insufficient weight that was attached to this by the planning officer, we would therefore respectfully request that this Notice of Review is determined on a similar basis and approved subject to any conditions that may be considered necessary by the Local Review Body.



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Planning Department

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Thank you for completing this application form:

ONLINE REFERENCE 000058486-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

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

- ☒ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed new dwellinghouse.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

☐

Individual

☒

Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: *

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

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

Northing

743263

Easting

303516

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Pre app reference 12/00769/PREAPP - Mr Wiliamson stated that we were correct that the Housing in the Countryside Policy 2009 is relevant in this instance. He also suggested to look into any similar applications in the local area to see how they overcame any issues regarding Policy 53

Title:

Mr

Other title:

First Name:

John

Last Name:

Wiliamson

Correspondence Reference Number:

Date (dd/mm/yyyy):

07/09/12

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Pre app reference 12/00769/PREAPP - Mr Petrie confirmed the reponse from Mr Williamson.

Title:

Mr

Other title:

First Name:

Callum

Last Name:

Petrie

Correspondence Reference Number:

Date (dd/mm/yyyy):

09/10/12

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

3186.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Vacant plot.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

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

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

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

What private arrangements are you proposing? *

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

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

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

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

Septic tank and soakaway

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- ☐ Yes
- ☒ No, using a private water supply
- ☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details:(Max 500 characters)

Bin Store

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

1

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

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: James Denholm Partnership

On behalf of: Atholl Estates

Date: 05/03/2013

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

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

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Drainage Strategy

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: James Denholm Partnership

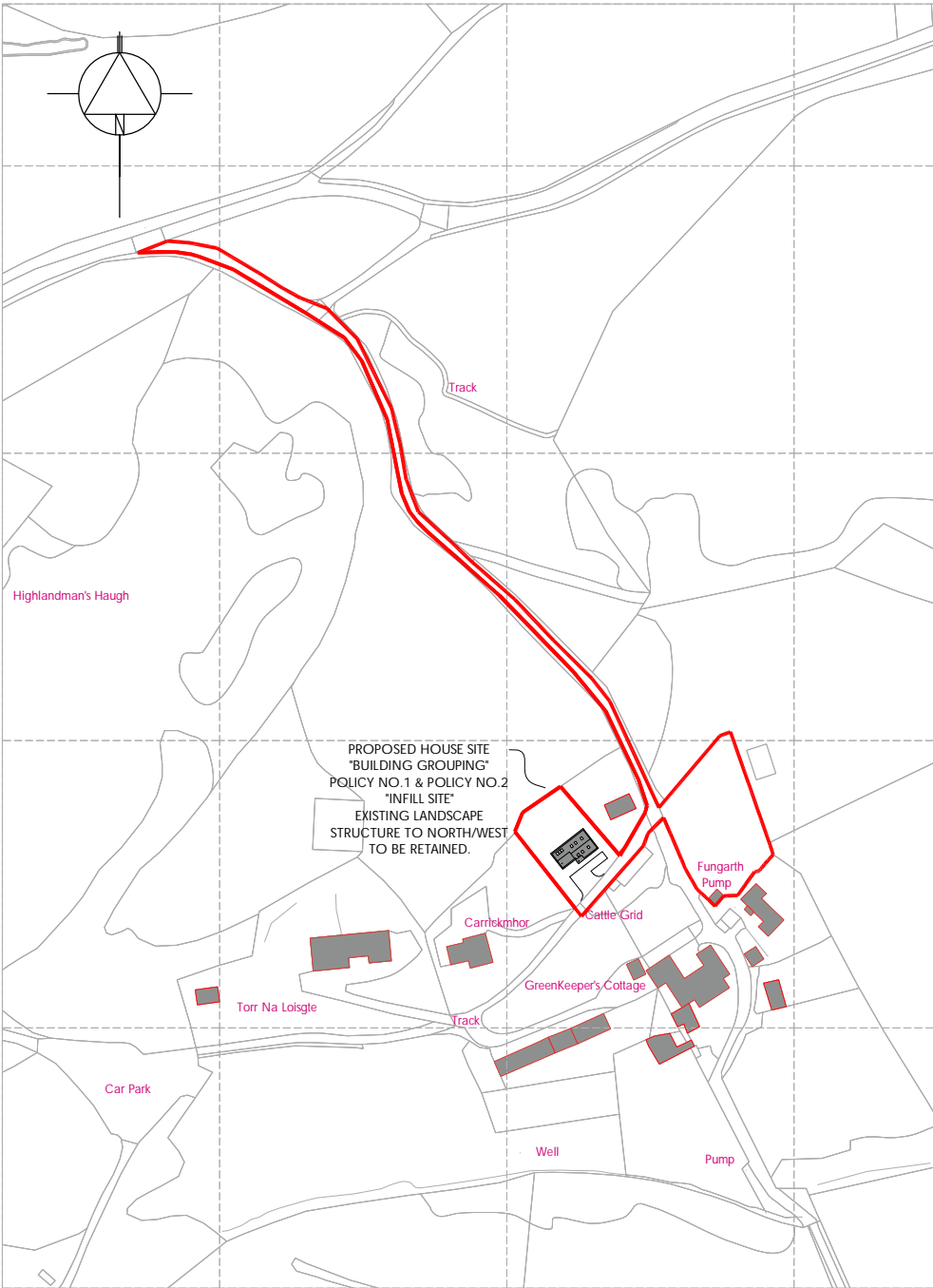
Declaration Date: 05/03/2013

Submission Date: 05/03/2013

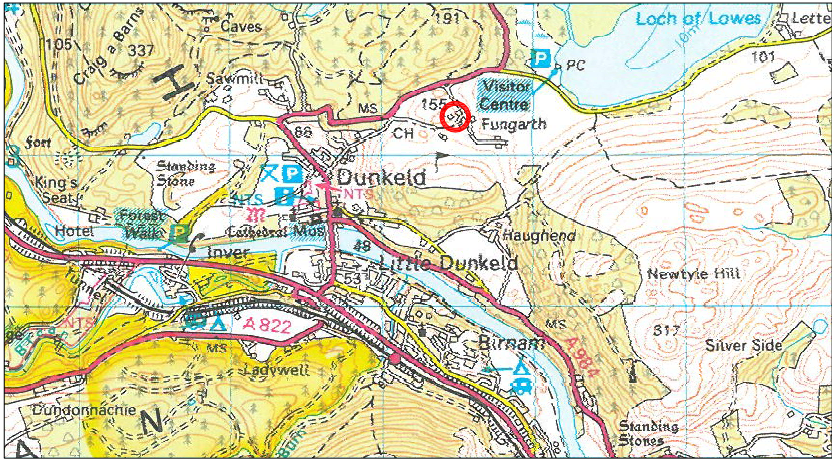
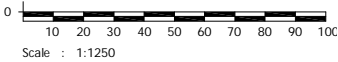
Payment Details

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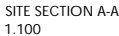



SITE PLAN
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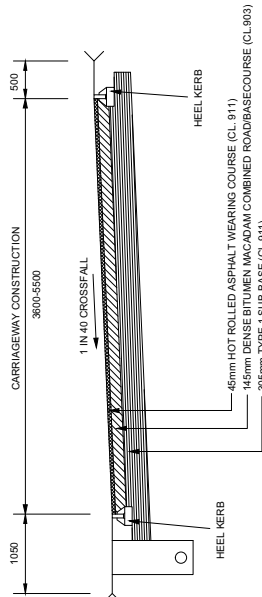


LOCATION PLAN
1:25,000

NOTES		HEALTH AND SAFETY NOTES		REVISIONS		CLIENT		DRAWING TITLE		PAPER SIZE	
Reproduction by permission of Ordnance Survey on behalf of HMSSO. All rights reserved. License number 100010137.		SIGNIFICANT RESIDUAL HAZARDS: PRESENT DESCRIPTION		REV DATE BY DETAILS		Atholl Estates		SITE PLAN & LOCATION PLAN		A2	
ALL SIZES TO BE SITE VERIFIED IF IN DOUBT, PLEASE ASK. THIS DRAWING IS COPYRIGHT. DO NOT SCALE FOR CONSTRUCTION PURPOSES.		Aesthetics Health Hazards Structural Instability Ground Conditions Contamination Buried and Overhead Services Underground Structures Adjacent Activities Site Restrictions Other (specify)				Project Site at Fungarth		SCALE 1:1250		REVISION	
						Dunkeld Planning		JOB NO. 4234		DWG. NO. P02	
						DRAWN BY EW		DATE Feb 2013			
										DENHOLM PARTNERSHIP ARCHITECTS	
										www.denholmpartnership.co.uk T: (01764) 670899	

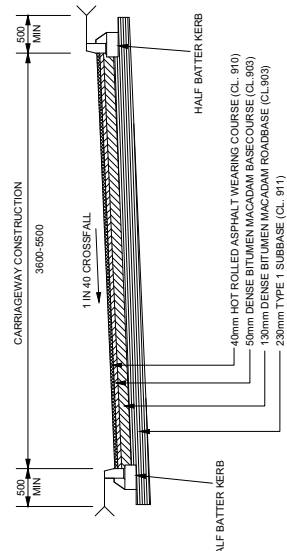


HEALTH AND SAFETY NOTES: SIGNIFICANT RESIDUAL HAZARDS: Asbestos Health Hazards Structural Instability Ground Conditions Contamination Buried and Overhead Services Underground Structures Adjacent Activities Site Restrictions Other (Specify)			PRESENT DESCRIPTION ACTIONS / NOTES:	REVISIONS REV DATE BY DETAILS	NOTES Reproduction for permission of Ordnance Survey on behalf of HERC. © Crown Copyright/Crown year 2013. All rights reserved. License number 100010137. ALL SIZES TO BE SITE VERIFIED IF IN DOUBT, PLEASE ASK THIS DRAWING IS COPYRIGHT DO NOT SCALE FOR CONSTRUCTION PURPOSES	CLIENT Athol Estate PROJECT New house Land SW of Fungarth Farm Dunkeld DRAWN BY EW DATE April 13	DRAWING TITLE Proposed Site Plan Site Section SCALE 1:100 PAPER SIZE A1 JOB NO. 4234 DWG. NO. P03 REVISION	 www.denholmpartnership.co.uk T:01764 760899
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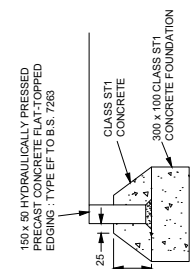
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SCALE 1:50

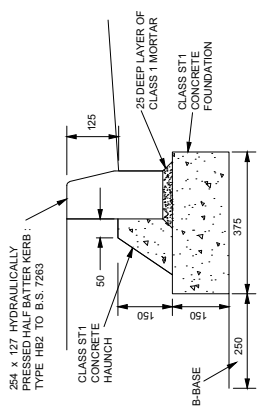


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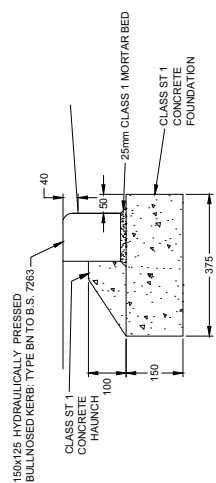
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SCALE 1:50



FOOTPATH EDGING DETAIL
SCALE 1:10

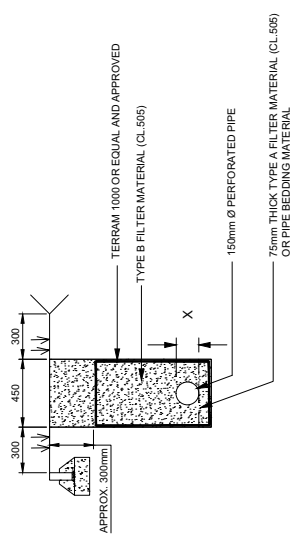


STANDARD KERB DETAIL
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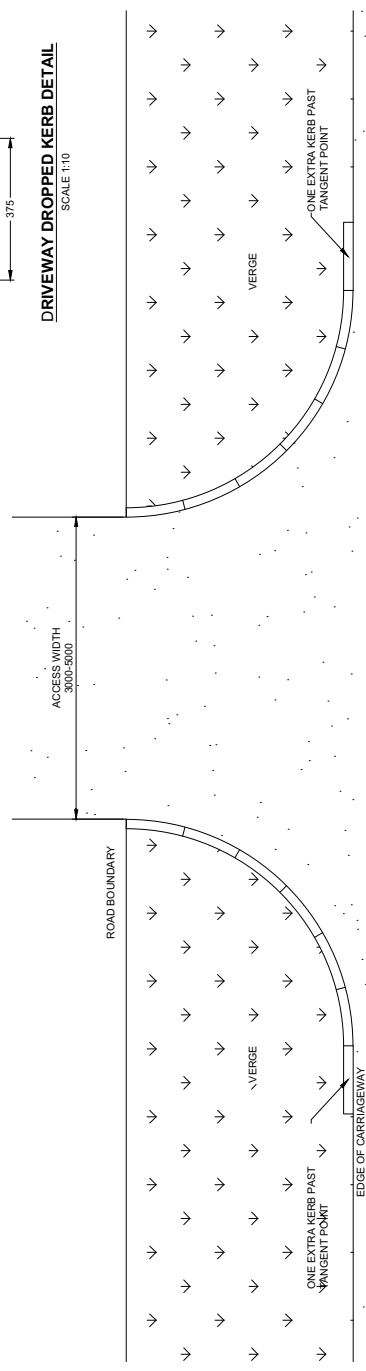


DRIVEWAY DROPPED KERB DETAIL
SCALE 1:10

MINIMUM DRAIN WIDTH - Y
Y=X + 300mm FOR DRAINS NOT EXCEEDING 1.5m DEPTH
Y=X + 450mm FOR DRAINS EXCEEDING 1.5m DEPTH (DEPTH BELOW FINISHED LEVEL)

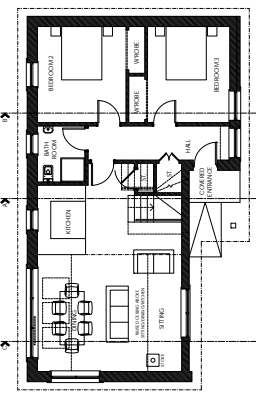
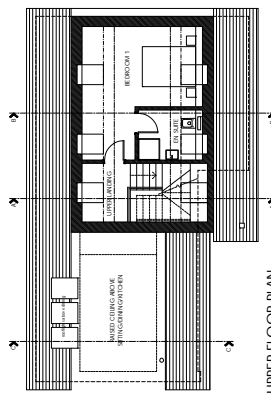
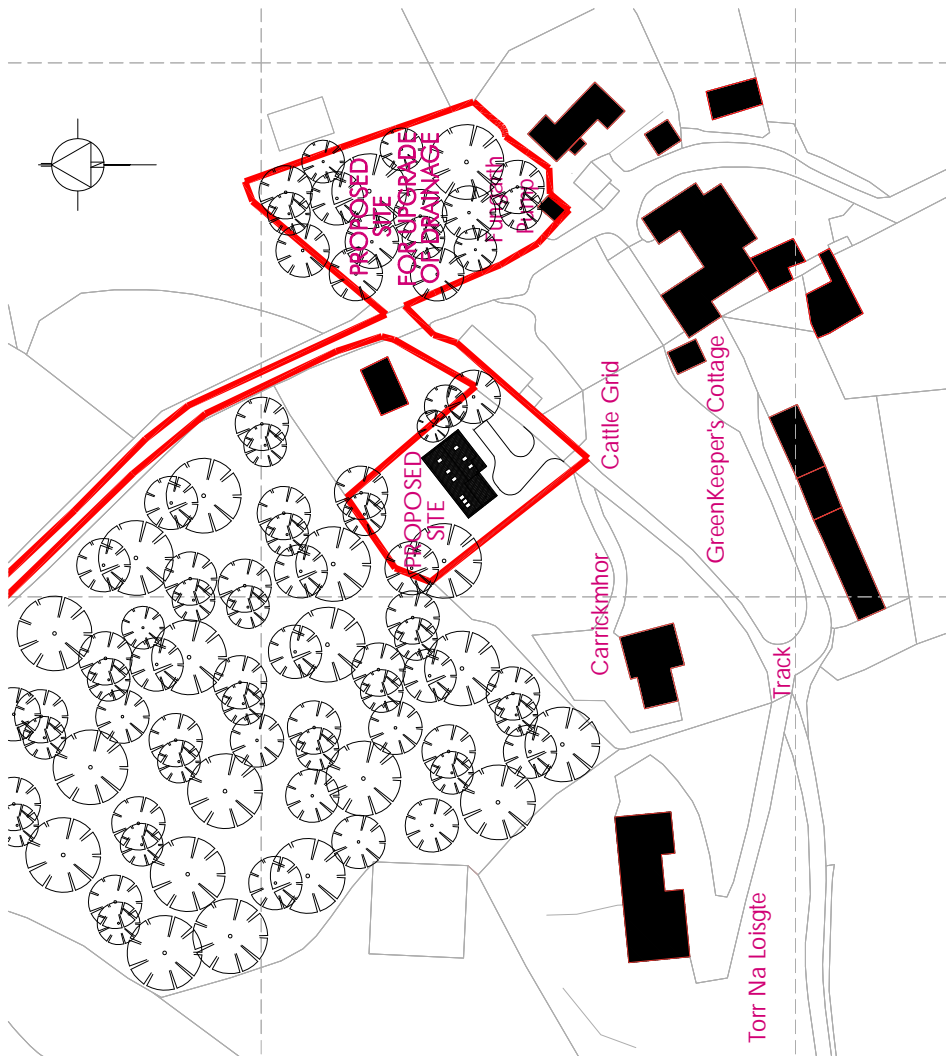
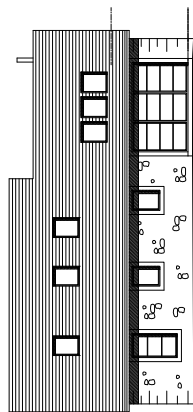
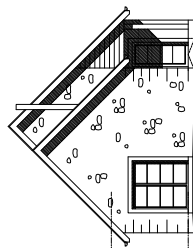
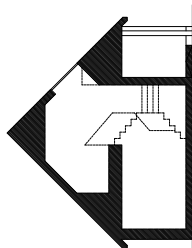
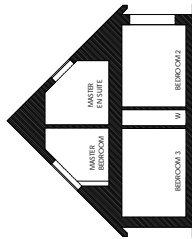
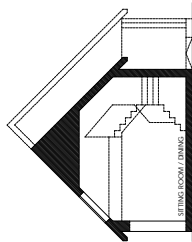
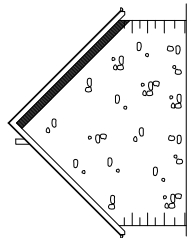
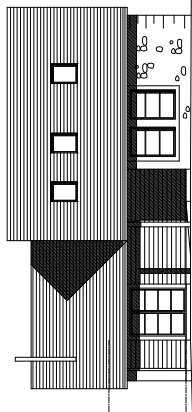


TYPICAL FILTER DRAIN DETAIL
SCALE 1:25



TYPE B JUNCTION FIGURE 5.6
SCALE 1:50

STATUS	FOR PLANNING
CLIENT	ATHOLL ESTATES BLAIRATHOLL, PERTSHIRE, PH18 5TH
TITLE	SITE AT FUNGARTH PROPOSED RESIDENTIAL DWELLING ACCESS ROAD CONSTRUCTION DETAILS
<div> ALLEN GORDON ALLEN, GORDON & CO., CONSULTING CIVIL AND STRUCTURAL ENGINEERS 100, The Quadrant, Perth, Perthshire, PH1 2BN Tel: 01738 639881 Fax: 01738 639881 e-mail: perth@alengordon.co.uk </div>	<div> DRAWING No. 52147.01 SCALES AS SHOWN </div>
DATE	12/02/2013
DRAWN	AGC
CHECKED	KMcK
A2	



Atholl Estates
Estates Office
Blair Atholl
PITLOCHRY
PH18 5TH



**DRAINAGE AND SITE ACCESS
STRATEGY STATEMENT
SITE AT FUNGARTH
PROPOSED RESIDENTIAL DWELLING**

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Report Ref. 052147-0
Date 14 02 2013

Issue and Revision Record

Rev	Date	Originated	Checked	Approved	Description
0	14.02.2013	TC	KMcK	KMcK	First Issue

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Site Details	Site Name	Site at Fungarth, By Dunkeld, Perthshire
	National Grid Reference	NO035432
	Site Area	800m ²
	Local Authority	Perth & Kinross Council
Brief	Provide a preliminary drainage strategy and access road junction upgrade details for a proposed residential site at Fungarth.	
Nature of Development	The development will comprise the construction of a low rise residential dwelling with private gardens and soft landscaping. The scheme will include the access road and access junction upgraded and foul and surface water disposal.	
Existing Drainage	The site appears to be located outwith the public sewer network area. Atholl Estates have ownership of the adjacent properties to the north east listed as Fungarth Cottage and the property east of Fungarth pump. The foul effluent from both these properties is understood to be connected to individual septic tanks which discharge to ground via traditional soakaways.	
Geology	Reference to the published geological map indicates the Solid deposits are Glacial Till consisting of sands and gravels of the Devensian period. The Drift map indicates that the site is located in the Southern Highland Rock Group which consists of Psammite and Semipelite which are Metamorphic bedrock formed in the Cambrian Periods.	
Hydrogeology	<p>The Hydrogeological Map of Scotland indicates the site to be underlain by aquifers of limited potential overlying impermeable rock formed during the Precambrian period. There are no abstractions shown on the map in the nearby vicinity. The British Geological Survey Geoindex lists one water borehole recorded within 1km of the site located at the neighbouring Dunkeld and Birnam golf club, reference: NO04SW3, depth 80m and NGR 743024,303356.</p> <p>The Groundwater Vulnerability Map of Scotland indicates the geological strata to be weakly permeable soil of low leaching potential.</p>	
Hydrology and Flooding	Reference to the SEPA Indicative River and Coastal Flood Map shows the proposed residential site located outwith the area at risk of fluvial and coastal flooding. The site does not appear to be located in an area where flooding from ground water is known to be an issue. It is unlikely that pluvial flooding will be a problem at the site as long as existing flow paths are maintained. It is considered that a Flood Risk Assessment (FRA) will not be required for planning and no further works regarding flooding will be carried out.	
Drainage Strategy	<p>Surface water discharges from the site are likely to be directed to ground via traditional soakaways. The ground is likely to have a reasonable percolation value given the expected soil conditions. The site appears to have sufficient space to accommodate a soakaway for the proposed size of dwelling.</p> <p>Foul effluent discharge from the site will require to be approved by SEPA in advance, as the site is located in a phosphorus sensitive catchment referred to as the Lunan Lochs Chain. There is no official regulatory requirement related to phosphate levels within foul discharges to ground as yet. However, the environment agency (SEPA) will insist upon providing equal or betterment discharge of phosphate. This can be achieved by upgrading an existing property septic tank. As part of the discharge approval SEPA will require to approve a mass balancing calculation to demonstrate that proposed and existing foul effluent discharges contain equal or lower phosphorus levels than the present arrangement.</p> <p>Review of the site suggests this could be achieved by replacing the existing septic tank for Fungarth cottage with a treatment plant and/or tertiary treatment/combining foul flow from the existing property east of Fungarth Pump if required.</p>	
Access to site	Access to the site is to be taken from the A923 Dunkeld to Blairgowrie. Preliminary consultation with Perth & Kinross Council (PKC) roads department has identified that junction improvement works are required to upgrade the existing access to current design standards. The existing site access junction should be upgrade to comply with the requirements of PKC Roads Standards for Vehicular Assesses Type B junction to figure 5.6. and junction road construction to Type B.	

PERTH AND KINROSS COUNCIL

Atholl Estates
c/o James Denholm Partnership
11 Dunira Street
Comrie
Crieff
PH6 2LJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 5th June 2013

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/00435/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 8th April 2013 for permission for **Erection of a dwellinghouse Land 20 Metres South West Of Fungarth Farm Cottage Dunkeld** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policies 53 and 54 of the Highland Area Local Plan 2000 as it does meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
2. The proposal is contrary to Policy RD3 - Housing in the Countryside and EP6 - Lunan Valley Catchment Area of the Proposed Local Development Plan 2012 in that the proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
3. The proposal is contrary to the Council's Housing in the Countryside policy as contained within the Housing in the Countryside Guide 2012. The proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
4. The proposal is contrary to policy 2 and 5 of the Highland Area Local Plan 2000 and policy PM1B of the Proposed Local Development Plan 2012, through having an adverse impact on the setting of a neighbouring property through its current proposed position within the site.

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

13/00435/1

13/00435/2

13/00435/3

13/00435/4

13/00435/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/00435/FLL
Ward No	N5- Strathtay

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 20 Metres South West Of Fungarth Farm Cottage
Dunkeld

APPLICANT: Atholl Estates

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 24 April 2013



OFFICERS REPORT:

Full planning consent is sought for the erection of a dwellinghouse on land at Fungarth, near Dunkeld.

The site extends to around 3100 square metres, with approximately 800sqm dedicated to the site itself. The remainder of the identified red site is linked to an area for upgraded drainage. There is an existing traditional rural cottage to the north east of the site. The site slopes up and away from the south east to North West. The proposed house is a relatively modest, 3 bedroom dwelling (including room in the roof) with traditional materials, including natural stone, timber cladding, timber framed windows and natural slate roof. The proposed house is cut into the sloping site, with wall and banking formed behind (at a height difference of 3 metres approximately).

The site is located within a designated National Scenic Area and within the Lunan Valley Catchment Area.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. 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/Principle of development

The Adopted Local Plan comprises the TayPlan 2012 and Highland Area Local Plan 2000. The most relevant policies in this instance are Policy 2: Development Criteria, Policy 3: Landscape, Policy 5: Design, Policy 53: Lunan Valley Catchment Area and Policy 54: Housing in the Countryside. Policy PM1: Placemaking, Policy RD3: Housing in the Countryside and EP6: Lunan Valley Catchment Area of the Proposed Local Development Plan 2012 are also relevant material considerations.

The adopted Local Plan is the 2000 Highland Area Local Plan and the Proposed Local Development Plan (2012) and its associated Housing in the Countryside Guide (2012) is a material consideration.

Policy 53 of the adopted local plan states that there is a presumption against built development within the area, except for renovations or alterations to existing buildings and developments necessary for operational need. Policy 54 of the Highland Area Local Plan 2000 sets out a number of criteria that need to be met before the principle of residential development in the countryside can be established. However, as the site is located within the Lunan Valley Catchment Area there is a presumption against new houses unless required on the basis of operational need but encouragement will be given to the restoration and conversion of buildings to form new houses. In this case there are no buildings existing on the site to alter or convert and no justification based on economic need has been submitted. I therefore consider the proposal to be contrary to the adopted local plan.

The proposed Local Development Plan 2012 and its associated Housing in the Countryside Guide is a material consideration.

Policy RD3: Housing in the countryside limits developments in the Lunan Valley Catchment Area to those required for economic need, conversions or replacement

buildings. No economic need has been stated and there are no buildings on the site to convert.

Other Material Considerations

Education

In terms of other material considerations; this involves an assessment against the approved Planning Guidance Note (PGN) on Primary Education and New Housing Developments. The PGN seeks a financial contribution of £6,395 per mainstream residential unit in areas where the local primary school is operating at over its 80% capacity (not formally applied at principle stage of consent). No capacity concerns at this time. No contribution, should the application be supported.

Transport

No objection to the proposal on roads safety grounds, conditions to be attached to any grant of consent.

Drainage

SNH were not officially consulted in this application. Notwithstanding, it is anticipated that SNH were not likely to officially object to this proposal, the drainage strategy could satisfy the required improved effluent levels to avoid any adverse impact on the protected features of the Dunkeld-Blairgowrie Lochs (SAC).

Design/siting

The scale of the proposed dwelling within the associated site is considered largely appropriate, of a rural scale and detail; largely considered consistent with the wider architecture and scale of the surrounding area. Due to the slope of the site and the relationship with the neighbouring stone built cottage, it is considered that there may be an adverse impact on the setting of the neighbouring cottage, not fully investigated at this stage. If the principal of a dwelling at this site was to be supported, additional assessment would be required to fully assess the impact on neighbouring property, with the suggestion that the siting of the building could be revised to improve the setting of the neighbouring cottage from the south west and better relate to the natural slope of the site.

Conclusion

I consider that the proposal is contrary to Policy 53 and 54 of the Adopted Local Plan and to Policy RD3 and EP6 of the Proposed Local Development Plan. On the basis of the aforementioned, I cannot support the application, which is now recommended for refusal.

DEVELOPMENT PLAN

The Development Plan comprises TAYPlan 2012 and the Highland Area Local Plan 2000.

TAYPlan

Policy 1 – Location Priorities - focus the majority of development in the region's principal settlements.

Policy 3 - Managing TAYPlan's Assets - safeguard the countryside and designated areas; manage long term planned growth.

Highland Area Local Plan 2000

Policy 3 – Landscape

Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

Policy 5 - Design

The Council will require high standards of design for all development in the Plan Area. In particular, encouragement will be given to:

- a) the use of appropriate and high quality materials.
- b) Innovative modern design incorporating energy efficient technology and materials.
- c) Avoidance of the use of extensive underbuilding on steeply sloping sites.
- d) Ensuring that the proportions of any building are in keeping with its surroundings.
- e) Ensuring that the development fits its location.

The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for all development proposals.

Policy 18 Designated Landscapes

The Council will oppose developments which would have an adverse impact on the landscape character and visual amenity of the National Scenic Areas identified on Proposals Map 1.

Policy 53 Lunan Valley Catchment Area

The Council will protect and seek to enhance the nature conservation and landscape interests of the Lunan Valley catchment area identified on Proposals Map 1. In particular :-

- (a) There will be a presumption against built development within the area, except for renovations or alterations to existing buildings and developments necessary for operational need, which can be shown by the developer to have no adverse impact on the environmental assets of the area and not result in an unacceptable increase in traffic volumes.
- (b) There will be a presumption against recreational pursuits, such as powered water sports, likely to cause disturbance in and around the sites of nature conservation interest.
- (c) All tree planting should be designed in such a way as to complement the landscape.

Note: See also Policy 54

Policy 54 Housing in the countryside

The Council will normally only support proposals for the erection of individual houses in the countryside which fall into at least one of the following categories:

(a) Building Groups

- (i) Development within existing small groups where sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of existing housing or lead to extension of the group.
- (ii) Development within or adjacent to established building groups which have compact nucleated shapes creating an identifiable "sense of place". Where an

application reveals that there may be a number of opportunities relating to the group, the Council will defer consideration of the application until an Advisory Plan has been produced. Consent will be granted for houses within such groups provided they do not detract from the amenity of the group and for houses which extend the group onto definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group.

(b) Renovation or Replacement of Houses

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

- (i) Where the existing house is:
- (ii) of traditional form and construction, or is otherwise of architectural merit, encouragement will be given to its restoration rather than its replacement.
- (ii) Any alterations and extension to an existing house should be in harmony with the existing building form and any extension of the property should generally be the subordinate rather than the dominant element of the completed house.
- (iii) If it can be shown that the existing house is either not worthy of retention or is not capable of rehabilitation, substantial rebuilding or complete replacement will be permitted.
- (iv) Where rebuilding or demolition is permitted of a traditional house, or one of architectural merit, the replacement house shall be of similar form, size, style and materials as the original house.
- (v) The replacement of an abandoned or ruinous house will be permitted only where sufficient of the existing house remains to enable the size and form of the building to be identified.
- (vi) A replacement house should be constructed on the solum of the existing house, unless there are good planning reasons to permit an alternative location, and shall be of a form, style and size which gives a good 'fit' in the landscape.

(c) Conversion or Replacement of Non-Domestic Buildings

Consent will be granted for the conversion of non-domestic buildings such as steadings, mills etc to form houses and may be granted for the replacement of such buildings provided the following criteria are met:

- (i) Where the building:
 - is of traditional form and construction,
 - or is otherwise of architectural merit,
 - or makes a positive contribution to the landscape, and its retention is considered beneficial to its surroundings,
 - and it is capable of conversion to residential use without requiring major extensions or alterations to its external appearance which would detract from its character or attractiveness, encouragement will be given to its conversion rather than its replacement.
- (ii) Any alteration and extension should be in harmony with the existing building form and any extension of the building should generally be the subordinate rather than the dominant element of the completed house.
- (iii) If the existing building is not worthy of restoration or capable of conversion, its replacement by a new house may be permitted provided:
 - sufficient of the existing building remains to enable its size and form to be identified,
 - it is located on an established site with a good landscape setting and a good 'fit' in

- the landscape and on a site acceptable on planning grounds,
- the new house is, in essence, a replacement of the existing building, in terms of size,
- character, building form and constructed of traditional materials, reusing where possible existing materials,
- the house is a replacement for a well located traditional building rather than, for example, a modern agricultural or industrial building or telephone exchange which
- are explicitly excluded from this policy .

(iv) A satisfactory residential environment can be created if the house is to be located adjacent to a working farm, and provided the introduction of a house will not interfere with the continuation of legitimate agricultural and related activities.

(v) Applications to create more than one house from an existing building will be treated on their merits, with particular attention being given to the need to provide adequate access, privacy and amenity space for each house created.

(vi) Applications to create more than one house through a replacement building will only be permitted if it can be demonstrated that the original building would have been of sufficient size to have contained more than one house.

(vii) Applications for conversion of non-domestic property will not be approved within fifteen years of the date of their construction.

d) Operational Need

Exceptionally, where there is an operational need for a house in the countryside, subject to the satisfactory siting and design of the house and to a condition controlling its occupancy.

(e) Western Highland Perthshire

In the western half of the landward area, as shown on Proposals Map 1, Consent may be granted for houses within scattered but recognisable building groups or places where:

- (a) The existing pattern of settlement is reflected and respected.
- (b) The site has a good landscape or topographical setting.
- (c) The amenity of existing houses is respected.
- (d) The house has a safe access to the public road network.
- (e) The development does not conflict with any other policy or proposal contained in the Local Plan.

This policy will apply to Gallin; Bridge of Balgie; Innerwick and Invervar in Glen Lyon, and Killichonan; Bridge of Gaur; Finnart and Camghouran on Loch Rannoch as well as to other appropriate locations in the area. Where pressure for a number of houses is concentrated in a single location the Council will defer consideration of applications until an Advisory Plan has been approved by the Council for the area. Planning applications for outline consent for new housing in these areas are unlikely to be acceptable without detailed plans including elevations showing the new building in its setting.

Within the Lunan Valley catchment area and the Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.

For all Proposals

- (i) Satisfactory access and services should be available or capable of being provided.
- (ii) Proposals should comply with the design advice contained in the Council's Guidance on the Siting and Design of Houses in Rural Areas with particular regard being paid to Policies 4 and 5 of the Plan.
- (iii) The quality of the design and materials of the house should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of the curtilage of a new house in the countryside.
- (iv) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- (v) Full applications should be submitted for all proposals, but where an outline application is made this must be accompanied by sketch plans indicating the size of the proposed new building or extension and proposed elevational treatments and materials.

Proposed Local Development Plan 2012

On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation; the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

The principal relevant policies are in summary:

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
- (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 Greenbelt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

All proposals must also meet a list of criteria. Further guidance is contained within the Housing in the Countryside Guide.

Policy PM1: Placemaking

Development must contribute successfully to the quality of the surrounding built and natural environment.

EP6: Lunan Valley Catchment Area

There will be a presumption against built development except; within settlements; for renovations or alterations to existing buildings; and developments necessary for economic need which the developer can demonstrate will have no adverse impact on the environmental assets of the area nor are likely to result in an unacceptable increase in traffic volumes.

Note: The Policy on housing in the countryside is limited to economic need, conversions or replacement buildings within the Lunan Valley Catchment Area.

OTHER POLICIES

Housing in the Countryside Guide November 2012

The Council's revised Housing in the Countryside Guide 2012 supports policy RD3 and stipulates the criteria under which new housing may be considered outwith settlement boundaries. The Guidance has been approved by the Council and subject to the Housing in the Countryside Policy being approved by Scottish Ministers it will form statutory supplementary guidance when the new Local Development Plan is adopted.

Development Contributions 2012

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.

SITE HISTORY

12/00769/PREAPP – seeking direction on the principle of a single dwelling. Officer confirmed it would be difficult to overcome policy restrictions of policy 53.

CONSULTATIONS/COMMENTS

Environmental Health	No objection subject to conditions and informatives being attached to any consent with regard to private water supply.
Scottish Water	No objection.
Transport Planning	No objection.
Education And Children's Services	Education & Children's Services have no capacity concerns in this catchment area as at today's date.
Countryside Access Officers	No objection subject to condition with regard to Core Path.

TARGET DATE: 07.06.2013

REPRESENTATIONS RECEIVED:

Number Received: 0

Summary of issues raised by objectors: n/a

Response to issues raised by objectors: n/a

Additional Statements Received:

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

Legal Agreement Required: - n/a

Direction by Scottish Ministers - n/a

Reasons:-

- 1 The proposal is contrary to Policies 53 and 54 of the Highland Area Local Plan 2000 as it does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
- 2 The proposal is contrary to Policy RD3 - Housing in the Countryside and EP6 - Lunan Valley Catchment Area of the Proposed Local Development Plan 2012 in that the proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
- 3 The proposal is contrary to the Council's Housing in the Countryside policy as contained within the Housing in the Countryside Guide 2012. The proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
- 4 The proposal is contrary to policy 2 and 5 of the Highland Area Local Plan 2000 and policy PM1B of the Proposed Local Development Plan 2012, through having an adverse impact on the setting of a neighbouring property through its current proposed position within the site.

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

None.

Memorandum

To Nick Brian
Development Quality Manager

From Frances Berry
Policy Officer (Access & Infrastructure)

Your ref 13/00435/FLL

Our ref cc32gen/FB

Date 29 April 2013

Tel No 01738 475324

The Environment Service

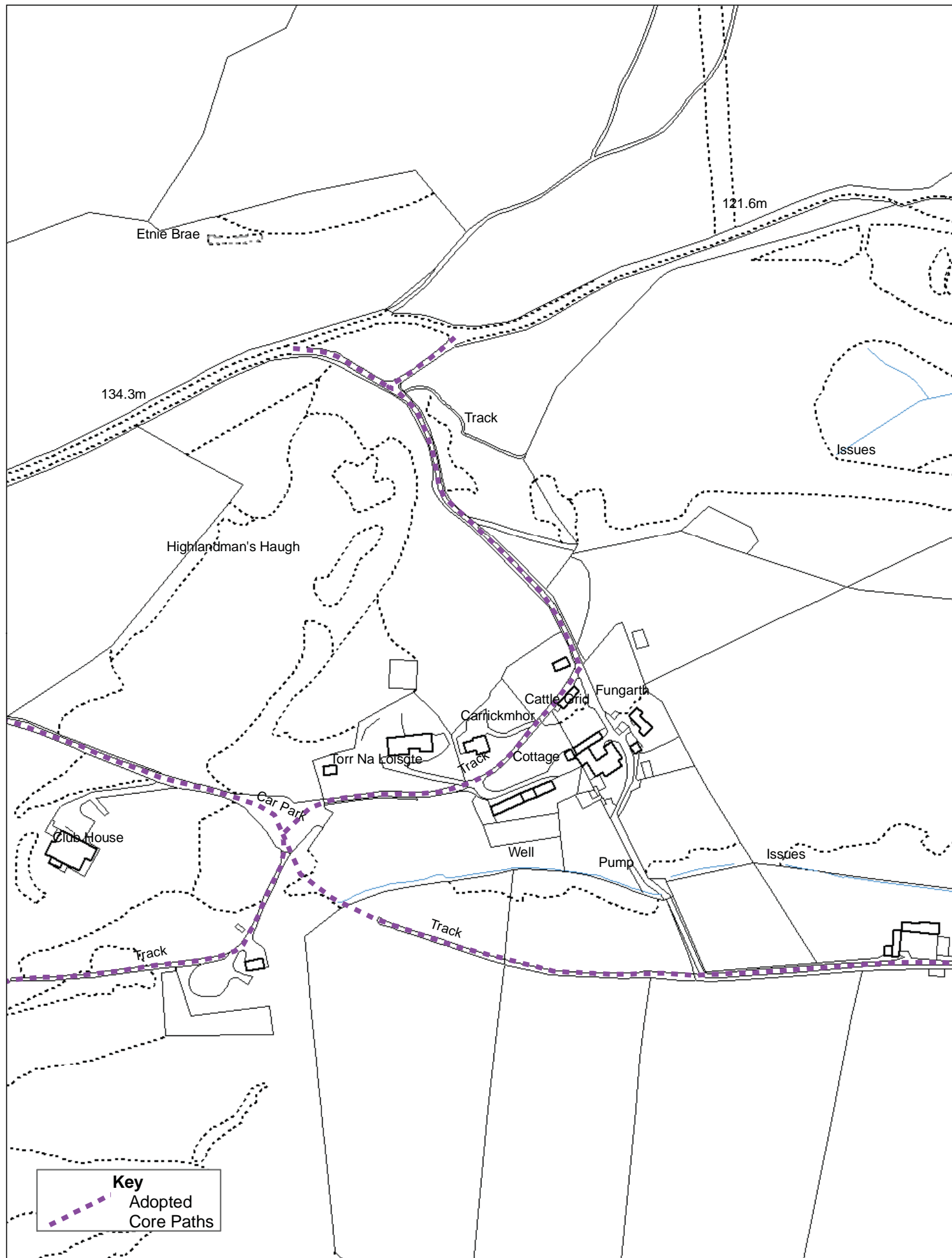
Pullar House, 35 Kinnoull Street, Perth PH1 5GD

With reference to the application for the erection of a dwellinghouse on Land 20 Metres South West Of Fungarth Farm Cottage Dunkeld please note that a core path and right of way provides access to and passes through the development site. A condition is essential here. Please see map attached.

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

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

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



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Core Paths at Fungarth, Dunkeld

Contact: F Berry

Date: 14 Jan 2013

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

190

Scale:
1:3,000



Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PKC/13/00435/FLL	Our ref	MA
Date	3 May 2013	Tel No	01738 476466

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of a dwellinghouse Land 20 Metres South West Of Fungarth Farm Cottage Dunkeld for Atholl Estates

I refer to your letter dated 16th April 2013 in connection with the above application and have the following comments to make.

Water (assessment date – 18/04/13)

Recommendation

I have no objections to the application but recommend the undernoted informatives be included in any given consent to ensure any new development has an adequate and consistently wholesome supply of water and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance. The development relates to erection of a dwellinghouse in a cluster of existing rural dwellings and farm buildings which are believed to be served by a private water supply, namely Fungarth Supply. The application states that the development will be served by a private water supply and it is assumed it will be connecting to the existing supply in the vicinity. No public objections in relation to private water supplies were noted at this date.

Informative 1

The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. 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.

Informative 2

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.



MEMORANDUM

To	Callum Petrie Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	13/00435/FLL	Date	23 May 2013

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

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

With reference to the application 13/00435/FLL for planning consent for:- **Erection of a dwellinghouse Land 20 Metres South West Of Fungarth Farm Cottage Dunkeld for Atholl Estates**

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

- Prior to the occupation or use of the approved development the vehicular access from the public road shall be reformed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

I trust these comments are of assistance.

CHX Planning Local Review Body - Generic Email Account

From: Mark Myles [mm@mbmplanning.co.uk]
Sent: 21 October 2013 11:26
To: CHX Planning Local Review Body - Generic Email Account
Cc: Ellen Webster; Andrew Bruce Wootton
Subject: FW: TCP/11/16(269) - land 20 metres south west of Fungarth Farm Cottage, Dunkeld
Attachments: 13.10.17 - Agent (269).pdf

Hi Audrey

Many thanks for your letter of 17th October in connection with the above Notice of Review.

I note the deadline of 1st November to provide further comment. As we are also to be given the opportunity of commenting on the further information/responses from the Development Quality Manager and the Roads Authority, can I suggest that we provide one single response to all matters once the further information/responses are available and forwarded to us.

I would be grateful if you could confirm that this is acceptable.

Many thanks

Kind regards

Mark Myles
MBM Planning & Development

Paula Frazer

From: Callum Petrie
Sent: 11 December 2013 10:58
To: Paula Frazer
Subject: FW: 13/00435/FLL - Fungarth Farm Cottage, Dunkeld

Paula,

Please see e-mail below from Niall Moran. Apologies for any oversight.

Regards

Callum

-----Original Message-----

From: Niall Moran
Sent: 29 October 2013 10:10
To: Callum Petrie
Subject: RE: 13/00435/FLL - Fungarth Farm Cottage, Dunkeld

HI Callum

I don't think I've seen this before but it's possible it came into the generic account and it got overlooked. In terms of the suggested improvements to the access, these were in relation to the access point indicated on the application (ie the westerly junction) and no improvements to the easterly one were suggested as this is out with the redline of the application. However, in retrospect a suitable upgrade of this junction (similar to the westerly access) would be beneficial if that could be conditioned?

Cheers
Niall

-----Original Message-----

From: Callum Petrie
Sent: 29 October 2013 09:53
To: Niall Moran
Subject: FW: 13/00435/FLL - Fungarth Farm Cottage, Dunkeld

Niall,

Can you please look over attached. Were you sent this previously?
As you will see from point (ii), LRB are looking for clarity on access improvements east/west or both.

Can you please look at and get back to me.

Much appreciated.

Regards

Callum

Callum Petrie
Planning Officer
Perth & Kinross Council

CHX Planning Local Review Body - Generic Email Account

From: CHX Planning Local Review Body - Generic Email Account
Sent: 23 October 2013 10:23
To: 'Mark Myles'
Cc: Ellen Webster; Andrew Bruce Wootton
Subject: RE: TCP/11/16(269) - land 20 metres south west of Fungarth Farm Cottage, Dunkeld

Dear Mark

Town & Country Planning (Scotland) Act 1997 The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013 Application Ref: 13/00435/FLL - Erection of a dwellinghouse, land 20 metres south west of Fungarth Farm Cottage, Dunkeld - Atholl Estates

I refer to your e-mail dated 21 October 2013 in connection with the above Notice of Review and write to confirm that one single response to all matters will be sufficient. However, your response, when received by us, will then have to be forwarded to the Development Quality Manager for his comments which means the process will take slightly longer than normal.

Yours sincerely

Yvonne Oliver
Committee Officer

-----Original Message-----

From: Mark Myles [mailto:mm@mbmplanning.co.uk]
Sent: 21 October 2013 11:26
To: CHX Planning Local Review Body - Generic Email Account
Cc: Ellen Webster; Andrew Bruce Wootton
Subject: FW: TCP/11/16(269) - land 20 metres south west of Fungarth Farm Cottage, Dunkeld

Hi Audrey

Many thanks for your letter of 17th October in connection with the above Notice of Review.

I note the deadline of 1st November to provide further comment. As we are also to be given the opportunity of commenting on the further information/responses from the Development Quality Manager and the Roads Authority, can I suggest that we provide one single response to all matters once the further information/responses are available and forwarded to us.

I would be grateful if you could confirm that this is acceptable.

Many thanks

Kind regards

Mark Myles

----- Original Message -----

From: CHX Planning Local Review Body - Generic Email Account
<mailto:PlanningLRB@pkc.gov.uk>

To: mm@mbmplanning.co.uk

Sent: Thursday, October 17, 2013 4:04 PM

Subject: TCP/11/16(269) - land 20 metres south west of Fungarth Farm Cottage, Dunkeld

Please see the attached letter.

Audrey Brown

Committee Support Officer

Perth and Kinross Local Review Body

* 01738 475494

* 01738 475710

* planninglr@pkc.gov.uk

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General enquiries to TACTRAN should be made to info@tactran.gov.uk or 01738 475775.

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From: Mark Myles <mm@mbmplanning.co.uk>
Sent: 31 December 2013 09:24
To: CHX Planning Local Review Body - Generic Email Account
Cc: ellen@james-denholm.co.uk; Andrew Bruce Wootton
Subject: TCP/11/16 (269) - Plot at Fungarth, by Dunkeld
Attachments: 052148-DG-0001-P2.pdf; Phosphorus Mitigation Fungarth 052148.pdf

F.A.O Paula Frazer

Dear Paula

I refer to the above Local Review Body case and to your letter of 13th December 2013 enclosing copies of the additional responses received from the consultees.

In response to these comments we note that the SNH response of 5th November confirms that if the supporting drainage strategy is approved then there will be no significant impact on the SAC and therefore SNH do not object to the proposals.

I would also advise that the issues detailed in Section 1 of the SEPA response dated 19th November have since been addressed. The initial SEPA objection has been superseded by the response sent from Bruce Meikle at SEPA to Toni Coppola at Allen Gordon on 9th December (see copy email below) which confirms SEPA's objection to the proposed development has now been withdrawn.

I have also attached a copy of the agreed SEPA calculations which were approved by Bruce Meikle on the 9th December confirming that the existing 9,000 mg P/day will be significantly reduced under the proposed mitigation arrangements.

In terms of the additional comments received from the Roads Department we would respond by stating that no improvements were originally requested to the east junction. Furthermore the east access is informal and if the west junction is upgraded as requested then there may be a case for actually closing the east access. Although the east access does provide an alternative access option particularly when approaching from the east, any improvement to the visibility splay would be extremely difficult and costly due to the land form and presence of rock.

I trust this response and the additional information is helpful and will allow the LRB to consider the case at their next available meeting.

I look forward to hearing from you in due course.

Kind regards

Yours sincerely

Mark Myles

MBM Planning & Development

Algo Business Centre

Glenearn Road

PERTH

PH2 0NJ

From: Meikle, Bruce [<mailto:Bruce.Meikle@SEPA.org.uk>]

Sent: 09 December 2013 10:56

To: Toni Coppola

Cc: Planning South East

Subject: RE: Plot at Fungarth, By Dunkeld

Toni

I can now confirm that I would no longer object to the new house proposal as it appears that a new treatment plant with Phosphate reduction will be installed to treat the the existing house and the new house. This will reduce the overall loading to the catchment area.

Planning

can you withdraw objection to this now please.

Thanks.

Bruce Meikle

Environment Protection Officer

Scottish Environment Protection Agency, Strathearn House, Broxden Business Park, Perth, PH1 1RX

Tel: 01738 627989

e-mail: bruce.meikle@sepa.org.uk:

web: www.sepa.org.uk

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From: Toni Coppola [<mailto:Toni.Coppola@allengordon.co.uk>]
Sent: 05 December 2013 13:11
To: Meikle, Bruce
Cc: Andrew Bruce Wootton; ellen@james-denholm.co.uk
Subject: Plot at Fungarth, By Dunkeld

Please find attached as discussed a copy of the drainage proposals for the new plot proposed at Fungarth by Dunkeld.

I would be grateful if you could review and confirm that you are satisfied with the attached proposals. I understand SEPA have already objected to the planning application *(reference 13/00435/FLL) due to insufficient information for foul drainage and phosphorus mitigation. Assuming you accept the proposals I would be grateful if you could inform PKC that SEPA are now able to removed their objection.

Kind Regards.

Toni Coppola

Drainage & Infrastructure

Allen, Gordon & co

16 King Street

Perth

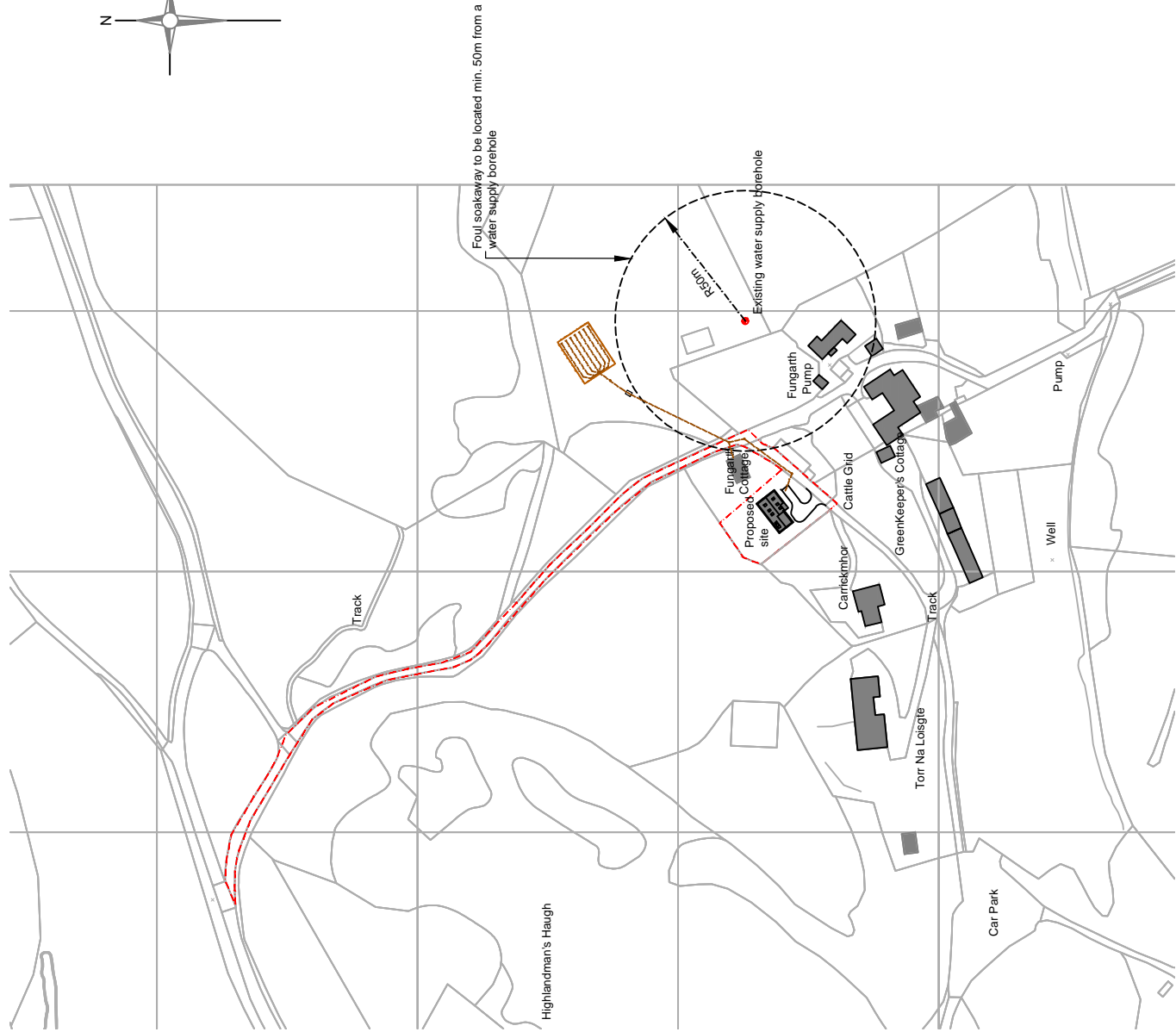
PH2 8JA.

Tel. (01738) 639881

www.allengordon.co.uk

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Location Plan
Scale 1:2500



Block Plan
Scale 1:500

[illegible]

CLIENT	Atholl Estates Blair Atholl, Perthshire, PH18 5TH	
PROJECT	Site at Fungarth Proposed Residential Dwelling	
TITLE	Location & Block Plan	

SCALES	As stated	AT SHEET SIZE	A3
STATUS			

For Discussion			
DRAWN	AGC	CHECKED	APPROVED
DATE	21/11/2013	DATE	21/11/2013

DRAWING No.	052148-DG-0001-P2
-------------	-------------------

 **Allen
Gordon**

CONSULTING CIVIL AND STRUCTURAL ENGINEERS

**16 KING STREET
PERTH PH2 8JA
Tel 01738 639881**

**e-mail : perth@allengordon.co.uk
Also at Inverness and Stirling**

Date:- 14/11/2013
 By:- A G Coppola
 Project No:- 052148

Project title:- Erection of a dwellinghouse at land 20 metres south
 west of Fungarth Farm Cottage, By Dunkeld.

Phosphorus mitigation calculation

Background		
Average amount of water per person per day	180	litres
Primary treatment (septic tank - standard discharge)	10	mg P/litre
Daily discharge of phosphorus (per person) from primary treatment	1,800	mg P
Tertiary treatment (SBR with phosphate precipitation)	2	mg P/litre
Daily discharge of phosphorus (per person) from tertiary treatment	360	mg P / person

Proposed Development		
1 No. 3-bedroom house	5	P.E.
Tertiary treatment to be installed	2	mg P/l
Daily discharge of phosphorus	1,800	mg P / day

Phosphorus Mitigation		
Mitigation requires a reduction of 125% of the amount of phosphorus to be discharged from the new development	2,250	mg P / day
Mitigation is proposed by upgrading the septic tank for the existing Fungarth Cottage -3 bedroom property with tertiary treatment (SBR with phosphate precipitation)		
Existing Fungarth Cottage	5	P.E.
Existing phosphorus discharge	9,000	mg P / day
Phosphorus discharge after upgrade	1,800	mg P / day
Mitigation offered is by proposals	7,200	mg P / day
Mitigation exceeds the requirements, therefore OK.		

Job No. :- 52148

Location :- Fungarth, By Dunkeld

Date :- 4th December 2013

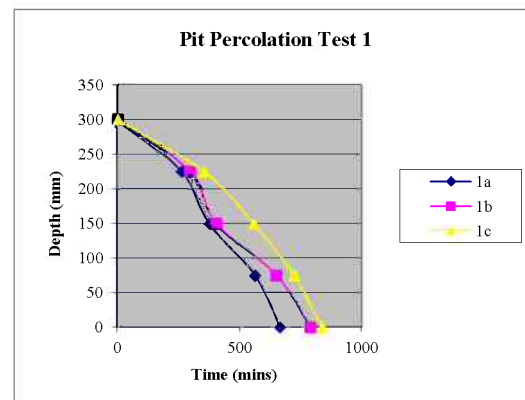
Weather :- Cold & frosty.

Trial Pit 1

Percolation Tests

Depth	1a Time	1b Time	1c Time
300	0	0	0
225	263	298	355
150	378	405	556
75	563	652	723
0	666	789	838

Time (75%-25%)	300	354	368
Vp	120	141.6	147.2
Ave. Vp	136		

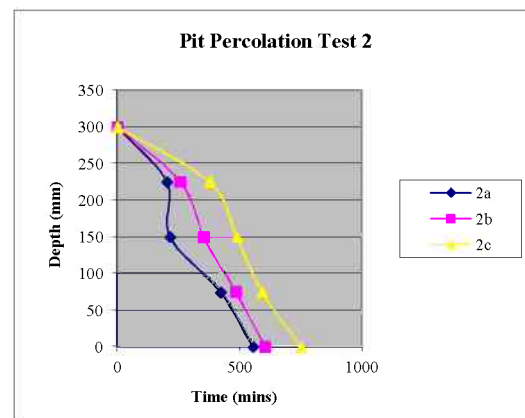


Trial Pit 2

Percolation Tests

Depth	2a Time	2b Time	2c Time
300	0	0	0
225	203	258	378
150	216	357	489
75	423	486	592
0	555	605	752

Time (75%-25%)	220	302.5	376
Vp	88	121	150.4
Ave. Vp	120		

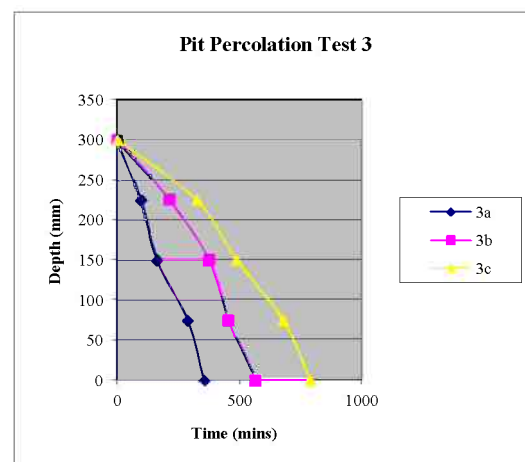


Trial Pit 3

Percolation Tests

Depth	3a Time	3b Time	3c Time
300	0	0	0
225	98	213	324
150	164	375	487
75	289	456	678
0	355	567	789

Time (75%-25%)	191	243	354
Vp	76.4	97.2	141.6
Ave. Vp	105		



Ground conditions encountered indicate that the permeability of the subsoil to be suitable for a traditional soakaway arrangement

Using an average percolation value of 120 sec/mm.

Foul Soakaway size = 241 m say **13x19m**

Treatment plant size = 3800 Min. (L) Use Graf Klaro Easy or equal

Our ref: PCS/129838
Your ref: 13/00435/FLL

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

If telephoning ask for:
Stephanie Balman

19 November 2013

By email only to: CPetrie@pkc.gov.uk

Dear Mr Petrie

Town and Country Planning (Scotland) Acts
Planning application: 13/00435/FLL
Erection of a dwellinghouse
Land 20 Metres South West of Fungarth Farm Cottage, Dunkeld

Thank you for your consultation letter which SEPA received on 29 October 2013. We note that this application is currently with the Perth and Kinross Council Local Review Body and we have not been previously formally consulted on this application. We have now been asked to provide comments.

We **object** to this planning application on the grounds of a lack of information relating to the treatment and disposal of foul drainage. We will remove this objection if the issues detailed in Section 1 below are adequately addressed.

Advice for the planning authority

1. Foul Drainage

- 1.1 The Lunan Valley Lochs catchment has been downgraded by the addition of phosphorus through human activities. To protect the lochs there is a need to ensure that additional phosphorus pollution does not enter the catchment area. There is an internationally rare plant species present (the Slender naiad) which requires protection in the form of low nutrient loch waters. The Lochs are designated as a Special Area of Conservation as a consequence.
- 1.2 There is a requirement for proposals in the catchment to ensure that the foul drainage discharges result in at least no increase in the level of nutrients discharged to the environment. The formation of a new house will add to nutrient increases into the Loch. It is not clear from the application how mitigation of phosphorous discharges will be achieved.
- 1.3 We therefore **object** until the applicant provides details to us of satisfactory proposals for phosphorus mitigation. The applicant is strongly advised to contact Bruce Meikle in our Perth Operations team (telephone 01738 627989) at their earliest convenience in order to



Chairman
David Sigsworth

Chief Executive
James Curran

Strathearn House
Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997
www.sepa.org.uk

discuss the options available in terms of phosphorus reduction. Once agreement on this issue is reached our position on this planning application can be reassessed.

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 Any discharge from a septic tank will require authorisation from SEPA under [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(as amended\) \(CAR\)](#).
- 2.2 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Strathearn House, Broxden Business Park, Lamberkine Drive, Perth, PH1 1RX,
tel 01738 627989

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7296 or e-mail at planning.se@sepa.org.uk

Yours sincerely

Stephanie Balman
Planning Officer
Planning Service

ECopy to: James Denholm Partnership - admin@james-denholm.co.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).



Chairman
David Sigsworth

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