

TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie

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TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie

**PAPERS SUBMITTED
BY THE
APPLICANT**



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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100128239-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: MBM Planning & Development

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value=""/>
First Name: *	<input type="text" value="Kirsty"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Walker"/>	Address 1 (Street): * <input type="text" value=""/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value=""/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value=""/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value=""/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value=""/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Hawkhill"/>			
Northing	<input type="text" value="743430"/>	Easting	<input type="text" value="311500"/>

Description of Proposal

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

Erection of a replacement house

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Grounds of appeal as set out in the attached statement

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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

Planning application forms, plans, decision notice, Report of Handling, email exchange with appointed officer and grounds of appeal statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/00489/IPL

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

11/04/2018

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

08/06/2018

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To assess if there is substantial evidence of the structure of the original building above ground level to enable its size and form to be identified and also to assess if the site boundaries are capable of providing a suitable enclosure for the new house

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Mark Myles

Declaration Date: 12/07/2018

Notice of Review Appeal – Grounds of Appeal Statement

Planning Application Reference 18/00489/IPL

Planning Permission in Principle for Erection of Replacement House on Land 100 North East of Logiebrae, Craigie, Clunie

This ground of appeal statement should be read in conjunction with the Notice of Review Appeal submitted on behalf of Ms Kirsty Walker, for Planning Permission in Principle for the Erection of a replacement house on Land 100 North East of Logiebrae, Craigie, Clunie which was refused permission on 8th June 2018. Copies of the planning application forms, plans, supporting statement and background emails are also included within the appeal submission.

As confirmed in the Report of Handling on the application, **the proposed site contains a ruinous cottage** located to the west of a small group of dwellings at Craigie. It is further acknowledged and also shown in the planning officers photographs that **there is visible evidence of the cottage with the gable end and walls still standing.**

The council's single reason for refusal of the application relates solely to the proposed development allegedly contravening categories 4 e) (i) and (iii) of the council's housing in the countryside policy RD3 and associated Supplementary Guidance.

The planning statement that had been submitted in support of the application provided a detailed assessment of the relevant policy criteria which does not require to be repeated here, and instead we focus solely on the reasons given for refusal.

Response to Category 4 e) (i)

The first part of the reason for refusal states that '***it has not been demonstrated that an appropriate replacement dwelling could be accommodated.***'

This is despite the Report of Handling confirming that the '***existing ruin would meet category 4 e) (i) in terms of there being visible evidence of the structure of the original building above ground level to enable its size and form to be identified.***'

That is all that Policy 4 e) i) requires and in this case, it should therefore be evident that the existing ruinous house would meet with the terms of this part of the policy.

The Report of Handling however takes the assessment further without any policy justification as the planning officer claims that the policy seeks to restrict considerable increases for replacement dwellings.

While this may be the planning officer's own views or perhaps even what the planning department think or would like the policy to say, as was pointed out in our email correspondence to the planning officer (7th June), there is nothing explicitly written anywhere in the policy on replacement houses that says you cannot replace a vacant or abandoned house with a larger house.

The planning officer has instead incorrectly quoted from an earlier section of the Supplementary Guidance - category 4 b) which states 'any alterations and extension to **an existing house** should be in harmony with the existing building's form and proportion.'

That section of the policy clearly relates solely to restoration and extension of an existing property and **NOT** to the replacement of a house. The appointed officer's interpretation of the policy is therefore factually incorrect, and this has led directly to an incorrect assessment of the proposal against an irrelevant part of the policy.

The only policy requirements specifically relating to replacement houses are that they shall be of a high-quality design appropriate to their setting and surrounding area and that the siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road.

The indicative plans that were submitted with the application were provided to specifically show that these requirements could be achieved, even though this is a PPP application, as the detailed siting and design of any house would be subject to conditions and any future matters specified in conditions application.

Response to Category 4 e) (iii)

Turning to the second part of the reason for refusal - category 4 e) (iii), and again it is evident that the detailed wording that has been quoted in the reason for refusal does not reflect the actual wording that is contained within the Supplementary Guidance.

Category 4 e) (iii) of the SG actually states, '**the site boundaries are capable of providing a suitable enclosure for the new house.**'

In contrast the reason for refusal states '**the site does not have established site boundaries capable of providing suitable enclosure...**'

The appointed officer's reference to the need for the site to have '**established**' site boundaries is therefore totally misleading and unnecessary. The appointed officer has therefore once again either misinterpreted the policy requirements or simply attempted to set out what the planning department think or would like the policy to say. If a fair and reasonable assessment of the policy criteria had been undertaken, then this would not have appeared as a reason for refusal.

The actual wording of the policy requires site boundaries which are capable of providing a suitable enclosure and as has been detailed in the original supporting planning statement and as shown on the proposed site plan, the site boundaries are capable of providing a suitable enclosure and are perfectly achievable on this site and would normally be expected to form part of a condition on any PPP. Furthermore, the council accept that the site is located within an overall good landscape setting and has a good fit in the wider landscape.

Accordingly, the capability or the ability of the site boundaries to provide enclosure for the proposed house within this good landscape setting cannot be in question and the policy clearly does allow for the use of conditions to meet this requirement.

Drainage – Policy ER6

For completeness we would highlight that the holding objection from SNH is contrary to the Supplementary Guidance related to Policy ER6 which confirms that detailed information and drainage calculations are not required for in principle applications. SNH's response was also contrary to the advice provided by SEPA which correctly identifies that a suspensive condition can be applied to in principle applications in this location. This was drawn to the planning officer's attention in our email of 7 May 2018 and we note from the Report of Handling that contact was made with SNH to get an updated memo but a response was not received. Despite that, the Report of Handling (under the heading Drainage and Flooding) correctly states that conditions would be required to secure the submission of phosphorous mitigation calculations in accordance with the supplementary guidance at the time of the AMM application.

Conclusion

We therefore respectfully request that the LRB consider the proposal on its merits and in accordance with actual clearly stated wording of Policy RD3 and associated Supplementary Guidance, rather than the incorrect and biased interpretation that we have shown was undertaken by the appointed officer when a category of the Supplementary Guidance that does not apply to replacement houses and additional wording that simply does not exist were used in an attempt to justify the reason for refusal.

PERTH AND KINROSS COUNCIL

Ms Kirsty Walker
c/o MBM Planning And Development
Mark Myles
Algo Business Centre
Glenearn Road
Perth
PH2 0NJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 8th June 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00489/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 11th April 2018 for permission for **Erection of a dwellinghouse (in principle) Land 100 Metres North East Of Logiebrae Craigie Clunie** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category 4 e (i) and (iii) Renovation or Replacement of Houses as it has not been demonstrated that an appropriate replacement dwelling could be accommodated and that the site does not have established site boundaries capable of providing suitable enclosure. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (5) Conversion or replacement of redundant non-domestic buildings, (6) Rural Brownfield Land.

Justification

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

Notes

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

Plan Reference

18/00489/1

18/00489/2

18/00489/3

18/00489/4

18/00489/5

18/00489/6

18/00489/7

18/00489/8

18/00489/9

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/00489/IPL	
Ward No	P5- Strathtay	
Due Determination Date	10.06.2018	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 100 Metres North East Of Logiebrae Craigie Clunie

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: 8 May 2018

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is in principle for the erection of a dwelling on the site of a ruinous cottage located to the west of a small grouping of dwellings at Craigie. There is visible evidence of the cottage with the gable end and walls standing although the site is very overgrown.

Indicative plans have been submitted to show a 1 ½ storey dwelling with a footprint of 120sq metres on the site of the ruin.

The site has a history of refusal with the most recent being in 2008 this decision was then appealed. The appeal was dismissed and the reporter concluded that the combination of policy objections, visual exposure in the landscape and the fact that the ruinous building had virtually returned to nature there was no case for setting aside the Development Plan.

SITE HISTORY

93/01359/FUL ERECTION OF A HOUSE (IN OUTLINE) AT PLOT 1 19
October 1993 Application Withdrawn

93/01360/FUL ERECTION OF A HOUSE (IN OUTLINE) AT PLOT 2 19
October 1993 Application Withdrawn

97/01101/FUL Erection of house at 15 September 1997 Application Refused

02/01613/OUT Erection of a dwellinghouse (in outline) on 13 November 2002
Application Refused

04/00959/FUL Erection of a dwellinghouse 4 June 2004 Application Refused

05/01847/FUL Erection of stable/shed and residential caravan 9 November
2005 Application Withdrawn

07/00256/FUL Temporary siting of residential caravan (in retrospective) and
installation of a septic tank 30 May 3007 Application Withdrawn

07/01614/FUL Siting of a residential caravan and associated septic tank and
drainage system at (retrospect) 30 August 2007 Application Refused

07/01615/FUL Siting of a caravan/chalet and associated septic tank and
drainage system at Plot 2 Gypsy Travellers Caravan/Chalet Site 30 August
2007 Application Refused

07/01616/FUL Siting of a caravan/chalet and associated septic tank and
drainage system at Plot 3 Gypsy Travellers Caravan/Chalet Site 30 August
2007 Application Refused

08/01216/FUL Erection of a dwellinghouse and garage with improved access
and landscaping 22 August 2008 Application Refused

08/02180/PN Erection of agricultural shed 1 December 2008 Application
Refused

09/00170/FUL Erection of an agricultural storage shed 22 June 2009
Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy 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 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.

OTHER POLICIES

No other policies

CONSULTATION RESPONSES

Scottish Natural Heritage

Objection to proposal on lack of information in relation to Phosphorous Mitigation. The application is in principle and as per the supplementary guidance mitigation is not required at the in principle stage. I have contacted SNH to get an updated memo but

a response has not been received. As the application is being refused I have proceeded to a recommendation as it would not form a reason for refusal.

Scottish Environment Protection Agency	No objection, condition required for Phosphorus Mitigation
Transport Planning	No objection
Contributions Officer	Conditions required to cover contributions.
Scottish Water	No objection
Environmental Health - Contaminated Land	No objection, contaminated land informative recommended

REPRESENTATIONS

The following points were raised in the 1 representation received:

- Application should not be in principle
- Potential over-development
- Contrary to policy

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The policy position has changed from the previous refusal in 2008. The then Eastern Area Local Plan had a presumption against built development unless supported by an operational need within the Lunan Valley Catchment Area.

The current plan has altered this policy and proposals can now be considered under Policy RD3 Housing in the Countryside and the associated 2012 Guide. Policy RD3 but limited within the Lunan Valley Catchment Area to economic need, conversions and replacement buildings.

Having had the opportunity to undertake a site visit and assess the plans I consider the application does not comply with the applicable categories in the policy/guide which are;

- (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance related to economic need
- (4) Renovation or replacement of houses
- (5) Conversion or replacement of redundant non-domestic buildings

The existing ruin would meet category 4 e) i) in terms of there being visible evidence of the structure of the original building above ground level to enable its size and form to be identified.

The redline site is large at 2000 sq metres with no indication on site of the plot that the original cottage occupied. The footprint of the building is very small at 53 sq metres and was clearly a single storey dwelling. It would therefore be difficult to replace the existing cottage with a similarly proportioned dwelling to meet modern requirements. I consider that it would require substantial increase in footprint as it would be limited to a single storey dwelling. I consider the policy seeks to restrict considerable increases for replacement dwellings.

Indicative plans have been submitted which show a 1 1/2 storey dwelling which would not be acceptable and the footprint is over 100sq metres. I am unconvinced from the submissions that an acceptable replacement dwelling could be accommodated with the restrictive size of the existing structure.

Category 4 e) ii) requires that the development is located on an established site with a good landscape setting and a good fit in the landscape and on a site acceptable on planning grounds. I would consider (covered in more detail in the landscape section) that the surrounding landscape has matured within the last 10 years since the previous refusal. The development of the site would therefore not detrimentally impact the wider landscape views.

Category 4 e) iii) states that the site boundaries should be capable of providing enclosure. There is established planting to the northwest but this is out with the site (no planting exists on this boundary) and there is sparse planting on the northeast boundary which is further exposed by the topography as the site is on a plateau. The site is contained by the road to the southeast and agricultural land with intermittent planting to the southwest. The lack of established boundaries also prevents assessment of what the original boundaries of the cottage were.

The agent has indicated that additional planting could be sought through the use of conditions. I do not consider the use of conditions for planting to be acceptable in order to define a site to meet the policy requirements.

I have discussed this proposal with the Development Plans Team who agree with the policy assessment.

Design and Layout

The application is in principle however indicative plans have been provided. The plans show a 1 ½ storey dwelling located on the footprint of the ruin. As stated above a 1 ½ storey dwelling would not be acceptable on the site. The development would need to reflect the character of the cottage which is single storey. The erection of single storey dwelling would I consider require a substantial footprint increase to achieve acceptable accommodation and would be considerable more than the existing 53 sq metre footprint.

Landscape/Visual Amenity

In the previous refusal it was considered that the site occupied a prominent location and that there would be a significant landscape impact from the development of the site. This was related to a detailed application for a larger dwelling and that the site was much more open.

Having visited the site I would consider that the surrounding landscape has matured and some trees have self-seeded around the site. This has offered more containment of the site within the wider landscape. There is also an abandoned bungalow to the south of the site which is in an elevated position and would be just as visible.

I still have concerns regarding the lack of established boundary treatments however I consider that the wider visual impact would not be significant to merit this being a reason for refusal.

Residential Amenity

The site has no direct neighbours and it is considered that a dwelling could be accommodated with no detrimental impact on existing residential amenity.

Contaminated Land

An inspection of the proposed development site by Environmental Health (EH) did not raise any real concerns, although the site is very close to an area where general quarrying was once carried out. EH have advised that there may be potential for contamination within the site. No information is available regarding the nature or volume of infill material and so the applicant should satisfy themselves that this former quarry site is not impacting the proposed development site. An informative would be required if the application was recommended for approval.

Roads and Access

Transport Planning have no concerns regarding the access to the site and parking and turning could be accommodated.

Drainage and Flooding

The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Lunan Lochs catchment and therefore phosphorus (P) mitigation is required in accordance with Policy EP6: Lunan Valley Catchment Area which requires that total P from the built development must not exceed current levels due to the fact that there is an issue in the catchment with elevated nutrient levels.

The Lunan Valley Area Dunkeld - Blairgowrie Lochs Special Area of Conservation supplementary guidance related to Policy EP6 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation. Conditions would therefore be required to secure the submission of phosphorous mitigation calculations in accordance with the supplementary guidance current at the time of the AMM application.

Developer Contributions

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 Newhill Primary School. As the application is in principle a condition would be required to ensure that any required contributions are sought at the detailed stage.

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 not to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category 4 e (i) and (iii) Renovation or Replacement of Houses as it has not been demonstrated that an appropriate replacement dwelling could be accommodated and that the site does not have established site boundaries capable of providing suitable enclosure. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (5) Conversion or replacement of redundant non-domestic buildings, (6) Rural Brownfield Land.

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 required

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/00489/1

18/00489/2

18/00489/3

18/00489/4

18/00489/5

18/00489/6

18/00489/7

18/00489/8

18/00489/9

Date of Report 08.06.18



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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100088959-002

The online reference 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: *

- ☐ 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 replacement house

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

Has the work already been started and/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:	MBM Planning & Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Algo Business Centre
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 450506	Address 1 (Street): *	Glenearn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH2 0NJ
Email Address: *	mm@mbmplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Kirsty	Building Number:	■
Last Name: *	Walker	Address 1 (Street): *	■■■■■■■■■■
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	■■■■■
Extension Number:		Country: *	■■■■■
Mobile Number:		Postcode: *	■■■■■
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

743430

Easting

311500

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.17

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)

Site of ruinous house

Access and Parking

Are you proposing a new 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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 80px;"> <p>The proposed replacement house would involve the removal of an old septic tank from the site, which was used in connection with the former house when it was occupied. The proposed new house would utilise a Klargestar tank and soak away system installed to serve a former residential caravan</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

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) REGULATION 2013

One Certificate must be completed and submitted along with the 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

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:

Owner Occupier Lessee

Address:

Front Cottage, Long Row, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: *

11/04/2018

Name:

Owner Occupier Lessee

Address:

Logie Brae Farm, Clunie, Blairgowrie, PH10 6RF

Date of Service of Notice: *

04/04/2018

Name:

Owner Occupier Lessee

Address:

Brambly, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: *

11/04/2018

Name:

Owner Occupier Lessee

Address:

Bruachan, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: *

11/04/2018

Name:

Owner Occupier Lessee

Address:

Carraig Mhor, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: *

11/04/2018

Name:

Owner Occupier Lessee

Address:

Cobblers Cottage, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: *

11/04/2018

Name:

Owner Occupier Lessee

Address:

Craigie House, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: *

11/04/2018

Name:

Owner Occupier Lessee

Address:

East Craigie, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: *

11/04/2018

Name:

Owner Occupier Lessee

Address:

Front Cottage, Long Row, Clunie, Blairgowrie, ph10

Date of Service of Notice: *

11/04/2018

Name:

Owner Occupier Lessee

Address:

Gartbeg, Clunie, Blairgowrie, PH10 6RG

Date of Service of Notice: *

11/04/2018

Name:

Owner Occupier Lessee

Address:	Gracefield, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Middle Cottage, Long Row, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Ochter, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Stables, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	The Barn, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Owner Occupier Lessee
Address:	Tullycraig, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018

Name:	Owner Occupier Lessee
Address:	White House, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	11/04/2018
Name:	Mr Marc Macbey
Address:	Hawkhill, Clunie, Blairgowrie, PH10 6RG
Date of Service of Notice: *	27/03/2018

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:	
Address:	
Date of Service of Notice: *	

Signed:	Mark Myles
On behalf of:	Ms Kirsty Walker
Date:	11/04/2018
<input checked="checked" type="checkbox"/> Please tick here to certify this Certificate. *	

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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

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

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Planning Statement

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: Mr Mark Myles

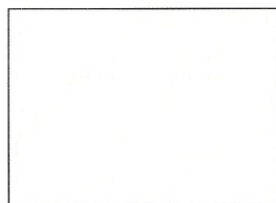
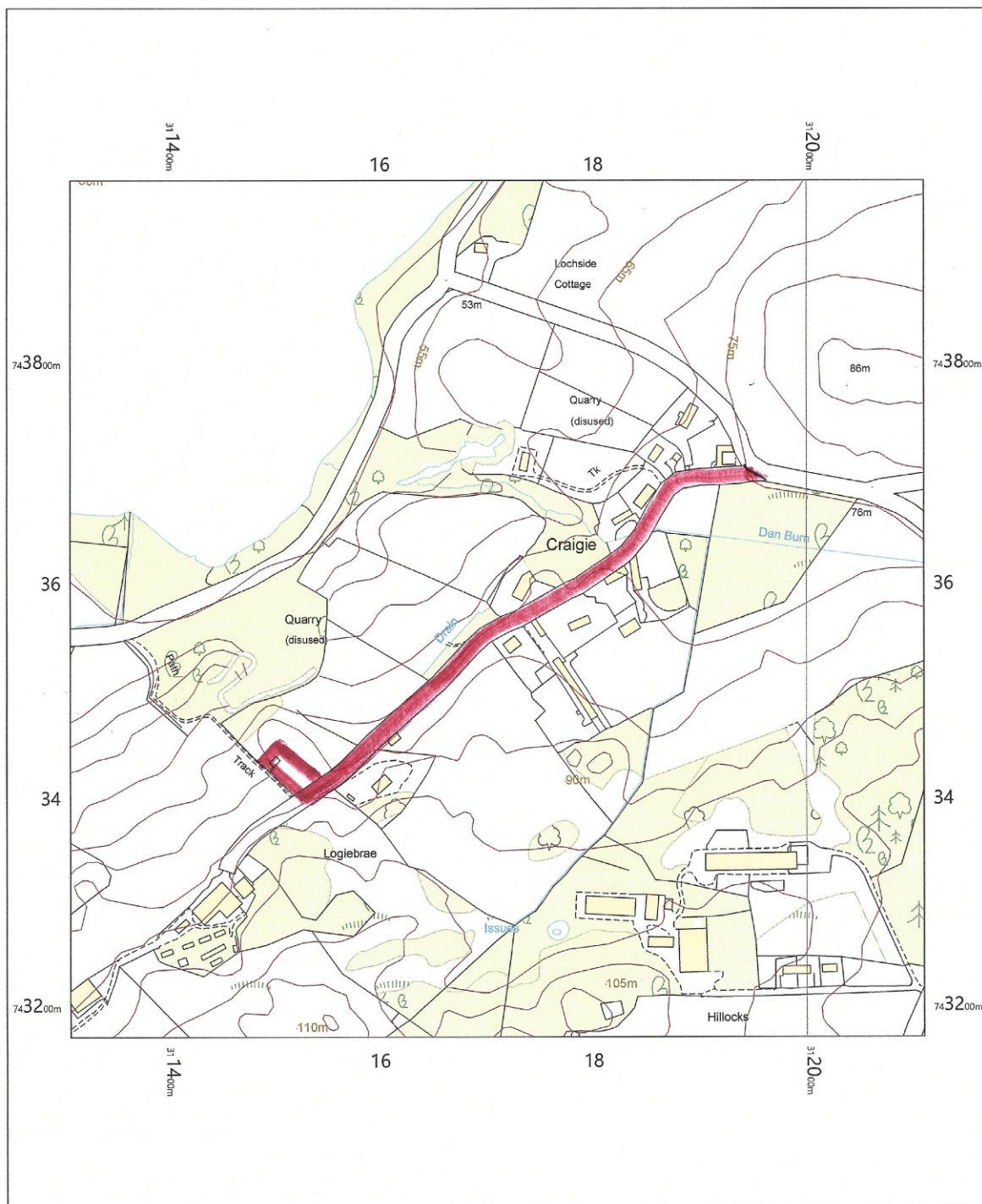
Declaration Date: 27/03/2018

Payment Details

Online payment:

Payment date:

Created: 11/04/2018 10:02



OS VectorMap Local - Landplan Style
 Wednesday, April 11, 2018, ID: MNOW-00703886
www.nicolsondigital.com

1:5000 scale print at A4, Centre: 311710 E, 743576 N

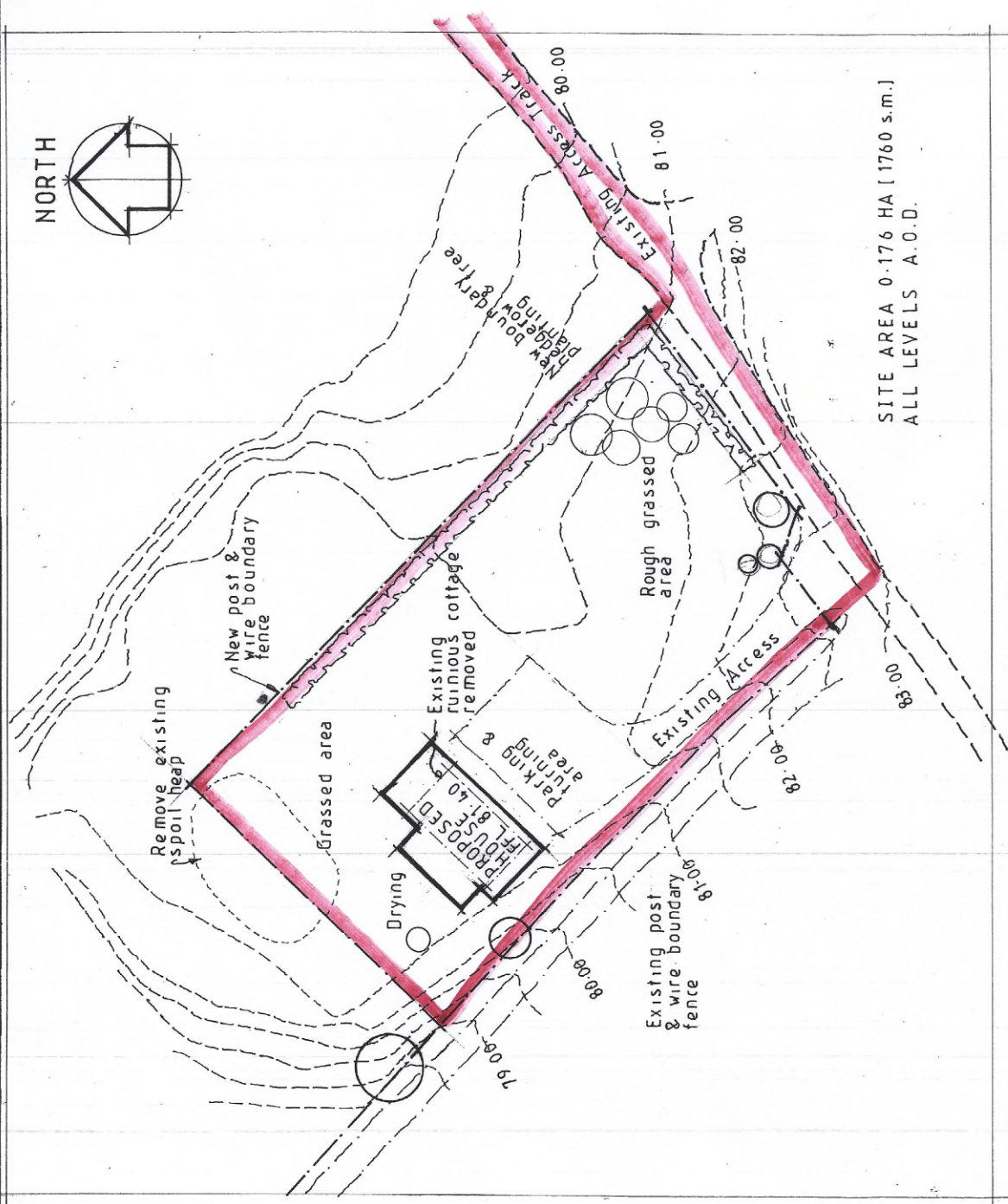
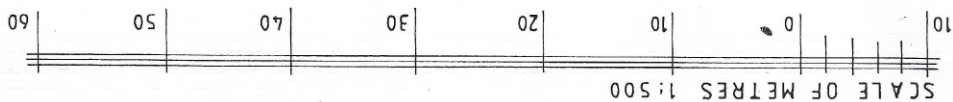
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RURAL LOCATION PLAN 1:50 000

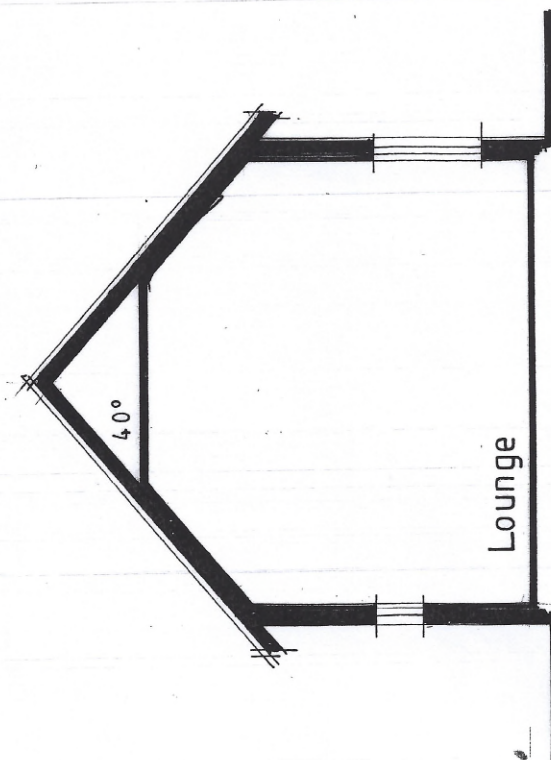
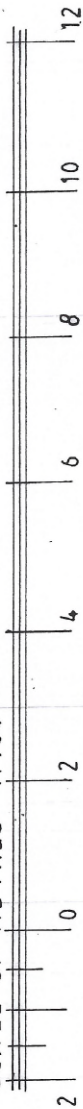
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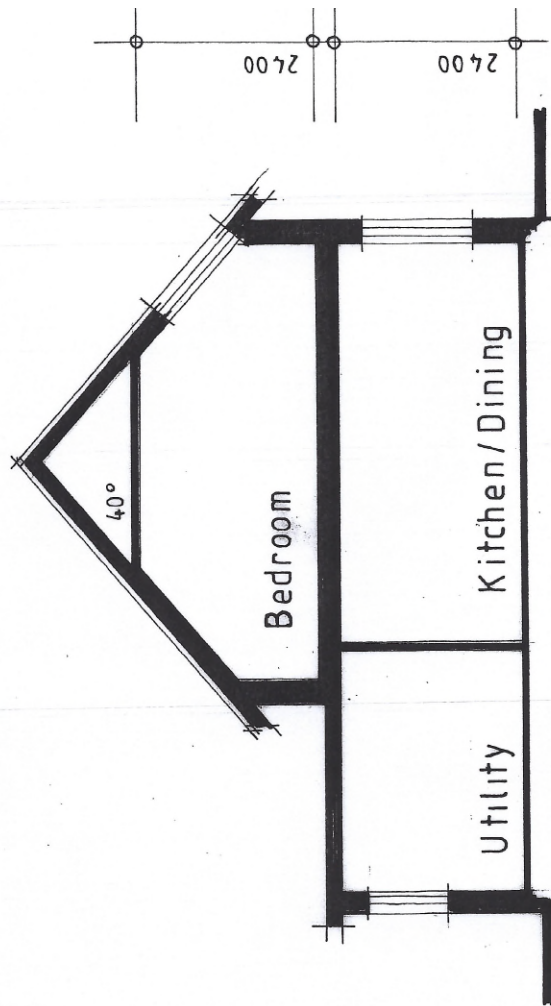
SITE AREA 0.176 HA (1760 s.m.)
ALL LEVELS A.O.D.

BLOCK PLAN 1:500

SCALE OF METRES 1:100



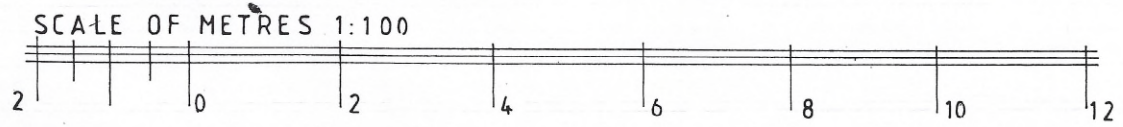
CROSS SECTION 1:100



CROSS SECTION 1:100

2400

2400

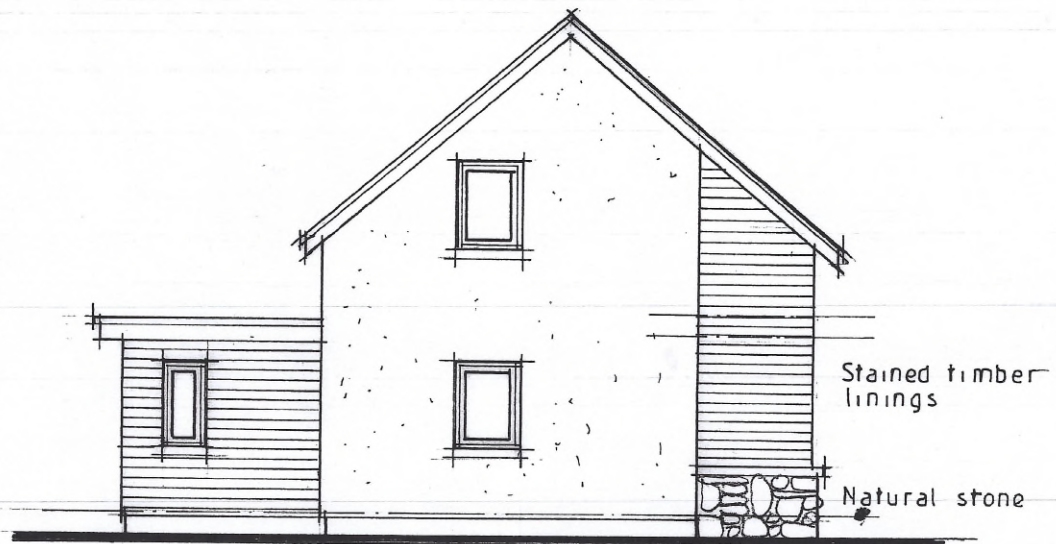
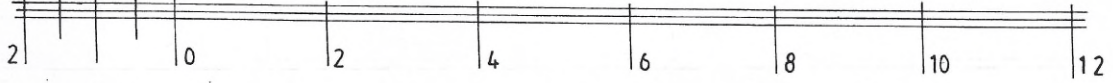


NORTH EAST ELEVATION AS PROPOSED 1:100

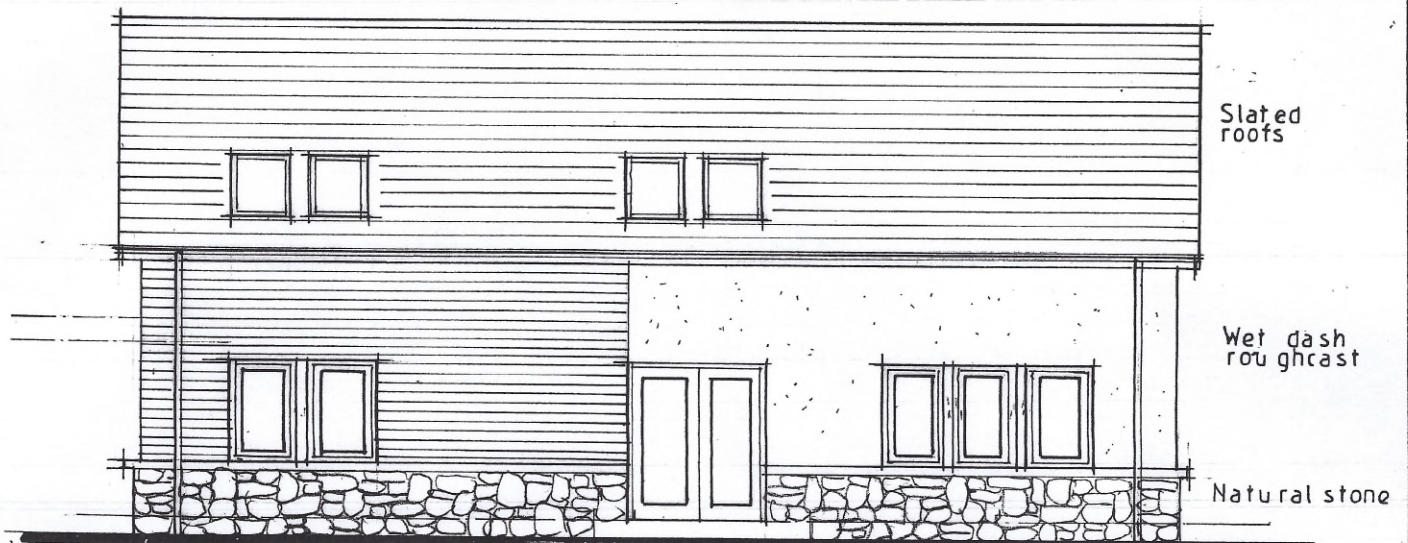


NORTH WEST ELEVATION AS PROPOSED 1:100

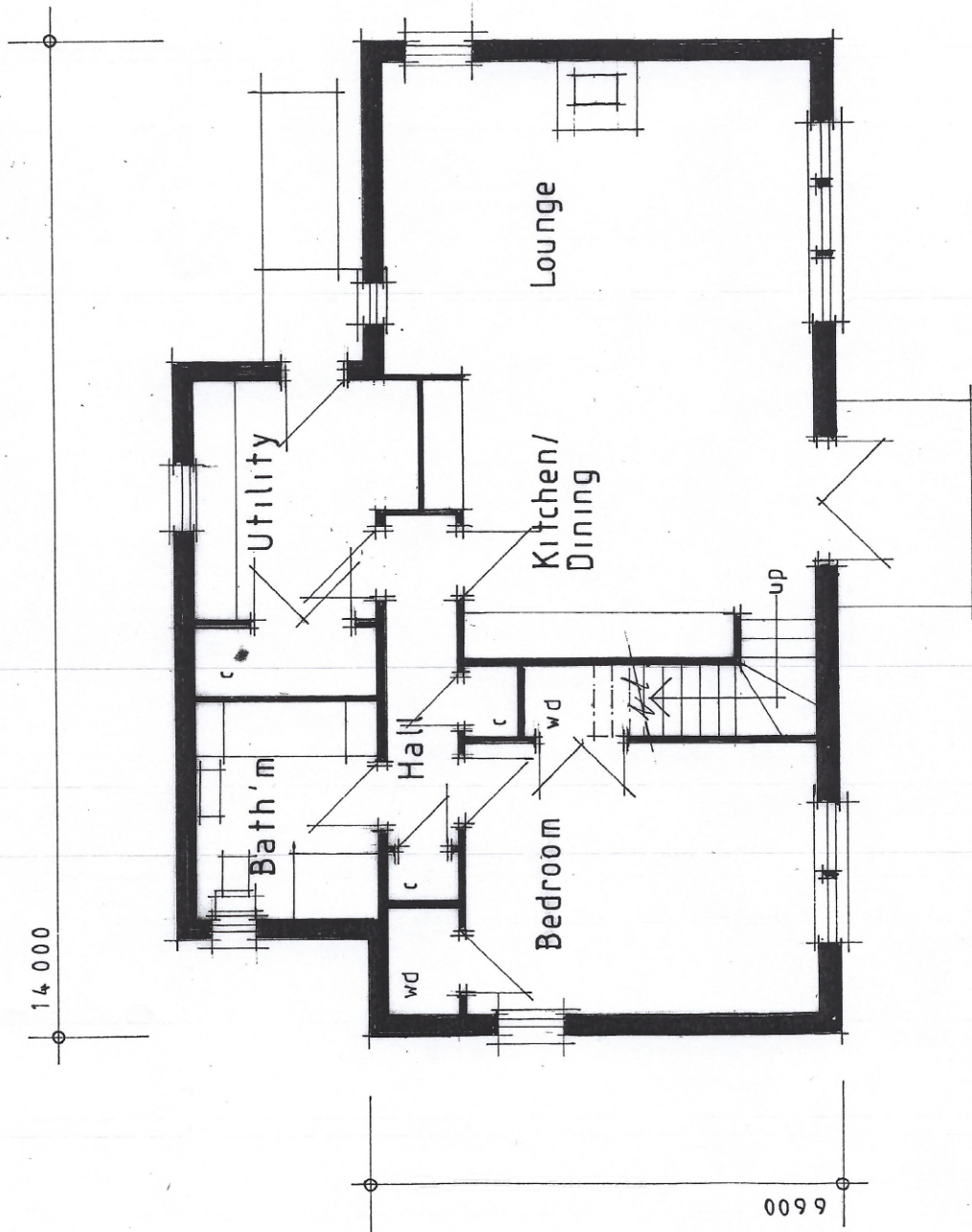
SCALE OF METRES 1:100



SOUTH WEST ELEVATION AS PROPOSED 1:100

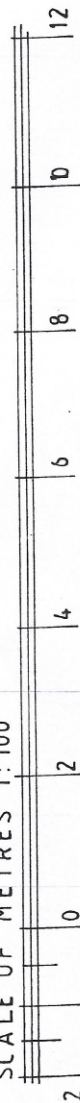


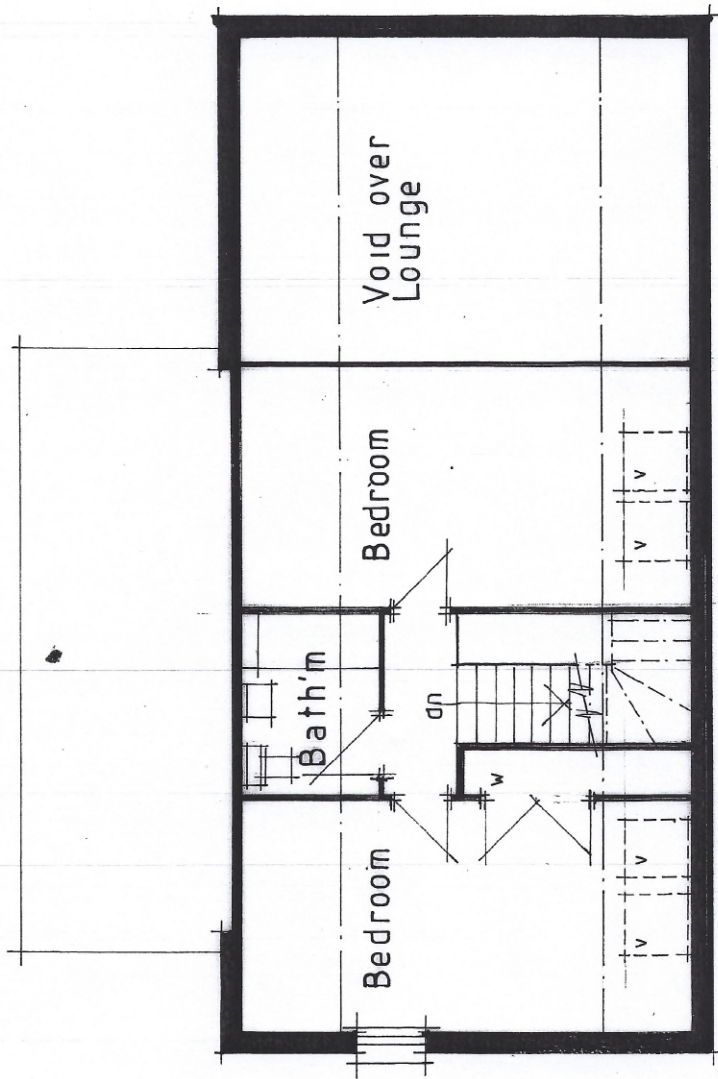
SOUTH EAST ELEVATION AS PROPOSED 1:100



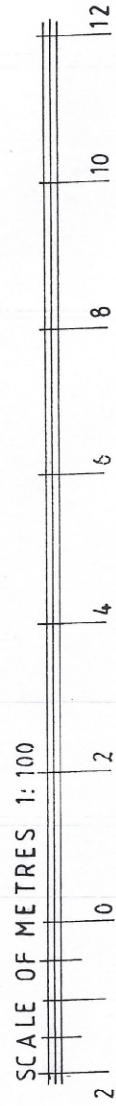
GROUND FLOOR PLAN AS PROPOSED 1:100

SCALE OF METRES 1:100





UPPER FLOOR PLAN AS PROPOSED 1:100





Planning Policy Statement

Planning Permission in Principle for Erection of Replacement House at

Hawkhill, Clunie

For Kirsty Walker

March 2018

1. Introduction

- 1.1 This supporting statement should be read in conjunction with the planning permission in principle (PPP) application submitted on behalf of Kirsty Walker for the erection of a replacement house on land at Hawkhill by Clunie.
- 1.2 The planning application requires to be considered under the terms of the development plan policy (in particular Policy RD3 of the Perth & Kinross Local Development Plan) but also the relevant Supplementary Guidance on Housing in the Countryside that was approved by Perth & Kinross Council in November 2012 as well as Scottish Planning Policy and related Advice Notes.

2. Development Plan Policy

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 2.2 In this case the relevant development plan consists of the Tayplan Strategic Development Plan 2017 (for which there are no directly relevant policies) and the Perth & Kinross Local Development Plan 2014.
- 2.3 In terms of other material considerations, the council's Supplementary Guidance on Housing in the Countryside Policy (approved in November 2012) is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition, Scottish Planning Policy (2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance to this application.
- 2.4 The principle of erecting a house on this site is required to be considered under the terms of Policy RD3 – Housing in the Countryside in the adopted Perth & Kinross Local Development Plan. That policy allows for the erection of individual houses in the countryside which fall into certain categories i.e. building groups, infill sites, renovation or **replacement of houses**, conversion or replacement of non-domestic buildings, brownfield sites and on the basis of operational need.
- 2.5 This proposal requires to be considered under the terms of the category d) of RD3 which relates to 'renovation or replacement of houses. This site lies within the Lunan Valley Catchment Area where the application of Policy RD3 is limited to economic need, conversions or **replacement buildings**.
- 2.6 As a consequence the application therefore requires to be considered under the terms of category 4 of the council's supplementary guidance. Section 4 (e) states that *'consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria;*

'The replacement of an abandoned or ruinous house will be permitted where;

- i) *there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified;*
 - ii) *it is located on an established site with a good landscape setting and a good fit in the landscape and on a site acceptable on planning grounds;*
 - iii) *the site boundaries are capable of providing a suitable enclosure for the new house.*
- 2.7 Policy PM1 Placemaking of the Perth & Kinross Local Development Plan also requires all developments to contribute positively to the quality of the surrounding environment and that the design and siting of development should respect the character and amenity of the place. The plans submitted with this PPP application provide an indication only of what could be developed on the site and it would be for any future matters specified in conditions application to consider the detailed design and scale of any replacement house.
- 2.8 Other policies within the adopted development plan that would be of relevance to the consideration of this planning application include the Lunan Valley Catchment Area Policy (EP6). Under this policy the Council will protect and seek to enhance the nature conservation and landscape interests of the Lunan Valley Catchment Area. Note no: 1 under the policy also confirms that Policy RD3: Housing in the Countryside is limited to economic need, conversions or **replacement buildings** within the Lunan Valley Catchment Area. The policy also 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.

3 Material Considerations

- 3.1 In addition to the development plan policies referred to in section 2, the other material considerations which require to be considered as part of the assessment of this planning application are as follows;
- Scottish Planning Policy – June 2014
 - Planning Advice Note 72 – Housing in the Countryside – February 2005
 - Perth & Kinross Council – Housing in the Countryside Policy – November 2012.
 - Previous Planning Application
- Scottish Planning Policy**
- 3.2 SPP is an important material consideration as its publication post-dates the adopted Local Development plan.

- 3.3 Paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 3.4 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that *'plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.'*
- 3.5 Paragraph 83 also highlights that plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character and there should be no need to impose occupancy restrictions on housing.

Planning Advice Note 72 – Housing in the Countryside

- 3.6 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP but it still highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.
- 3.7 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the *'overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.'*
- 3.8 The PAN concludes by stating that *'there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short term thinking can have a long term impact on the landscape.'*
- 3.9 The council's supplementary guidance on Housing in the Countryside, acknowledges that the council is keen to assist opportunities for housing in rural areas in accordance with PAN 72.

Perth & Kinross Council Housing in the Countryside Supplementary Guidance - November 2012

- 3.10 As noted in section 2 above, of the 6 categories contained within the 2012 guidance, it is clear that this planning application requires to be assessed under the terms of Category 4 e) which provides for favourable consideration to be given to the replacement of an abandoned or ruinous house.

Previous Planning Application

- 3.11 A previous detailed planning application to erect a house on this site (08/01216/FUL) was refused planning permission and subsequently dismissed on appeal in 2009. That application was however determined under different policies from the Eastern Area Local Plan which was in force at that time. Under the terms of the relevant development plan policies which were in force at that time (Policies 45 and 49 from the Eastern Area Local Plan) there was a clear presumption against **any** built development within the Lunan Valley Catchment Area and this included the fact that there was no allowance provided for any replacement buildings to be erected under the terms of the housing in the countryside policy at that time.

4 Assessment of Proposals

- 4.1 This planning application seeks PPP for consent to erect a replacement house on the site at Hawkhill by Clunie.
- 4.2 As noted above a previous detailed planning application to erect a house on this site (08/01216/FUL) was refused planning permission and subsequently dismissed on appeal in 2009.
- 4.3 However, it must be noted that particular application was determined under different policies from the Eastern Area Local Plan which were in force at that time. Under the terms of the relevant development plan policies which were in force at that time (Policies 45 and 49 from the Eastern Area Local Plan) there was a clear presumption against any form of built development within the Lunan Valley Catchment Area and this included the fact that there was also no allowance for any replacement buildings to be erected under the terms of the housing in the countryside policy. As that was a detailed application concerns were also raised at the size and scale of the proposed house proposed at that time.
- 4.4 In contrast, when assessing the current PPP application, the most relevant planning policy (RD3 from the PKCLDP) clearly states that it does allow for limited built development within the Lunan Valley Catchment Area where it involves either **replacement buildings** or proposals for economic need or conversions.
- 4.5 The former derelict cottage on the site is still clearly visible in terms of its walls, gable and chimney breast. The proposed replacement house therefore satisfies the first criteria 4 e) i) of the Supplementary Guidance in that there is substantial visible evidence of the structure of the original building above ground level to enable its size and form to be identified.

- 4.6 The site is also long established as it has been the location of a dwelling for many years. The landscape setting is also long established and robust because of the long-established position of the site in the local landscape. As this is a PPP, planning conditions can be attached to any approval to seek further landscaping or tree planting on the site if required.
- 4.7 The remains of the former house are still clearly visible on the site as is the hard surfacing which characterises a large part of the site. Due to the ground levels of the site and the topography of the surrounding landscape, combined with the presence of mature trees particularly to the north, only limited views of the proposed application site are possible from distance.
- 4.8 Another key issue in this case is the Lunan Valley Catchment policy (EP6) and the restrictions that this also imposes. However, if it can be shown that the proposal would result in the removal of a derelict or redundant site which can be considered beneficial to the Lunan Valley catchment as a whole, and any new house would not result in an additional phosphate discharge, then it may be acceptable. In this regard the proposed replacement house would involve the removal of an old septic tank from the site, which was used in connection with the former house when it was occupied. The proposed new house would utilise a Klargester tank and soak away system installed to serve a former residential caravan. The removal of the old septic tank which originally served the house and the treatment of foul drainage by means of a modern system that has capacity for up to 10 persons and has previously obtained building warrant, will result in a much-improved situation within the Lunan Valley Catchment in accordance with Policy EP6 of the PKCLDP. As this is a PPP, further details of the detailed drainage solution can be included as a condition on any planning permission.
- 4.9 The proposal is therefore considered to meet the terms of Policy RD3 of the Local Plan and also Category 4 of the HICP 2012 in that the replacement house is justified and supported by the detailed criteria set out in the policy and there are no uses in the vicinity of the site which would prevent the achievement of an adequate standard of amenity for the proposed house.
- 4.10 When assessing the criteria listed in Policy PM1, in combination with the siting criteria set out in HICP 2012, our view is that the proposed replacement house is located on a site that is set against and located within a mature landscape framework which is perfectly capable of absorbing the development. The house is located to the south of a mature woodland backdrop and if necessary additional landscaping and tree planting could allow the development to be absorbed into the wider landscape. Any additional landscape enhancement can be provided through the imposition of a planning condition.

- 4.11 The application seeks planning permission in principle so that the council are able to fully control the scale, form, height, colour and detailed design of the proposed replacement house as part of any future matters specified in conditions (MSC) application.
- 4.12 From a technical aspect the local road network is capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network is already in place. There is no flood risk associated with this site.
- 4.13 The proposal is therefore consistent with all of the criteria listed in the development plan as well as the siting criteria listed in the HICP 2012.

5 Conclusions

- 5.1 The application seeks consent to erect a replacement house at Hawkhill by Clunie.
- 5.2 The development of a house on this site would not prejudice the objectives of the Housing in the Countryside Policy and would not create a precedent for further adhoc development in the countryside.
- 5.3 It is considered that there are sufficient and justifiable reasons for allowing the proposed replacement house as it would be consistent with the key policy considerations (policy RD3 in the adopted development plan) and also the replacement house category (4 (e) of the council's Housing in the Countryside Guidance – November 2012. These policies have evolved since the time of the previous planning refusal when no built development was permitted in the Lunan Valley Catchment.
- 5.4 The development will not impact on the amenity of other properties and suitable access and visibility to the public road can be provided. The application is also considered to be consistent with the criteria set out in Policy PM1 of the adopted development plan and the siting criteria set out in HICP – November 2012.
- 5.5 There are no other technical difficulties or infrastructure issues raised by this application and matters relating to drainage design can satisfy the terms of Policy EP6 and be further controlled by conditions on any approval.
- 5.6 In summary the planning application can therefore be supported under the terms of the Housing in the Countryside Policy (RD3) as well as being in conformity with the council's supplementary guidance on replacement houses, SPP and PAN 72, subject to any conditions that may be considered necessary by the council.

From: Mark Myles
Sent: Thursday, June 7, 2018 12:15 PM
To: 'Joanne Ferguson'
Cc: 'Kirsty Walker'
Subject: RE: Planning Application 18/00489/IPL - Erection of replacement dwelling (in principle) - Land 100 metres north east of Logiebrae, Craigie, Clunie

Hi Joanne

As far as I can see there is nothing explicitly written anywhere in the policy that says you cannot replace a house with a larger house.

The section you refer to relates to restoration of an existing house and that any alterations and extensions to an existing house are required to be in harmony with the existing building's form and proportion.

As this proposal is for a replacement house the above section of the policy simply does not apply.

The only policy requirements specifically relating to replacement houses are that they shall be of a high-quality design appropriate to their setting and surrounding area and that the siting of the new house should be similar to that of the existing building in terms of orientation and distance from the road. The indicative plans that were submitted with the application have shown that this is entirely possible.

As stated previously these are matters that can also be controlled through conditions on the PPP application and then also considered in detail at the future matters specified in conditions application stage.

Kind regards

Mark Myles
MBM Planning & Development
Algo Business Centre
Glenearn Road
PERTH
PH2 0NJ

01738 450506
07887 801965

From: Joanne Ferguson <[REDACTED]>
Sent: Thursday, June 7, 2018 11:48 AM

To: Mark Myles <mm@mbmplanning.co.uk>
 Subject: RE: Planning Application 18/00489/IPL - Erection of
 replacement dwelling (in principle) - Land
 100 metres north east of Logiebrae, Craigie, Clunie

Hi Mark

I have had a long discussion with Katrina Walker from the Development Plans Team this morning. Whilst the proposal meets 4 e) i) in terms of there being visible evidence the footprint of the building is very small at 53 sq metres. It's difficult to see with the form of the building being single storey how a dwelling to meet modern requirements could be accommodated without substantial increase. The indicative plans show a 1 1/2 dwelling which would not be acceptable and the ground floor is over 100sq metres. Double the size which I don't think is within the scope of the policy. Earlier in this category (4) it states that alterations or extension should be in harmony with the existing buildings form and proportion.

On the second point 4 e) iii) the site boundaries are not capable of providing enclosure as the established planting to the north west is outside the site and there is little planting on the east boundary which is further exposed by the topography.

Conditions for planting are not acceptable to define a site to meet the policy requirements. I also consider that there are no substantial landscape changes to address the previous reasons for refusal.

On this basis I would be recommending the application for refusal. I'm just about to finish for the day but I'm back in tomorrow and I'll be completing the report then.

Regards

Joanne

From: Mark Myles [mailto:mm@mbmplanning.co.uk]
 Sent: 07 June 2018 08:36
 To: Joanne Ferguson
 Cc: Kirsty Walker
 Subject: RE: Planning Application 18/00489/IPL - Erection of
 replacement dwelling (in principle) - Land
 100 metres north east of Logiebrae, Craigie, Clunie

Thanks Joanne

In terms of the ruinous building I would suggest that there is

still substantial evidence of the structure of the original building above ground level to enable its size and form to be identified as per the criteria set out in the Housing in the Countryside Supplementary Guidance.

The previous refusal by the Reporter related to a detailed application and was based on different development plan policies at the time. In terms of exposure in the landscape the Reporter's concern related to the proposed detailed footprint of that house (245.8 sq m) bearing no comparison to the almost insignificant impact of the present ruin.

In contrast I would highlight that the current PPP application shows a very limited and considerably smaller indicative footprint of only around 100 sq m and with the house also positioned on the site of the current ruinous building.

As set out in my supporting statement the remains of the former house are still clearly visible on the site as is the hard surfacing which characterises a large part of the site. Due to the ground levels of the site and the topography of the surrounding landscape, combined with the presence of mature trees particularly to the north, only limited views of the proposed application site are possible from distance.

As this is a PPP, conditions can be attached to any approval to seek further landscaping or tree planting on the site and limits can also be placed on the size, scale, form, footprint and height of any house on the site to address any specific concerns about exposure in the landscape.

Trust this is helpful, and I look forward to hearing from you.

Kind regards

Mark Myles
MBM Planning & Development
Algo Business Centre
Glennearn Road
PERTH
PH2 0NJ

01738 450506
07887 801965

From: Joanne Ferguson <[REDACTED]>
Sent: Thursday, June 7, 2018 7:56 AM
To: Mark Myles <mm@mbmplanning.co.uk>
Subject: RE: Planning Application 18/00489/IPL - Erection of

replacement dwelling (in principle) - Land
100 metres north east of Logiebrae, Craigie, Clunie

Hi Mark

I'm still waiting on an email from SNH and as per the guidance they should remove their objection.

I have discussed the proposal generally with Anne who is concerned that although the policy considerations have changed the previous assessment also noted the visual exposure in the landscape and the fact that the ruinous building had virtually returned to nature (this is even more so today). I am however going to seek a policy view today.

I'll advise further.

Joanne

From: Mark Myles [mailto:mm@mbmplanning.co.uk]
Sent: 05 June 2018 09:23
To: Joanne Ferguson
Cc: Kirsty Walker
Subject: RE: Planning Application 18/00489/IPL - Erection of replacement dwelling (in principle) - Land
100 metres north east of Logiebrae, Craigie, Clunie

Hi Joanne

Further to my previous email can you confirm if you were able to contact SNH to seek a revised response, taking into account the comments that were received from SEPA and also the clear advice that is contained within the Supplementary Guidance?

I also note that the one objection letter received to the application fails to acknowledge that the planning policy position has completely changed from the time of the previous refusal on this site. There is no longer a clear presumption against any built development within the Lunan Valley Catchment Area, as the current adopted Local Development Plan position (Policies RD3 & EP6) does allow for replacement buildings to be developed, such as the current proposal.

Look forward to hearing from you in due course.

Kind regards

Mark Myles
MBM Planning & Development

Algo Business Centre
Glenearn Road
PERTH
PH2 0NJ

01738 450506
07887 801965

From: Mark Myles
Sent: Monday, May 7, 2018 10:32 AM
To: Joanne Ferguson [REDACTED]
Cc: 'Kirsty Walker' [REDACTED] >
Subject: Planning Application 18/00489/IPL - Erection of
replacement dwelling (in principle) - Land 100
metres north east of Logiebrae, Craigie, Clunie

Hi Joanne

I understand that you are the planning officer dealing with the
above application and I wanted to
respond to you in connection with the recent consultation responses
that have been received from SEPA
and SNH.

SPEA's revised response of 30 April 2018 confirms that they have no
objections to the planning
application subject to the imposition of a planning condition being
included on any approval, requiring
the submission of phosphorus mitigation calculations in accordance
with the Supplementary Guidance
(related to Policy EP6) current at the time of any future full or
approval of matters specified in
conditions planning application.

I can confirm that my client has no objections to such a condition
being added to any in principle
approval in accordance with Policy EP6 and the Supplementary
Guidance.

I am therefore concerned that the consultation response received
from SNH is a holding objection to the
application until further information has been provided. The
position taken by SNH is contrary to the
Supplementary Guidance (May 2016) which confirms that detailed
information and drainage
calculations are not required for in principle applications (page
4) and SNH's response is also contrary to
the advice provided by SEPA which correctly identifies that a
suspensive condition can be applied to an
in-principle application in this location.

I trust that you will therefore be able to respond to SNH
highlighting this fact so that they can provide

you with a revised response acknowledging that a suspensive condition can be imposed on an in-principle application in accordance with the council's Supplementary Guidance.

I look forward to hearing from you in connection with this application in due course.

Kind regards

Mark Myles
MBM Planning & Development
Algo Business Centre
Glenearn Road
PERTH
PH2 0NJ

01738 450506
07887 801965

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General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

General enquiries and requests under the Freedom of Information (Scotland) Act to Culture Perth and Kinross should be made to enquiries@culturepk.org.uk or 01738 444949

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

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

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of
life - Making best use of public resources.

<p>TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie</p>
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PLANNING DECISION NOTICE *(included in applicant's submission, see pages 251-252)*

REPORT OF HANDLING *(included in applicant's submission, see pages 253-262)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 275-289)*

TCP/11/16(543) – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie

REPRESENTATIONS

16/04/2018

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



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

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

Dear Local Planner

PH10 Clunie Craigie Logiebrae Land 100m NE of
PLANNING APPLICATION NUMBER: 18/00489/IPL
OUR REFERENCE: 759744
PROPOSAL: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

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

Water

- There is currently sufficient capacity in the Lintrathen Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

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

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**
<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00489/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: [REDACTED] Email: [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 100 Metres North East Of Logiebrae, Craigie, Clunie		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	24 April 2018		

Our ref: PCS/158531
Your ref: 18/00489/IPL

If telephoning ask for:
Alasdair Milne

24 April 2018

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

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

Dear Sir

**Planning application: 18/00489/IPL
Erection of a dwelling house (in principle)
Land 100 Metres North East Of Logiebrae, Craigie, Clunie**

Thank you for your consultation email which SEPA received on 13 April 2018.

Advice for the planning authority

We ask that the planning **condition** in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below in relation to the applicant's foul drainage proposals which will have to be modified at the detailed planning application stage – **please see section 1.5**.

1. Phosphorous Mitigation

- 1.1 The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Loch Leven catchment and therefore, phosphorus (P) mitigation is required in accordance with Policy EP7: Drainage within Loch Leven Catchment Area in the adopted Perth & Kinross [Local Development Plan](#) 2014 which requires that total P from built development must not exceed current levels to ensure that there are no adverse impacts on water quality in Loch Leven SPA due to the fact that there is an issue in the catchment with elevated nutrient levels.
- 1.2 The [Loch Leven Special Protection Area and Ramsar Site](#) supplementary guidance related to Policy EP7 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation.
- 1.3 We therefore ask that an appropriately worded condition is attached to any in principle planning consent which your authority is minded to approve requiring the submission of phosphorous mitigation calculations in accordance with the supplementary guidance

current at the time of the AMM application in advance of a AMM application being approved at the site.

- 1.4 The applicant should be aware that if phosphorous mitigation to meet the SG cannot be provided at the site we will **object** to any full or approval of matters specified in condition planning application submitted.
- 1.5 **The phosphorus mitigation proposals provided by the applicant will require to be modified at the detailed planning application stage as the property it is intended to use is a derelict cottage. This therefore cannot be used as mitigation. Another occupied property will have to be found to use as mitigation.**

Detailed advice for the applicant

2. Phosphorous Mitigation

- 2.1 Relevant information with regards forms of phosphorous mitigation proposals are contained within the SG.
- 2.2 The applicant should be aware that a mitigation property can only be considered for one planning application at a time. Perth and Kinross Council have a list of properties which are already linked to approved developments and are therefore unavailable to be mitigation for this application. Furthermore it should be noted that excess mitigation generated at one full/ AMM planning application cannot be transferred to another application as Policy EP7 identifies that there is a presumption in favour of retaining such gains for the benefit of the ecological recovery of the Loch.

3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Fife Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. Conversely it is at the applicant's commercial risk if the CAR license application is progressed in advance of approval of P mitigation details.

Regulatory advice for the applicant

4. Regulatory requirements

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

310

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

www.sepa.org.uk • customer enquiries 03000 99 66 99

a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA, 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 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Alasdair Milne
Senior Planning Officer
Planning Service

ECopy to: mm@mbmplanning.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 this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar 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 or similar 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. For planning applications, 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 on our [website planning pages](#).



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

311

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

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Our ref: PCS/158801
Your ref: 18/00489/IPL

If telephoning ask for:
Alasdair Milne

30 April 2018

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

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

Dear Sir

Town and Country Planning (Scotland) Acts
Planning application: 18/00489/IPL
Erection of dwelling house
Site at Logiebrae, Craigie, PH10 6RG

I refer to the planning application detailed above, to your consultation letter of 13 April and to SEPA's response of 24 April 2018.

As highlighted by the applicant's agent, my letter referred to the Loch Leven catchment when this should have referred to the Lunan Valley catchment. I apologise for any confusion this has caused.

Please disregard my previous letter.

Advice for the planning authority

We ask that a planning **condition** covering the issue in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below in relation to the applicant's foul drainage proposals which will have to be modified at the detailed planning application stage – **please see section 1.5**.

1. Phosphorous Mitigation

- 1.1 The application details that foul drainage from the proposed development will be dealt with using private treatment. This development lies within the Lunan Lochs catchment and therefore phosphorus (P) mitigation is required in accordance with Policy EP6: Lunan Valley Catchment Area in the adopted Perth & Kinross [Local Development Plan](#) 2014 which requires that total P from the built development must not exceed current levels due to the fact that there is an issue in the catchment with elevated nutrient levels.



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

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- 1.2 The [Lunan Valley Area Dunkeld – Blairgowrie Lochs Special Area of Conservation](#) supplementary guidance related to Policy EP6 requires that information is submitted with full or approval of matters specified in conditions (AMM) planning applications to provide details of proposed phosphorous mitigation.
- 1.3 We therefore ask that an **appropriately worded condition** is attached to any in principle planning consent which your authority is minded to approve requiring the submission of phosphorous mitigation calculations in accordance with the supplementary guidance current at the time of the AMM application in advance of an AMM application being approved at the site.
- 1.4 The applicant should be aware that if phosphorous mitigation to meet the SG cannot be provided at the site we will **object** to any full or approval of matters specified in condition planning application submitted.
- 1.5 **The phosphorus mitigation proposals provided by the applicant will require to be modified at the detailed planning application stage as the property it is intended to use is a derelict cottage. This therefore cannot be used as mitigation. Another occupied property will have to be found to use as mitigation.**

Detailed advice for the applicant

2. Phosphorous Mitigation

- 2.1 Relevant information with regards forms of phosphorous mitigation proposals are contained within the SG.
- 2.2 The applicant should be aware that a mitigation property can only be considered for one planning application at a time. The applicant should also be aware that excess mitigation generated at one full/AMM planning application cannot be transferred to another application as Policy EP6 identifies that there is a presumption in favour of retaining such gains for the benefit of the ecological recovery of the Lochs.

3. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)

- 3.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Contact should be made with the Perth Operations team, details below, regarding this issue.
- 3.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved. Conversely it is at the applicant's commercial risk if the CAR license application is progressed in advance of approval of P mitigation details.



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Regulatory advice for the applicant

4. Regulatory requirements

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA, Broxden Business Park, Lamberkine Drive, Perth, PH1 1RX, Tel: 01738 627989

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

Yours sincerely

Alasdair Milne
Senior Planning Officer
Planning Service

ECopy to: sarah.tyson@bellingram.co.uk, mm@mbmplanning.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 this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar 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 or similar 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. For planning applications, 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 on our [website planning pages](#).



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Scottish Natural Heritage Dualchas Nàdair na h-Alba

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

Ms A Condcliffe
Planning
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Our ref: SIT/SAC/Dunkeld-Blairgowrie Lochs/ASS
SIT/SSSI/Lochs Clunie and Marlee/ASS

Your ref: 18/00489/IPL

30 April 2018

Dear Ms Condcliffe

Town and Country Planning (Scotland) Act 1997 Erection of a dwellinghouse (in principle), Land 100 metres north east of Logiebrae, Craigie, Clunie

Thank-you for your consultation of 13 April seeking our comments in respect of the above planning application.

Summary

This proposal could have serious impacts on the protected features of the Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC) and Lochs Clunie and Marlee Site of Special Scientific Interest (SSSI) due to nutrient enrichment of the lochs as a result of foul drainage from the property. We, therefore, object to this proposal until further information is provided. This will enable us to carry out an appraisal of these effects and help you determine this proposal.

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. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (the "Habitats Regulations"), as amended, apply. 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 clearwater lochs, slender naiad and mire interests of the SAC. This type of water body, and the slender naiad, are now rare and threatened in the UK as a result of nutrient enrichment from man-made

Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW.
Tel: 01738 444177, Fax: 01738 458611 www.nature.scot

Dualchas Nàdair na h-Alba, Battleby, Ràth a' Ghoirtein, Peairt, PH1 3EW,
Fòn: 01738 444177 Facs: 01738 458611 www.nature.scot

sources, including housing developments and agriculture. Consequently, Perth and Kinross Council is 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 propose to carry out an appraisal to inform your appropriate assessment.

To enable us to carry out this appraisal, the following information is required:

- The drainage strategy should be revised to provide mitigation from an acceptable source.
- The applicant should provide phosphorus mitigation calculations to demonstrate compliance with Policy EP6: Lunan Valley Catchment Area.

Annex 1 contains full details and reasoning of these requirements.

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. Further information is available on our website <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/european-protected-species-licensing>

Lochs Clunie & Marlee SSSI

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

The contact for this consultation is Nicki McIntyre, email nicki.mcintyre@snh.gov.uk or telephone 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 - SNH Appraisal of the Proposals

Appraisal of the likely impacts to the Dunkeld-Blairgowrie Lochs Special Area of Conservation (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>.

Dunkeld-Blairgowrie Lochs SAC

The site's SAC status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the 'Habitats Regulations') apply. Further details of the legislative requirements can be found at: <http://www.snh.gov.uk/docs/A423286.pdf>.

The proposal is not directly connected with, or necessary to, conservation management of the site.

The proposal is to erect a dwellinghouse on the site of a ruined building. There has been a long history at this location of applications for either a dwellinghouse or caravan, which have been refused in every case bar one, which was withdrawn. The supporting information refers to a residential caravan and a Klargest tank and soakaway. It is our understanding that this is the caravan that was refused retrospective planning permission, planning reference 07/01614/FUL. We consider that this Klargest tank and soakaway has been increasing the nutrient enrichment in the catchment, due to its being installed without the benefit of planning approval or mitigation and, therefore, cannot be considered as mitigation for this development. As a consequence, Perth and Kinross Council is required to undertake an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

It is likely that the proposal will have a significant indirect effect on the qualifying interests of the SAC due to the increase in phosphorus released into the catchment. 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. The most recent slender naiad monitoring, 2016, found no plants in any of the lochs. This follows on from low numbers recorded in September 2007, which itself was a considerable crash in population from the 2004 survey. Any additional increase in the phosphorus loading to the lochs could further reduce any prospect 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

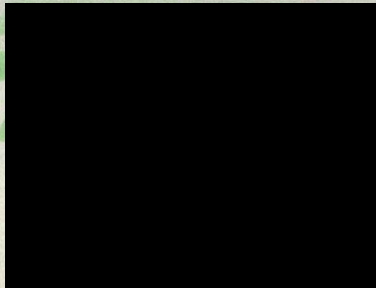
reduce phosphate pollution from farming. Due to reductions of run-off from agricultural land the lochs showed early signs of recovery, however, excessively wet winters in 2010 and 2011 temporarily reversed this trend, demonstrating how fragile the recovery had been.

Nutrient enrichment arising from the foul drainage associated with these types of development tends to be long lasting and difficult to reverse. It is essential that any proposed development demonstrates that there would be no net increase in phosphorus loading to the lochs, as per the Supplementary Guidance.

http://www.pkc.gov.uk/media/37576/Lunan-Lochs-SPG-Final-2016/pdf/Lunan_Lochs_SPG_Final_2016

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00489/IPL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 100 Metres North East Of Logiebrae, Craigie, Clunie		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
Recommended planning condition(s)	Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.		
Recommended informative(s) for applicant			
Date comments returned	02 May 2018		


3rd May 2018.

The Planning Department
Perth and Kinross Council.


Dear Sirs.

Planning Application Ref: 18/00489/IPL.
Site at Logietrae, Craigie PH10 6RG.

I write to object to the above planning application. Having reviewed the planning history of the site, I do not feel that an application "in principle" is appropriate - only a fully detailed application could properly consider any proposed development here. The current building is ruinous and abandoned and any development above the previous small, probably 2 roomed, dwelling is likely to be substantially larger and an inappropriate development in the countryside, with such a larger building being of an imposing scale incompatible in scale with the former building. The supporting document to the application does not fulfil all the requirements of the applicable "Housing in the Countryside" policy.

In view of the above and history of refusals at this site, I trust you will refuse this application.

Yours faithfully,
SARAH TYSON.

S Tyson 

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	18/00489/IPL	Our ref	KIM
Date	17 May 2018	Tel No	████████

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK18/00489/IPL RE: Erection of a dwellinghouse (in principle) Land 100 Metres North East Of Logiebrae Craigie Clunie for Ms Kirsty Walker

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

Contaminated Land (assessment date – 17/05/2018)

Informative

An inspection of the proposed development site did not raise any real concerns, although the site is very close to an area where general quarrying was once carried out. The applicant is advised that there may therefore be potential for contamination within the site. No information is available regarding the nature or volume of infill material and so the applicant should satisfy themselves that this former quarry site is not impacting the proposed development site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.



Craigie.
19th July 2018.

Perth & Kinross Council,
Local Review Body,
Council Building
Perth.

Dear Sirs

Planning Application: 18/00489/1PL

Thank you for your email of 18 July with copy of decision notice. I note that the applicant has requested a review of the decision by the Local Review Body.

I confirm that the points made in my original representation in respect of this application still stand. I also endorse the Reasons for Refusal of the application given by the Council.

Yours faithfully,

S Tyson



Audrey Brown - CHX

From: Mark Myles <mm@mbmplanning.co.uk>
Sent: 10 August 2018 11:14
To: CHX Planning Local Review Body - Generic Email Account
Cc: Kirsty Walker
Subject: TCP/11/16(543)

Dear Audrey

I refer to your letter of 3rd August and the attached copy of a further representation received from Sarah Tyson in relation to the above Notice of Review.

The objector refers to her original representation which I note does not recognise that the relevant planning policies have altered since the time of the previous application on this site.

As the objector raises no new points and does not respond to our grounds of appeal statement I have nothing further to add.

I look forward to hearing from you in due course confirming when this Notice of Review will be presented to the LRB.

Kind regards

Mark Myles
MBM Planning & Development
Algo Business Centre
Glenearn Road
PERTH
PH2 0NJ

01738 450506
07887 801965

