

TCP/11/16(333)
Planning Application 14/01595/IPL – Erection of dwellinghouse (in principle), land 50 metres west of Torr Na Loisgte, Dunkeld

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TCP/11/16(333)

**Planning Application 14/01595/IPL – Erection of
dwellinghouse (in principle), land 50 metres west of Torr
Na Loisgte, 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 **MR COLIN NISBET**

Address **TORR NA LOISGTE
FUNGARTH
DUNKELD**

Postcode **PH8 0ES**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name **ANDREW McCAFFERTY ASSOCS.**

Address **BURN HOUSE
COLLESSIE
FIFE**

Postcode **KY15 7RQ**

Contact Telephone 1 **01337 810440**

Contact Telephone 2 **07958 404852**

Fax No

E-mail* **andrewmccafferty@btconnect.com**

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

Yes ☒ No ☐

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

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

14/01595/1PL

Site address

**LAND 50 METRES WEST OF TORR NA LOISGTE,
FUNGARTH, DUNKELD**

Description of proposed
development

ERECTION OF DWELLINGHOUSE (IN PRINCIPLE)

Date of application

11.09.14

Date of decision (if any)

12.11.14

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:

1. Appellant reserves the right to respond to further information or material in the Council's response to this appeal.
2. The site cannot be viewed entirely from public land

Site inspection

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

1. Can the site be viewed entirely from public land? ☐ Yes ☒ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

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.

Please see the separate document accompanying this notice of review.

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.

Site location plan showing planning history of proposals for single dwelling plots in Fungarth. This is material planning information which the Local Review Body should be aware of in making its decision in this case.

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.

• Separate document setting out the reasons for requiring a review.

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:

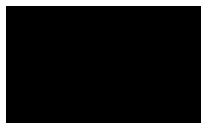
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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



ON BEHALF OF
MR C. NISBET

Date

19TH DECEMBER 2014

PERTH AND KINROSS COUNCIL

Mr Colin Nisbet
c/o Jon Law
68 Cooper Drive
Perth
PH1 3GN

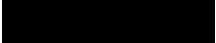
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 12th November 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01595/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 12th September 2014 for permission for **Erection of dwellinghouse (in principle) Land 50 Metres West Of Torr Na Loisgte Dunkeld** for the reasons undernoted.


Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy PM1: Placemaking of the adopted Local Development Plan as an additional dwelling in this location would not contribute positively to the quality of the surrounding built and natural heritage.
2. The proposal is contrary to Policy RD3 - Housing in the Countryside and EP6 - Lunan Valley Catchment Area of the Proposed Local Development Plan 2012 in that the proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
3. The proposal is contrary to Policy EP6 of the Local Development Plan 2014 as no information has been provided to demonstrate that an acceptable level of phosphorus mitigation would be achieved. The proposal as submitted would have a significant adverse impact on Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC).

Justification

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

Notes

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

Plan Reference

14/01595/1

14/01595/2

14/01595/3

14/01595/4

14/01595/5

14/01595/6

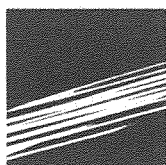
Notice of Review

Application Number 14/01595/IPL

**Erection of dwellinghouse (in principle)
Land 50 metres west of:**

Torr Na Loisgte, Fungarth, Dunkeld, PH8 0ES

December 2014



Andrew McCafferty Associates

PLANNING AND DEVELOPMENT CONSULTANTS

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- 2.0 The Development Plan covering the site
- 3.0 Material Considerations
Housing in the Countryside Guide, November 2012
Planning history of proposals for new dwellings in Fungarth
- 4.0 Consultee responses
- 5.0 The determining issues
- 6.0 Conclusions

Appendices

- 1. Planning submission
 - Cover letter for the application dated 11 September 2014
 - Design Statement
 - Planning application forms dated 11 September 2014
 - Site identification plan (not to scale) Drawing No. 1438/PL/002
 - Existing site location plan 1:2500 Drawing No. 1438/PL/001
 - Existing site layout plan 1:1250 Drawing No. 1438/PL/003
 - Proposed site layout plan 1:1250 Drawing No. 1438/PL/004
 - Proposed site layout plan 1:500 Drawing No. 1438/PL/005
- 2. Extracts from the Perth and Kinross Local Development Plan covering:
 - Policy PM1: Placemaking
 - Policy RD3: Housing in the Countryside
 - Policy EP6: Lunan Valley Catchment Area
- 3. Site location plan 1:2500 (Drawing no: 1438/PL/006) showing planning history of proposals for single dwelling plots in Fungarth
- 4. Decisions made by the Local Review Body in respect of:
application 13/00435 (upheld on 25 March 2014)
application 13/01349 (upheld on 9 June 2014)
- 5. Email dated 14 October 2014 from the applicant's agent to the case officer regarding drainage proposals

1.0 The proposal (14/01595/IPL) and its location

The proposal seeks planning permission in principle for the erection of one dwelling on part of the garden ground/land of an existing house "Torr-na-Loisgte". This existing house is situated within a group of houses called Fungarth approximately 3 km north east of Dunkeld.

"Torr-na-Loisgte" was erected circa 1985 and the site for the proposed house comprises a combination of flat, landscaped ground and sloping garden covered mainly with gorse and trees. Part of the site is occupied by a log cabin/summerhouse erected in 2004/2005. This would be taken down and relocated subject to planning permission within the garden of "Torr-na Loisgte" in the event of planning permission in principle being granted by the Local Review Body.

The proposed site layout plan (Drawing no: 1438/PL/005) submitted with the application shows an **indicative** footprint siting for the new dwelling. This **indicative** siting is partly on the flat and partly on the sloping ground. To the north of the site is an undefined boundary with Dunkeld Golf Course and to the west are mature trees which also bound the golf course. These trees will be unaffected by the proposal. To the south is an established tree line and public right of way bounding the golf course car park and access road. A dividing boundary between "Torr-na Loisgte" and the proposed house will be required along the eastern edge of the proposed site and this is shown by a dotted line on Drawing no: 1438/PL/005.

The deer fencing behind and to the north of the log cabin/summerhouse does not run along the applicant's ownership boundaries. The line of this fence can therefore be adjusted depending on the exact siting which is agreed at the matters specified by condition stage.

The siting, scale, design and elevations/floorplans of the dwelling would be subject of an application for approval of matters specified by condition (MSC). Should there be any concern about the **indicative** siting for the new dwelling as shown on Drawing 1438/PL/005 then a revised siting can be agreed at the MSC stage.

The applicant is retired and wishes to "down-size" from "Torr-na Loisgte". His intention is to construct a dwelling on the application site with accommodation predominantly on the same level.

Access to the site would be via the existing driveway serving "Torr-na Loisgte" which would become a shared route until splitting to access each house. The existing driveway would be extended to provide access into the new house plot and a parking area would be provided next to the footprint of the new dwelling.

The new dwelling will be served by a new treatment plant (bio disc together with soakaway) to be shared with "Torr-na Loisgte". The existing septic tank serving "Torr-

na Loisgte" would be removed. This proposal is shown on the proposed site layout plan 1:500 (Drawing no. 1438/PL/005) included in Appendix 1.

2.0 The Development Plan covering the site

The development plan covering the site comprises TAYplan (approved June 2012) and the Perth and Kinross Local Development Plan (adopted February 2014).

There are no specific policies or strategies in TAYplan directly relevant to this proposal.

Perth and Kinross Local Development Plan (extracts included in Appendix 2)

Policy PM1: Placemaking

This policy requires development to contribute positively to the quality of the surrounding built and natural environment.

Policy RD3: Housing in the Countryside

This policy states that the Council will support proposals for the erection of single houses in the countryside which are in building groups. The policy is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

A note to the policy states that for development under this policy to be acceptable under the terms of the policy it must comply with the requirements of the Housing in the Countryside Supplementary Planning Guidance (discussed in Section 3.0 below).

Policy EP6: Lunan Valley Catchment Area

This policy seeks to protect and enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area. Developments necessary for economic need are an exception to the presumption against built development as long as there would not be an adverse impact on the environmental assets of the area or result in an unacceptable increase in traffic volumes.

The policy requires that total phosphorus from built development must not exceed the current level permitted by the existing discharge consents and the current contribution from built development within the rural area of the catchment. Where improvements reduce the phosphorus total from the built development, there will be a presumption in favour of retaining such gains to the benefit of the ecological recovery of the Lunan Lochs.

3.0 Material considerations

Housing in the countryside Guide, November 2012

This supplementary planning guidance sets out the circumstances where new housing will be permitted in the countryside. There are six categories and the relevant one for this proposal is category (a) Building Groups because there are more than 3 buildings in Fungarth. The application of the guide is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

The guide contains the following advice in relation to “building Groups”:

“Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house (s).”

Planning history of proposals for new dwellings in Fungarth

Appendix 3 contains a location plan showing two sites in Fungarth where in each case planning permission for a single dwelling was refused under delegated powers and the subsequent appeals were upheld by the Local Review Body.

Site 1 – ref 13/00435

This was an application for a dwelling on land 20 metres south west of Fungarth Farm Cottage and was refused on the grounds of being contrary to Policies RD3 and EP6 in the LDP and also the Housing in the Countryside SPG.

Site 2- ref 13/01349

This was an application for a dwelling and outbuilding on land 30 metres south of Fungarth Farm Cottage and was refused on the grounds of being contrary to Policies RD3 and EP6 in the LDP and also in the Housing in the Countryside SPG.

4.0 Consultee responses

The following consultees did not object to the proposal:

- Environmental Health
- Development Negotiations officer
- Education
- Transport
- Scottish Water

The following consultees raised objections:

- SEPA
- Scottish Natural Heritage
- LDP Policy team

SEPA and SNH objected on the grounds of lack of information about waste water drainage and phosphorus mitigation.

There were no objections to the proposals from neighbours.

It should be noted that SEPA and SNH objected to the two proposals for single dwellings on sites in Fungarth referred to in Section 3.0 of this statement. In both cases the LRB imposed suitably worded conditions to satisfactorily address the need for appropriate foul drainage infrastructure to serve the development proposals.

The LDP Policy team does not consider that the proposal is part of an existing building group. This view is not accepted and the applicant's views are explained in Section 5.0 of this statement.

In terms of waste water drainage proposals and phosphorus mitigation the applicant considers that imposition of a condition in the same terms as imposed on two other proposals for single dwellings in Fungarth would address this issue.

5.0 The determining issues

There are two issues in this case:

1. Whether the proposed development is within the building group of Fungarth.
2. Whether a condition could be imposed on a planning permission in principle for the proposal which would ensure that a drainage scheme is implemented which would improve the phosphorus total from the built development.

Whether the proposed development is within the building group of Fungarth

The application site consists of flat ground down to grass occupied by a log cabin/summerhouse and an area of trees. A new dwelling carefully sited would not detract from either the residential or visual amenity of the group. A new dwelling in this location would extend the group into a definable site formed by the flat garden ground and gently sloping area to the north of the log cabin/summerhouse. The existing trees in the western part of the application are a well established landscape feature which will provide a suitable setting and private amenity space for the new dwelling.

All details of design, scale and materials would be subject of a subsequent application for approval of matters specified by condition. This control would ensure that the new dwelling would respect the character, layout and building pattern of the group. A high standard of residential amenity can be achieved for the proposed house and there would be no harm caused to the amenity enjoyed by "Torr-na Loisgte".

Whether a condition could be imposed on a planning permission in principle for the proposal which would improve the phosphorus total from the built development

It is clear from the decisions made by the Local Review Body to grant planning permission on two sites in Fungarth that a condition can be imposed on a planning permission to address and overcome the issue of phosphorus pollution.

In this case, the applicant's agent sent an email on 14 October 2014 to the case officer (copy included as Appendix 5) acknowledging the concerns of SNH and SEPA and confirming that the applicant was willing to remove the existing septic tank and provide a shared treatment plant. The agent asked the case officer to let him know if additional information regarding drainage proposals was required but did not receive any answer.

There would be a net benefit to drainage in the Lunan Valley Catchment Area by removing the existing septic tank and replacing it with a contemporary system, as indicated on Drawing no. 1438/PL/005. This is a practical suggestion which would comply with Policy EP6 and we suggest the following condition, akin to condition numbers 5 and 6 imposed on consent 13/01349/FLL:

First proposed condition

Foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:

- (a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at and serving the

separate property/properties [Torr-na-Loisgte, Fungarth, Dunkeld; Owner:Colin Nisbet] has been installed. The installation shall have the capacity and capability to serve both Torr-na-Loisgte and the proposed development.

- (b) Following the installation of the foul drainage infrastructure at and serving the separate property/properties (as approved in the following condition), the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed and commissioned to the reasonable satisfaction of the Planning Authority. For the avoidance of doubt the installed drainage infrastructure to serve the development site as approved shall be retained, and operational, all to the reasonable satisfaction of the Planning Authority.

Reason: -To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Lunan Valley Catchment thereby ensuring compliance with Policy EP6 of the Adopted Perth and Kinross Local Development Plan 2014

Second proposed condition

No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason: - To ensure appropriate drainage arrangements are in place to remove phosphorus from the Lunan Valley Catchment thereby ensuring compliance with Policy EP6 of the Adopted Perth and Kinross Local Development Plan 2014.

6.0 Conclusions

The proposal seeks approval in principle for one dwelling on land of "Torr-na Loisgte", Fungarth , Dunkeld, forming part of the garden

The development is in the building group of Fungarth and therefore complies with Policy RD3 – Housing in the Countryside in the adopted local development plan and Housing in the Countryside Guide Supplementary Planning Guidance 2012. The proposal is in principle only and the detailed siting and design would be subject of a further application for approval of matters specified in conditions.

There would not be a loss of amenity to "Torr-na Loisgte" or to any other dwelling in Fungarth. A new dwelling would replace the existing log/cabin summerhouse and

would not harm the character or appearance of the surrounding area. The existing tree cover over the western part of the application site would be retained.

Access would be taken off the existing drive which serves "Torr-na Loisgte" and there is sufficient room within the site to provide a parking area.

It is proposed to build a replacement drainage system to serve both "Torr-na Loisgte" and the new dwelling. This would result in an improvement and a reduction in the phosphorus total from the built development. The proposal therefore complies with Policy EP6 and the presumption in favour of retaining such gains to the benefit of the ecological recovery of the Lunan Lochs.

We request that the Local Review Body upholds this appeal and grants planning permission in principle for a new dwelling on land 50 metres west of "Torr-na Loisgte", Fungarth, Dunkeld.

Appendix 1

Jon Law Architectural Technician
Architectural Design Services

Our Ref: 1438/PL001

11th September 2014

The Environment Service
Perth and Kinross Council
Pillar House
35 Kinnoull Street
Perth
PH1 5GD

Dear Sir/Madam

PROPOSED SINGLE HOUSE PLOT (IN OUTLINE), GARDEN GROUND ADJACENT TO TORR-NA-LOISGTE, FUNGARTH, DUNKELD, PH8 0ES

Please find enclosed an outline planning application for the above project, comprising the following in support of the application:-

- All forms duly completed and signed online through e-planning website (including land ownership certificate)
- PDF of the required drawings and planning statement
- Lodging fee submitted separately by cheque, £382.00

I trust the above reaches you in good order and look forward to receiving your confirmation of registration, if there are any queries please do not hesitate to contact me.

Yours faithfully

Jon Law
Director
Jon Law Architectural Technician Ltd

68 Cooper Drive, Perth, PH1 3GN
Phone: 01738 248655 Mobile: 07880 952485
Email: jon@jonlawarchitecturaltechnician.co.uk
Web: www.jonlawarchitecturaltechnician.co.uk

Registered Office: 68 Cooper Drive, Perth, PH1 3GN : Registered in Scotland : Company Number SC425479
Jon law Architectural Technician is the trading name of Jon law Architectural Technician Ltd.



Project: Site Adjacent to Torr-na-Loisgte, Fungarth, Dunkeld, PH8 0ES

Project No: 1438

Design Statement: For Outline Planning Submission

This proposal is to establish the principle of a single house residential development with the curtilage of an existing residential site forming part of the group of houses known as Fungarth outside Dunkeld.

Site – Boundaries and Location

The site is located within the garden ground of the existing house Torr-na-Loisgte - a dwelling constructed circa 1985, there is no planning history beyond that of the existing house and the proposal site is due west from the house. The proposal site is a mix of flat soft landscaped garden with an existing summerhouse, sloping garden covered mainly with gorse and trees to the west of the site, any proposed house will have to be designed to sit within the existing topography. The suggested location for the house is partly on the flat and sloping areas, the existing summerhouse will be removed and possibly relocated within the reduced garden of Torr-na-Loisgte. To the north of the site is an undefined boundary with the Dunkeld Golf Course, to the west is mature trees bounding the golf course (these trees will be unaffected by the proposal) and to the south is an established tree line and public right of way bounding the golf course access road. A new dividing boundary between existing and proposed houses will be required to the east of the proposal site.

Site – Access

Access to the site would be from the existing driveway of Torr-na-Loisgte which would become part shared until the drive splits to access each house site. The existing driveway will require extending to facilitate access to the new house plot as indicated on the proposed site plan.

Site – Services

The proposed house can be serviced with both electricity and BT from existing established services proximate to the site. There is a private water supply close to the site serving the existing houses and a connection would be sought from this supply. There is no mains gas, however the applicant is considering a number of options for heat source. In terms of foul and surface water from the proposed dwelling, there is adequate ground available within the site (drg no 1438/PL/04 and 5) to accommodate a small treatment plant and associated soakaways, thus keeping all drainage discharge within the site boundaries. The existing septic tank for Torr-na-Loisgte is to remain and any new boundary between properties to be positioned to ensure a 5m distance to the tank.

Housing in the Countryside Guide – November 2012

With reference to the above document, we believe that the site meets with criteria of an extension to a building group:

1. Building Groups – There is an established building group within Fungarth of at least three houses and this proposal would seek to extend that group into this site. The site is naturally bound on three sides by the golf course, access road and mature trees all of which creating a defined site for the new dwelling. The existing topography will allow any new house to be positioned and designed in a manner to avoid any visually intrusive roofscapes with the house sitting below the highest point of the site to the North. This proposed house would not detract from the residential or visual amenity of the group and Torr-na-Loisgte specifically would still retain considerable garden space for the size of house.

Future Dwelling Proposal and Design

Should the outline application be successful the applicant has a clear idea for the proposed dwelling house, it will likely be a low profile single storey house but with accommodation and access below thanks to the existing topography. It will be a three bedroomed property with integral garaging and contemporary in design and style whilst utilising traditional materials.

68 Cooper Drive, Perth, PH1 3GN
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Web: www.jonlawarchitecturaltechnician.co.uk

Registered Office: 68 Cooper Drive, Perth, PH1 3GN : Registered in Scotland : Company Number SC425479
Jon Law Architectural Technician is the trading name of Jon Law Architectural Technician Ltd.



Summary

In summary, we believe the site has good merits as a potential residential plot meeting with the criteria of the Housing in the Countryside Policy and would allow for an interesting design solution for the house without affecting either the amenity of Torr-na-Loisgte or the wider building group whilst also not causing any visual intrusion into the golf course sight lines.

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Phone: 01738 248655 Mobile: 07880 952485
Email: jon@jonlawarchitecturaltechnician.co.uk
Web: www.jonlawarchitecturaltechnician.co.uk

Registered Office: 68 Cooper Drive, Perth, PH1 3GN : Registered in Scotland Company Number SC425479
Jon Law Architectural Technician is the trading name of Jon Law Architectural Technician Ltd.





Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000097006-001

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

Type of Application

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

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

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

Description of Proposal

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

Erection of New Dwellinghouse (in outline) on the garden ground/land associated with Torr-na-Loisgte

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Jon Law Architectural
Technician

Ref. Number:

First Name: *

Jon

Last Name: *

Law

Telephone Number: *

01738 248655

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

jon@jonlawarchitecturaltechni
cian.co.uk

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

Building Name:

Building Number:

68

Address 1 (Street): *

Cooper Drive

Address 2:

Town/City: *

Perth

Country: *

UK

Postcode: *

PH1 3GN

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



Individual



Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Mr

Other Title:

First Name: *

Colin

Last Name: *

Nisbet

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Torr-na-Loisgte

Building Number:

Address 1 (Street): *

Fungarth

Address 2:

Town/City: *

Dunkeld

Country: *

Scotland

Postcode: *

PH8 0ES

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

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

Northing

743204

Easting

303385

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

6462.00

Please state the measurement type used:

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

Existing Use

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

A mix of garden ground and vacant unused garden ground

Access and Parking

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

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

What private arrangements are you proposing? *

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

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

The new dwelling will have a new treatment plant discharging to new soakaways within the site curtilage

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

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

All Types of Non Housing Development - Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

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

Certificate B

Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided, before you can complete your certificate.

Notice 1 is Required

☒ I understand my obligations to provide the above notice(s) before I can complete the certificates. *

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Andrew Bruce Wooton

Address:

Atholl Estates, Estate Office, Atholl Estate, Blair Atholl, PH18 5TH

Date of Service of Notice: *

11/09/14

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

- ☒ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Declare - For Application to Planning Authority

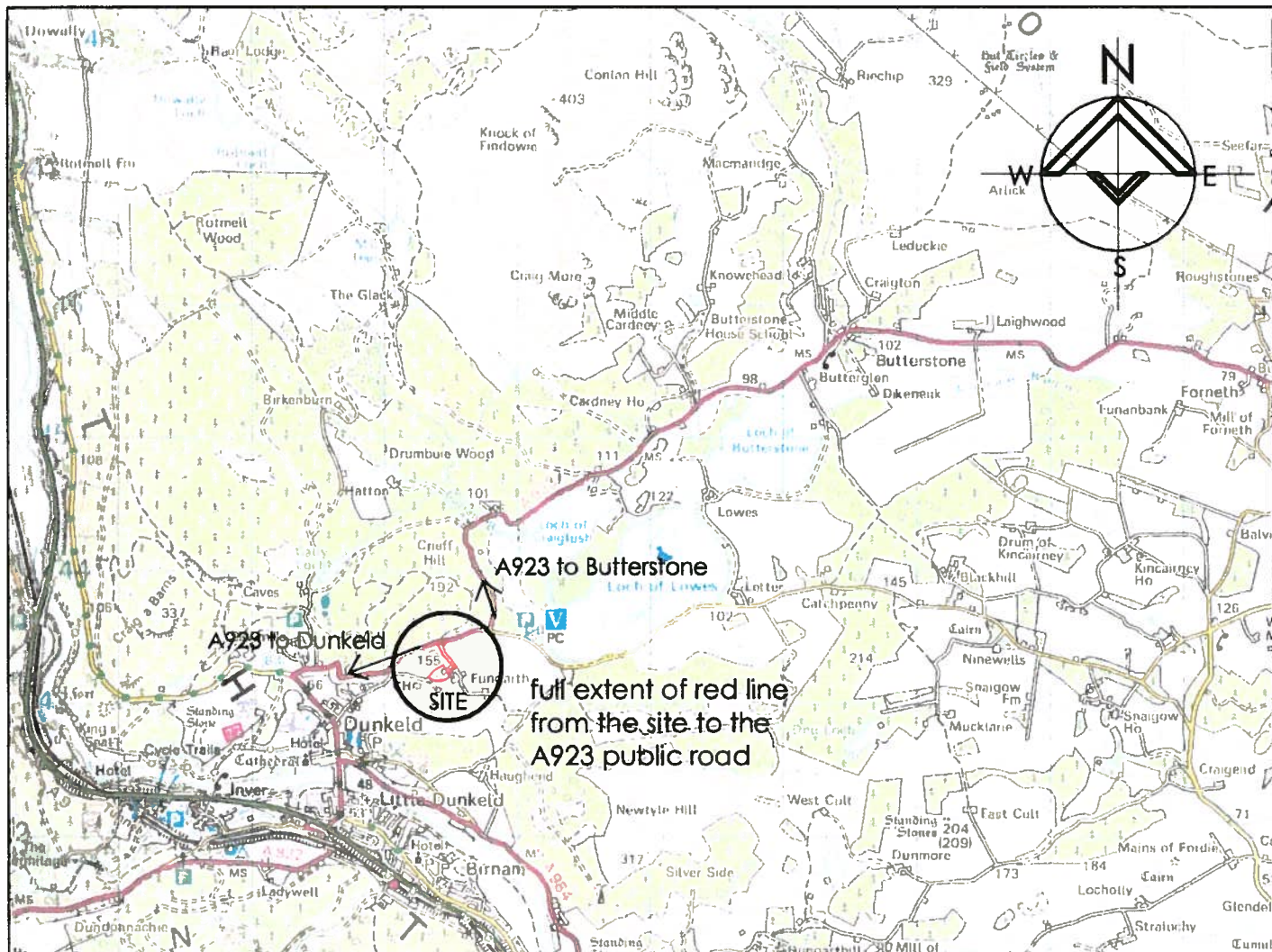
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Jon Law
Declaration Date: 11/09/2014
Submission Date: 11/09/2014

Payment Details

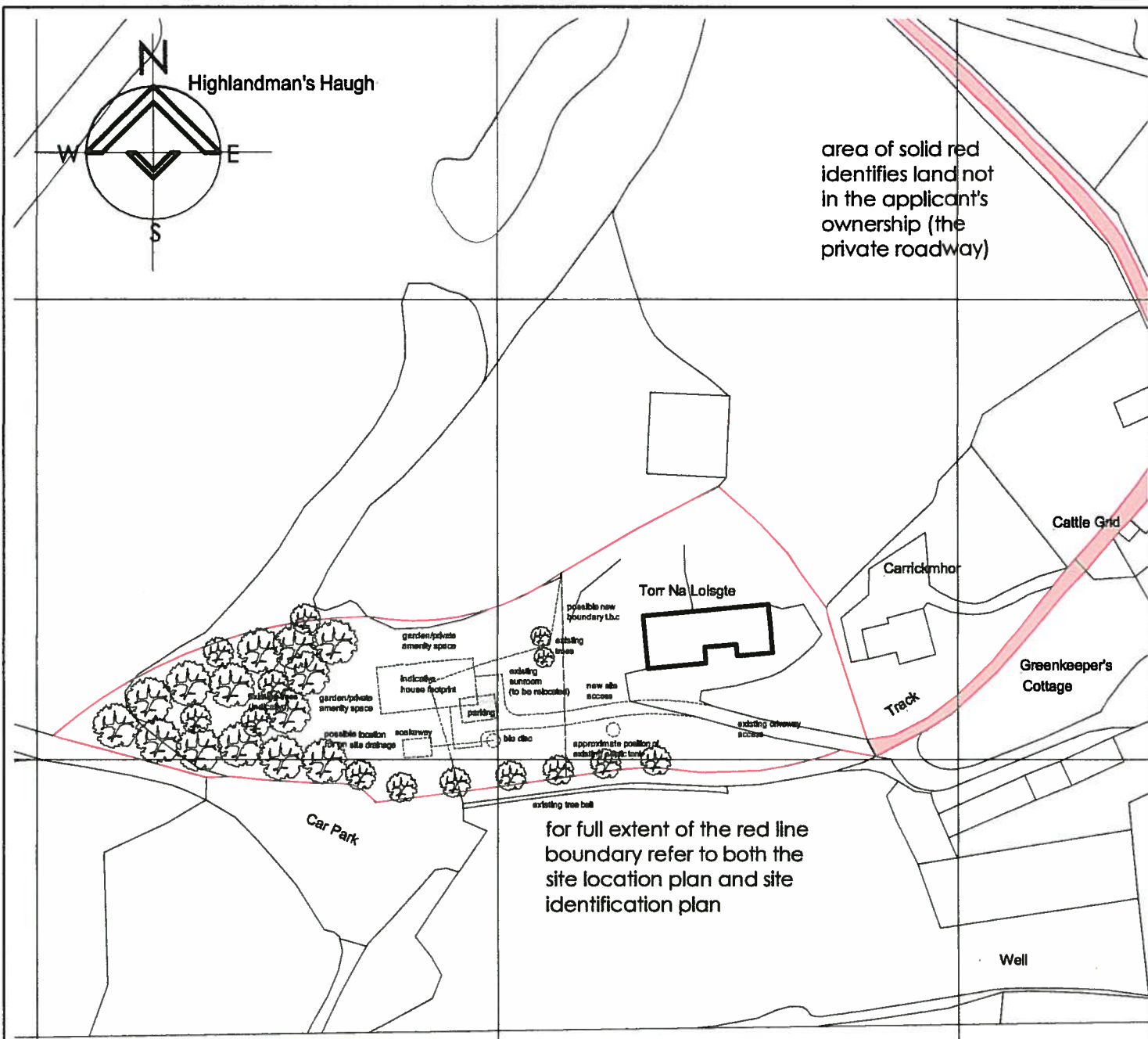
Cheque: Colin S Nisbet, 001392

Created: 11/09/2014 09:10



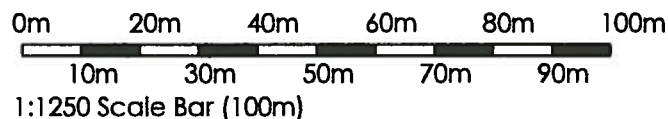
site identification plan n.t.s

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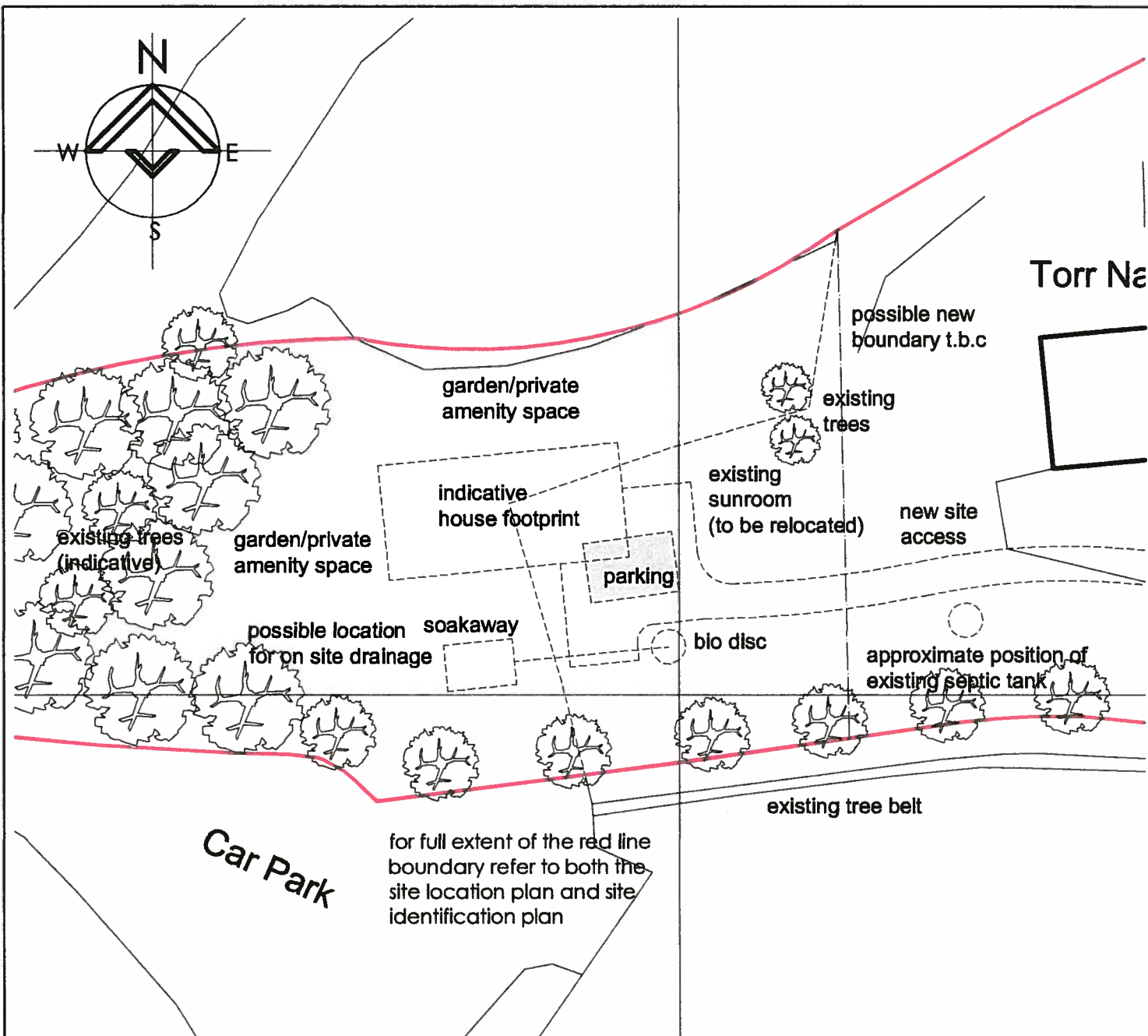


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proposed site layout plan 1:1250

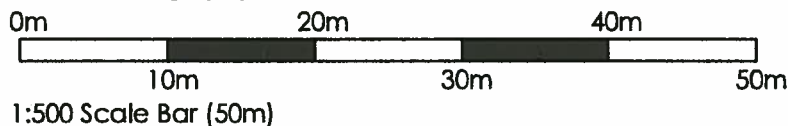


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rev	dm	date	description												
<p>Jon Law Architectural Technician Architectural Design Services</p> <p>jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk</p>				<p>341</p>											



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proposed site layout plan 1:500



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rev	dm	date	description												
<p>Jon Law Architectural Technician</p> <p>Architectural Design Services</p> <p>jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk</p>				<p>342</p>											

Appendix 2

3.2 Placemaking

3.2.1 Sustainable economic growth with high environmental quality is an important component in attracting investment into an area.

3.2.2 The sustainable development of Perth and Kinross requires the provision of services in appropriate locations to meet the increasing needs of the expanding population, resulting in the requirement to invest in new infrastructure to meet future needs. The following policies reinforce other policies within the Plan, and together these ensure that new development safeguards and enhances environmental quality, creating quality places and mitigating potential negative impacts.

3.2.3 Placemaking is now a term widely used to describe a comprehensive policy approach to the design, development, management and maintenance of the places in which we live to reflect local context. Central to the creation of sustainable communities is the desire to live in an attractive place which provides for our social, economic and environmental needs. Creating and maintaining sustainable communities are also key national and local policy objectives through Community Planning and Development Planning frameworks.

3.2.4 Fundamental to successful placemaking is an understanding of what makes places special, how places function and how best to involve those involved in the development industry such as architects, agents, developers and funders; as well as the communities themselves.

3.2.5 A local Placemaking Guide for Perth and Kinross was approved by the Council in November 2009 for the design, management and maintenance of public spaces, buildings, roads and new development. The Guides will be supported by the development and subsequent approval of SG to be used in determining planning applications.

Policy PM1: Placemaking

Policy PM1A

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

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy PM1B

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 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 and make connections where possible to green networks.



Policy RD3: Housing in the Countryside

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

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

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

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

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

Policy RD4: Affordable Housing

Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with and indistinguishable from the market housing.

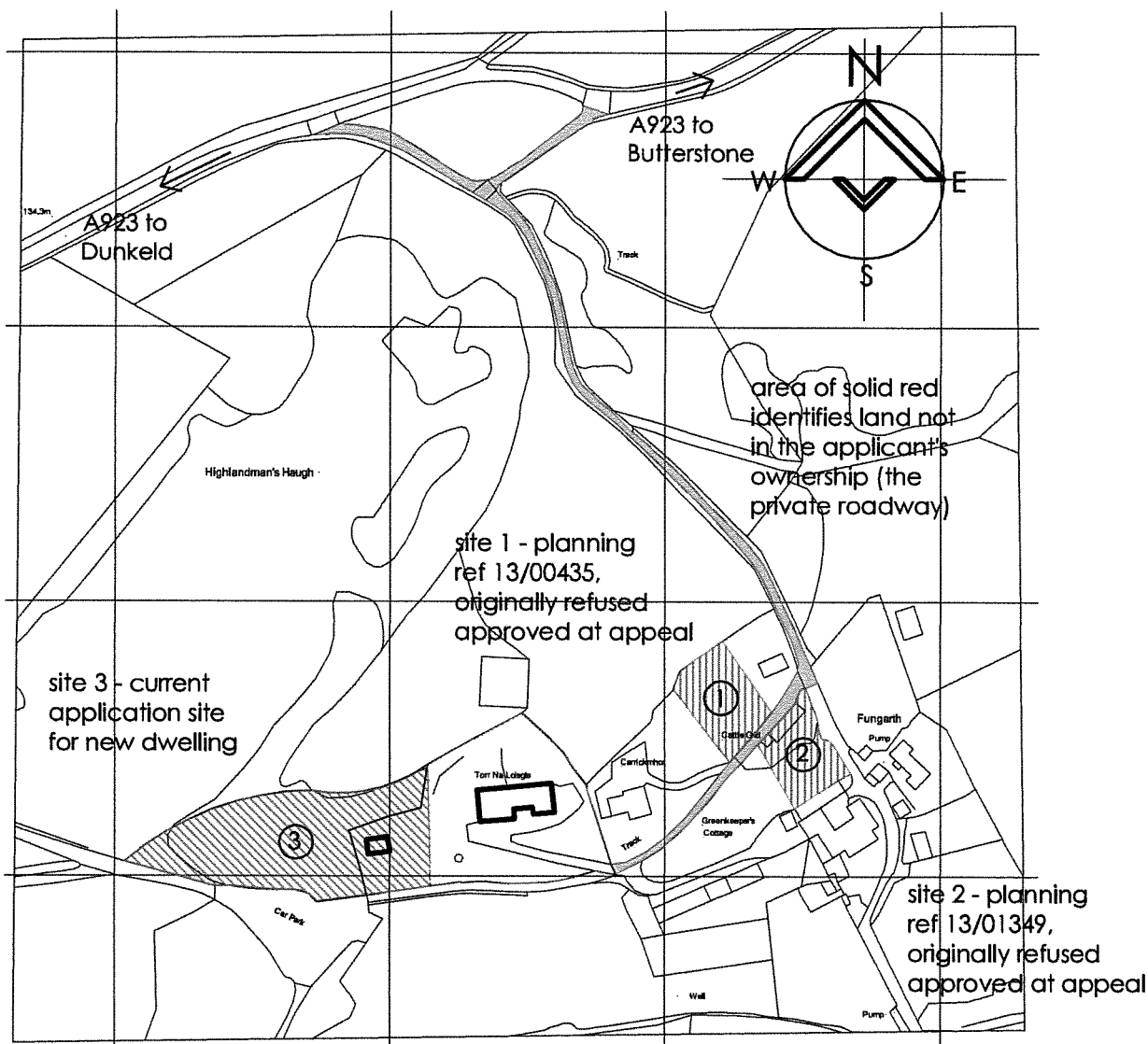
If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers.

The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics. The Council will consider innovative and flexible approaches to the delivery of affordable housing and will take into account considerations that might affect deliverability such as development viability and the availability of funding.

Note: Supplementary Guidance sets out how the Council aims to implement the above policy in line with the provision of the SPP and PAN 02/2010. This Supplementary Guidance informs the amount and type of affordable housing appropriate to each case.

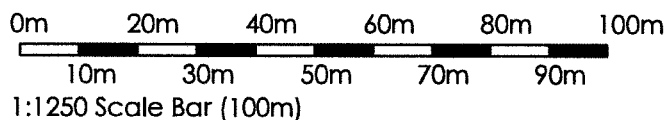


Appendix 3



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existing site location plan 1:2500



<table border="1"> <tr> <th>rev</th> <th>dm</th> <th>date</th> <th>description</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>				rev	dm	date	description					<p>WE CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN(S) REFERRED TO IN THE PLANNING/WARRANT APPLICATION</p> <p>SIGNED.....</p> <p>DATED.....</p> <p>NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers instructions, relevant Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site.</p> <p>©This drawing remains the Copyright of Jon Law Architectural Technician and may not be reproduced in whole or any part without prior written permission.</p>		<p>client: Colin Nisbet</p> <p>project: New Dwellinghouse, land adjacent to Torr-na-Loisgte, Fungarth, Dunkeld, PH8 0ES</p> <p>drawing name: Planning Drawings - Site Location Plan, including new consented plots</p> <p>scale: as noted date: 05/12/14 drawn: jl</p> <p>drawing no: 1438/PL/006 rev: </p>	
rev	dm	date	description												
<p>Jon Law Architectural Technician Architectural Design Services</p>				<p>jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk</p>		<p>348</p>									

Appendix 4

REVIEW DECISION NOTICE

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Land 20 metres south west of Fungarth Farm Cottage, Dunkeld

Application for Review by Atholl Estates against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 13/00435/FLL

Application Drawings: 13/00435/1 13/00435/2 13/00435/3 13/00435/4
13/00435/5

Date of Review Decision Notice – 25 March 2014

Decision

The PKLRB overturned the decision to refuse planning permission for the reasons given below and allowed the review, subject to the imposition of appropriate conditions.

1 Introduction

- 1.1 The above application for planning permission was first considered by the PKLRB at a meeting on 24 September 2013. The Review Body resolved by unanimous decision that:
- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure;
 - (ii) the Development Quality Manager be requested to provide further information to the Local Review Body on whether the Scottish Environment Protection Agency and Scottish Natural Heritage had been consulted and, if so, what their comments were, and if not, to obtain a consultation response from each organisation regarding this proposal;
 - (iii) the Roads Authority be asked to confirm whether or not the access improvements it is seeking relate to west or east or both of the access points onto the A923;
 - (iv) the agent/applicants be invited to provide revised comments on the now determined planning application for the proposed house immediately to the south of the application site (13/01349/FLL) which was pending at the time of the Notice of Review submission;
 - (v) following receipt of all further information and responses, the application be brought back to a future meeting of the Local Review Body.
- 1.2 Following receipt of the requested information the PKLRB convened on 28 January 2014. The Review Body comprised Councillor M Lyle, Councillor H Anderson and Councillor A Gaunt.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and Y Oliver (Committee Officer) (all Chief Executive's Service).

Also Attending: C Brien (The Environment Service); members of the public, including agents and applicants.

2 Proposal

- 2.1 The proposal is for the erection of a dwellinghouse on land 20 metres south west of Fungarth Farm Cottage, Dunkeld. The application was refused consent in terms of a decision letter dated 5 June 2013.

3 Preliminaries

- 3.1 The PKLRB was provided with copies of the following documents:
- (i) the drawings specified above;
 - (ii) the Appointed Officer's Report of Handling;
 - (iii) the refusal notice dated 5 June 2013;
 - (iv) the Notice of Review and supporting documents
 - (v) email from Transport Planning, dated 29 October 2013
 - (vi) letter from Scottish Natural Heritage, dated 5 November 2013
 - (vii) letter from Scottish Environment Protection Agency, dated 19 November 2013
 - (viii) response to further information from the Agent, dated 31 December 2013.
- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the Review of the decision to refuse could be determined without further procedure.

4 Findings and Conclusions

- 4.1 The PKLRB, by unanimous decision, decided that, notwithstanding the provisions of Policy 53 of the Highland Area Local Plan and Policy RD3 of the Local Development Plan, the proposal was considered to be acceptable due to the net benefit to the quality of drainage discharge to the Dunkeld – Butterstone Lochs Special Area of Conservation regarding phosphorous which could be secured through a new treatment provision for Fungarth Cottage and the proposal.

on specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority. A detailed drawing of the proposed improvement works shall be submitted to, and approved in writing by, the Planning Authority, in consultation with the Roads Authority, prior to the commencement of these works.

Reason – In the interests of road safety; to ensure the provision of an improved standard of access to the proposed development.

- (8) The proposed waste water treatment plant serving the proposal and Fungarth Farm Cottage jointly shall be installed and fully operational prior to the commencement of works for the erection of the proposed house.

Reason – In the interests of protecting the qualifying interests of Lunan Valley Catchment and Dunkeld – Butterstone Lochs Special Area of Conservation through ensuring an associated foul drainage improvement.

- (9) No development involving the installation of windows on the north-eastern gable of the proposed house, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be carried out without the prior written consent of the Planning Authority.

Reason – In the interests of maintaining the residential amenity of Fungarth Cottage.

- (10) The core path and right of way, as shown in the plan attached to the (Access & Infrastructure) memo, dated 29 April 2013, must not be obstructed during building works or following completion. Any damage to the route or associated signage during building works must be made good prior to occupation of the dwelling.

Reason – In the interests of protecting continuous access along an established core path and right of way at all times.

Notes

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of

- planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
4. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
 5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
 6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
 7. The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks / pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
 8. 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.

**Gillian Taylor
Clerk to the Local Review Body**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Notification to be sent to applicant on determination by the Planning Authority
of an application following a review conducted under Section 43A(8)**

**Notice Under Regulation 22 of the Town and Country Planning (Schemes of
Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Perth and Kinross Council

NOTICE OF INITIATION OF DEVELOPMENT

The Planning etc. (Scotland) Act 2006
The Town and Country Planning (Development Management
Procedure (Scotland) Regulations 2008

A person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable and, in any case, before the development commences. This ensures that the planning authority is aware that development is underway, and can follow up on any suspensive conditions attached to a planning permission. Failure to do so will be a breach of planning control under section 123(1) of the Planning (Scotland) Act. 1997

Before any work starts on site please complete the form below and return it to:

Development Management
The Environment Service
Perth and Kinross Council
Pillar House
35 Kinnoull Street
Perth PH1 5GD

Application reference number	13/01349/FLL
Date of issue of consent	9 June 2014
Date works are to commence	15th Sept 2014
Name & address of developer	Mary Arnold-Foster The Sheds, Tokavaig Isle of Skye NA4 80L
Name & address of landowner (if a different person)	—
Name & address of site agent	Scott Milne SM Building Solutions Ltd. Caberstanlea Dull Aberfeldy PH15 2JQ

REVIEW DECISION NOTICE

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Land 30 metres south of Fungarth Farm Cottage, Dunkeld.

Application for Review by Mr K Geddes against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 13/01349/FLL

Application Drawings: 13/01349/1 13/01349/2 13/01349/3 13/01349/4
13/01349/5 13/01349/6 13/01349/8 13/01349/9
13/01349/10 13/01349/11

Date of Review Decision Notice – 9 June 2014

21 June 2017 Planning Expires

Decision

The PKLRB overturned the decision to refuse planning permission for the reasons given below and allowed the review, subject to the imposition of appropriate conditions.

1

Introduction

- 1.1 The above Application for Review was first considered by the PKLRB at a meeting on 3 December 2013. The Review Body resolved by unanimous decision that:
- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
 - (ii) an unaccompanied site visit be carried out; and
 - (iii) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.
- 1.2 The PKLRB reconvened on 28 January 2014. The Review Body resolved by unanimous decision that:
- (i) having regard to material before the Local Review Body and their own assessment from their unaccompanied site visit on 21 January 2014, insufficient information was before the Local Review Body to determine the matter without further procedure;
 - (ii) further information be requested from the applicant on:
 - (a) the proposed waste water treatment provision, with specific reference to phosphorous discharge mitigation and comments on this proposed scheme from the Scottish Environment Protection Agency;

- (b) the planning history and status of the group of buildings adjacent to the south eastern boundary of the application site.

1.3 Following receipt of additional information from the Applicant, the PKLRB convened on 4 March 2014. The Review Body comprised Councillor M Lyle, Councillor I Campbell and Councillor J Giacobazzi.

1.4 The following persons were also present at the meeting:
C Elliott, Legal Adviser; D Harrison, Planning Adviser; and P Frazer, Committee Officer.

Also attending:
C Brien (The Environment Service); members of the public, including applicants/agents.

2 Proposal

2.1 The proposal is for the erection of a dwellinghouse and outbuilding on land 30 metres south of Fungarh Farm Cottage, Dunkeld. The application was refused consent in terms of a decision letter dated 19 September 2013.

3 Preliminaries

3.1 The PKLRB was provided with copies of the following documents:

- (i) the drawings specified above;
- (ii) the Appointed Officer's Report of Handling;
- (iii) the refusal notice dated 19 September 2013;
- (iv) the Notice of Review and supporting documents;
- (v) representations to the planning application; and
- (v) e-mail dated 24 February 2014 from the applicant's agent, attaching:
 - (a) copy letter from Atholl Estates dated 13 April 2012 to the owner of Fungarh Farm Steading, Hamish Moore;
 - (b) copy letter from Hamish Moore dated 10 February 2014 to agent;
 - (c) copy letter from Ian Corner of JIG Environment (specialist drainage consultant) dated 4 February 2014 to agent;
 - (d) copy e-mail from Scottish Environment Protection Agency, dated 24 February 2014 to agent.

3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review. Photographs of the site in question were also displayed.

3.3 Having regard to the material before them, the PKLRB resolved that the Review of the decision to refuse could be determined without further procedure.

4 Findings and Conclusions

4.1 The PKLRB considered that given the proposal meets the criteria of the Housing in the Countryside Guide 2012; given that consent has already been given for a similar development at an adjoining property; and that the requirement for phosphate mitigation can be conditioned; the PKLRB, by unanimous decision, determined that the review application be upheld.

4.2 Therefore, having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB determined to uphold the review application and grant planning permission subject to the following conditions:

- (1) The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason – To ensure that the development is carried out in accordance with the plans approved.

- (2) Samples of all external finishing materials shall be submitted to, and approved in writing by, the Planning Authority prior to the commencement of the development. The finishes as approved shall be implemented prior to the occupation and/or use of the development.

Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- (3) Details of the proposed landscaping and boundary treatment for the site shall be submitted to, and approved in writing by, the Planning Authority prior to the commencement of the development and such scheme as may be approved shall be completed prior to the occupation of the development.

Reason – In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality.

- (4) Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme

- (5) The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner.

- (a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at and

serving the separate property/properties [Fungarh Farm Steading, Fungarh, Dunkeld; Owner: Hamish Moore] has been installed. The installation shall have the capacity and capability to serve both the separate property/properties and the proposed development.

- (b) Following the installation of the foul drainage infrastructure at and serving the separate property/properties (as approved in terms of Condition 6 below), the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed and commissioned to the reasonable satisfaction of the Planning Authority. For the avoidance of doubt the installed drainage infrastructure to serve the development site as approved shall be retained, and operational, all to the reasonable satisfaction of the Planning Authority.

Reason – To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Lunan Valley Catchment thereby ensuring compliance with Policy EP6 of the Adopted Perth and Kinross Local Development Plan 2014.

- (6) No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason – To ensure appropriate drainage arrangements are in place to remove phosphorus from the Lunan Valley Catchment thereby ensuring compliance with Policy EP6 of the Adopted Perth and Kinross Local Development Plan 2014.

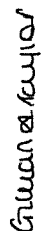
- (7) The core path and right of way, as shown in the plan attached to the (Access & Infrastructure) memo, dated 16 August 2013, must not be obstructed during building works or following completion. Any damage to the route or associated signage during building works must be made good prior to occupation of the dwelling.

Reason – In the interests of protecting continuous access along an established core path and right of way at all times.

Notes

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. No work shall be commenced until an application for building warrant has been submitted and approved.

3. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
4. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
6. 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.
7. The applicant shall ensure the private water supply for the house/development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.



Gillian Taylor
Clerk to the Local Review Body

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

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TCP/11/16(333)
Planning Application 14/01595/IPL – Erection of dwellinghouse (in principle), land 50 metres west of Torr Na Loisgte, Dunkeld

PLANNING DECISION NOTICE *(included in applicant's submission, see page 317-318)*

REPORT OF HANDLING

REFERENCE DOCUMENT *(part included in applicant's submission, see pages 330-331 and 340-342)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/01595/IPL	
Ward No	-	
Due Determination Date	11.11.2014	
Case Officer	Persephone Beer	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of dwellinghouse (in principle)

LOCATION: Land 50 Metres West Of Torr Na Loisgte 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: 10 November 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for the erection of a dwellinghouse on land 50 metres west of Torr Na Loisgte.

The site is outwith a settlement boundary as defined in the adopted Perth and Kinross Local Development Plan (2014).

SITE HISTORY

None recorded.

PRE-APPLICATION CONSULTATION

Pre application Reference: None.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy NE1B - National Designations

Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy PM1A - Placemaking

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

Policy EP6 - Lunan Valley Catchment Area

The nature conservation and landscape interest of the Lunan Valley Catchment Area will be protected and enhanced in accordance with the criteria set out. Policy RD3: Housing in the Countryside is restricted to economic need, conversions, or replacement buildings within the Lunan Valley Catchment Area.

Policy RD3 - Housing in the Countryside

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

Policy PM3 - Infrastructure Contributions

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

OTHER POLICIES

Housing in the Countryside Guide (2012)

Developer Contributions Guide (2014)

CONSULTATION RESPONSES

Education And Children's Services

This development falls within the Royal School of Dunkeld Primary School catchment area.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Transport Planning

No objection subject to condition requiring access, car parking and turning to be in accordance with the standards required by the Council.

Contributions Officer

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards an increase in primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Royal School of Dunkeld Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Scottish Environment Protection Agency

Object to this planning application on the grounds of a lack of information relating to waste water drainage. Applicant should provide details of proposals for phosphorus mitigation.

Scottish Natural Heritage

This proposal is likely to have a significant effect on the qualifying interests of the SAC. SNH object until the applicant provides details of satisfactory proposals for phosphorus mitigation.

Access Officers

No comment.

Environmental Health

The development is for a dwelling house in a hamlet with private water supplies (including Fungarth supply) 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 a condition and informatives are required should the application be approved.

Scottish Water

No objection. Site would be served by private water supply.

Forward Planning

This proposal is contrary to policy RD3: Housing in the Countryside and policy EP6: Lunan Valley Catchment Area of the local development plan.

The erection of a dwellinghouse would not be acceptable in this instance. It is contrary to policy EP6: Lunan Valley Catchment area and policy RD3: Housing in the countryside as the proposal does not meet the requirements for development, in the Lunan Valley Catchment Area, in terms of economic need, conversions or replacement buildings. Further detail will need to be provided regarding waste water drainage and a Construction Method Statement would need to be produced in line with policy EP6.

REPRESENTATIONS

There have not been any representations submitted in relation to this application:

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Undertaken
Design Statement or Design and Access Statement	Submitted
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 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The site lies within the landward area of the adopted Local Development Plan 2014 where all proposals for new housing are normally considered against Policy RD3: Housing in the Countryside. However as this site is located within the Lunan Valley Catchment Area, the main relevant policy against which this development must be assessed is Policy EP6: Lunan Valley Catchment Area. This policy specifically limits the criteria for housing development under Policy RD3 to economic need, conversions or replacement buildings.

Policy EP6 should be used to assess all development in the Lunan Valley Catchment Area. In this no economic need has been demonstrated, the proposal does not relate to conversion or replacement of buildings and is therefore contrary to policy EP6.

As the site is within the Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC) further measures would need to be detailed illustrating the impact the development will have on the protected area. This would include a Construction Method Statement as required under policy EP6.

Design and Layout

Whilst this application is to establish whether the principle of development is acceptable on this site an indicative location for a house has been shown on the submitted plans. This locates the new house partly within the garden ground of the existing house and partly in an area of woodland. The existing garden ground has been levelled but the wooded part of the site is on a steep slope. A summer house currently on part of the site would be relocated as part of the proposals.

The site is within the River Tay National Scenic Area and as such I believe that extending development beyond the existing garden ground would represent an unacceptable intrusion into the landscape in this area. Any development on this site would be visually prominent and in my opinion inappropriate.

Landscape

The site is part way up a steep wooded slope that sits above the car park for the adjacent golf club. The site is well wooded although appears to have recently been thinned around the potential house site. I consider that the development of this site would be an unwelcome incursion into this area of woodland that is integral to the character of the landscape in this area. Policy NE1B of the Local Development Plan seeks to retain the integrity of the National Scenic Area. I consider that this development could be contrary to this policy as any detailed proposal would be likely to require a significant incursion into the woodland area that is important to the character of the surrounding National Scenic Area. It would also be contrary to policy PM1 in

that built development in this location would not contribute positively to its surroundings. There are a number of trees on the site. Policy NE2B requires a tree survey to be submitted with all applications where trees are present on site. No tree survey has been submitted. This would be required before any proposal is approved on this site.

Residential Amenity

Residential amenity is unlikely to be adversely affected should this application be approved.

Visual Amenity

I consider that the potential for adverse visual impact is considerable due to the topographical features of the site. The site would require substantial engineering operations to enable a house to be built on this wooded hillside.

Roads and Access

The site would be accessed primarily along an existing access track that serves other houses within Fungarth. There would be no objection from the Council's Transport Planners subject to meeting Council standards with regard to access and parking provision.

Drainage – Lunan Valley Catchment Area

Policy EP6 requires that all new development within the Lunan Valley Catchment must demonstrate that the development will be served by an acceptable foul drainage arrangement that is capable of achieving the required phosphorus betterment.

SEPA has been consulted and object to the application as the applicant has not provided any details of proposals for phosphorous mitigation

SNH also object to the proposals as without satisfactory phosphorus mitigation the proposal is likely to have a significant effect on the qualifying interests of the Special Area of Conservation.

As such the proposals are contrary to Policy EP6 of the LDP as the applicant has not provided any information to successfully demonstrate that the proposed foul drainage arrangement is capable of achieving the required level of phosphorus mitigation.

Developer Contributions

Should the application be approved the proposal would be assessed for developer contributions when a full detailed application is submitted.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal subject to conditions.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

The proposal is contrary to Policy PM1: Placemaking of the adopted Local Development Plan as an additional dwelling in this location would not contribute positively to the quality of the surrounding built and natural heritage.

The proposal is contrary to Policy RD3 - Housing in the Countryside and EP6 - Lunan Valley Catchment Area of the Proposed Local Development Plan 2014 in that the proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.

The proposal is contrary to Policy EP6 of the Local Development Plan 2014 as no information has been provided to demonstrate that an acceptable level of phosphorus mitigation would be achieved. The proposal as submitted would have a significant adverse impact on Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC).

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

14/01595/1

14/01595/2

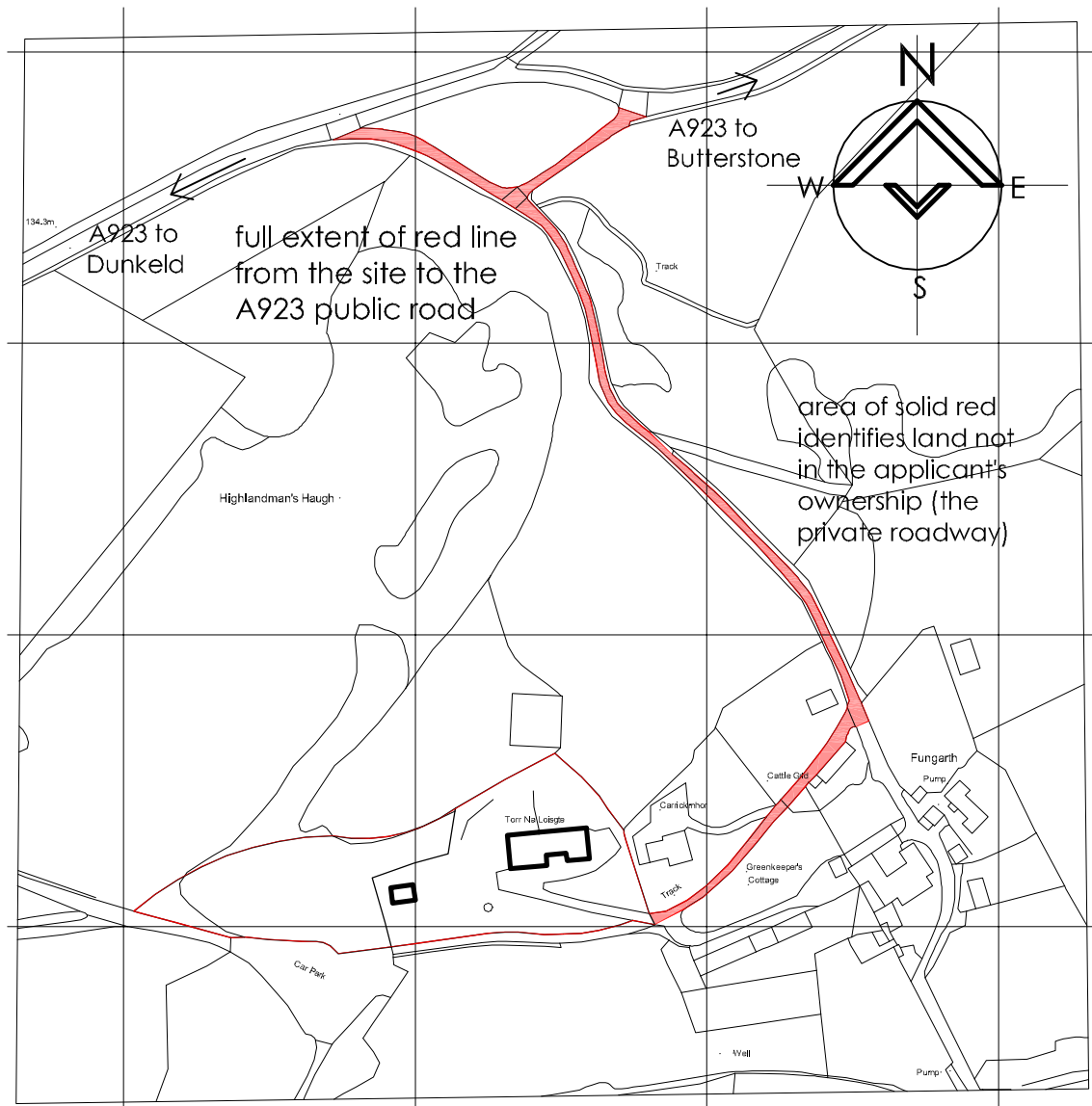
14/01595/3

14/01595/4

14/01595/5

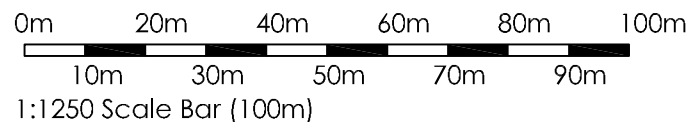
14/01595/6

Date of Report 12.11.2014

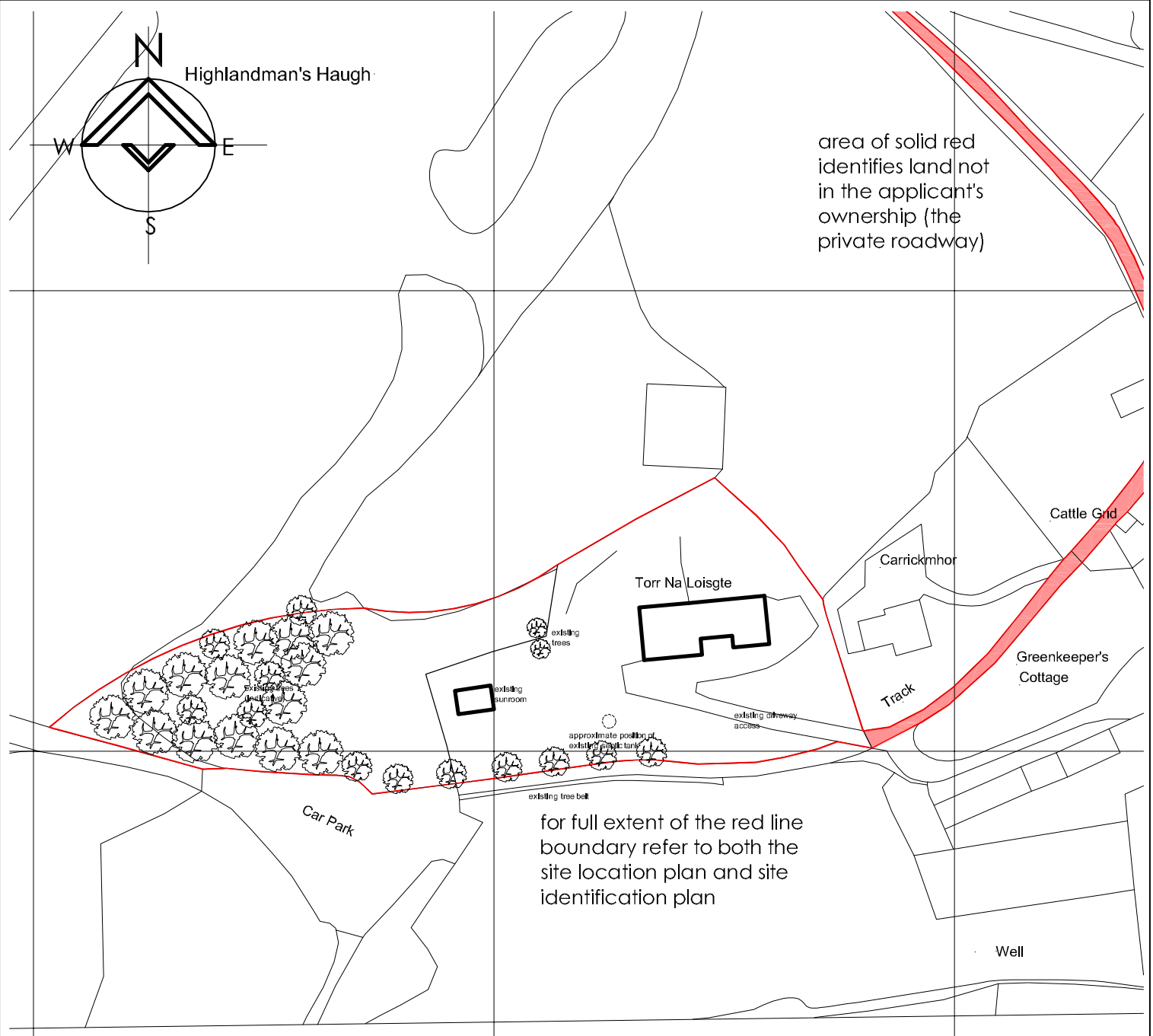


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existing site location plan 1:2500

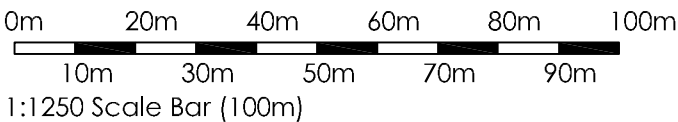


rev	dm	date	description	<p>WE CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN(S) REFERRED TO IN THE PLANNING/WARRANT APPLICATION</p> <p>SIGNED <u>Jon Law</u></p> <p>DATED <u>11/09/14</u></p> <p>NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers instructions, relevant Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site.</p> <p>©This drawing remains the Copyright of Jon Law Architectural Technician and may not be reproduced in whole or any part without prior written permission.</p>	<p>client: Colin Nisbet</p> <p>project: New Dwellinghouse, land adjacent to Torr-na-Loisgte, Fungarth, Dunkeld, PH8 0ES</p> <p>drawing name: Planning Drawings - Existing Site Location Plan</p> <p>scale: as noted date: 11/08/14 drawn: jl</p> <p>drawing no: 1438/PL/001 rev:</p>
<p>Jon Law Architectural Technician Architectural Design Services</p> <p>jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk</p>					<p>377</p>



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existing site layout plan 1:1250



				WE CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN(S) REFERRED TO IN THE PLANNING/WARRANT APPLICATION	client: Colin Nisbet
rev	dm	date	description	SIGNED..... DATED.....	project: New Dwellinghouse, land adjacent to Torr-na-Loisgte, Fungarth, Dunkeld, PH8 0ES
Jon Law Architectural Technician —Architectural Design Services				NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers instructions, relevant Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site.	drawing name: Planning Drawings - Existing Site Layout Plan
jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk				©This drawing remains the Copyright of Jon Law Architectural Technician and may not be reproduced in whole or any part without prior written permission.	scale: as noted date: 11/08/14 drawn: jl
				378	drawing no: 1438/PL/003 rev:

TCP/11/16(333)
Planning Application 14/01595/IPL – Erection of dwellinghouse (in principle), land 50 metres west of Torr Na Loisgte, Dunkeld

REPRESENTATIONS

- Representation from Regulatory Services Manager, dated 19 September 2014
- Representation from Development Negotiations Officer, dated 24 September 2014
- Representation from Education and Childrens Services, dated 25 September 2014
- Representation from Scottish Natural Heritage, dated 7 October 2014
- Objection from Scottish Environment Protection Agency, dated 9 October 2014
- Representation from Transport Planning, dated 9 October 2014
- Representation regarding Local Development Plan, dated 14 October 2014
- Representation from Scottish Water, dated 20 October 2014

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 14/01595/IPL

Our ref ALS

Date 19/09/2014

Tel No 01738 476915

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of dwellinghouse (in principle) Land 50 Metres West Of Torr Na Loisgte Dunkeld for Mr Colin Nisbet

I refer to your letter dated 18/09/2014 in connection with the above application and have the following comments to make.

Water (assessment date –19/09/14)

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 hamlet with private water supplies (including Fungarth supply) 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. No public objections relating to the water supply were noted at the date above.

Condition

Prior to commencement of site works, 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 approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

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.

Informative 2

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

AS

INTERNAL CONSULTATION ON PLANNING APPLICATION



To: Development Management
From: Euan McLaughlin
Date: 24 September 2014
Planning Reference: 14/01595/IPL
Description of Proposal: Erection of dwellinghouse (in principle) Land 50 Metres West Of Torr Na Loisgte Dunkeld for Mr Colin Nisbet

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.

Primary Education

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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Royal School of Dunkeld Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Contacts

The main point of contact for enquiries relating to the interpretation of developer contributions will be the Development Negotiations Officer:

Euan McLaughlin
Tel: 01738 475381
Email: emclaughlin@pkc.gov.uk

If your query specifically relates to the provision of affordable housing please contact the Council's Affordable Housing Enabler:

Stuart McLaren
Tel: 01738 476405
Email: sjmcclaren@pkc.gov.uk

Memorandum

To	Nick Brian Development Quality Manager	From	Maureen Watt Assistant Asset Management Officer
Your ref	14/01595/IPL	Our ref	
Date	25 September 2014	Tel No	(4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 14/01595/IPL

This development falls within the Royal School of Dunkeld Primary School catchment area.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact ecssupportservices@pkc.gov.uk



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Mr Nick Brian
Development Quality Manager
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

7 October 2014

Our ref: SIT/SAC/Dunkeld-Blairgowrie Lochs/ASS
SIT/SSSI/Lochs of Butterstone, Craiglush and Lowes /ASS

Your ref: 14/01595/FLL

Dear Mr Brian

Town And Country Planning (Scotland) Act 1997

Erection of dwellinghouse (in principle), Land 50 metres west of Torr na Losigte, Dunkeld

Thank-you for your letter of 18 September 2014 seeking the comments of Scottish Natural Heritage (SNH) in respect of the above planning application.

SNH Position

This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, **we object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in our appraisal below.**

Appraisal of the Impacts of the proposal and advice

Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC)

The proposed development lies within the catchment of the Dunkeld-Blairgowrie Lochs SAC. Information regarding the SAC qualifying features and Conservation Objectives are available on the Sitelink section of our website at <http://gateway.snh.gov.uk/sitelink/index.jsp>.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (the "Habitats Regulations"), as amended, apply. Consequently, Perth & Kinross Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). A summary of Scottish Government policy can be found on our website: (<http://www.snh.gov.uk/docs/A423286.pdf>).

In our view, this proposal is likely to have a significant effect on the qualifying interests of the SAC. These lochs, into which effluent from the development would drain, are of particular importance for their habitats and species. Moderately-enriched water bodies and the aquatic plant, slender naiad, are now rare and threatened in the UK as a result of nutrient enrichment from man-made sources, including housing developments and agriculture. Consequently, Perth & Kinross Council is



INVESTOR IN PEOPLE

Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW
Tel 01738 444177 Fax 01738 45 8611 www.snh.gov.uk

required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

To help you do this, we advise that in our view, on the basis of the appraisal carried out to date, if the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not adversely affect the integrity of the site:

- The drainage strategy should be revised to clearly demonstrate that there will be no increase in phosphorous loading to the catchment. This is likely to require a reduction in phosphorus loading from another property in the area to offset any increase from this development.

The appraisal we carried out considered the impact of the proposals on the following factors:

Eutrophication, which leads to deterioration in water quality, has been an issue in these lochs for a considerable length of time. These problems result in higher pH, phosphate and nitrate levels and increased turbidity through suspended algal growth. The combination of these factors leads to decreased water clarity and reduced photosynthesis, resulting in a serious decline in the botanical interest of the SAC, including the slender naiad population. Slender naiad monitoring in September 2007 found a healthy slender naiad population in Loch of the Lowes, two plants in Marlee Loch and none in Lochs Craiglush, Butterstone and Clunie, a considerable crash in population from the 2004 survey. Any further increase in the phosphorus loading to the lochs could further damage any chance of the slender naiad population recovering.

Research work by the Scottish Environment Protection Agency (2004) and Edinburgh University (2005) has demonstrated that the two most significant contributions to the increased phosphorus loads in the catchment are run-off from agricultural land and septic tanks. To address this issue we introduced a catchment management scheme in 2004 to reduce phosphate pollution from farming. Due to reductions of run-off from agricultural land the lochs showed early signs of recovery, however, recent excessively wet winters have reversed this trend, demonstrating how fragile the recovery had been.

Nutrient enrichment arising from the foul drainage associated with housing development tends to be long lasting and difficult to reverse. It is therefore essential that any proposed development demonstrates that there would be no net increase in phosphorus loading to the lochs. The proposed drainage strategy for this development, which comprises a biodisc and soakaway, will result in an increase in phosphorous loading to the catchment if mitigation is not provided.

If you are minded to grant planning permission against our advice, you should notify the Scottish Ministers.

European Protected Species – Slender Naiad

Please note that Slender Naiad is also a European Protected Species (EPS), and is therefore afforded further protection under the Habitats Regulations. The legislative requirements relating to EPS are detailed in Annex 1.

Lochs Butterstone, Craiglush & Lowes SSSI

The lochs and associated botanical interest of the SSSI are also likely to be adversely affected by the proposal for the reasons outlined above for the SAC interest.

The contact for this case is Nicki McIntyre nicki.mcintyre@snh.gov.uk, Tel. 01738 458591. I would be grateful if you could let us know of your Council's decision in due course or of any further changes to the proposal which would be relevant to our interests.

Yours sincerely

(via email)

Gavin Clark
Operations Manager
Tayside and Grampian
Gavin.clark@snh.gov.uk

Annex 1 - Legal Position in Relation to European Protected Species – Slender naiad

Regulations 39 and 43 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) (Habitats Regulations) provide full protection for certain animal and plant species. The species identified above are referred to as European protected species and are listed on Schedules 2 (animals) and 4 (plants) of the Habitats Regulations.

This means it is illegal to:

- Deliberately or recklessly capture, injure or kill a European protected species of wild animal or to deliberately or recklessly (i) harass an animal or group of animals; (ii) disturb an animal while it's occupying a structure or place used for shelter or protection; (iii) disturb an animal while it's rearing or otherwise caring for its young; (iv) obstruct access to a breeding site or resting place, or otherwise deny the animal use of the breeding site or resting place; (v) disturb an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; (vi) disturb an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- Deliberately or recklessly take or destroy its egg
- Deliberately or recklessly disturb any cetacean
- Damage or destroy the breeding sites or resting places of such animals
- Deliberately or recklessly pick, collect, cut, uproot or destroy European protected species of wild plant

Where it is proposed to carry out works which will affect European protected species or their shelter/breeding places, whether or not they are present in these refuges, a licence is required from the licensing authority (in this case likely to be Scottish Government). It is strongly advised that you refer to the Scottish Government information on the current interim licensing arrangements, which can be found in the document *European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements*, (October 2001) before applying for a licence. Copies of this are available at <http://www.scotland.gov.uk/library3/environment/epsq-00.asp> or by writing to the Landscape and Habitats Division, Room GH 93, Victoria Quay, Edinburgh EH6 6QQ or by telephoning 0131 244 7140.

As highlighted in the Interim Guidance, three tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) to permit otherwise prohibited acts. An application for a licence will fail unless all of the three tests are satisfied. The three tests involve the following considerations:

- Test 1 - The licence application must demonstrably relate to one of the purposes specified in Regulation 44(2) (as amended). For development proposals, the relevant purpose is likely to be Regulation 44(2)(e) for which Scottish Government is currently the licensing authority. This regulation states that licences may be granted by Scottish Government only for the purpose of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."*
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless Scottish Executive is satisfied *"that there is no satisfactory alternative"*.
- Test 3 - Regulation 44(3)(b) states that a licence cannot be issued unless Scottish Executive is satisfied that the action proposed *"will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"* (Scottish Executive will, however, seek the expert advice of Scottish Natural Heritage on this matter).

Consideration of European protected species must be included as part of the application process, not as an issue to be dealt with at a later stage. Any consent given without due consideration to these species is likely to breach European Directives with the possibility of consequential delays or the project being halted by the EC, as has happened previously.

Our ref: PCS/135966
Your ref: 14/01595/IPL

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

If telephoning ask for:
Stephanie Balman

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

9 October 2014

Dear Sirs

Town and Country Planning (Scotland) Acts
Planning application: 14/01595/IPL
Erection of dwellinghouse (in principle)
Land 50 Metres West Of Torr Na Loisgte, Dunkeld

Thank you for your consultation letter which SEPA received on 18 September 2014.

We **object** to this planning application on the grounds of a lack of information relating to waste water drainage. We will consider reviewing this objection if the issues detailed in Section 1 below are adequately addressed.

Advice for the planning authority

1. Waste water drainage

- 1.1 The Lunan Valley Lochs catchment has been downgraded by the addition of phosphorus through human activities. Under the Water Framework Directive there should be no further deterioration in status of water bodies. To protect the lochs, the aim is to ensure that there is no increase of phosphorus in the catchment arising from waste water associated with new developments. This is in accordance with Policy EP6: Lunan Valley Catchment Area in the adopted Perth & Kinross Local Development Plan 2014.
- 1.2 As it appears to lie within the catchment, the formation of a new house will add to nutrient increases into the Loch and as such mitigation of phosphorous discharges is required. However, no details of this have been included with the application. For example, we note that there is an existing house with a septic tank and an upgrade of this to a secondary treatment system either as an individual unit or as a shared two house unit would achieve the necessary mitigation.
- 1.3 We therefore **object** until the applicant provides details to us of satisfactory proposals for phosphorus mitigation. The applicant is advised to contact our Operations team (telephone 01738 627989) at their earliest convenience in order to discuss the options available in



Chairman
David Sigsworth

Chief Executive
James Curran

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

terms of phosphorus reduction. Once agreement on this issue is reached, our position on this planning application can be reassessed.

Regulatory advice for the applicant

2. Regulatory requirements

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

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

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

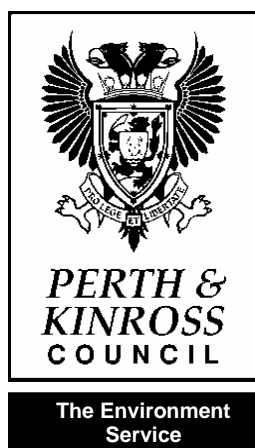
Yours sincerely

Stephanie Balman
Planning Officer
Planning Service

ECopy to: John Law Architectural Technician jon@jonlawarchitecturaltechnician.co.uk

Disclaimer

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



MEMORANDUM

To	Persephone Beer Planning Officer	From	Niall Moran Transport Planning Officer Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	14/01595/IPL	Date	9 October 2014

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 14/01595/IPL for planning consent for:- **Erection of dwellinghouse (in principle) Land 50 Metres West Of Torr Na Loisgte Dunkeld for Mr Colin Nisbet**

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 and turning 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.

CONSULTATION ON PLANNING APPLICATION – LOCAL DEVELOPMENT PLAN



To: Mary Barr
From: Rhiannon Moylan
Date: 14/10/2014

Planning Reference: 14/01595/IPL

Description of Proposal: Erection of dwellinghouse (in principle)

Site Address: Land 50 Metres West Of Torr Na Loigste Dunkeld. The grid reference of the development site is 303385 743217.

LDP & Area: Perth and Kinross Local Development Plan 2014 – North Area

1. TAYplan Strategic Development Plan 2012

No specific policies of relevance to the application.

2. Perth and Kinross Council Local Development Plan 2014

This proposal is contrary to policy RD3: Housing in the Countryside and policy EP6: Lunan Valley Catchment area of the local development plan.

Policy RD3 established the necessary conditions which need to be met to develop housing in the countryside. This application does not meet with these conditions as it is not part of an existing building group, it is not an infill development, it is not a conversion or renovation of an existing building and it is not on brownfield land.

Policy EP6 should be used to assess all development in the Lunan Valley Catchment area. This states that policy RD3 is limited to economic need, conversion or replacement buildings. As the economic need for this property has not been highlighted it can be considered contrary this policy. The site is also within the River Tay Special Area of Conservation so further measures would need to be detailed illustrating the impact the development will have on the protected area. This would include a Construction Method Statement as required under policy EP6. As the proposal lies within the Lunan Valley Catchment Area more detail should be provided relating to waste water treatment works.

3. Overview

The erection of a dwellinghouse would not be acceptable in this instance. It is contrary to policy EP6: Lunan Valley Catchment area and policy RD3: Housing in the countryside as the proposal does not meet the requirements for development, in the Lunan Valley Catchment Area, in terms of economic need, conversions or replacement buildings. Further detail will need to be provided regarding waste water drainage and a Construction Method Statement would need to be produced in line with policy EP6.

20/10/2014

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

Customer Support Team
T: 0141 414 7162
W: www.scottishwater.co.uk

Dear Sir Madam

PLANNING APPLICATION NUMBER: 14/01595/IPL
DEVELOPMENT: dunkeld land 50m west of torr na loisgte
OUR REFERENCE: 703464
PROPOSAL: Erect Dwellinghouse

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department 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

Janine Franssen
Customer Connections Administrator

