

TCP/11/16(295)
Planning Application 13/01988/IPL – Residential
development (in principle), Polney Lodge, Dunkeld, PH8
0HU

INDEX

- (a) Papers submitted by the Applicant (***Pages 407-420***)
- (b) Decision Notice (***Pages 423-424***)
 - Report of Handling (***Pages 425-432***)
 - Reference Documents (***Page 433-434***)
- (c) Representations (***Pages 435-448***)

TCP/11/16(295)
Planning Application 13/01988/IPL – Residential
development (in principle), Polney Lodge, Dunkeld, PH8
0HU

**PAPERS SUBMITTED
BY THE
APPLICANT**

CHIEF EXECUTIVES
DEMOCRATIC SERVICES
Notice of Review
14 MAR 2014
RECEIVED

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)		Agent (if any)	
Name	<input type="text" value="GRAHAM HOWIE"/>	Name	<input type="text"/>
Address	<input type="text" value="FLAT 1
23 ATHOLL ST.
DUNKELD"/>	Address	<input type="text"/>
Postcode	<input type="text" value="PD8 0AR"/>	Postcode	<input type="text"/>
Contact Telephone 1	<input type="text"/>	Contact Telephone 1	<input type="text"/>
Contact Telephone 2	<input type="text"/>	Contact Telephone 2	<input type="text"/>
Fax No	<input type="text"/>	Fax No	<input type="text"/>
E-mail*	<input type="text"/>	E-mail*	<input type="text"/>

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

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☒ No ☐

Planning authority	<input type="text" value="PKC"/>		
Planning authority's application reference number	<input type="text" value="13/01988/IPL"/>		
Site address	<input type="text" value="POLNEY LODGE"/>		
Description of proposed development	<input type="text" value="RESIDENTIAL DEVELOPMENT"/>		
Date of application	<input type="text" value="30/10/13"/>	Date of decision (if any)	<input type="text" value="15/1/14"/>

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:

Interpretation of application is incorrect under current legislation and subsequent refusal of permission.

Site inspection

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

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

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



Statement

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

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

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

See attached letter, plan and photos.

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.

Following consultation with planning officer other considerations have come to light.

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.

Historic plan
Photographs
Background information regarding suitability.

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

25/2/14



"food to enjoy"

Re Planning Review Polney Lodge Nos 13/01988/IPL

Dear Sirs

I wish to appeal the above planning decision and enclose the following information. I understand that I am entitled to attend the review and participate and I would be grateful if you could confirm the due date.

Key

Photo A Polney Cottage

Photo B Polney Lodge

Photo C Polney Loch Curling Hut

Photo D Current access road to site and trade entrance to Dunkeld House.

Photo E View from plot showing slope and no hindrance /view to other properties.

Plan 1 Historic Local Map.

Permission was sought to develop Plots 1 & 2 to a maximum of 1.5 storeys at the rear of Polney Lodge. This is the original game keepers lodge from the Dunkeld House and formed part of the estate. The lodge is a brisk 10 minute walk to Dunkeld on the main road and less if you walk through the estate.

No objections were received. The existing plots cannot be seen from the road and have a natural border with sloping profile and have existing utility connections, there are no buildings in front of the plots so again as such would be unseen. Photo D shows the existing access road which is the trade entrance to Dunkeld House Hotel and also sweeps round to service the plots as indicated on map 1.



"food to enjoy"

Permission was refused as PKC do not class Polney Lodge as directly associated with a country / estate house and contrary to Policy 54. However I believe this to be a narrow view and not supported by the legislation 3.1a or certainly spirit of the legislation which states "Established gardens once associated with a country / estate house which provide an appropriate landscape setting" Polney lodge is the original gamekeepers lodge within the grounds of the original Dunkeld House Estate which is now known as the Hilton House Hotel. To determine whether Polney is part of the garden or land seems to be splitting hairs. What is the difference between the two? A garden does not have to be manicured lawns and roses. Many people in a country environment do not develop their land as a traditional garden but prefer at least part of it to be natural and wild however by definition it is still part of their land and they see it as their garden. The intention of the legislation is to encourage and to allow development of land previously belonging to an estate for the benefit of local housing. Again in my view this is clearly the case with Polney.

Cluster

Referring to map nos 1 in the grounds of Polney lodge and circled in black there was originally a second building, part of the foundation is still present yet discovering what it used to be has been difficult. Strangely it is clearly marked on all the old maps but we have been unable to source a photograph. Our understanding speaking with previous occupiers and the now retired Gillie of some years is that it was an ice house for the Gillie employed by the estate. Again looking at the map building A is Polney Cottage and marked as photo A. Building B and photo B is Polney Lodge and building C and marked as photo C



"food to enjoy"

is the curling hut for Polney Loch.

Here you have three buildings in very close proximity or four if you include the ice house, so therefore an existing cluster.

Social Housing

Polney Lodge in its present condition is barely habitable and could not be rented due to its condition. There is a major shortage of affordable housing in Dunkeld and as with many rural areas young families are having to move away because of the lack of affordable accommodation. This puts further strain on the resources of PKC to provide council housing and it is difficult to attract new business investment and residents with such a housing shortage, and this is critical in trying to preserve the local economy. In my own experience with the Bistro in Dunkeld recruiting Chefs is very difficult as there are not enough affordable and suitable houses to rent, particularly with two bedrooms and garden.

Here we would propose if consent was granted to completely renovate Polney Lodge and return it to the local market for social housing for a minimum of five years on reduced market rental terms.

Given the economic climate we cannot raise the funds to renovate Polney Lodge unless we can sell at least one of the plots.

Kind regards

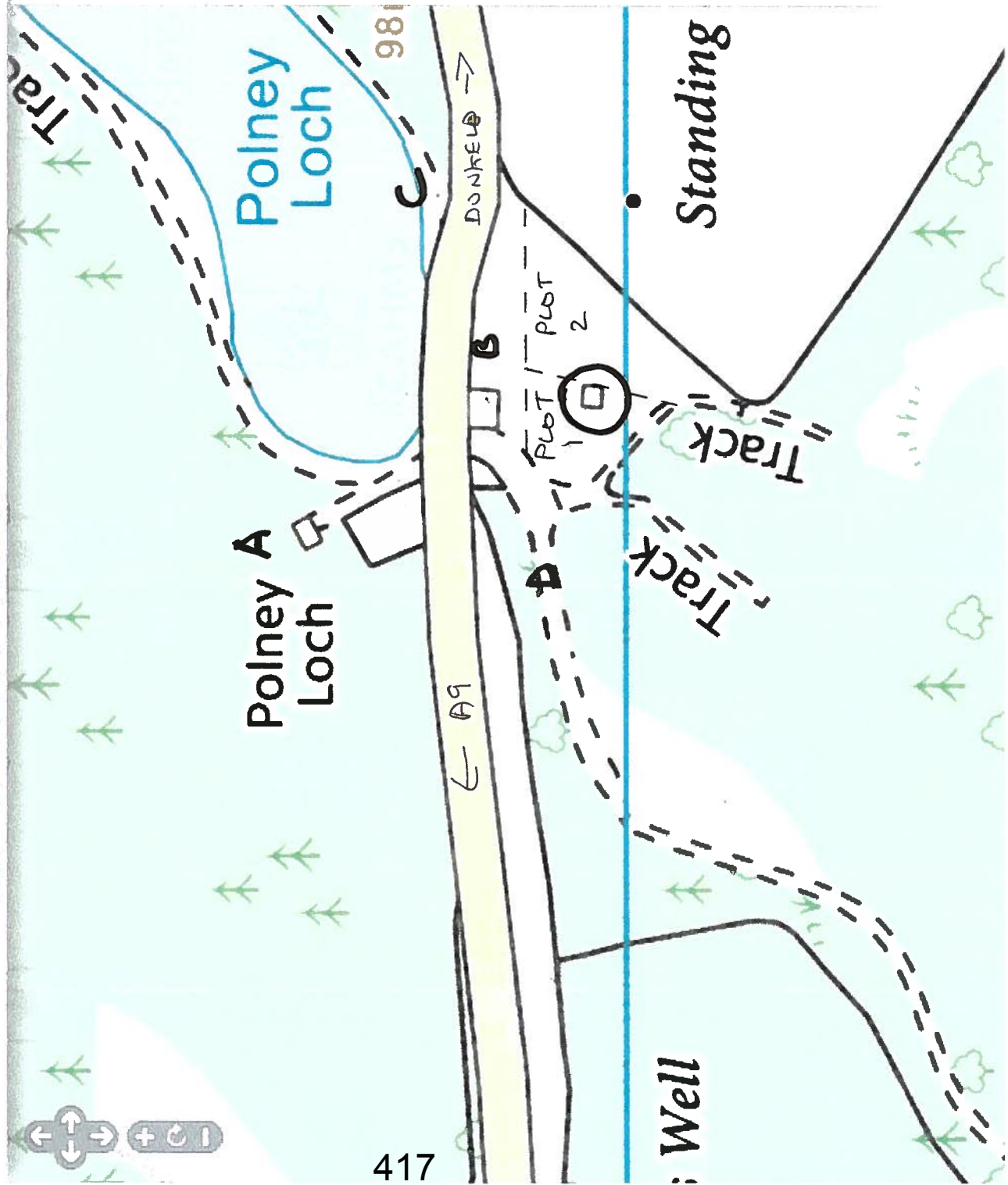


Graham Howie

Pan Zoom Select Report Help

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PastMap



Layers

Overlays

☒ Selection Layer

Added 0 Capacity

0%

Data Layers

☐ Listed Buildings

Available

☐ Canmore

Available

☐ Historic Environment Record

☐ Scheduled Monuments

Available

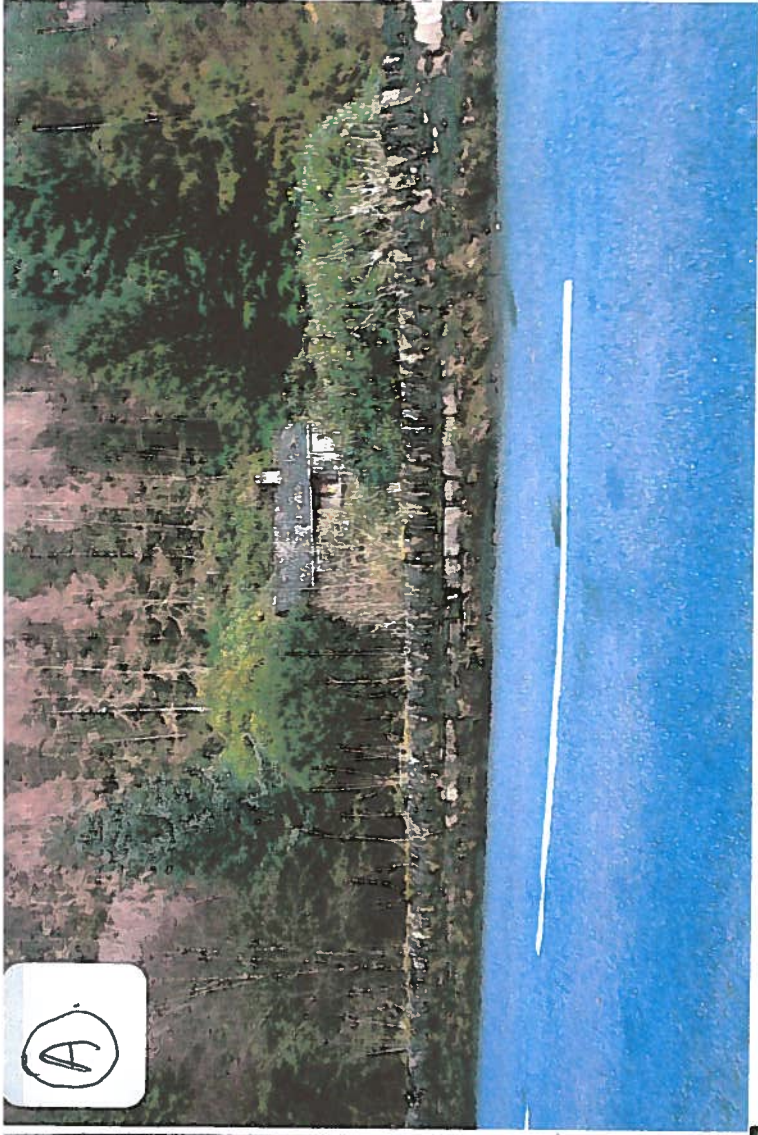
☐ Inventory Gardens and Designed Landscapes

Available

Base Layer

☒ Mapping

100%





⑤

TCP/11/16(295)
Planning Application 13/01988/IPL – Residential
development (in principle), Polney Lodge, Dunkeld, PH8
0HU

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT

PERTH AND KINROSS COUNCIL

Mr G Howie
c/o Woodside Parker Kirk
Dunbarney Studios
Manse Road
Bridge Of Earn
Perth
PH2 9DY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 15th January 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/01988/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 30th October 2013 for permission for **Residential development (in principle) Polney Lodge Dunkeld PH8 0HU** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. As the site is not part of an existing group of buildings, a 'brownfield site' or a defined, established garden directly associated with a country/estate house, the proposal is contrary to Policy 54 of the Highland Area Local Plan 2000, the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the proposed Local Development Plan 2012, all of which seek to ensure that all new proposals for housing in the open countryside meet with specific criteria.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify approval of the application.

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

13/01988/1

13/01988/2

Perth & Kinross Council
Delegated Report of Handling
15 January 2014

Residential development (in principle) at Polney Lodge, Dunkeld, PH8 0HU					
Ref No	13/01988/FLL	Case Officer	Team Leader	Decision to be Issued?	
Ward	5 - Strathtay				
Target	29 Dec 2013			Yes	No
RECOMMENDATION					
Refuse the planning application on the grounds that the proposal is contrary to the Development Plan, the Council's Housing in the Countryside Guide 2012 and the Proposed Local Development Plan 2012, insofar as the proposal does not comply with any of the Council's acceptable categories of development in relation to new housing in the open countryside.					

BACKGROUND & DESCRIPTION

The application site relates to an irregular shaped area of land to the rear (south) of Polney Lodge, a small lodge house which is located to the west of Dunkeld. The site is located on the western edge of the Historic Garden and Designed Landscape (HGDL) that is associated with Dunkeld House and is adjacent to a number of Scheduled Ancient Monuments (SAM).

The site is approx. 1998 ha in area with undergrowth mixed in with a number of mature trees both within the site itself and along its boundaries. The site is undulating in its levels and appears not to be in any specific use at the moment, other than woodland which is associated with Polney Lodge. Within the site there are some large regular shaped blocks, which the applicant states was a building of some sort in the past – however what remains now is simply a pile of stones as opposed to a substantial ruin.

A private access track runs along the western boundary of the site which appears to serve the wider woodland, whilst the northern boundary is undefined and simply merges into the land to the north. The eastern boundary is defined by mature trees.

This planning application seeks to obtain planning consent for a residential development in principle. No specific numbers units have been tabled by the applicant, nor has an indicative layout been submitted.

APPRAISAL

Sections 25 and 37(2) of the TCP (S) Act 1997 (as amended by the 2006 act) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Highland Area Local Plan 2000.

In terms of other material considerations, the content of the proposed Local Development Plan 2012 and compliance with the Developer Contributions Document 2012 are both significant material considerations.

Although there are general policies of relevance contained in the Tay Plan (*such as Policy 3, Managing Tay Plan's assets*), the principal Development Plan policies directly relevant to this proposal are contained in the adopted Local Plan. Within the Local Plan, the site lies within the landward area of the plan where *Policies 2 (general development), 19 (HGDL) and 54 (HITCP)* are all directly applicable.

Policy 2 seeks (amongst other things) to ensure that all new sites have a suitable landscape framework which is capable of absorbing the development which is proposed and that the proposed development(s) are compatible with existing land uses, whilst *Policy 19* seeks to ensure that the integrity of HGDL are not compromised by inappropriate new development. *Policy 54* is the Local Plan version of the HITCP and offers support in principle for new housing in the open countryside in certain instances.

In terms of the proposed LDP, within the LDP the site lies within the landward area of the Plan where the SPG on HITC is applicable (*Policy RD3*). In addition to this, *Policy HE4* seeks to protect HGDL from inappropriate developments.

In terms of other material considerations, this principally involves the consideration of the Council's other policies, namely the approved Developer Contributions 2012 document and the Housing in the Countryside Guide 2012. The Developer contributions document outlines instances when primary education contributions are required for new housing, whilst the HITCG 2012 is the most recent expression of Council policies towards new housing in the open countryside.

Based on the above, I consider the key determining issues for this proposal to ultimately be,

- a) whether or not the proposal has a good (suitable), existing landscape framework and is compatible with the existing, surrounding land uses,
- b) whether or not the proposal will have an adverse impact on the integrity of the HGDL and,
- c) whether or not the proposal is acceptable in land use terms, bearing in mind the provisions of the Development Plan.

I shall address these issue in turn.

Landscape Framework

Policy 2 of the HALP seeks (amongst other things) to ensure that all new sites within the landward area have a suitable landscape framework which is capable of absorbing the development proposed. Notwithstanding the fact that the applicant has indicated that the site is garden ground associated with Polney Lodge, the site is clearly part of a larger woodland which extends beyond the boundaries of the application site to the south and west.

However, the site itself is, in my opinion fairly well defined in its own right, and has a good existing (woodland) landscape framework which is based around the access track / road to the west and the mature trees along the sites other boundaries. Whilst

I would envisage the need to take down some of the existing trees, it would certainly not be necessary for a significant number of trees to be cleared to allow this development to happen. To this end, I consider the site to have a suitable landscape framework which could potentially be capable of absorbing the development proposed.

Compatibility with Existing Land Uses

Policy 2 of the HALP also seeks (amongst other things) to ensure that all new sites are compatible with existing land uses. In terms of the compatibility with surrounding, existing land uses, I have no particular concerns. Although there are non-residential uses in the immediate area (outdoor activities), the other existing uses are perfectly compatible with a residential use in a rural location.

Impact on Historic Garden and Designed Landscape

Historic Scotland have commented on the planning application, and although the proposal has the potential to impact on the character of the HGDL, any impact is not likely to be significant. The site is located at the western edge of the HGDL, and is located in a peripheral position from the core of the HGDL. To this end, I have no particular difficulties with the proposal in the context of it affecting the character (or integrity) of the HGDL.

Land Use Acceptability

The acceptability of the proposal in land use terms, is ultimately an assessment of the proposal against the Council's HITCPs as contained firstly in the Local Plan and secondly in the revised SPG of 2012. As the proposal is not a replacement of an existing house, a conversion of an existing traditional non-domestic building, the replacement of a redundant, traditional non-domestic building, a gap / infill site or a house needed for operational / economic need the only section of *Policy 54* which the proposal can logically be assessed against is building groups. However, as there is only one building within the vicinity of the site (Polney Lodge), I do consider the site to be part of an existing building group, and to this end the proposal is contrary to the requirements of *Policy 54*.

I come to the same conclusion in relation to the building group's category of the HITCG 2012.

However, under the terms of HITCG 2012, support is also offered (in principle) for new residential development(s) within existing 'established gardens' and on former 'brownfield sites'.

I shall assess these two elements of the HITCG 2012 separately.

Existing Gardens

The HITCG 2012 states that favourable consideration will be given to the construction of new houses in the open countryside within established gardens that were once associated with a country/estate house, providing that the development proposed provides an appropriate landscape setting and the development would not fundamentally affect the qualities or integrity of the site.

There is no doubt that the site is part of the HGDL associated with Dunkeld House, so technically the site is part of an 'established garden' which was once associated with a country/estate house. However this site is only a small section of the wider HGDL, and I do not see any justified reasoning or logic in supporting this application purely based on this section of the policy and the fact that the site lies within an area which has been designated for its landscape quality. This section of the policy is (in my view) aimed at large single houses which may have an associated 'garden' which is directly associated to the function of the house which is both modest in size, and well contained - not development on a small corner of a larger HGDL. A HGDL is a landscape designation which covers a large area of ground and the policy is not aimed at promoting residential development on HGDLs.

Brownfield Sites

The HITCG 2012 offers support for small scale housing on brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement. Whilst there is perhaps a small argument that part of the site has had a former use, what remains of that use (or structure) is not particularly damaging to the environment nor does it cause any particular visual amenity issues. To this end, I find it extremely hard to put forward a strong argument for supporting this development under the brownfield category of the HITCG as there would be no net environmental benefit to the area by redeveloping this site.

To this end, I consider the proposal to be contrary to both the Local Plan version of the HITCP and the revised version of 2012.

Other Material Issues

Turning to other material considerations these include road relates matters, flooding issues, tree issues, impact on the adjacent SAM and consideration of the Councils approved Developer Contributions document.

I shall consider these issue in turn.

Roads Issues

In terms road and pedestrian safety, subject to appropriate conditions I note that my Transport Planning colleagues have raised no particular issues with the proposal, and I have no reason to offer a different view on this matter.

Flooding Issues

Although the site is adjacent a large water body (to the north), the natural ground level of the site will mean that the site is unlikely to be affected by flood waters. I therefore have no immediate concerns regarding flooding matters.

Impact on Trees

Depending on the scale of the development, it is likely that some of the trees within the site (and perhaps along the sites boundaries) will be proposed to be removed as part of any detailed proposals. Whilst I have no particular objection to some tree

removal, as this site is part of a HGDL, tree removal should be kept to a minimum and efforts should be made to retain as many trees as possible. To this end, in the event that this application was to be supported, a detailed tree survey should accompany any detailed application.

Impact on Scheduled Ancient Monument

It is likely that the proposal will have an impact on the setting of the adjacent SAM, however that impact is likely to be minimal and not significant. Historic Scotland have been consulted on the application, and they have raised no objection to the proposal in terms of the potential impact on the setting of the SAM.

Education Contributions

In terms of the approved Developer Contributions document, financial contributions are presently being sought for new housing within the school catchment of areas operating at over 80% capacity. As this is a planning in principle application, a suitable condition could be attached to any consent requiring the applicant to comply with the terms and conditions of the Developer Contributions document.

Conclusion

As proposal this fails to meet any of the acceptable categories of acceptable development opportunities contained in the HITCP, as contained in the Local Plan and the revised 2012 version, the application is recommended for a refusal.

DEVELOPMENT PLAN

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Highland Area Local Plan 2000.

Tay Plan 2012

Policy 3 (Managing Tay Plan's assets) seeks to protect HDGL from inappropriate developments.

Highland Area Local Plan 2000

Within the Local Plan, the site lies outwith the settlement of Dunkeld where *Policies 2, 19 and 54* are all directly relevant.

Policies 2 (amongst other things) to ensure that all new sites have a suitable landscape framework and that the development proposed is compatible with existing land uses, whilst *Policy 19* seeks to ensure that the integrity of HGDL are not compromised by new inappropriate development. *Policy 54* is the Local Plan version of the HITCP and offers support in principle for new housing in the open countryside in certain instances.

NATIONAL PLANNING GUIDANCE / POLICIES

The Scottish Government expresses its planning policies through the National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice

Notes (PAN), Designing Places, Designing Streets, and a series of Circulars. Of relevance to this application are,

The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are paragraphs 91-97 which relates to Rural Developments.

PROPOSED LOCAL DEVELOPMENT PLAN 2012

On the 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan has undergone an Examination following which a report was published on 11 October 2013 containing the Reporter's recommendations. The Council has a three month period to consider the Reporter's recommendations and the modified Plan will be published by 11 January 2014. This will be the Plan that the Council intends to adopt, subject to agreement by Scottish Ministers. Prior to adoption, the Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

Within the Local Development Plan, the site lies within the landward area and within an HGDL where *Policies RD3* and *HE4* are directly applicable. *Policy RD3* is the Local Development Plan's version of the HITCG whilst *Policy HE4* seeks to ensure that HGDL are not adversely affected by inappropriate developments.

OTHER COUNCIL POLICIES

Developer Contributions 2012

This policy sets out the Council's framework for securing contributions in relation to both Educational Matters and A9 upgrades.

Housing in the Countryside Guide 2012

This policy is the most recent expression of Council policy towards new housing in the open countryside. In relation to this application, the HITCG 2012 offers support

for proposals which are part of an existing building group, within an established gardens and the re-development of former brownfield.

SITE HISTORY

There is no specific site history relating to this proposal.

PKC CONSULTATIONS

Transport Planning have commented on the planning application and raised no objection.

Executive Director (ECS) has commented on the planning application and indicated that the local primary school is operating at over 80% capacity.

PKHT has commented on the application and raised no objection subject to an appropriate condition being attached to any consent.

EXTERNAL CONSULTATIONS

Historic Scotland have commented on the planning application in terms of the potential impact on the setting of adjacent SAM and the character of the HGDL and have raised no concerns at this stage.

Scottish Water have commented on the planning application and raised no concerns.

REPRESENTATIONS RECEIVED

None received.

ADDITIONAL STATEMENTS

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

PUBLICITY UNDERTAKEN

The planning application was advertised in the local press on the 8 November 2013.

LEGAL AGREEMENTS REQUIRED

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

ECOMONIC BENEFIT(S)

With the exception of the works during the construction phase, which may or may not be undertaken by local tradesmen, this development is unlikely to have a significant economic impact on the local area – either positively or negatively.

RECOMMENDED REASON FOR REFUSAL

As the site is not part of an existing group of buildings, a 'brownfield site' or a defined, established garden directly associated with a country/estate house, the proposal is contrary to Policy 54 of the Highland Area Local Plan 2000, the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the proposed Local Development Plan 2012, all of which seek to ensure that all new proposals for housing in the open countryside meet with specific criteria.

JUSTIFICATION

The proposal is not in accordance with the Development Plan and there are no material reasons which justify approval of the application.

INFORMATIVES

None

PROCEDURAL NOTES

None

REFUSED PLANS

13/01988/1

13/01988/2



LOCATION PLAN
Scale 1:5000

PERTH AND KINROSS COUNCIL

DRAWING REF: 13/01988/1

Do Not Scale Drawing For Construction Purposes
Copyright ©

Rev	Date	Amendment
LOCATION PLAN		

Mr G Howie	Client	4225 - 01	Drawing No.
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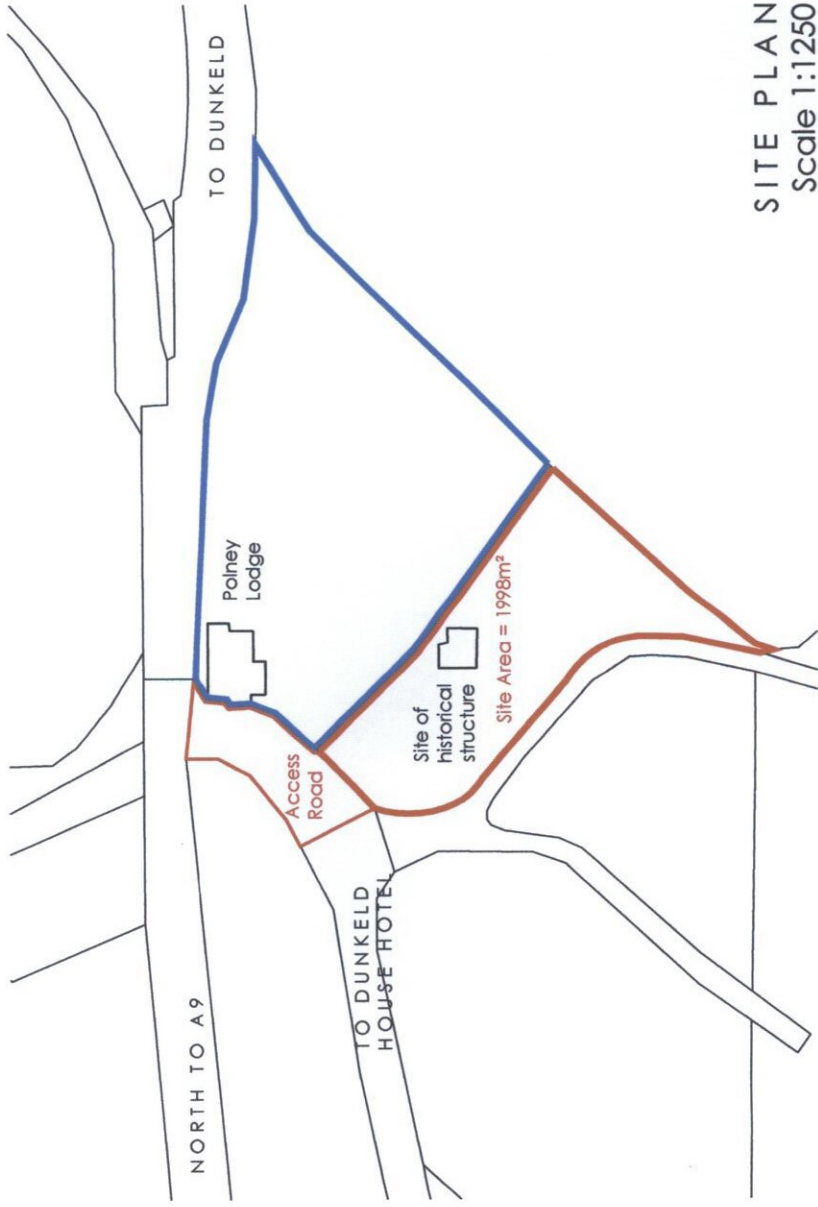
Proposed Housing at Polney Lodge, Dunkeld	Project Name
---	--------------

Planning	Status	Woodside Parker Kirk Ltd
21-10-12	Date	Dunbarney Studios,
1:5000, 1:1250	Scale	Manse Road,
		Bridge of Earn,
		Perth, PH2 9DY

wpk

North
1
T: 01738 815984
E: admin@woodsideparker-kirk.co.uk
www.woodsideparker-kirk.co.uk

Woodside Parker Kirk architects



SITE PLAN
Scale 1:1250




A3

Rev Date Amendment

Mr G Howie Client 4225 - 02 Drawing No.

Project Name
Proposed Housing at Polney Lodge, Dunkeld

Planning	Status	Woodside Parker Kirk Ltd
21-10-12	Date	Dunbarney Studios, Manse Road, Bridge of Earn, Perth, PH2 9DY
1:500	Scale	

North

T: 01738 815984
E: admin@woodsideparker-klrk.co.uk
www.woodsideparker-klrk.co.uk

Woodside Parker Kirk architects

TCP/11/16(295)
Planning Application 13/01988/IPL – Residential
development (in principle), Polney Lodge, Dunkeld, PH8
0HU

REPRESENTATIONS

- Representation from Scottish Water, dated 6 November 2013
- Representation from Perth and Kinross Heritage Trust, dated 11 November 2013
- Representation from Regulatory Services, dated 12 November 2013
- Representation from Historic Scotland, dated 14 November 2013
- Representation from Transport Planning, dated 28 November 2013

06/11/2013



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

SCOTTISH WATER

Customer Connections
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Dear Sir Madam

PLANNING APPLICATION NUMBER: 13/01988/IPL
DEVELOPMENT: Dunkeld Polney Lodge
OUR REFERENCE: 635555
PROPOSAL: Residential development

Customer Support Team
T: 0141 414 7660
W: www.scottishwater.co.uk
E: individualconnections@scottishwater.co.uk

Please quote our reference in all future correspondence

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Perth Water Treatment Works currently has capacity to service this proposed development.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice that will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:
www.scottishwater.co.uk.

Yours faithfully,

Lynsey Horn
Customer Connections Administrator



MEMORANDUM

To: Development Management
From: David Strachan, Area Archaeologist
Tel: 01738 477081
Email: dlstrachan@pkc.gov.uk

Monday, 11 November 2013

13/01988/FLL: Residential development (in principle), Polney Lodge, Dunkeld PH8 0HU for Mr G Howie

Thank you for consulting PKHT on the above application.

The proposed development is considered to have the potential to impact on archaeological deposits associated with the prehistoric standing stone situated approximately 40m to the east of the eastern boundary of the site. The standing stone is protected as a nationally significant Scheduled Monument (SM1540). It consists of a roughly oblong slab of schist, 1.3m high and set roughly east-west. The stone is likely to represent a ritual monument of Neolithic or Bronze Age date though it may have retained a ritual significance in later periods. In particular, recent research has shown that standing stones sometimes acted as a focus for funerary activity (Johnston 2012) and this supported by recent excavation elsewhere in Perth and Kinross (Brown 2013, Alder Archaeology, unpublished report) where a cremation deposit was found some 75m distant from a standing stone.

The application also has the potential to impact on the setting of the Scheduled Monument plus the designed landscape of Dunkeld House. It is strongly recommended that the design of the development takes into account these designations, for example, in seeking Historic Scotland's advice to inform the design of the development.

In summary, the direct impact of the proposed development can be mitigated by a programme of archaeological works designed to investigate the presence / absence of archaeology within the development site, and to deal with any remains encountered. The indirect impact on the setting of Scheduled Monument 1540 and the designed landscape will need to be resolved in the sensitive design of the development, prior to submission of a full planning application.

Recommendation to mitigate the potential direct impact:

In line with Scottish Planning Policy historic environment section (paragraphs 110-112 and 123), it is recommended that a programme of archaeological works to establish the presence / absence of archaeological deposits be implemented and, if necessary, further develop a mitigation strategy to deal with any remains. The following archaeological condition should be attached to consent, if granted:

No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Notes:

1. **Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and prepared for them written Terms of Reference.**
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.

Memorandum

To Generic Email Account
(DevelopmentManagement@pkc.gov.uk)

From Head of Service
Environment & Regulatory Services

cc Andrew Baxter

Date 12/11/13

Our ref LG/P9.3.2
Tel No 01738 475262

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission: 13/01988/IPL Residential development (in principle) Polney Lodge Dunkeld PH8 0HU for Mr G Howie

I refer to the above planning application and would like to discuss with either yourself, the architect, the developer or a representative an amendment to the plans to incorporate appropriate provision for storage of waste and recycling facilities and access for service provision.

If discussions are not forthcoming I would recommend the following minimum specifications:

Conditions for Planning Consent

1. Requirements for Bin Provision

1.1 Domestic Properties Serviced by the 3 Bin System

All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width(mm)	Height (mm)	Depth (mm)
240	580	1100	740

1.2 Flatted Properties

All flatted properties require a communal area to store one of the following bin options:

- 2 x 240 litre bins (one for general waste and one for dry mixed recycling)
- 1 x 240 litre bin for garden and food waste (where appropriate)
- a combination of larger bins to equate the same capacity as above

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740
1100	1270	1380	1000

1280	1280	1445	1000
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It is preferable for residents (where space allows) to have their own individual 240 litre bins rather than using communal facilities.

1.3 Domestic Properties in Rural Area's

Council policy states that refuse collection vehicles will only provide kerbside refuse and recycling collections to properties situated on a private road if all of the following conditions are met :

1. the private road serves a settlement, or settlements, rather than sporadic individual properties (as a guide, a settlement is a grouping of six or more properties);
2. there is sufficient turning space for a refuse collection vehicle at the road end (i.e. a turning circle, t-junction or hammerhead), or if the vehicle can enter/exit the road by other safe means (as specified in point 3 below);
3. the condition of the road surface is acceptable for a refuse collection vehicle to access (as specified in point 4 below);
4. sufficient and safe access for the refuse collection vehicle is maintained - i.e. absence of overhanging branches / over grown bushes acceptable surface condition etc. (as specified in point 2 below)
5. the owner of the private road agrees to indemnify the Council (through a signed waiver) against any damage caused from reasonable use of the road by a refuse collection vehicle;
6. any bridges or other structures along the private road are certified by a competent person to be safe and meet Perth and Kinross Council health and safety requirements. It is the responsibility of the owner(s) of the road to demonstrate the safety of these structures;

If the properties can be accessed safely by service vehicles then condition 1.1 must be followed. If the properties cannot be accessed safely by service vehicles then provision must be made at the road end for the safe storage and servicing of the bin(s) in which case condition 1.2 must be followed.

2. Vehicle and Operative Access

Access and egress

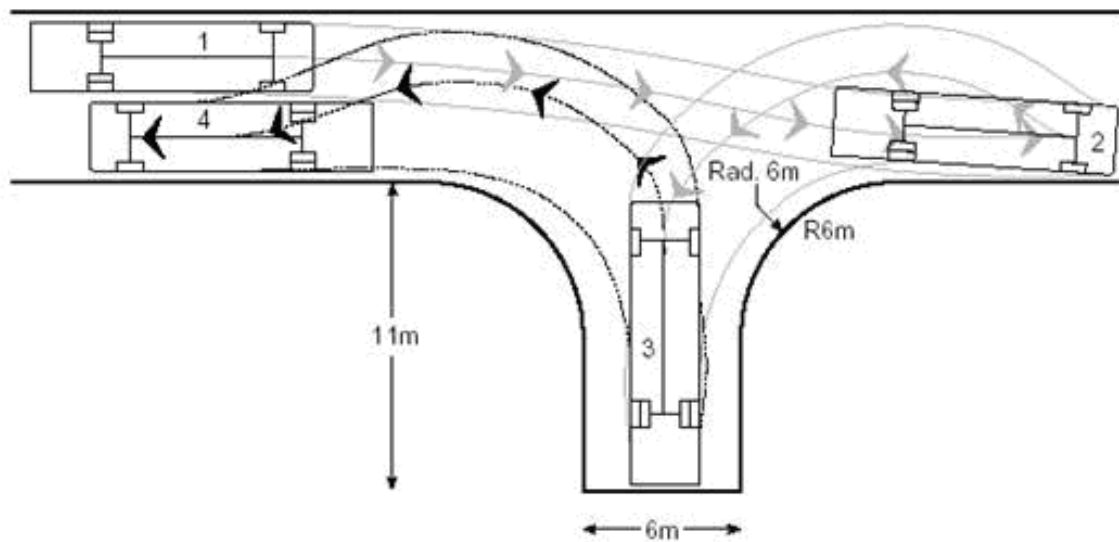
The following space requirements must be fulfilled for a refuse collection vehicle to service the site:

Height	4.5m
Width	2.75m (including mirrors)
Length – for reversing and turning	12 m
Length - for vehicle with container in emptying position	13 m
Area required for operatives to stand clear of bin whilst being lifted	3 m length x 3.5m width

3 Vehicle Turning Requirements

The turning circle (diameter) required for refuse collection vehicles is 24 meters.

**FTA Large rigid design vehicle
Side road stub**



4. Road Specifications

All vehicle access roads that the refuse collection vehicles will be required to use must be adopted by the Council and constructed to withstand a gross vehicle weight of 32 tonnes and axle loading of 11.5 tonnes. Manhole covers, gratings, cattle grids etc situated in the road must also be capable of withstanding these loads.

The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.

General Note

Planning Advice Note 63 indicates that developers should be encouraged to provide space in their proposed developments to accommodate provision within the premises for facilities to separate and store different types of waste at source. The Scottish Government considers that there may be greater scope to promote waste prevention and recycling during both the construction phase and the lifetime of the new development.

This Planning Review Process must be followed to ensure that all aspects of waste management are included before planning consent is granted – this should include storage, access/egress and road specifications for both waste and recyclates.

Should planning consent be granted which does not meet the aforementioned conditions, Perth & Kinross Council Waste Services may be unable to provide a complete service.

If the developer does not adhere to these specifications, the Council may be unable to provide waste and recycling services to this development based on inadequate storage, access and/or infrastructure.

A road end bin collection point may be required for this site. In this case, it will be necessary for the developer to install an appropriate collection/storage area at the main road.

Upon adoption of these specifications, please forward a copy of the amended drawings to Lucy Garthwaite. During construction of the development, we may require to visit the site.



By E-mail

Planning
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD
DevelopmentManagement@pkc.gov.uk

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8585
Direct Fax: 0131 668 8722
Switchboard: 0131 668 8600
Joan.Sewell@scotland.gsi.gov.uk

Our ref: HGP/D/TC/4
Our Case ID: 201304664
Your ref: 13/01988/IPL

14 November 2013

Dear Sirs

**Town And Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Polney Lodge, Dunkeld**

Thank you for your consultation dated 01 November which we received on 01 November.

We have considered your consultation for residential development (in principle) and comment as follows:

Dunkeld House GDL

Dunkeld House is included in the *Inventory of Gardens and Designed Landscapes* in recognition of its national importance. The proposed residential development site is located on the western edge of the designed landscape. Existing trees located within the site include mature policy woodland specimens.

While we are satisfied that this proposal in principle may not have an adverse impact on the designed landscape as it is situated in a position peripheral to the core of the designed landscape, we recommend a detailed tree survey should be submitted as part of more detailed proposals with the aim of retaining and protecting the existing policy woodland trees.

We would like to have the opportunity to review any further detailed proposals for this proposed development as we may wish to make further comments.

Scheduled monuments

There are several scheduled monuments within the vicinity of the proposed development site, the closest and most relevant of which is known as 'SM 1540



Dunkeld House, standing stone 490m NE of' and is located approximately 23m SE of the development site. The monument comprises a standing stone of prehistoric date located towards the edge of an open field, and its setting is considered open, rural, and formerly more commanding than it presently is; several thousand years ago, the stone would likely have been more prominent on this area of elevated ground within this narrow pass as the Tay cuts through the hills.

We consider that a small scale residential development at this location would likely be visible from the scheduled monument, particularly if existing tree screening was removed or reduced, and as such the proposals will have an impact upon the setting of the monument. However, the impact is not likely to be significant as it will represent a change to the character of only a relatively modest section of the open rural landscape that surrounds the standing stone, and thus Historic Scotland does not object to this application and the principle of small scale residential development at this location. We would, though, wish to see this application again at reserved matters stage as it is possible we might have further comments as the scheme develops.

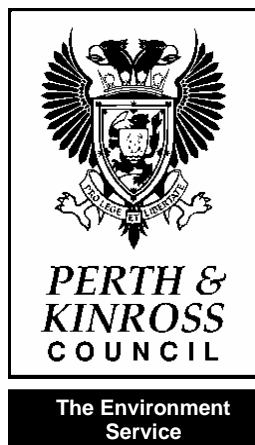
Notwithstanding our comments above, we confirm that your Council should proceed to determine the application without further reference to us.

If you require any further information, please contact Catherine Middleton.

Yours faithfully

Joan Sewell

Heritage Management Officer, Strategic Casework



MEMORANDUM

To	Andy Baxter Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	13/01988/IPL	Date	28 November 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 13/01988/IPL for planning consent for:- **Residential development (in principle) Polney Lodge Dunkeld PH8 0HU for Clients Of Woodside Parker Kirk**

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 and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

I trust these comments are of assistance.

