

<b>LRB-2021-23</b> <b>21/00246/FLL - Erection of a dwellinghouse, land 50 metres east of Mill of Muckly Farm Cottage, Dunkeld</b>
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**LRB-2021-23**  
**21/00246/FLL - Erection of a dwellinghouse, land 50**  
**metres east of Mill of Muckly Farm Cottage, Dunkeld**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

PERTH

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes No  
☒ ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

See LRB Appeal Statement

**Site inspection**

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

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

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

**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 LRB Appeal 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.

See LRB statement



**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.

LRB Appeal Statement  
 Planning Application Supporting Statement  
 Landscaping Plan

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:

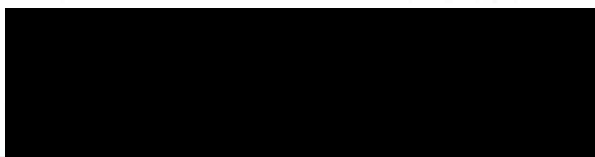
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

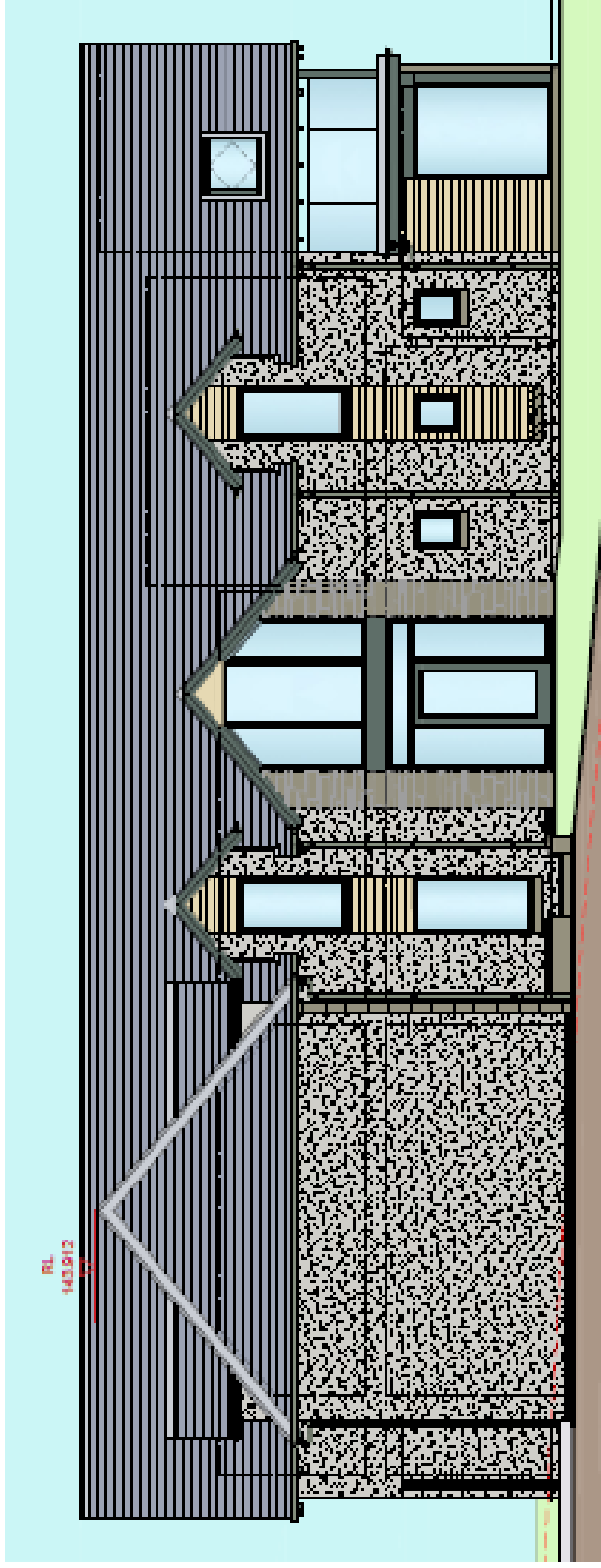


Date

22th JUNE 2021

**LRB Appeal:**

**Erection of a dwelling house, Land 50 Metres East of Mill of  
Muckly Farm Cottage Dunkeld**



**Applicant:** Mr & Mrs G Buist

Contents:

**Architect:** Alastair Mitchell

McLaren Murdoch & Hamilton  
2 Dundee Road  
Perth  
PH2 7DW

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**Planning**

**Consultant:** Keir + Co

29 Barossa Place  
Perth  
PH1 5HH

## 1.0 Introduction

On behalf of the Applicants, we request that the Council's Local Review Body review the decision to refuse the Detailed Application (21/00246/FLL) which proposed the erection of one dwelling house at Mill of Muckly Farm, Dunkeld, Perthshire.

The Detailed Application proposed the erection of a dwelling house (which would be bespoke, incorporate traditional building materials and be of a contemporary design). The Application site is located 50m east of the Mill of Muckly farm. See Map 1 opposite.

This LRB appeal is intended to set out the facts of the case and make reference to and analyse the relevant planning policy, allowing the LRB to make a balanced and informed decision as to whether the planning officer's subjective decision to refuse the detail application should be overturned or not.

The original Supporting Statement which accompanied the planning application has been appended to this LRB Appeal Statement and should be read in conjunction with this LRB Appeal Statement.

Map 1: Proposed Dwelling House (In relation to the Mill of Muckly farmstead)



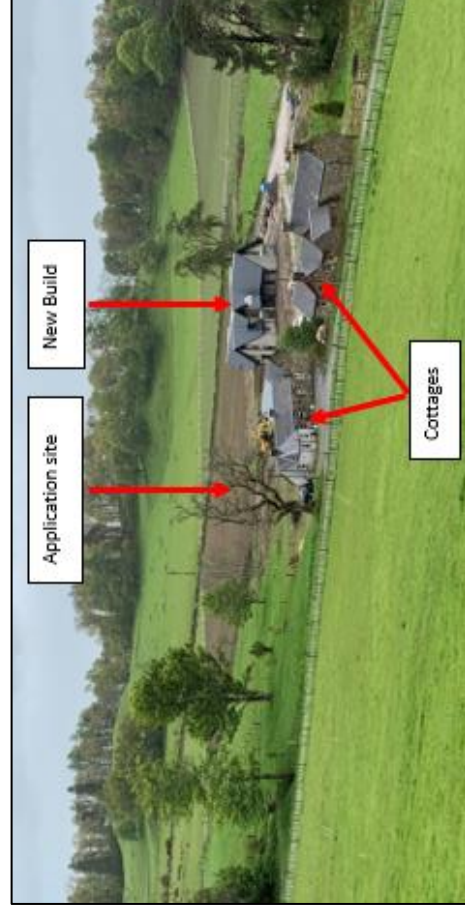
## 2.0 Site Description

The proposed site lies within the Mill of Muckly Farmstead, which comprises; Mill of Muckly Farmhouse, two Farm Cottages and a newbuild house.

With the exception of the newbuild house, all of the buildings in the farmstead/building group are of traditional construction with stone walls and slate roofs.

The site topography ranges from 134m to 138m, increasing north eastwards across the site. Trees are located to the top of the site and along the eastern side of the plot.

Photograph 1: Mill of Muckly buildings



Planning consent has been previously granted for the erection of three detached houses at Mill of Muckly. See Map below. Plot 1 is Application Site. A newbuild house has been built on Plot 3 and is in the process of being finished.

Map 2: Application Site (Plot 1)





Photo 2: Looking North over the application site



Photo 3: Looking south towards the newbuild house



Photo 4: Looking west towards adjacent cottage

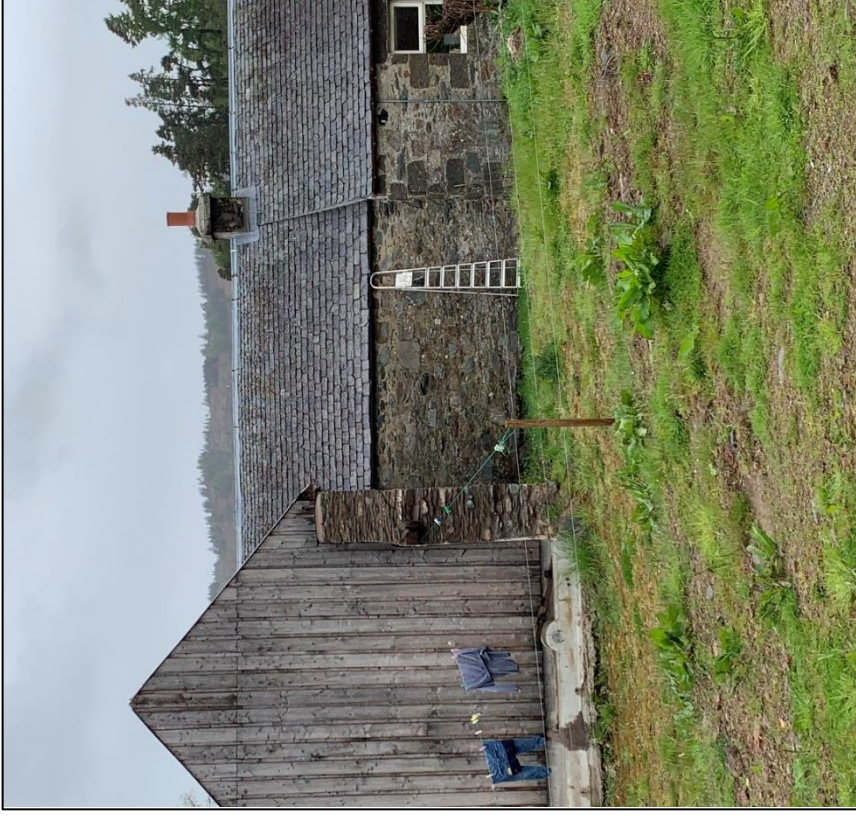




Photo 5: Looking southwest towards application site



Photo 7: Other Mill of Muckly Farm Cottage



Photo 8: Adjacent newbuild house



Photo 6: Mill of Muckly Farm Cottage





The Application Site is located within a definable site.

The northern boundary is defined by rising topography, trees and a post & wire fence.

Photo 9: Northern boundary



The southern boundary is defined by the adjacent newbuild house.

Photo 10: Southern boundary



The eastern boundary is defined by rising topography.

Photo 11: Eastern Boundary

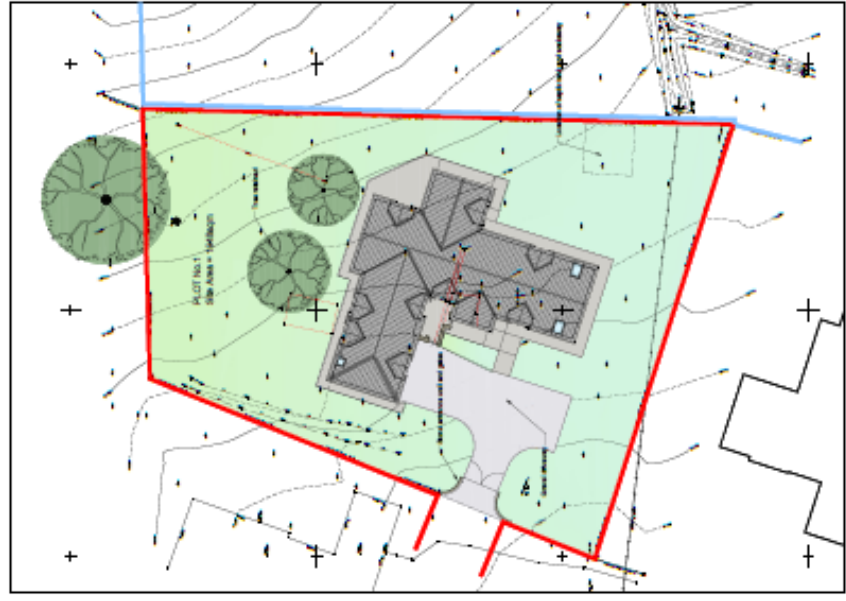


The western boundary is defined by the adjacent Mill of Muckly Farm Cottage. See Photograph 4.

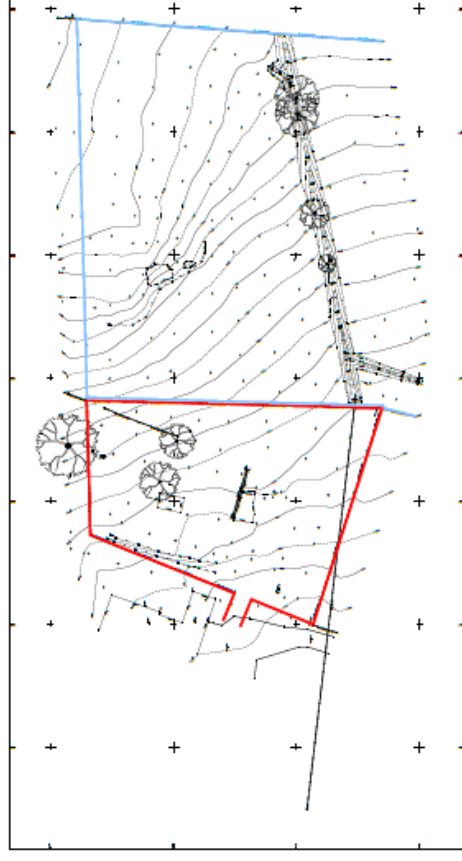
### 3.0 Proposed Development

It is proposed that a detached house is constructed within the site of the previous agricultural building.

Drawing 1: Proposed Layout Plan



Drawing 2: Site Plan

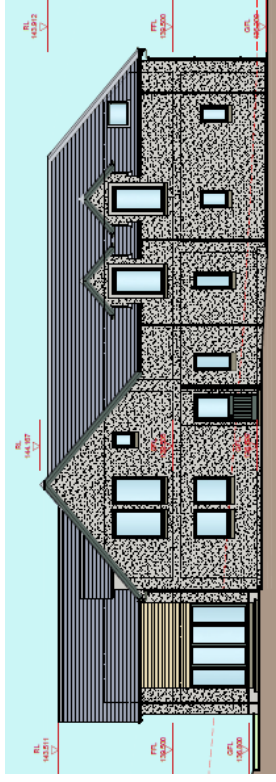
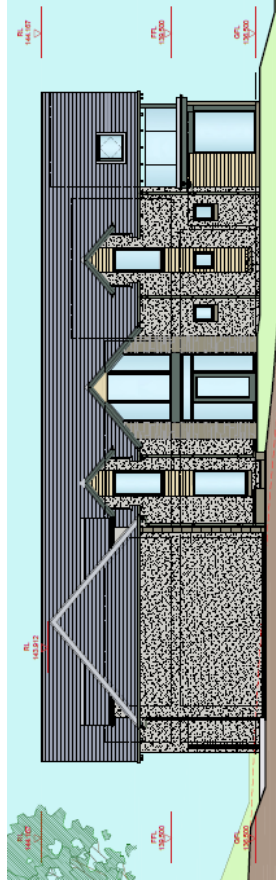


The proposed house will be 7.66m high and will be constructed using timber and stone.

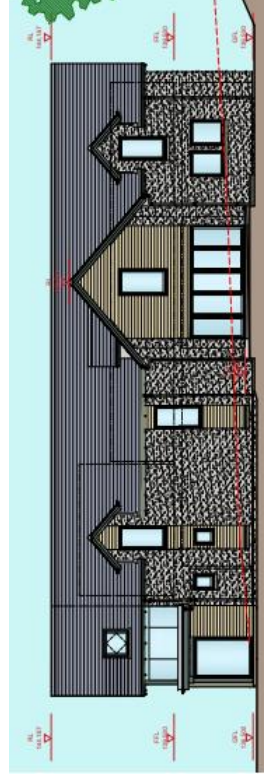
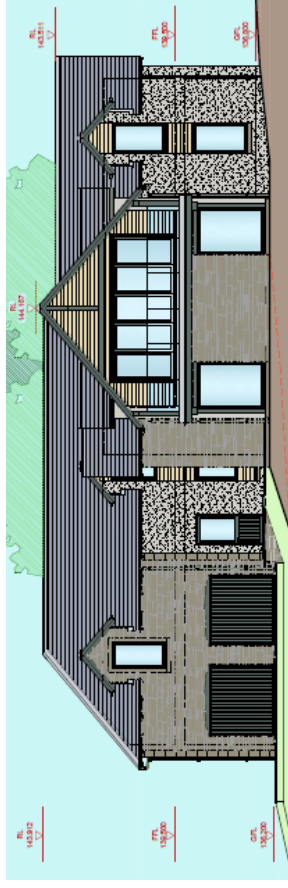
The walls will be a mix between smooth white render, natural stone feature walls and Cedar wood cladding.

The roof will be covered with natural slate. The doors will be of timber construction (finished charcoal grey).

## Northern elevation



## Southern elevation





## 4.0 Site History

The Application Site has been subject to several planning applications since 2016 with two of the previous designs being approved.

The detailed application was approved in 2017 alongside the demolition of the previous farm buildings. At this time, two dwelling house plots where approved. Further applications saw three plots being approved which where loosely based on the designs originally consented in 2017.

Images 1 & 2: Image of site 2010 (L) and 2018 (R)



The adjacent newbuild house is currently being finished. Construction started in 2019.

Planning applications history

- 16/01685/FLL Demolition of building and erection of 2no. dwellings 22 December 2016 Application Withdrawn
- 17/01332/FLL Demolition of buildings and erection of 2no. dwellings 18 September 2017 Application Approved
- 18/02102/FLL Change of use of agricultural building to form ancillary domestic building and erection of 2 dwellings 17 January 2019 Application Approved
- 19/01152/FLL Erection of 2 dwellings 23 September 2019 Application Withdrawn
- 19/01716/FLL Erection of dwellinghouse 19 December 2019 Application Approved
- 20/01352/FLL Erection of a dwellinghouse 3 December 2020 Application Withdrawn
- 21/00610/FLL Erection of a garage Pending consideration

This planning application is the second detailed planning application which the Applicant and the Architect have submitted.

The first Detailed Application (20/01352/FLL) was withdrawn following concerns expressed by the Planning Officer (the same Planning Officer who has refused the Subject Planning Application).

The principle areas of concern regarding the first Detailed Application, were; the scale of the proposed house, the orientation of the proposed house and the site boundary was slightly different from previous applications.

The second and subject Detailed Application sought to address these concerns, with the following changes being made to the drawings by the Architect;

1. The overall width of the proposed house has been reduced.
2. The proposed house has been rotated to align with the original planning application.
3. The proposed house floor level has been lowered.
4. The massing has been reduced.

Regardless of the changes which have been made to the drawings – at the Planning Officer's request, the second/subject Detailed Application was refused.

This has been incredibly frustrating for the Applicant and Architect.

## 5.0 Overview of the Decision to Refuse Consent

### 5.1 Reasons for refusal of PPP Application

The decision to refuse the PPP Application was made by a Planning Officer under delegated powers.

There were three reasons for refusing the planning consent. The reasons for refusal are set out below:

1. *The proposal is contrary to Policies 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposal by virtue of its design, scale, material, finish, massing and siting would be incongruous when viewed against the traditional existing structures, would have an adverse impact on visual amenity and does not respect the character and amenity of the place.*
2. *The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide March 2020 as the proposal fails to satisfactorily comply with A Successful Sustainable Place categories i), iii), iv) and*

*with A Natural, Resilient Place (i). The proposal by virtue of its scale, layout, design and material finish does not integrate well with its setting, does not enhance the surrounding environment and does not demonstrate how the development will make a positive contribution to the biodiversity of the site.*

3. *The proposed development will adversely affect the residential amenity of neighbours due to overlooking from the proposed balcony on the southern elevation.*



## 5.2 Overview of the decision and Report of the Handling

It should be noted that all three reasons for refusing planning consent are entirely based on the Planning Officers interpretation as to the relevant Planning Policies and her subjective view of whether the application complied with these Policies or not.

For the LRB, in considering this application, there are three key questions;

1. Is the Scale, Siting and Design of the proposed house acceptable?
2. Would the proposed house have a detrimental impact on the amenity of the neighbouring house (i.e. overlooking)?
3. Is the Additional Information submitted acceptable?

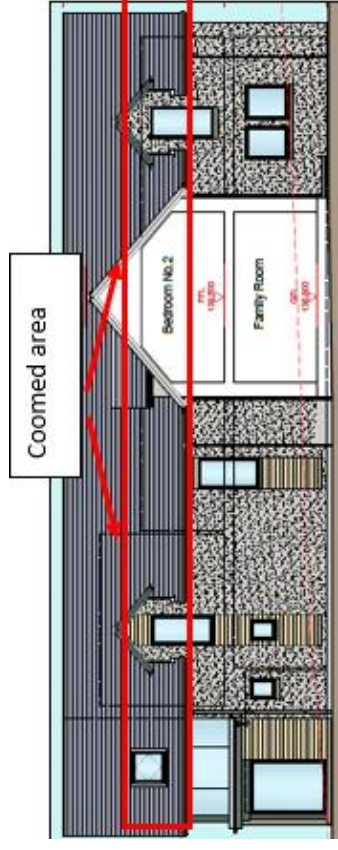
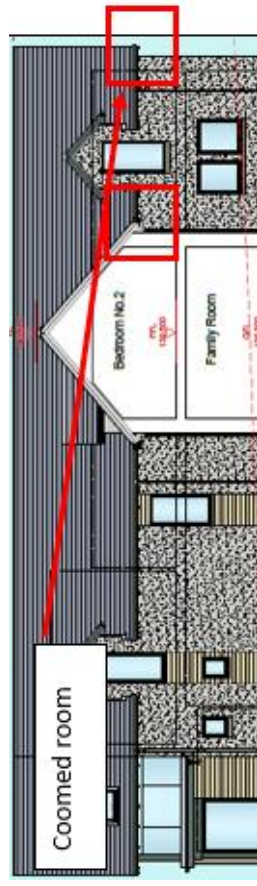
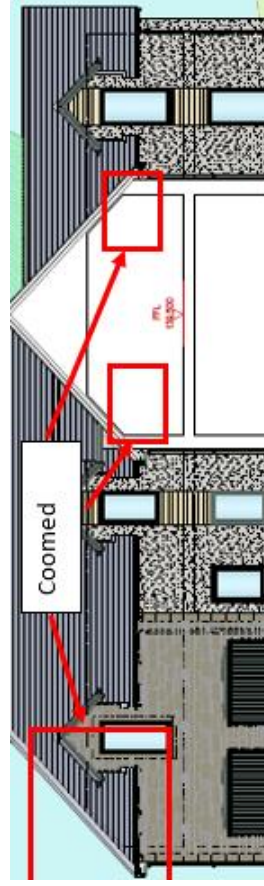
### 5.2.1 Design, Scale & Siting

#### Scale

In the Report of Handling, the Planning Officer states that the proposed development is TWO storeys in height.

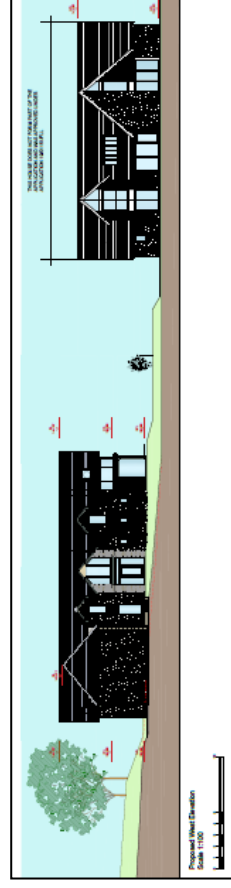
The proposed development is **NOT** a two-storey house. It is a 1 <sup>3</sup>/<sub>4</sub> storey house (similarly to the adjacent house which is currently being finished). The top floor rooms have coomed ceilings. See below.

Figures 1, 2, 3: Elevations (coomed)



The proposed development is 7.667m high, which would have a topographical height of 144.167m. The adjacent house height of 7.341m and a topographical height of 142.591m. Accordingly, the proposed house is 0.326m higher than the adjacent newbuild house and topographically, sits 1.576m higher – this is not a significant difference, as illustrated below.

Figure 4: Western elevations of the proposed development (L) and adjacent newbuild house (R)



The proposed development is not the largest newbuild house within the immediate area.

The newbuild house at Craig of Stenton Farm (neighbouring farm), is larger at 8.1m in height and can be seen from the Mill of Muckly proposed site.

Photo 12: Craig of Stenton Farm Development (from Mill of Muckly)



Figure 5: Application Mill of Muckly (L) and Approved Craig of Stenton farm (R) elevations



Both Buildings to same scale



Approximately 500m north of the application site, the erection of three houses was approved in 2019 at Dunmore steading. One dwelling house is currently under construction incorporating an existing roundel into its design (19/01134/FLL).

This newbuild dwelling house is of similar design to the application site - with both houses being 1 ¾ high and coomed roofing on the first floor. The height of the newbuild house at Dunmore is similar to the application site, with a difference of 0.28m (Dunmore has a ridge height of 7.385m).

Figure 6: Dunmore newbuild house elevations



Furthermore, the newbuild house at Dunmore dwelling is adjacent to a modestly sized farmhouse and small farm cottage to the east of the site – See photographs opposite).

Photo13: Dunmore newbuild house



Photo 14: Dunmore newbuild house



Map 3: Location of Dunmore



The irony with the Dunmore newbuild house, is that it was the same Planning Officer as the Planning Officer who refused the subject newbuild house application - despite the proposed house being a similar height to the Dunmore newbuild house and the Dunmore newbuild house being considerably larger than the adjacent houses.

In the Report of Handling, the Planning Officer states that the plot size would increase from 1400m<sup>2</sup> to 1948m<sup>2</sup> (with the 1400m<sup>2</sup> plot size being previously approved). However, we do not believe that a change in plot size and house size will affect the overall landscape or is significantly different to the neighbouring development, other developments in the area and the previously approved site.

As seen in Figure 7 (opposite) there is no substantial change to the size of the property or any change that would affect the landscape differently to the previous property.

Figure 7 (opposite) also illustrates that the proposed footprint is not substantially larger than the approved footprint. However, the proposed development footprint has been extended on the southside and moved east to give greater space between the proposed development and the existing farm cottage to the west of the site.

Figure 7: Overlay of approved house plot in 2017 (purple) over the proposed/subject development Proposed Layout Plan.





The adjacent newbuild house plot is larger than the proposed development plot. The area of the adjacent newbuild house plot is 2117m<sup>2</sup>. This is 169m<sup>2</sup> larger than the proposed development plot.

Figure 8: Neighbouring development approved plot

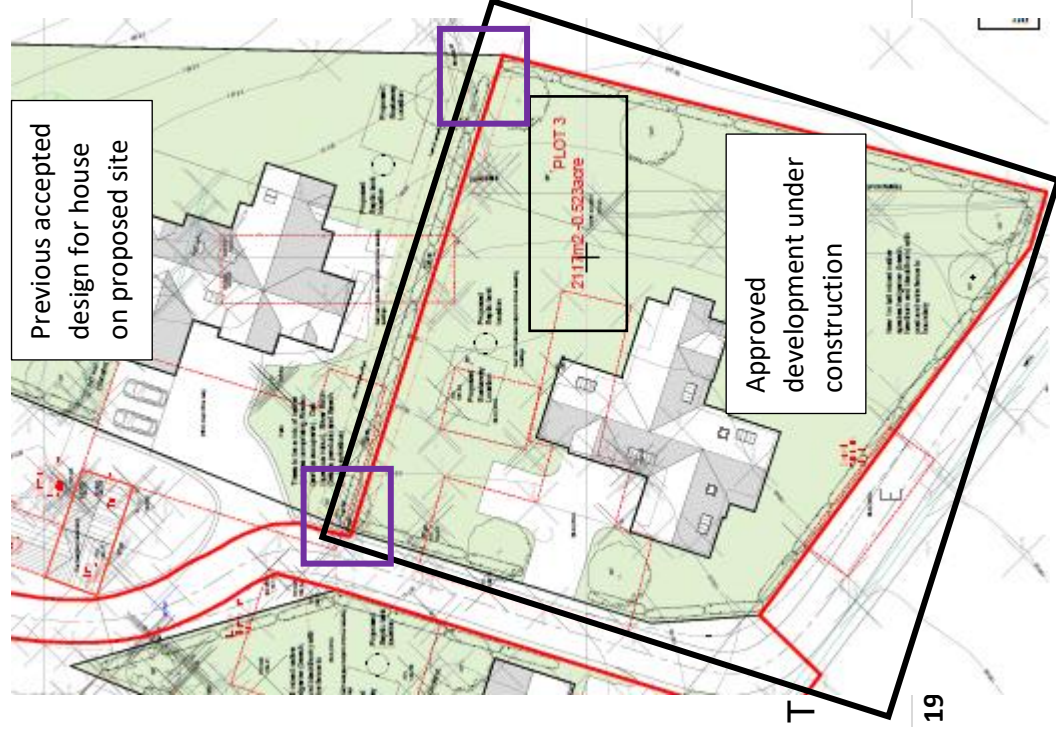


Figure 8 illustrates that not only is the proposed site plot not irregular or out of character, it also illustrates that the proposed plot meets the approved neighbouring plot at the two corners shown by the purple boxes.

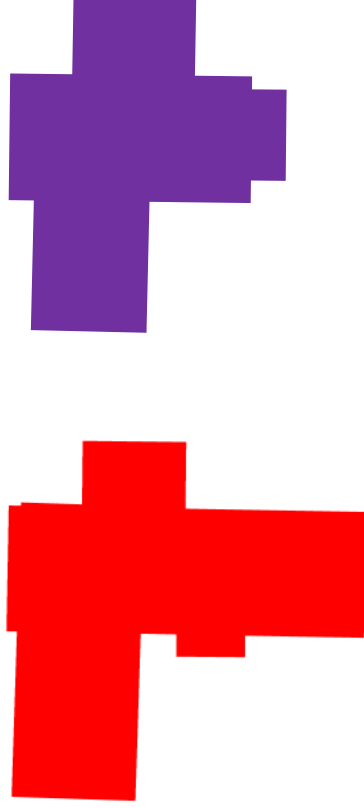
Photograph 15: Looking southeast.



The natural meeting point for the two sites is marked by the red box in the photograph above.

The blue box in the photograph above marks the previously approved 2017 application boundary meeting point.

Figure 9: Previously consented footprint (R),  
Proposed development footprint (L)



When viewing the site using Google Maps Pro, it is clear that the proposed footprint is within the grounds of the demolished farm building that previously stood on the site.

Aerial Image 1: Mill of Muckly in 2010 with farm buildings in situ (and on the proposed site – red).



The above image clearly demonstrates that the proposed site includes and is extensively occupied by farm buildings. Accordingly, the changing of size/layout of the proposed development plot (between the previously consented house plot and the proposed development plot) is not significant nor does it affect the landscape.



## Design

In the Report of Handling, the Planning Officer states that the proposed house design was not in keeping with the local area, due to the white rendering of some of the walls and the balcony.

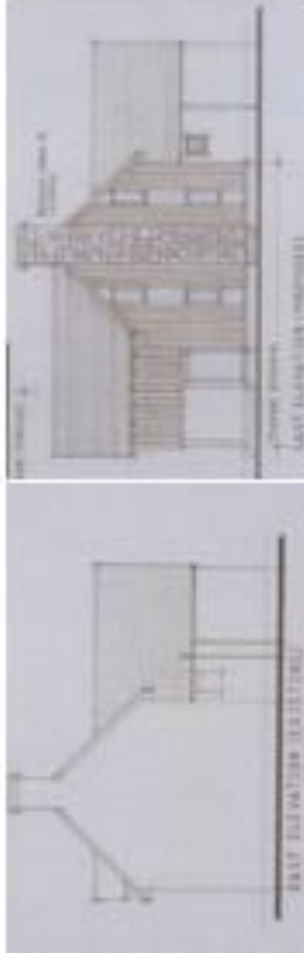
We are of the opinion that this is incorrect.

Within approximately 1.2km of Mill of Mucky, there is a similarly designed balcony at Darnoch. The balcony was added as an extension on to the property back in 2011-2012. See opposite.

Photograph 16: ~~Darnoch~~ dwelling house



Figure 10: ~~Darnoch~~ property architectural DWG east elevations



White rendering is a commonly used for finishing new build houses within rural areas, particularly houses of traditional vernacular style.

Photograph 17: White rendered newbuild house



Whilst the adjacent newbuild house is not white rendered, the adjacent farm cottage, does have white rendered elevation. See opposite photograph.

Photograph 18: Mill of Muckly Farm Cottage



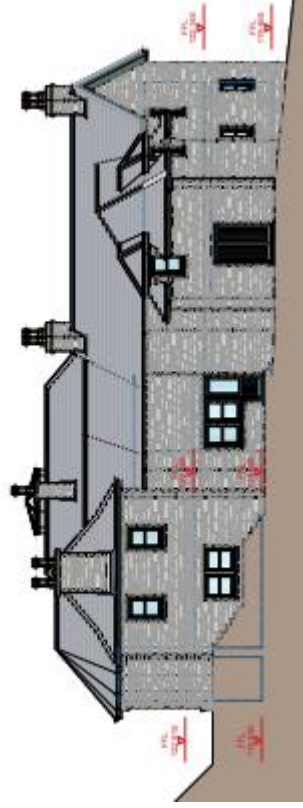
Accordingly, the overall design is within keeping with rural newbuild houses in the surrounding area.

The adjacent newbuild house is of a similar design, albeit, it will have a steeper sloped roofing.

Other consented/newbuild houses within the area do not appear to have been so constrained in design and scale (as the subject application site is being).

Take for example, the Craig of Strenton development, which is considerably larger in scale and the design is less constrained.

Figure 11: Craig of Strenton Approved Development



Another example of a newbuild house which is larger and of a more radical design is the nearby newbuild house at the walled garden. This newbuild house design is not really in keeping with the surrounding area. Interestingly however, some of the elevations have a smooth render.

Photograph 19: Property 60m south of the walled garden cottage



Please also note that there is a significantly larger amount of timber cladding used compared to other new builds in the area.



### 5.2.2 Impact on neighbouring properties

In the Report of Handling, the Planning Officer raised concern regarding potential overlooking from the balcony towards/over the newbuild house to the south.

It is worth noting that the owner of the house to the south, has no objections to the planning application or the balcony (there were no objections at all to the application).

The balcony has been designed to avoid overlooking. The balcony affords scenic views over the landscape beyond the adjacent house, as opposed to into it.

As you can see from photographs opposite, there are not many windows on the northern elevation of the adjacent newbuild house.

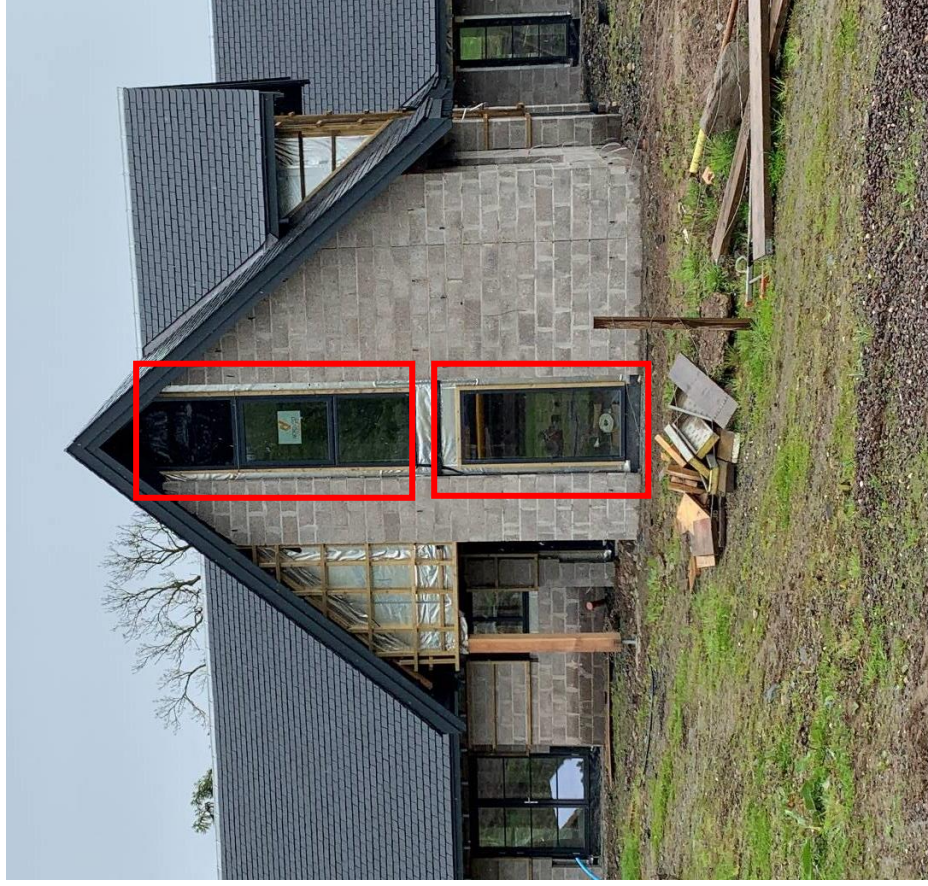
Photographs 20 & 21: Northern elevation of the adjacent newbuild house, Close (L) Far (R)







Photograph 22: Glare/reflection of adjacent newbuild house northern elevation windows at circa 18m away

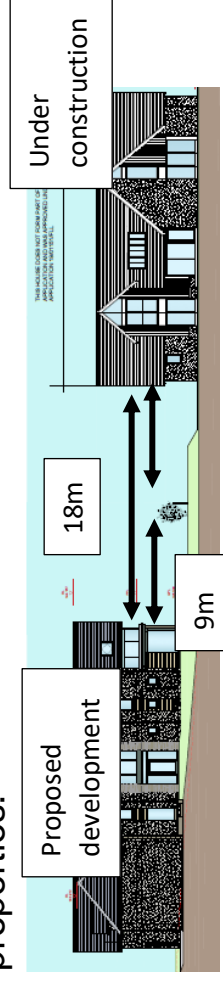


The proposed house balcony will be approximately 18m from the neighbouring newbuild house. This is more than an adequate distance and will reduce overlooking from the proposed house over the adjacent newbuild house.

It should also be noted that the nearest adjacent newbuild house northern elevation windows have reflective properties (see photographs 20 21 & 22 on, negating overlooking, particularly at a distance of 18 metres.

Figure 13 below illustrates the distance (to scale) of the proposed development and the adjacent newbuild house.

Figure 13: To scale DWG showing distance between properties.



### 5.2.3 Additional Information

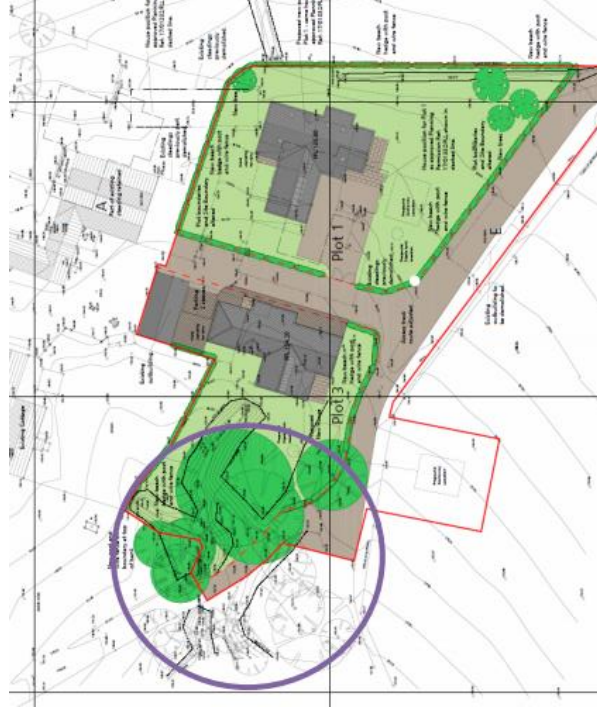
In the Report of Handling, the Planning Officer raises concerns regarding bats in the area. She states: ***‘The submitted plans do not demonstrate how biodiversity and wildlife will be enhanced by the proposals and mitigation for previous loss of bat roosts and bird nesting areas that existed within the previous buildings on the site’. This application is being refused however if an application is approved on this site a condition would be required to ensure that provision is made for bats and nesting birds. Mitigation suggested in the original bat survey is still relevant and should be undertaken with regard to development on this site’.***

A Bat Survey was carried out in respect to the planning application for the adjacent newbuild house. Since the construction of this house, bat boxes have been placed in the trees southwest of the proposed Mill of Muckly site.

Accordingly, the LRB could grant planning consent with a condition be stipulated that bat boxes require to be installed (or a condition to this effect).



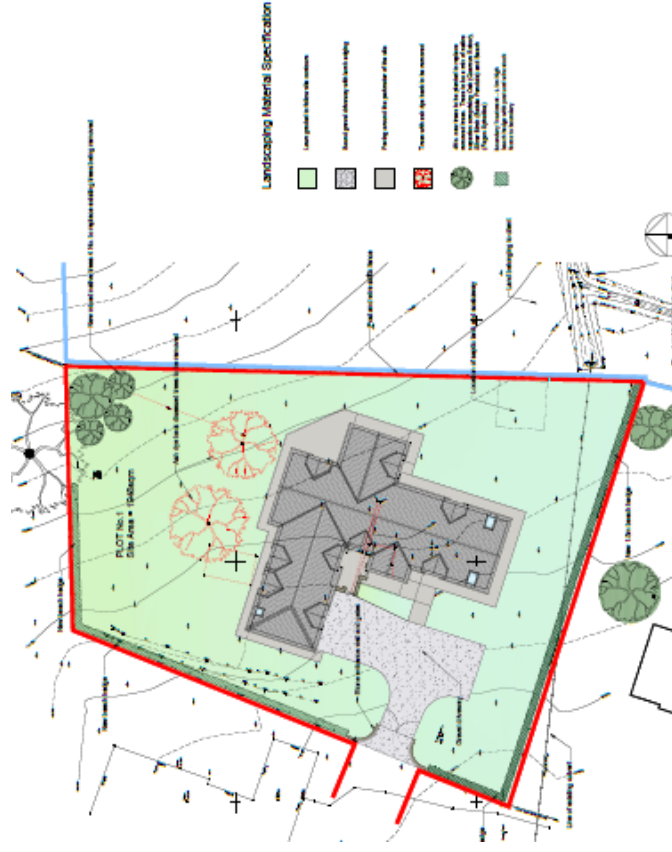
Figure 14: Bat box locations for adjacent newbuild house





In the Report of Handling, the Planning Officer States; ***‘In addition the submitted plans do not include any proposed landscaping and no tree survey has been submitted with regard to the existing trees on the site to demonstrate that the building of the house close to these trees would be feasible’.***

A Landscape Plan has now been produced (see below). It has also been submitted as part of the LRB correspondence.



There are two Ash trees on site. A Tree Survey has not been carried out.

However, both trees have Ash Die Back, so require to be removed from the site. The Applicant has not done this yet. Accordingly, there is no requirement for a Tree Survey.

Photograph 23 Two trees on site





Taking this into consideration in tandem with the fact that the trees have Ash Die Back, the request for a Tree Survey is unnecessary.

The Architect has emailed Jocelyn McLaren - Greenspace Policy Officer (Tree and Woodland), regarding the trees.

Jocelyn states in an email; ***‘Although my job title is Tree and Woodland Officer, my job remit only covers trees within public ownership. I have no knowledge regarding tree felling as it relates with the specifics of planning permissions. As far as Ash Die Back infections, this can be a very serious disease which causes trees to decline rapidly. If the trees are in a location where there is foot traffic or other valuable assets within felling distance, I would look into having them removed for health and safety purposes, however again, I have no knowledge of how this would affect planning permissions’.***

Regardless of whether the two trees had Ash Die Back or not, the Applicant could potentially cut both trees down tomorrow without any requirement for a felling licence, as neither trees are protected and you are entitled to cut two big trees down per quarter without the requirement for a felling licence.

## 6.0 National Planning Policy

### 6.1 Scottish Planning Policy (SPP)

SPP states that

*the planning system should, in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.*

It also states that

*...the National Planning Framework aims to facilitate new housing development ... through innovative approaches to rural housing provision.*

The proposed development complies with the above extracts from SPP

## 7.0 Local Planning Policies

### Placemaking Policy 1A

*‘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’.*

For reasons stated throughout the LRB Appeal Statement, we are of the opinion that the proposed development complies with Placemaking Policy 1A.

### Placemaking Policy 1B

*“All proposals should meet all the following placemaking criteria:*

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*



*(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*

*(f) Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.*

*(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*

*(h) Incorporate green infrastructure into new developments to promote active travel and make connections where possible to blue and green networks.*

*(i) Provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials (with consideration of communal facilities for major developments).*

*(j) Sustainable design and construction.*

For reasons stated throughout the LRB Appeal Statement, we are of the opinion that the proposed development complies with Placemaking Policy 1B.

## 8.0 Summary

The cornerstone of the Planning Process is consistency. We are of the opinion, that the Planning Officer in this case has not been consistent with the interpretation of the planning policy and many of her opinions/comments are subjective.

As previously stated, the proposed house is NOT a two-storey house (as the Planning Officer incorrectly states), it is a 1 <sup>3</sup>/<sub>4</sub> storey house – similar to many newbuild houses in this area.

It is worth noting that the Planning Officer has NOT carried out a site inspection (due to COVID 19 restrictions). We question the validity of the decision to refuse a planning application based on technical reasons, without visiting the site (albeit for reasons out with the Planning Officer's control).

It is also worth noting that this application is a second Detailed Application which has been submitted, with the drawings being amended in the second/subject application to take cognisance of the Planning Officers concerns with the first Detailed Application (which was withdrawn).

Rendered exteriors are also a regular design feature for quality newbuild houses. We suspect the Planning Officer's preference is for another form of facing (i.e. stone), but the Planning Officer's personal preference is not a justifiable reason for refusing to grant planning consent.

As stated earlier, the Planning Officer's siting (house and house plot) arguments/observations are flawed and incorrect.

Overlooking/detrimental impact on the adjacent newbuild house from the balcony is unlikely to be an issue as there is 18m between the two houses, the nearest elevation has windows with reflective properties, native trees and a beech hedge are to be planted on the march boundary between the proposed house and the adjacent newbuild house and the owner of the adjacent newbuild house did not object to the subject planning application.

A proposed Landscaping Plan has been produced for the LRB appeal.

There is no requirement for a Tree Survey (as both trees will be felled as they have Ash Die Back.

Bat boxes will be erected on site – similarly to the adjacent newbuild house.







Taking into account the facts of the case, the planning attributes of the site, the relevant planning policy and the local precedence, there is an overwhelming argument for overturning the Planning Officers subjective decision to refuse this planning application.





Proposed Landscaping Plan  
Scale 1:200

## Landscaping Material Specification

- |   |   |   |   |
|---|---|---|---|
| Lawn graded to follow site contours   | Bound gravel driveway with trench edging  | Paving around the perimeter of the site   | Trees with ash dye back to be removed   |
|    |  |  |  |
| 4No. new trees to be planted to replace removed trees. Trees to be a mix of native species (e.g. Redwood, Sycamore, Silver Birch, Italian Prunella) and Birch (Papa Syzyllia) | Boundary Treatment - 1.5m high trench edge with post and wire stock                 |   |   |
|    |  |   |   |

Proposed Elevation of Gate  
Scale 1:100

NO DIMENSION TO BE SCALED  
ALL SIZES TO BE SITE VERIFIED  
THIS DRAWING IS COPYRIGHT  
© IN COLT. ASK

Proposed New House  
Mill of Muckly, Dungarhill, for  
Mr & Mrs G Buist

## Proposed Landscaping Plan

**MCLAREN MURDOCH & HAMILTON**  
C H A R T E R E D   A R C H I T E C T S

2 DUNDAS ROAD  
PERTH WA 2600  
TELEPHONE 01728 837 661  
FAX 01728 100 009

2A WEST STREET  
JANESVILLE NSW 2550  
TELEPHONE 0311 539 5000  
FAX 0311 539 5011

SCALE	1:200 @ A1	DIRECTOR	KR
DATE	JUNE 2021	DRAWN BY	ASM
DRAWING NO.		2892 - PL - 16	



**SUPPORTING STATEMENT**

**PROPOSED NEW DWELLING**

**MILL OF MUCKLY FARM**

**DUNKELD**

**LOCHHEAD CONSULTANCY**

**IN ASSOCIATION WITH**

**MCLAREN MURDOCH & HAMILTON**

**FEBRUARY 2021**



## Introduction

Planning application reference 20/01352/FLL was withdrawn in December 2020 following concerns expressed by the Planning Officer. The principal areas of concern were the scale of the proposed house, the orientation of the proposed house and that the site boundary was slightly different from previous applications. The revised drawings seek to address the first concern.

## Proposed Changes

The main changes that have taken place are as follows:

- The overall width of the building has been reduced with the removal of the staircase to the bedroom above the garage.
- The house has been rotated on the site to align with the original planning per the planning officers comments.
- Due to the rotation of the house on the site the house floor level will be lower than on the pervious application. We have also added the adjacent house to give an indication of scale.
- The building was stepped centrally, the step in floor level has been altered with the main house being at one level. Garage 300mm lower and family room 300mm higher than the main house. This will reduce the overall massing
- Due to the changes to the west section of the house due to the removal of the stair and the change in floor level the elevations have been updated accordingly.

- The internal layout around the utility has been altered and this in turn has altered the elevations.

Overall the design of the proposed house respects and works with the existing topography and the other consented housing sites at this location.

Having made these significant changes a review of other planning consents within Dungarthill Estate it is clear that the proposed dwelling is now of a scale and massing similar to other consents, including the adjacent consented plot shown on the drawing mentioned above. In particular the following consents are noted: 16/01684/FLL (plot 1), 17/010/FLL, 19/01152/FLL and 19/01716/FLL to mention just four.

#### Site Boundary

This is a full planning application and not an application addressing matters specified in conditions. The eastern boundary extends the site only very slightly and not to any great extent. However, the key consideration is that the principal of development at this location has been established and there are no sound reasons, therefore, not to accept a very minor change to one site boundary. There is no planning detriment in any way.

#### Conclusion

The applicant has taken on board the comments of the Planning Officer and made significant changes to the proposed design. The orientation of the proposed house has also been altered to reflect previous consents on the site. The changes to the site boundary are considered minor with the principal of development having been established for many years. We trust that the planning authority can now support this revised proposal.





<p><b>LRB-2021-23</b> <b>21/00246/FLL - Erection of a dwellinghouse, land 50 metres east of Mill of Muckly Farm Cottage, Dunkeld</b></p>
--

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(part included in applicant's submission, pages 529-531)*





Mr And Mrs G Buist  
c/o McLaren Murdoch & Hamilton  
Alastair Mitchell  
2 Dundee Road  
Perth  
PH2 7DW

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **29th April 2021**

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

Application Reference: **21/00246/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 3rd March 2021 for Planning Permission for **Erection of a dwellinghouse Land 50 Metres East Of Mill Of Muckly Farm Cottage Dunkeld**

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

### **Reasons for Refusal**

1. The proposal is contrary to Policies 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposal by virtue of its design, scale, material finish, massing and siting would be incongruous when viewed against the traditional existing structures, would have an adverse impact on visual amenity and does not respect the character and amenity of the place.
2. The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide March 2020 as the proposal fails to satisfactorily comply with A Successful Sustainable Place categories i), iii), iv) and with A Natural, Resilient Place (i). The proposal by virtue of its scale, layout, design and material finish does not integrate well with its setting, does not enhance the surrounding environment and does not demonstrate how the development will make a positive contribution to the biodiversity of the site.
3. The proposed development will adversely affect the residential amenity of neighbours due to overlooking from the proposed balcony on the southern elevation.

## **Justification**

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

## **Notes**

- 1 There are no relevant Informatives

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

### Plan Reference

01

02

03

04

05

06

07



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	21/00246/FLL	
Ward No	P5- Strathtay	
Due Determination Date	2nd May 2021	
Draft Report Date	28th April 2021	
Report Issued by	PB	Date 29 <sup>th</sup> April 2021

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 50 Metres East Of Mill Of Muckly Farm Cottage Dunkeld

#### **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:** N/A due to Coronavirus pandemic

#### **SITE PHOTOGRAPHS**



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a dwellinghouse on a site at Mill of Muckly near Dunkeld. Planning permission was first given on the site in 2017 (17/01332/FLL) which included demolition of existing farm buildings and the erection of two dwellinghouses. Further applications finally led to the approval of three house plots based loosely on the siting of previous buildings. Two buildings remain at Muckly including a cottage and part of a steading building. This application is for a plot to the south east of the steading. A plot to the south of this application site is currently under construction (19/01151/FLL) and a plot to the south west of this site received permission for a revised house design (20/01069/FLL) and works on this site are likely to commence soon.

This plot has been subject to a number of previous applications with two designs previously approved. This current application is a re-submission of an application withdrawn in December 2020 due to concerns with the scale, siting and design of the proposed house. The application site incorporates an additional area of land to the east to that included in previous approvals giving a plot size of 1948 square metres as opposed to that previously approved which was 1400 square metres.

The most recent approval on this site has been of a similar style to the two other plots under construction and about to commence construction. These are characterised by low eaves height and large roofs with bedrooms on the first floor being primarily within the attic area. Materials are generally slate roof with stone and timber facing materials.

The house proposed in this application is of two storey design and a departure from the design of the properties under construction, those previously approved on this site and to the steading and cottage building close by. The proposed house is primarily faced with white render on the with some feature stone elements mainly on the south and west elevations. This site is at a higher level than the rest of the site and is more difficult to integrate the design with the other buildings. The recent submission attempts to set the building lower into the site to make it less prominent. The house has also been orientated to align better with the steading building although is sited further north on the site closer to existing trees and further from the core previously developed part of the site.

The proposed house is a five bedroomed property with accommodation over two levels. The design is on a rough L shape with an extra gable extension to the east. The north to south portion measures around 24 metres from one end to the other. The east to west section measures around 23 metres. The size has been slightly reduced in this re-submission but is still more extensive than previous approvals by around 3 metres in both directions and is generally larger and more bulky in appearance.

The site is accessed off a private track around 2 kms from the public road. The track is also a Core Path.

In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its

context have, however, been viewed on photographs and the site has also been visited previously. This information means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

## **SITE HISTORY**

16/01685/FLL Demolition of building and erection of 2no. dwellinghouses 22 December 2016 Application Withdrawn

17/01332/FLL Demolition of buildings and erection of 2no. dwellinghouses 18 September 2017 Application Approved

18/02102/FLL Change of use of agricultural building to form ancillary domestic building and erection of 2 dwellinghouses 17 January 2019 Application Approved

19/01152/FLL Erection of 2 dwellinghouses 23 September 2019 Application Withdrawn

19/01716/FLL Erection of dwellinghouse 19 December 2019 Application Approved

20/01352/FLL Erection of a dwellinghouse 3 December 2020 Application Withdrawn

21/00610/FLL Erection of a garage Pending consideration

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None specific to this application.

## **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 2 (2019).

### **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 2 – Adopted November 2019**

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

The principal policies are:

Policy 1A: Placemaking  
Policy 1B: Placemaking  
Policy 5: Infrastructure Contributions  
Policy 15: Public Access  
Policy 19: Housing in the Countryside  
Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development  
Policy 39: Landscape  
Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development  
Policy 41: Biodiversity  
Policy 53B: Water Environment and Drainage: Foul Drainage  
Policy 53C: Water Environment and Drainage: Surface Water Drainage  
Policy 53E: Water Environment and Drainage: Water Supply  
Policy 55: Nuisance from Artificial Light and Light Pollution  
Policy 58A: Contaminated and Unstable Land: Contaminated Land  
Policy 59: Digital Infrastructure  
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **OTHER POLICIES**

Housing in the Countryside Supplementary Guidance  
Placemaking Supplementary Guidance  
Developer Contributions Supplementary Guidance

### **CONSULTATION RESPONSES**

Environmental Health (Private Water)  
No objection subject to condition.

Development Contributions Officer  
No contributions required.

Environmental Health (Contaminated Land)  
No objections subject to condition.

Transport Planning  
No objections.

### **REPRESENTATIONS**

No representations received with the statutory timescale for comments.



## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

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

### Policy Appraisal

The site is within an area where Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2019 and its associated Housing in the Countryside Guide applies. This supports housing development in the countryside where it supports the viability of communities, meets development needs in appropriate locations, safeguards the character of the countryside and ensures that a high standard of siting and design is achieved.

It is acknowledged that due to the history of planning approvals on this site the principle of residential development has been accepted. This was primarily on the basis of category 5 of the housing in the countryside policy relating to the conversion or replacement of redundant non-domestic buildings. The former buildings have been cleared from the wider site, which only affected a small part of this site. Part of a steading building and cottage remain next to the site.

The “All Proposals” section of the housing in the countryside guide as well as Placemaking policies are relevant to consider the design of the development. For reasons set out in the report this proposal is considered contrary to parts of the “For All Proposals” section of the Housing in the Countryside Supplementary Guidance and to placemaking policy and guidance. This guidance and policy along with policies concerned with aspects such as biodiversity, trees, contaminated land, flooding and drainage will be considered in the report below.

## **Design and Layout**

The siting and design of the proposed house bears little relationship to the existing buildings on the site and has limited similarities to the new houses currently under construction there. The design moves away significantly from the original design rationale where the new built development formed a compact discrete group set in the landscape. The proposed house by virtue of its scale, massing, material finish and prominent position at the edge of the existing group would detract from the character of the building group and surrounding landscape. It would also detract from the co-ordinated design of the other new buildings within the group.

## **Landscape**

Section iii) of the "For All Proposals" section of the Housing in the Countryside Guide requires proposals to be a good fit in terms of scale, layout and design and have a good fit with the landscape character of the area. In this case the proposed design, material finish and siting of the building on the edge of the building group, would make it unduly prominent and would have a detrimental impact on the overall appearance of the group within its landscape setting.

In addition the submitted plans do not include any proposed landscaping and no tree survey has been submitted with regard to the existing trees on the site to demonstrate that the building of the house close to these trees would be feasible.

## **Natural Heritage**

The previous permission required development on the site to adhere to a biodiversity survey that was submitted in relation to protected species in particular bats. The report made various recommendations including the installation of access slates and integral bat boxes, at least 3 in each new building and access for bats to all or part of at least one loft area.

The submitted plans do not demonstrate how biodiversity and wildlife will be enhanced by the proposals and mitigation for previous loss of bat roosts and bird nesting areas that existed within the previous buildings on the site.

This application is being refused however if an application is approved on this site a condition would be required to ensure that provision is made for bats and nesting birds. Mitigation suggested in the original bat survey is still relevant and should be undertaken with regard to development on this site.

## **Residential Amenity**

The proposed property will benefit from sufficient garden ground. Due to the orientation of the property there will not be overshadowing of adjacent properties. However the south gable includes a first floor balcony area serving a living room that would look into the side and rear garden of the plot below. This would have an adverse impact on this neighbouring property due to overlooking and loss of privacy.

## **Visual Amenity**

The proposed house is in a prominent position at the edge of the building group and due to its scale, design and siting would be overly dominant and have an adverse impact on visual amenity. The north elevation, which would be viewed from the access track is particularly extensive with its two storey style and white rendered finish which would be incongruous when considered against the other buildings in the group. The development would not contribute positively to the built and natural environment as required by placemaking policies.

## **Roads and Access**

The site is accessed along a private track that is also a Core Path. The site is around 2 km from the public road. It is remote from any public transport provision, schools, shops and other services. However the principle of development has previously been established due to there being previous development on the site and development of a single house would not significantly exacerbate any existing access or connectivity issues.

## **Drainage and Flooding**

The proposal will utilise a private water supply and private foul drainage system. Environmental Health has requested that an informative note be attached to ensure that any new development has an adequate and consistently wholesome supply of water

The site lies close to some small watercourses. The Council's Flooding and Structures previously required further information on these watercourses before being in a position to support applications on the site, on flood risk grounds. This issue has now been resolved as part of the works to install services on the three plots.

## **Contaminated Land**

The site was partly formerly occupied by buildings that were used for agricultural purposes.

Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. A condition requiring a contaminated land survey was previously applied to permissions on this site. This application is to be refused however if approved a condition with regard to potential ground contamination is recommended.

## **Conservation Considerations**

There are no listed buildings in the vicinity. The proposal is not within a Conservation Area.

## **Developer Contributions**

### **Primary 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 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.

This proposal is within the catchment of Royal School of Dunkeld Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time. There is no requirement for a developer contribution with regard to this proposal.

### **Zero carbon technologies**

Policy 32 of the Local Development Plan requires all proposals to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. Information to satisfy the requirement of policy 32 will be required if the application is approved.

### **Economic Impact**

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

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

This application was not varied prior to determination.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

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

Accordingly, the proposal is refused on the grounds identified below:



## **Reasons**

- 1 The proposal is contrary to Policies 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposal by virtue of its design, scale, material finish, massing and siting would be incongruous when viewed against the traditional existing structures, would have an adverse impact on visual amenity and does not respect the character and amenity of the place.
- 2 The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide March 2020 as the proposal fails to satisfactorily comply with A Successful Sustainable Place categories i), iii), iv) and with A Natural, Resilient Place (i). The proposal by virtue of its scale, layout, design and material finish does not integrate well within its setting, does not enhance the surrounding environment and does not demonstrate how the development will make a positive contribution to the biodiversity of the site.
- 3 The proposed development will adversely affect the residential amenity of neighbours due to overlooking from the proposed balcony on the southern elevation.

## **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**

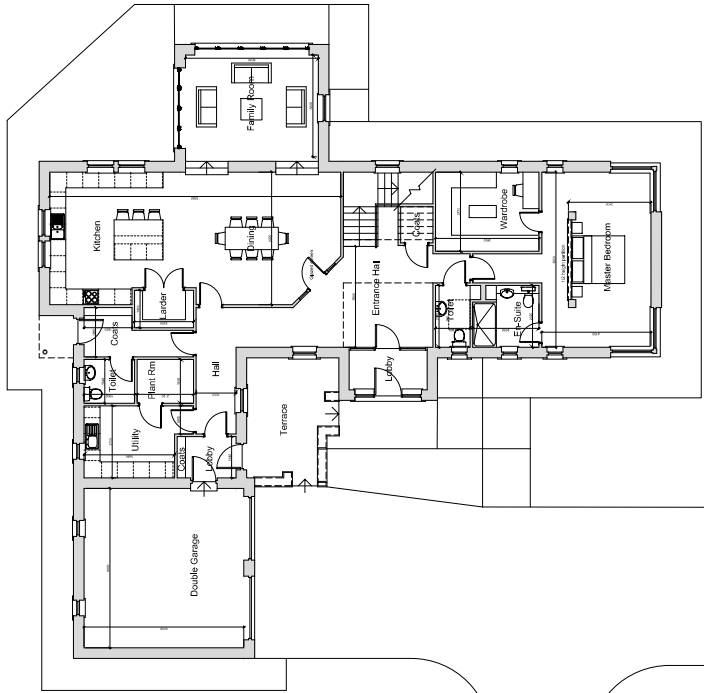
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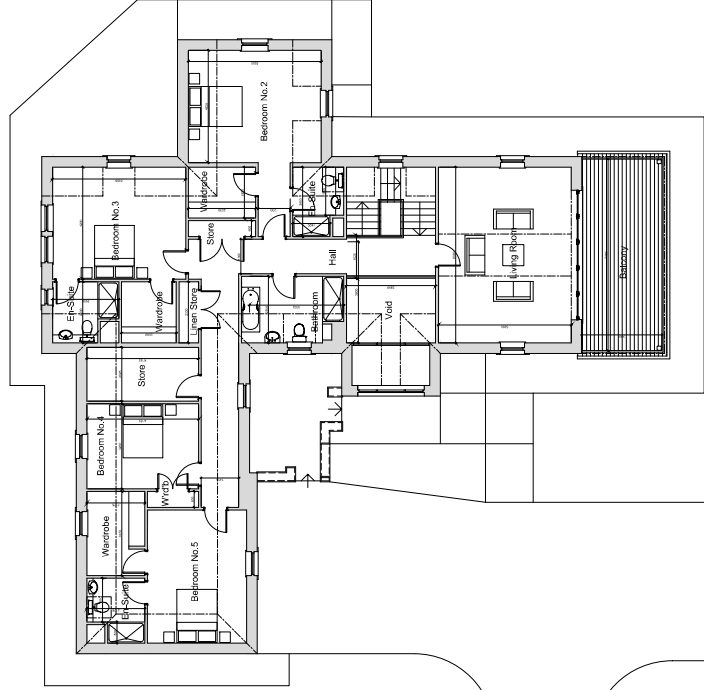








Proposed Ground Floor Plan  
Scale 1:100



Proposed First Floor Plan  
Scale 1:100

Material Specification

- Walls**
- Natural stone feature walls
  - Smooth self coloured wet dash render - white
  - Central cladding feature panels - Grey Brown
- Windows**
- Timber double glazed windows finished charcoal grey
- Doors**
- Timber doors finished charcoal grey
- Pitched Roof**
- Natural slate roof
- Rainwater Goods**
- Black gutters and downpipes

NOTES/PROVISIONS

NO DIMENSIONS TO BE SCALED  
ALL SIZES TO BE SITE VERIFIED  
DIMENSIONS TO BE SHOWN ON DRAWING  
IF IN DOUBT, ASK

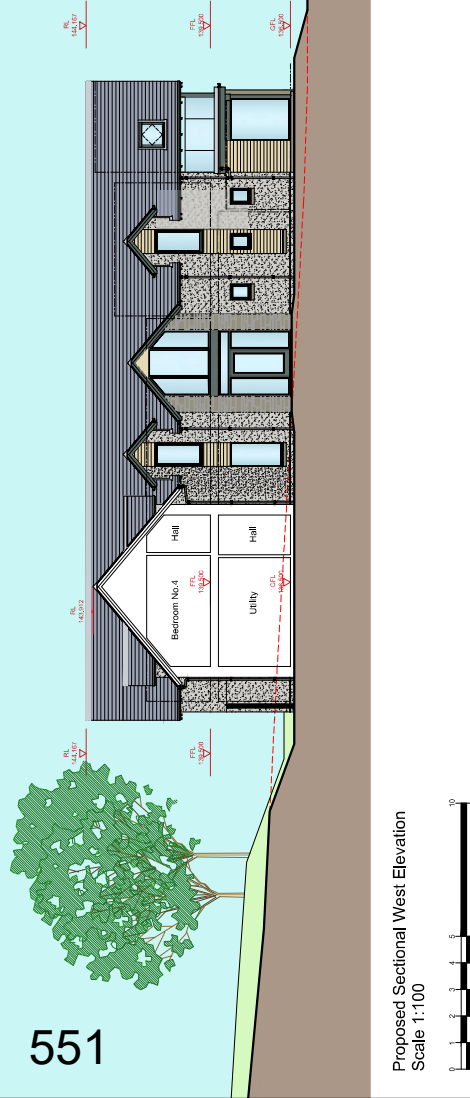
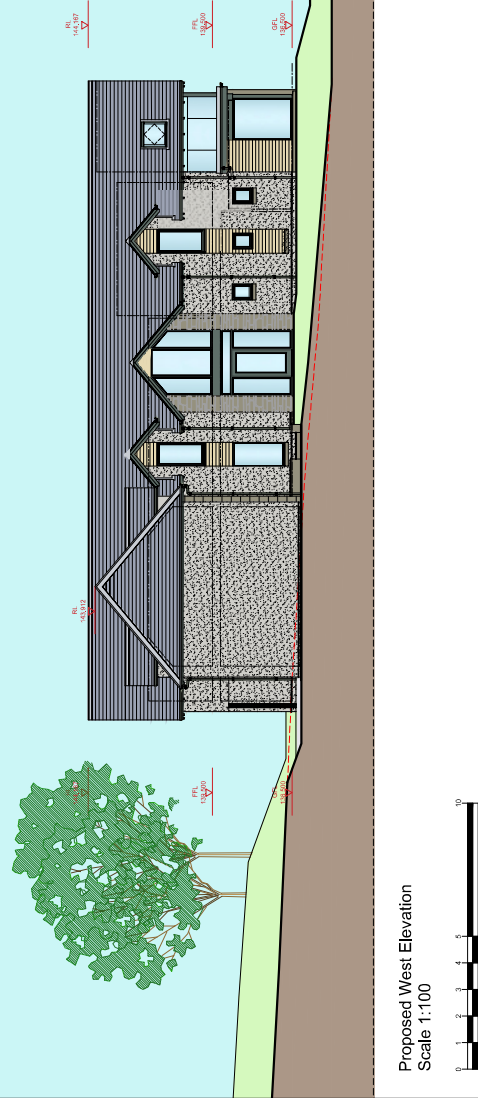
Proposed New House  
Mill of Muckly, Dungorhill, for  
Mr & Mrs G Buitt

Proposed Plans

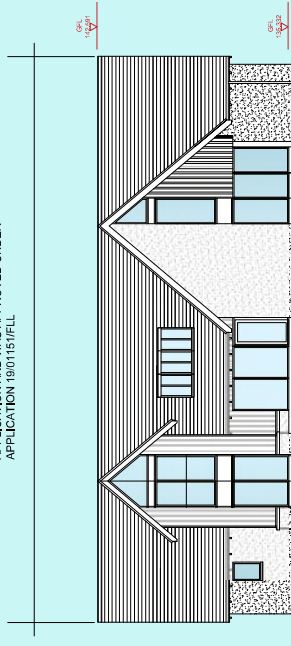
MCILAREN MURDOCH & HAMILTON  
CHARTEDED ARCHITECTS  
100-102, THE QUAYS, DUBLIN 1  
TEL: 01-454 4100  
FAX: 01-454 4101  
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SCALE 1:100B/A1  
DATE FEB 2021  
DRAWING NO. 2892 - PL - 12  
DIRECTOR K.R.  
DRAWN BY ASH

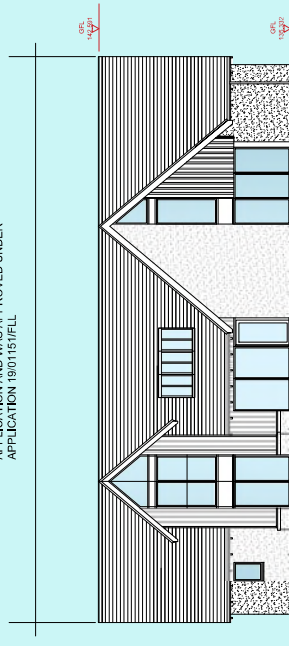




THIS HOUSE DOES NOT FORM PART OF THE APPLICATION AND WAS APPROVED UNDER APPLICATION 19/01151/FLL

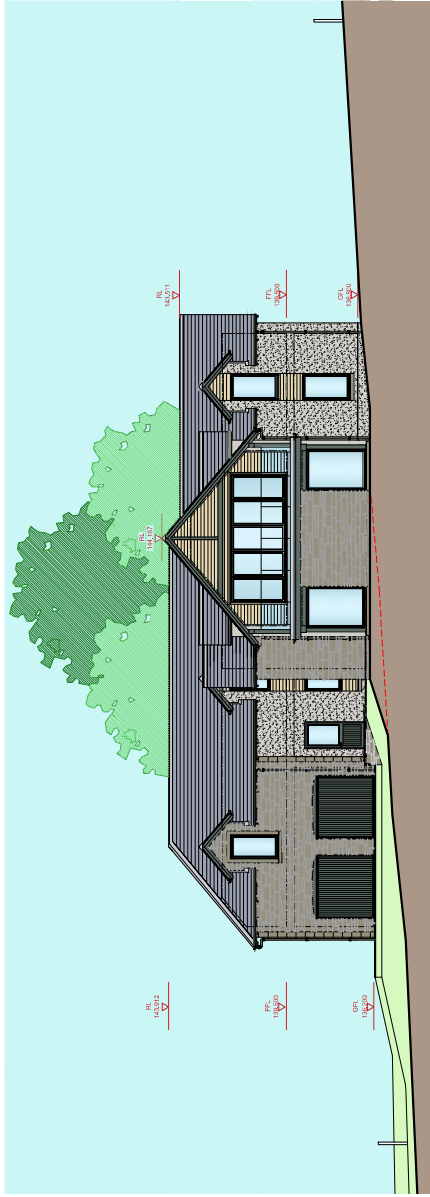


THIS HOUSE DOES NOT FORM PART OF THE APPLICATION AND WAS APPROVED UNDER APPLICATION 19/01151/FLL

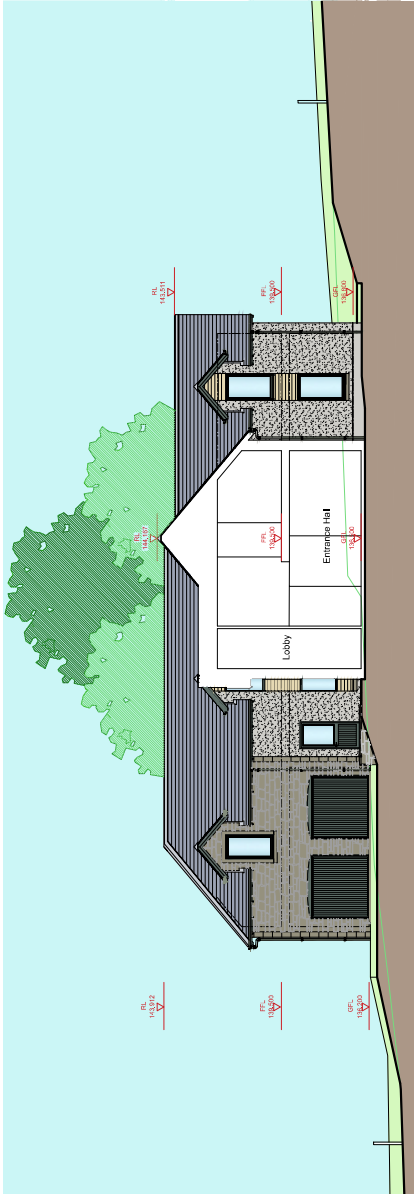


### Material Specification

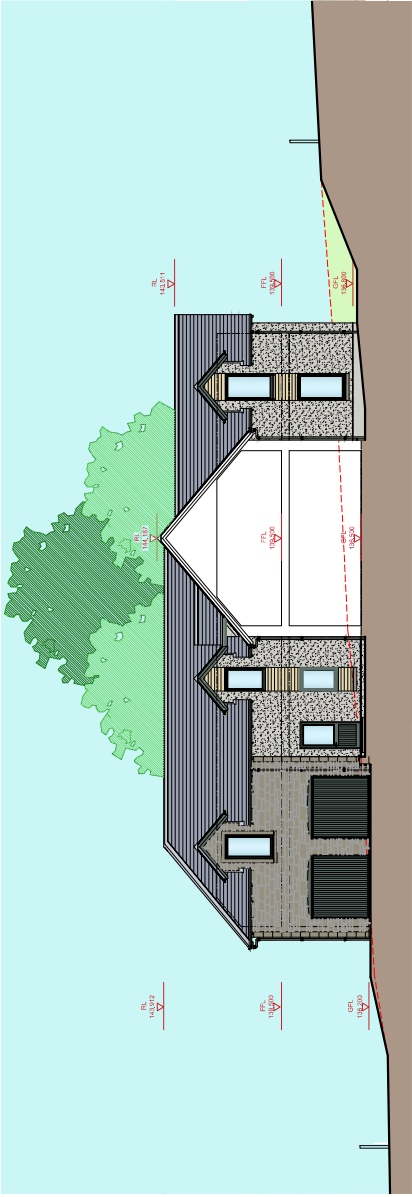
- |                 |   |
|-----------------|---|
| Walls           | <ul style="list-style-type: none"> <li>- Natural stone feature walls</li> <li>- Smooth self coloured wet dash render - white</li> <li>- Cedar cladding feature panels - Grey Brown</li> </ul> |
| Windows         | <ul style="list-style-type: none"> <li>- Timber double glazed windows finished charcoal grey</li> </ul>   |
| Doors           | <ul style="list-style-type: none"> <li>- Timber doors finished charcoal grey</li> </ul>   |
| Pitched Roof    | <ul style="list-style-type: none"> <li>- Natural slate roof</li> </ul>  |
| Rainwater Goods | <ul style="list-style-type: none"> <li>- Black gutters and downpipes</li> </ul>   |



Proposed South Elevation  
Scale 1:100



Proposed Sectional South Elevation  
Scale 1:100



Proposed Sectional South Elevation  
Scale 1:100



**Material Specification**

- Walls**
  - Natural stone feature walls
  - Smooth self coloured wet dash render - white
  - Central cladding feature panels - Grey Brown
- Windows**
  - Timber double glazed windows finished charcoal grey
- Doors**
  - Timber doors finished charcoal grey
- Pitched Roof**
  - Natural slate roof
- Rainwater Goods**
  - Black gutters and downpipes

**NOTES/REVISIONS**

Proposed New House  
Mill of Muckly, Dungorhill, for  
Mr & Mrs G Buitt

**DRAWING TITLE**  
Proposed Elevations and  
Sectional Elevations

**MSIAIRN MURDOCH & HAMILTON**  
ARCHITECTS  
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 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700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 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1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 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1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122,

**LRB-2021-23**  
**21/00246/FLL - Erection of a dwellinghouse, land 50**  
**metres east of Mill of Muckly Farm Cottage, Dunkeld**

## **REPRESENTATIONS**





# Memorandum

To	Development Quality Manager	From	Regulatory Services Manager
Your ref	21/00246/FLL	Our ref	KIM
Date	15 March 2021	Tel No	

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK21/00246/FLL RE: Erection of a dwellinghouse Land 50 Metres East Of Mill Of Muckly Farm Cottage Dunkeld for Mr And Mrs G Buist**

I refer to your letter dated 4 March 2021 in connection with the above application and have the following comments to make.

### **Contaminated Land**

### **Recommendation**

**I have no objections to the application but recommend the undernoted conditions be included in any given consent.**

### Comments

A previous land use that has led to the contamination of a site is generally identifiable from historical records. However consideration needs to be given to situations where this is not so apparent and there is the potential for contamination to cause a constraint in the redevelopment of specific sites. A good example of this is where there is a proposed use change from agricultural to residential.

Under the contaminated land research programme administered by the Department of the Environment, Food and Rural Affairs, Science Reports 2, 3, and 7 set out the framework for deriving Soil Guideline Values or SGV's for proposed changes in land use and sets targets based on the sensitivity of receptors and the land use function. Originally these soil guideline values were restricted to what was considered to be "priority pollutants" but the research programme has now been extended to include other contaminants and respective toxicological data. These soil guideline values are based on risk evaluation in specific circumstances which are a standard function of land use i.e. residential with plant uptake, residential without plant uptake and commercial and industrial.

The most sensitive land use recognised by the soil guideline values is "residential with gardens", where there is likely to be a greater contact between those at risk, in this case the residents and any contaminants contained within the soil. SGV's for this land use type are therefore at their most conservative and the potential for contaminants to be present and cause a constraint to development are greater.

Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. In addition historical mapping indicates that there was formerly a sheep dip within the development site. There is therefore the potential for contamination associated with sheep dips to have impacted the site. The risks associated with this remain difficult to quantify until there has been some form of sampling and chemical analysis of the soils contained within the development area. This will help determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified.

Therefore if planning permission is granted in respect of this development I would recommend that the following condition is applied within the consent.

#### Condition

##### **EH41**

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 21/00246/FLL

Our ref MA

Date 16 March 2021

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 Land 50 Metres East Of Mill Of Muckly Farm Cottage Dunkeld for Mr And Mrs G Buist**

I refer to your letter dated 4 March 2021 in connection with the above application and have the following comments to make.

**Water** (assessment date – 16/3/21)

### 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 believed to serve properties in the vicinity. 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 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

<b>Planning Application ref.</b>	21/00246/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 50 Metres East Of Mill Of Muckly Farm Cottage, Dunkeld		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned, I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	16 March 2021		



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

<b>Planning Application ref.</b>	21/00246/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 50 Metres East Of Mill Of Muckly Farm Cottage Dunkeld		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Royal School of Dunkeld Primary School. Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £0 <b><u>Total:</u> £0</b></p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	18 March 2021		

