

TCP/11/16(323)**Planning Application 14/00214/FLL – Erection of
dwellinghouse, land 80 metres north east of Cuil An
Daraich, Logierait**

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TCP/11/16(323)
Planning Application 14/00214/FLL – Erection of
dwellinghouse, land 80 metres north east of Cuil An
Daraich, Logierait

**PAPERS SUBMITTED
BY THE
APPLICANT**

RECEIVED
08 OCT 2014

CHIEF EXECUTIVES
DEMOCRATIC SERVICES
Notice of Review

NOTICE OF REVIEW

09 OCT 2014

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

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Postcode **PH1 4FG**

Contact Telephone 1 **01738 787533**

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Fax No [REDACTED]

E-mail* **OSHEAARCHITECTURE@HOTMAIL
CO.UK**

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

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

Yes ☒ No ☐

Planning authority

PERTH AND KINROSS

Planning authority's application reference number

14/00214/FLL

Site address

**LAND 80 METERS NORTH EAST OF
CUL AND DRAIGH LOGIERAIT**

Description of proposed
development

NEW DUELL

Date of application **4/02/14**

Date of decision (if any) **8/07/14**

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

SEE ATTACHED

Site inspection

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

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

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

Statement

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

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

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

SEE ATTACHED

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

SEE ATTACHED

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

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

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

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature Box]

Date

26/30/09/14

Notice of Review - Statement

In relation to – The Erection of Dwelling house Land 80 meters North East of Cuil-An-Daraich, Logierait Perthshire.

Planning application number – **14/00214/FLL** registered 4th February 2014 & previous application **13/01644/fll** (registered 12th September 2013)

Decision Notice received – 8th July 2014 (8th November 2013. Previous application)

Client Details –

Mr Jimmy McMenemie

Agent Details –

Mr Paul O'Shea
OSA
3 Bowerswell,
Waterloo
Perthshire
PH1 4FG

Tel – 01738 787533
www.osheaarchitecture.co.uk

Date of report – 30/09/14

Index

1. Project description & site history / context.
2. Supporting information from the applicant.
3. Summary of application submission including pre-planning consultation.
4. Project proposals (As submitted **14/00214/FLL** registered 4th February 2014)
5. Perth & Kinross decision notice
6. Rationale for review on decision notice

1. Project description & site history / context

Logierait (Scottish Gaelic: Lag an Ratha - 'Hollow of the [Earth-Walled] Fort/Enclosure') is a village and parish in Atholl. It is situated at the confluence of the rivers Tay and Tummel, 0.5 kilometres (0.31 mi) west of the A9 road in Perth and Kinross.

The site is located to the rear of Cuil-An-Daraich and was purchased by the applicant Mr Jimmy McMenemie in 2005. The ground which extends to approximately 2310m² (0.57 Acre) is an area of walled garden which previously served the occupants of Cuil-An Daraich, a former 19th century poor house now converted into separate residential accommodation / holiday lets.



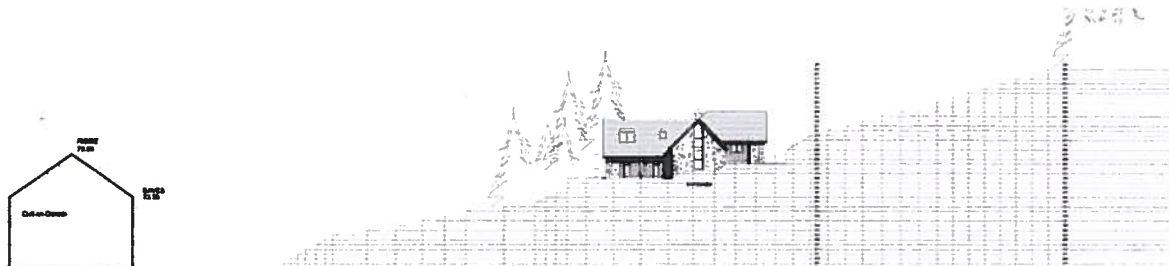
The site lies on a slightly elevated position and has been disused and over grown for many years. The original stone wall which surrounds the Western and northern boundary whilst still generally intact, has a few areas in need of repair where large trees have fallen in years gone by. Two of these areas

are highlighted on the topographical survey plan submitted with the application (drawing No – 04.13.01).



Area of damaged wall along the western boundary (view looking west)

To the southern end of the site, there are 4 allotment areas which provide amenity land to for the occupants Cuil-An-Daraich. These are accessed via shared steps leading up a steep slope from the communal parking area below. Cuil-An Daraich house is located 38 meters from the main southern site boundary and 50 meters from the proposed dwelling. The boundary along this elevation consists of mixture of semi-mature planting (beech hedge etc) and a large mature tree on the south-eastern corner which provides privacy to the site when viewed from Cuil-An Daraich.

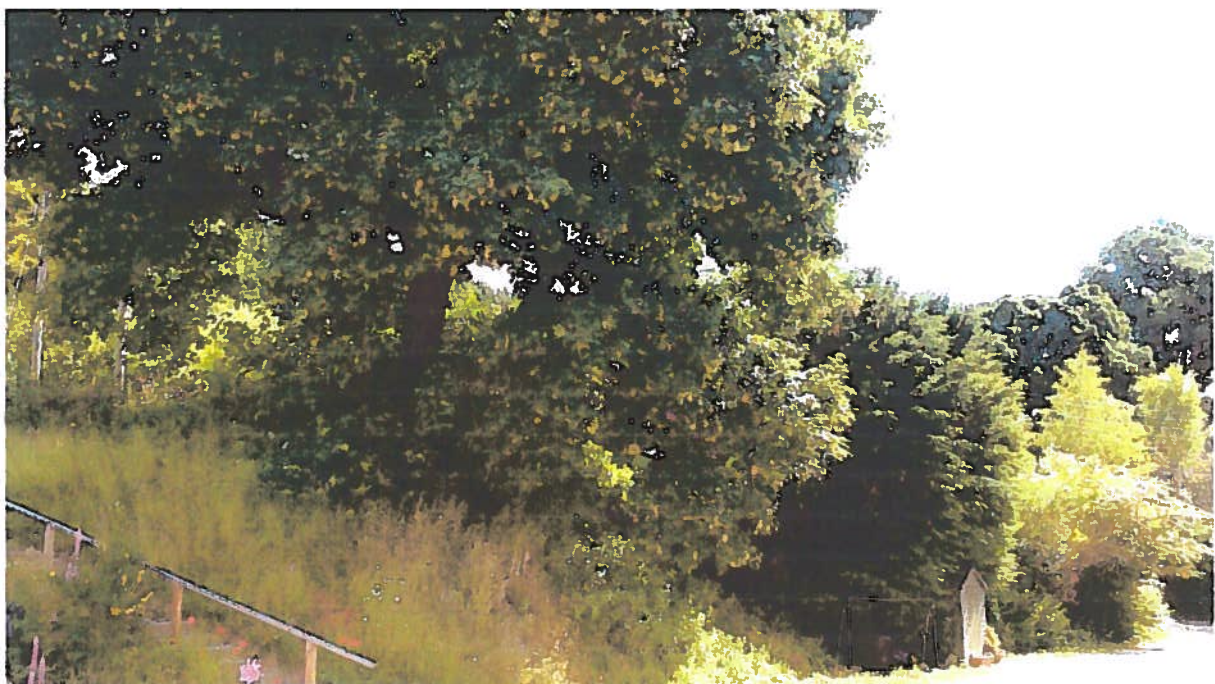


Section through the site.

The northern boundary is enclosed behind the wall with mature trees that continue further upward.



Mature trees along north and eastern boundary (view looking North-East)



Mature tree between the site and Cuil-An Daraich.

3. Supporting information from the applicant.

The McMenemie Family

We moved to Logierait from Pitlochry after buying the Logierait Hotel as it was then known on the 28th of October 2002.

Previously in Pitlochry we have been involved with the three family hotels, Knockendarroch, Castlebeigh and the Green Park, as well as developing the Fern Cottage Restaurant on Ferry Road.

Before I bought the Logierait Inn I ran the Kitchen and Restaurant at the House of Bruar for Mark and Linda Birkbeck for nine years.

At present we rent a property from the Church of Scotland in Strathtay, a small village approximately 4 to 5 miles away on the road to Aberfeldy.

I would like to build a house on the plot of land that we bought 9 years ago in Logierait to provide a house for my Family (my wife Julia, Aimee 12 years, Rebecca 9 years and Neeve 5 Years).

If we are granted permission to build a family House in the village where we work, it will save around 170 to 200 miles of driving every school week, as Julia has to bring the children back and forth from Pitlochry.

It would also give us the added security of being in the same village as our business, Fire alarms, deliveries, calls, bookings etc.

We renovated The Old Logierait Hotel which was very run down and almost derelict in parts, and reopened it as the Logierait Inn after spending around £300k to bring it up to a good standard so that it will hopefully see another 300 years.

We are a small local business and employ around 5 full time and 5 part time workers, as well as providing work for Julia and myself. We run a quiet, mid-price range, bistro type restaurant, we do not have a public bar and actively seek a quiet respectful clientele.

We were very hopeful and optimistic about planning permission being granted when we were informed by our planning officer Joanne Ferguson that she was putting the House forward for approval, as we had addressed all her concerns with regard to garden size, house design and situation of the house on the plot. we were utterly dismayed to learn that the permission was to fall at the last hurdle when the Head Planning Officer although approving of the design and structure of the new build, felt that in his opinion it was out with the immediate part of a group of buildings.

(This group comprises of a new build house still to be completed, three 1950's Dorran houses, the 9 mixed old and newly extended flats and a six bedroom Guest house with a 3 story fire exit concrete shaft built on to its side)

I have taken the liberty of trying in my own hand to show that Logierait is made up of several scattered groups of houses, some old, some new, some council, and lots of single individual houses/plots.

(PLEASE SEE LAST 2 PAGES.)
OF BOOKLET

In Summary

As the village is a very popular place for second homes and Holiday houses, there is a scarcity of suitable housing, and I would wish with your permission to build a small family home on the plot beside the new build house.

Yours respectfully

Mr James D McMenemie

3. Summary of Application submission including pre-planning consultation.

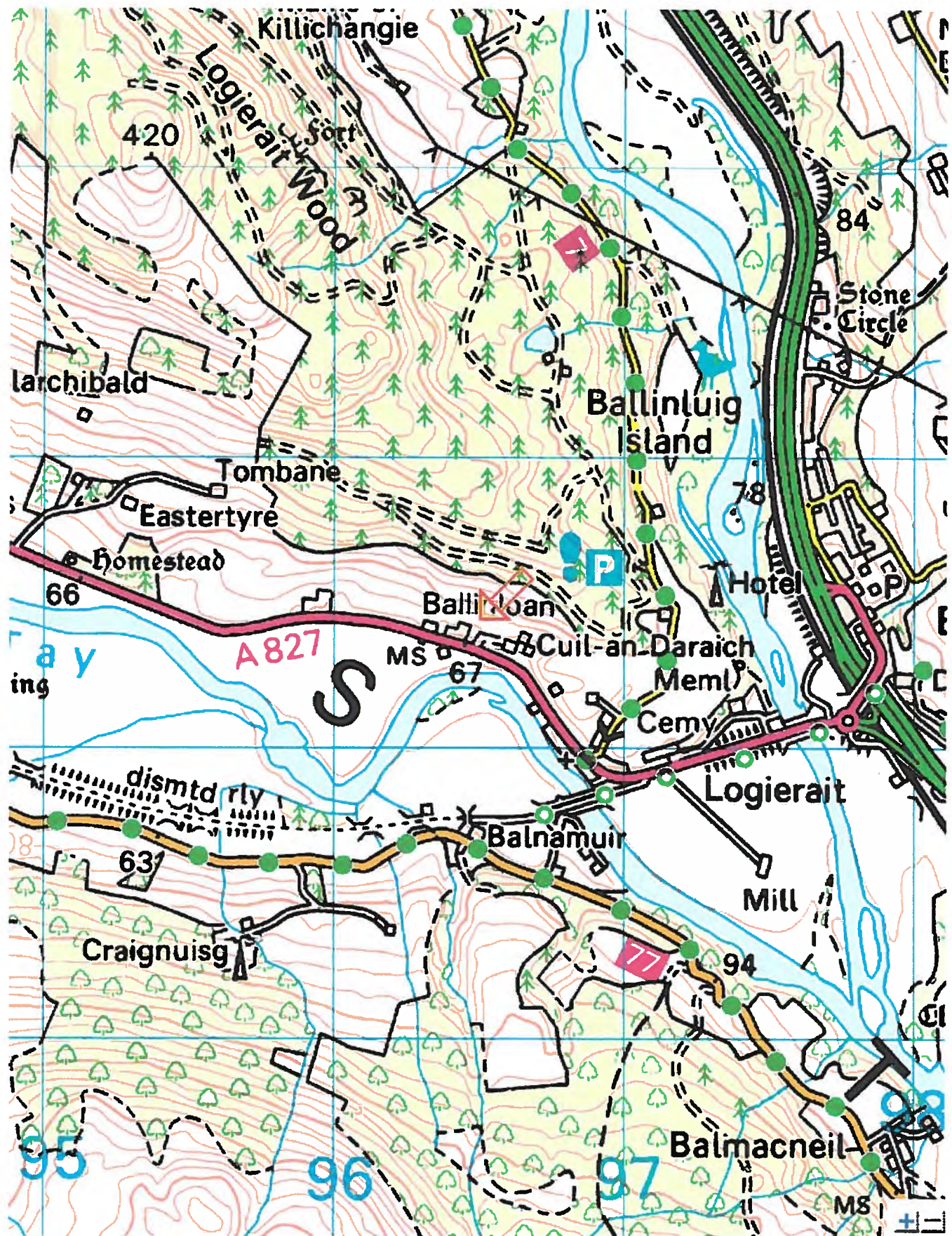
OSA was initially approached by Mr McMenemie early 2013 to assess the feasibility of a new family dwelling within the application site.

A preplanning consultation was sought and a meeting was had with Mr John Williamson of Perth and Kinross Council and OSA on Monday 24th June 2013. The Main concerns raised by the planning officer was the potential for limited parking on the site and the implications of damaging the existing stone wall in trying to achieve an alternative access upon the western boundary the site.

4. Project proposals (As submitted).



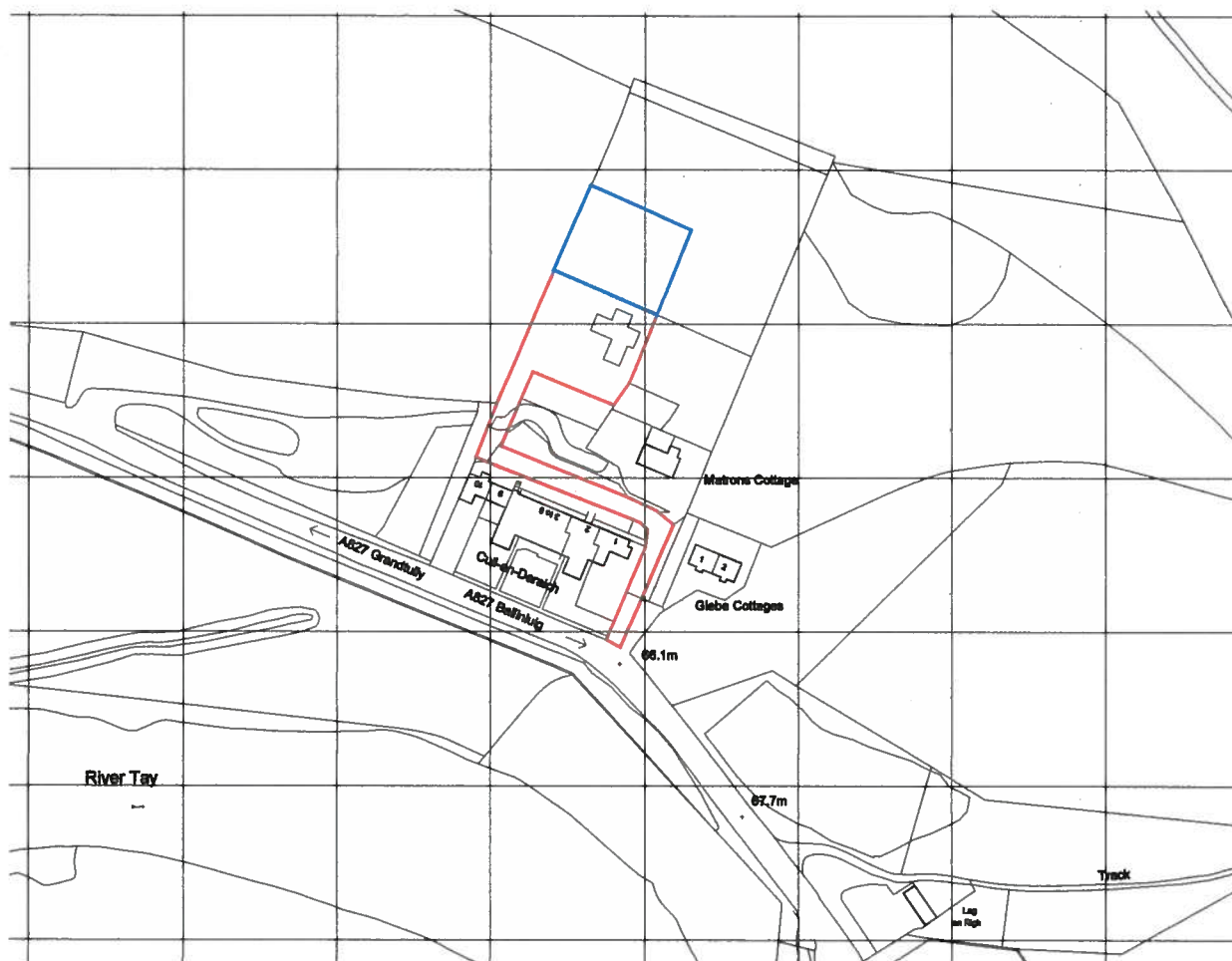
Project: Proposed new dwelling Land to the rear of Colson-Carewick, Leighton, Penryn, W16		OSA ARCHITECTURAL & INTERIOR DESIGN SERVICES <small>1 Belmont Road, Penryn, Cornwall TR26 4AB, Tel: 01752 751000</small>		04.13.FC		xx	
Client: Mr J McManus		Drawing no:					
Site: 3D Image of proposed		Date: 28/03/2013		Drawn: POC		Scale:	
Scale: 1:1							



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A- Revised site boundary, 30/01/2014

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project Proposed new dwelling
Land to the rear of Cul-an-Daraich, Logierait, Perthshire. PH9

client Mr J McMenemie

title OS Plan

scale 1:2500

date 28/08/2013

drawn POS

chk'd

OSA
ARCHITECTURAL & INTERIOR DESIGN
SERVICES

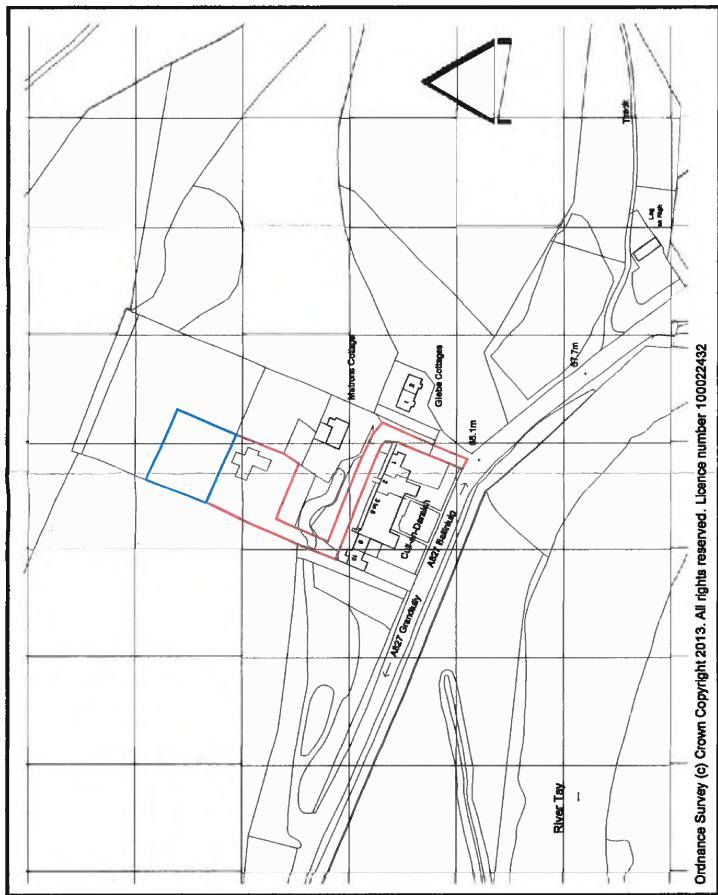
1 The Rise, Malinzieur, Perthshire. PH21 8EJ. tel. 01293 885445

drawing no

04.13.OS

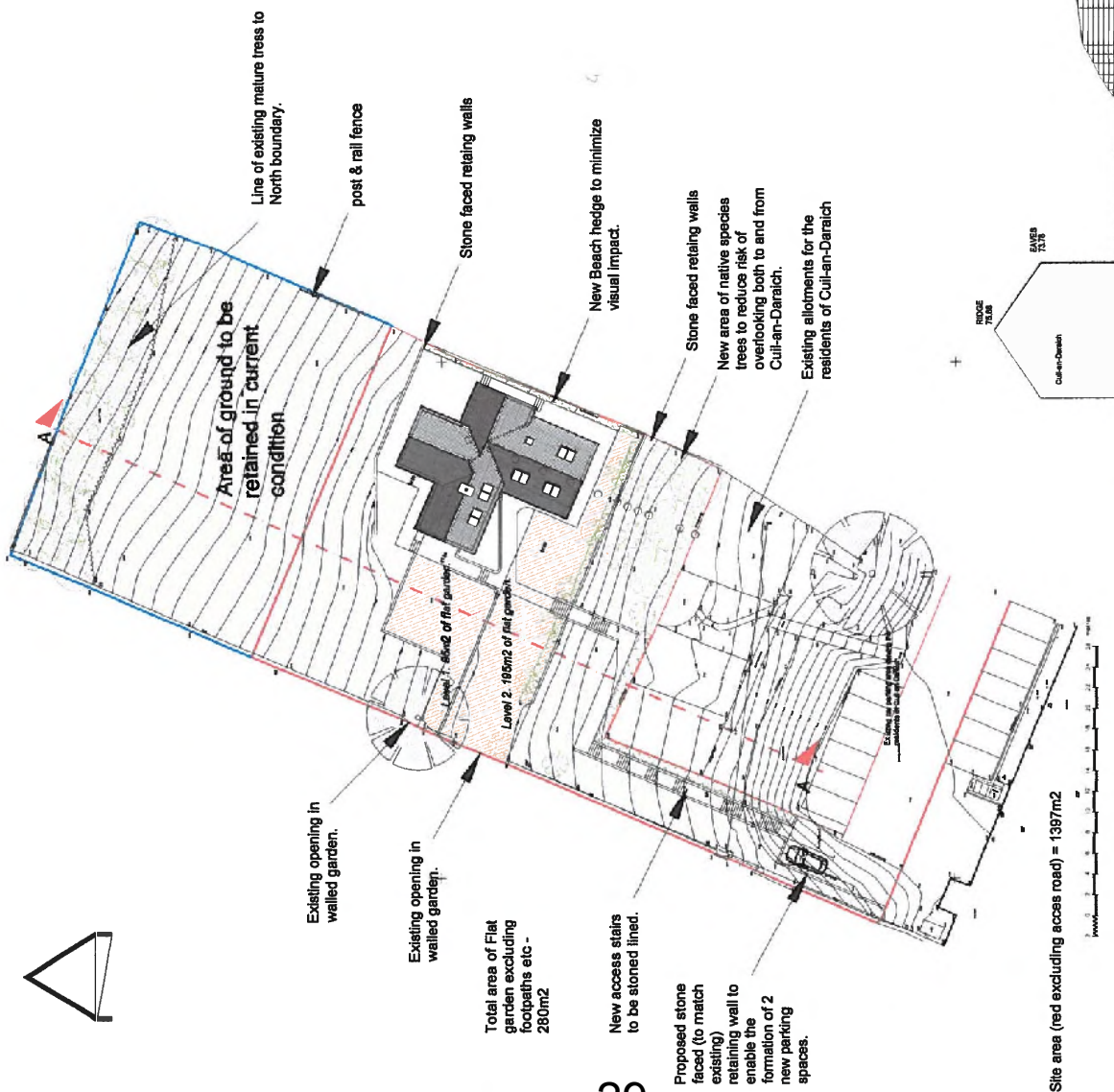
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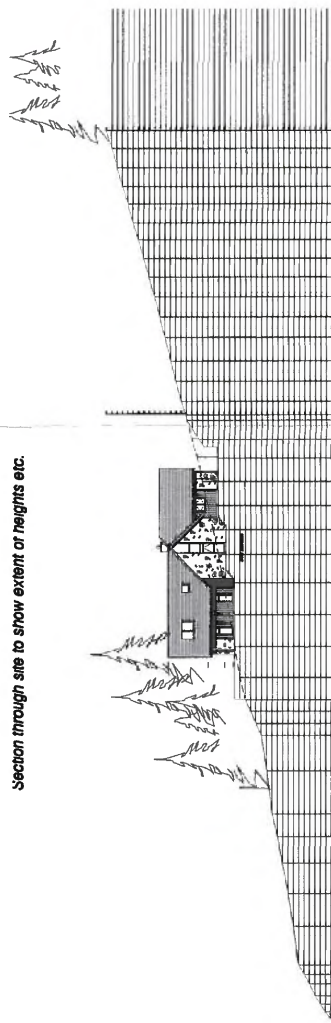


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Site location Plan 1.1250



Section through site to show extent of heights etc.



Site Plan 1.500

Site Section 1.500

Rev A: 2010/2014 - Additional information on amenity land and planting added.

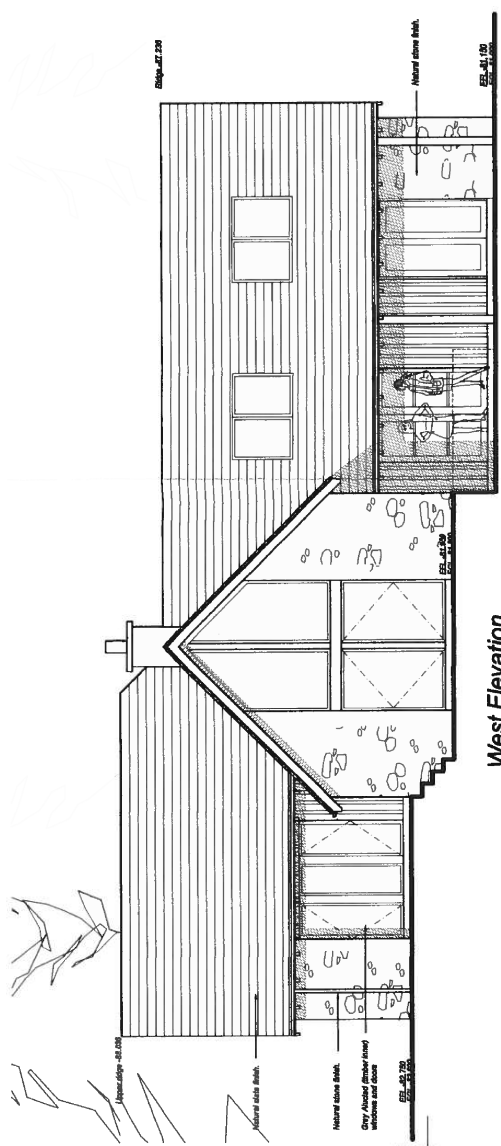
Project: Proposed new dwelling
Land to the rear of Cull-an-Daraich, Logierait, Perthshire, PH16
Client: Mr J McMillan

Site: Site plan, section & location plan
Scale: 1:500/1:250
Date: 26/08/2013
Drawn: JMS
Checked: JMS

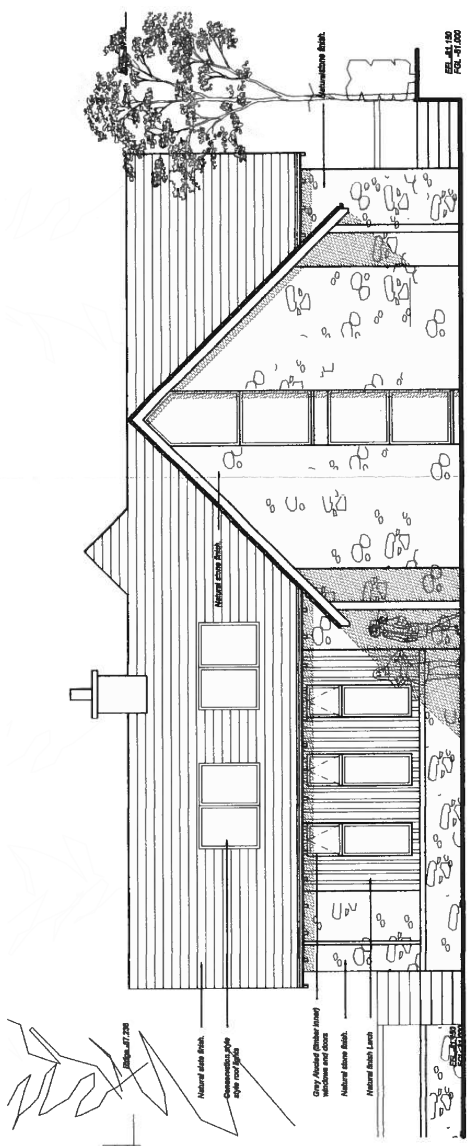
OSA
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3 Bon Accord, Victoria, Perthshire, PH16 4QJ, Tel: 01739 373323

Drawing no: 04.13.01
Rev: A

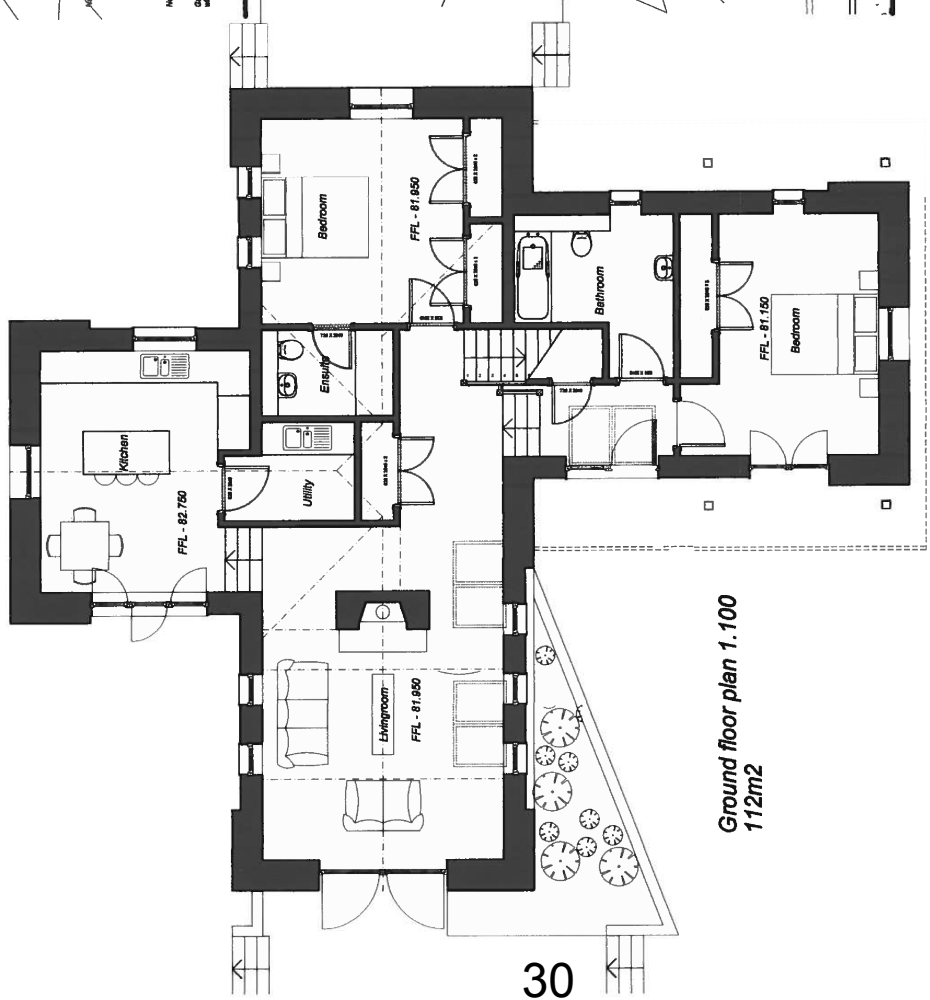
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West Elevation



South Elevation



Ground floor plan 1.100
112m2



Rev A- 2001/2014 - Additional information on security land and planting added.

project Proposed new dwelling Land to the rear of O'Shea-Dunach, Logans, Perthshire, PH8		OSA ARCHITECTURAL & INTERIOR DESIGN SERVICES		04.13.02		A	
client Mr J McMillan		drawing no 04.13.02		date 20/08/2013		scale 1:100	
designer Mr J McMillan		drafter PCS		checker PCS		title Ground floor plan & Elevations	

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5. (A) Perth and Kinross Council Decision Notice (8th November 2013)

Reasons given for refusal (as received) –

- 1. The proposal is contrary to the Highland Area Local Plan 2000, Policy 54 Category (a) Building Groups as the proposal would detract from the character of the group.*
- 2. The proposal is contrary to the Housing in the Countryside Guide 2012 as the proposal does not respect the character, layout and building pattern of the group and does not demonstrate that a high standard of residential amenity can be achieved for the proposed house due to the topography of the site .*
- 3. The proposal is contrary to the Councils Placemaking Guide - private open space as the topography of the site means that 100 sq metres of adequate useable rear garden area cannot be provided.*

Justification

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

(B) Perth and Kinross Council Decision Notice (8th July 2014)

- 1. The proposal is contrary to the local development plan 2014. Policy RD3 housing in the countryside, category A- Building groups as the proposal does not respect the character, layout and building pattern of the group.*
- 2. The proposal does not accord with the Housing in the Countryside guide 2012 Category A – Building groups as the proposal does not respect the character, layout and building pattern of the group.*

6. Rationale for review on decision notice.

The first justification for refusal states that the proposal was contrary to the Highland Area Local Plan 2000, Policy 54 Category (a) Building Groups as the proposal would detract from the character of the group. Whilst Cuil-An-Daraich itself is a building of historical and Architectural merit, it has, over many years been extended and altered and its use has been adapted to suit current need (conversion to flats).

Most of the extension work and surrounding development is arguably not in character or in keeping with Cuil-An-Daraich itself. Please see pictures below –



Extension to west elevation. Non material match.



Doran bungalow extension to west. Concrete block finish.



Matrons cottage on the eastern boundary. Concrete roof, yellow render finish



Flat roofed rear extension to Matrons cottage (parallel to proposed site)



New house being constructed on western boundary of non-traditional build / vernacular.



2 bungalows to the east of side of Cuil-An-Daraich.

The Highland Area Local Plan 2000, Policy 54 Category (a) states –

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

(a) Building Groups

(i) Development within existing small groups where sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of existing housing or lead to extension of the group.

(ii) Development within or adjacent to established building groups which have compact nucleated shapes creating an identifiable "sense of place". Where an application reveals that there may be a number of opportunities relating to the group, the Council will defer consideration of the application until an Advisory Plan has been produced. Consent will be granted for houses within such groups provided they do not detract from the amenity of the group and for houses which extend the group onto definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group.

The proposed new house and site is clearly positioned within an existing building group. The pattern of existing development within the group is sporadic in nature with no definable building line i.e., properties positioned at various locations around Cuil-An-Daraich. This is a pattern consistent across Logierait and the surrounding areas (see inset plan).

The proposed site has clearly marked boundaries defined by the existing wall with mature and established planting which will ensure that there is no risk of future ribbon development.

All of the adjoining properties around Cuil-An-Daraich are of different design and age and as such the building group has no unique definable characteristics. The proposed design is to be constructed of timber and stone under a slate roof which is in keeping materially with the original property Cuil-An-Daraich.

The house has been designed to fit within and follow the existing topography of the site and has been specifically positioned behind the existing mature trees to limit the visual impact when viewed from Cuil-An-Daraich. The size of the house has been limited in area to respect the existing pattern of development within the group. It is proposed that most of the garden will remain within its natural but managed state to ensure it retains its character. Planting and shielding conditions will be adhered to if required.

Note – No objection was raised by Historic Scotland against the proposal and the following comments were submitted during the application process by Richard Welch, Conservation Officer, Development Management, Planning & Regeneration.

"This site is in close vicinity to Cuil An Daraich which is a category C listed building.

The proposed dwelling-house is located at a higher ground level than the listed building. However, the new development is situated behind Cuil An Daraich and the scale of the development will not dominate the mass and scale of this listed building.

I note that an existing vehicular access will be used and the new parking spaces will be located at the end of the existing parking area serving Cuil An Daraich. The existing garden wall will not be breached. A driveway to the new development is not proposed.

The site plan indicates that trees of native species are to be planted on the south side of the site which will reduce inter-visibility between the new built development and the listed building. A detailed planting plan and schedule of landscaping work should be submitted for further approval.

The design, proportions and materials of the dwelling-house are sympathetic to the location. I suggest however that a sample of the natural slate and samples of the stone for the external walls of the building and also the retaining walls are provided for further approval. Details of the design and type of conservation style rooflights should also be provided."

The 2nd justification for refusal states that the proposal is contrary to the Housing in the Countryside Guide 2012 as the proposal does not respect the character, layout and building pattern of the group and does not demonstrate that a high standard of residential amenity can be achieved for the proposed house due to the topography of the site.

As already noted, the area of development around Cuil-An-Daraich is sporadic in nature and no definable building pattern currently exists. With reference to the high standard of amenity it should be noted that by its very nature, the site is classed as garden ground and has since its existence been used as amenity ground. Please see below for further detailed justification.

The 3rd justification for refusal states that the proposal is contrary to the councils Placemaking Guid – private open space as the topography of the site means 100sq metres of adequate useable rear garden cannot be provided.

As can be seen from the submitted plans, the site extends to a total of 2310m² (0.570 Acre). The area identified for cut and fill to accommodate the new dwelling and immediate landscaping around is approximately 786m² of which, the house footprint occupies a maximum of 145m². This leaves potential for up to 641m² of useable garden area without significantly altering the existing topography. This also excludes the remaining area of site (1524m²). It should therefore be argued that the proposal sits easily with the councils Placemaking Guid – private open space.

Please also see attached precedent studies below, particular reference should be made to the recent approval of the walled garden development at Pitnacree (planning application 13/01437/FLL). The density ratio of built structure to amenity land is far greater and as can be seen by the submitted topographical survey, no flat useable garden area has been provided to the new dwelling.

This reason for refusal was subsequently removed in the second application as the revised application demonstrated compliance.

Precedents of a select few walled garden developments approved under the current planning policy and some of which were considered under The Highland Area Local Plan 2000, Policy 54 Category (a)

Campsie Hill, Guildtown, Perth. PH2 6DP

Planning application number – 07/00018/fil (approved)

Description – Erection of dwelling house within walled garden within the grounds of a large Edwardian estate. Permission was granted for dwelling within the slopping site for house which

occupies approximately 25 -30% of the site. This site was of interest to the RCAHMS due to the possibility that the access road may have crossed the projected route of a possible Roman or medieval road. Permission was granted in 2007.

Site North of Inver Braan, Little Dunkeld, Perthshire

Planning application number -12/00307/LBC

Description – Erection of 4 new dwelling houses and conversion of existing soap house to form new dwelling (5 dwellings total)

This development has recently been completed and lies out with the villages of Inver, Dunkeld and Birnam. Each house occupies between 30 -50% of the apportioned site. Whilst constructed to high standard, the properties are not necessarily of local vernacular and are clearly visible from the both the primary route into Dunkeld and also from the grounds of the Cathedral.



Photo of 1 of the completed dwellings.

Garden Cottage Pitnacree Pitlochry PH9 0LW

Planning application number- 13/01437/FLL (approved)

Description – Erection of a second dwelling house within the walled garden of Garden cottage, Pitnacree (only a few miles west of Logierait). This site has recently been approved for a 3 bedroom family dwelling within a walled garden set in a prominent and highly visible location. The site is heavily slopped with a 3.5 meter rise from the front to the back of the house and no level garden / amenity land has been provided within the curtilage of the site. The dwelling will be heavily overlooked by the existing properties.

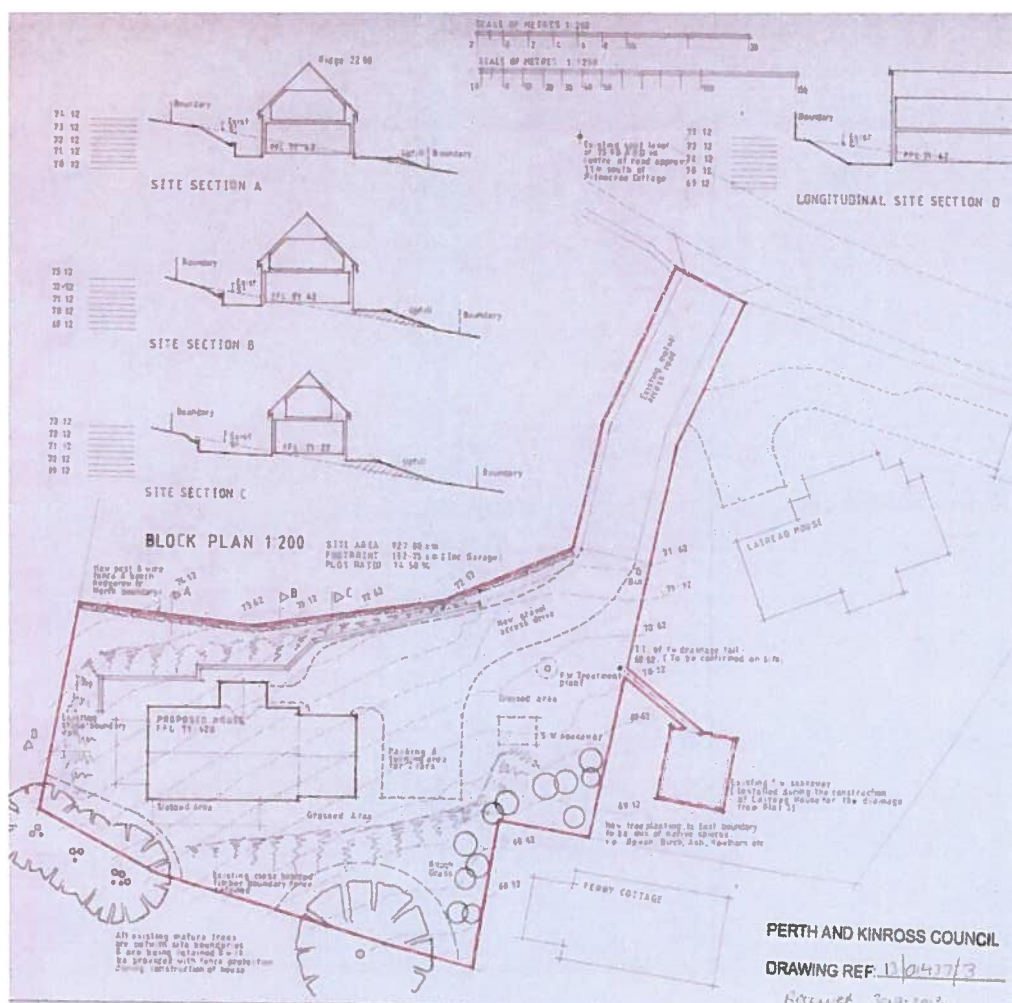


Site for new house

The recently completed adjacent house is of a similar nature providing very little useable garden ground and shares an access with very poor visibility splays.



Recently completed house within the walled garden.



Site plan showing degree of slopping across the site.

Cairn Leith, Broich Road, Crief PH7 3RT

Planning application number – 08/00591/ful (approved)

Description – Erection of dwelling house and large double garage within walled garden. This application was approved and permitted the construction of an extremely large prominent house within a walled garden.

Application 14/00214/FLL

Having prepared the above draft report for the initial application with the intention of submitting a request for a LRB decision, a meeting was organised in advance of the submission. The meeting was held at the offices of Perth and Kinross Council and the following people were in attendance

Mr J McMennemie (Applicant)
Mr O'Shea (Agent)
Mr Ian Campbell (Councillor)
Joanne Ferguson (Case planning officer)

The purpose of this meeting was to discuss the specific issues relating to the initial application refusal and assess if these concerns could be mitigated. During this meeting, it was indicated by the planning officer that if it could be demonstrated that the area of amenity ground around the application house was in excess of the required 100m², then the application would be recommended for approval. Joanne also acknowledged once presented with the precedent information shown above that we had sufficient argument against the first 2 reasons for refusal (as outlined above).

Upon receipt of this advice, a subsequent application was submitted and the LRB application withheld.

During the public consultation period of the revised application, it was acknowledged that there were some objections from the residents of Cuil-An-Daraich as per the original application, however; the overall opinion from Historic Scotland, Highways etc was very positive and broadly favourable for approval of the application and Joanne Fergusson (Planning officer) confirmed that the application was likely to be referred to committee but would do so with her recommendation for approval.

Prior to receiving confirmation of the committee meeting, OSA was notified by Joanne Fergusson that Nick Brian (Head of Planning) had decided to overrule her decision for recommendation of approval and refuse the application. The reasons given were that the building was in his opinion positioned too far out from the existing building group. This opinion contradicted the recommendations of the appointed planning officer who advised that the position of the house was well suited to mitigate against the risk overlooking the occupants of Cuil-An-Daraich. During the pre-application meeting, it was discussed that moving the new dwelling closer to the existing group presented a number of issues. These included –

Greater visual mass of the south elevation, significantly increased build costs to accommodate deep foundations and retaining works, loss of useable amenity ground around the new house and increased loss of privacy.

7. Summary

This application has been brought to review on the grounds that conflicting advice had been received from Perth & Kinross Council. In response to the first application being refused, Mr McMenemie was given a strong indication that a subsequent application would receive a favourable outcome if specific amendments were made. The revised application was submitted detailing these revisions. Despite the planning officers decision to recommend the application for approval being overruled by a senior staff member, we feel that there is sufficient argument for approval based upon the precedents provided.



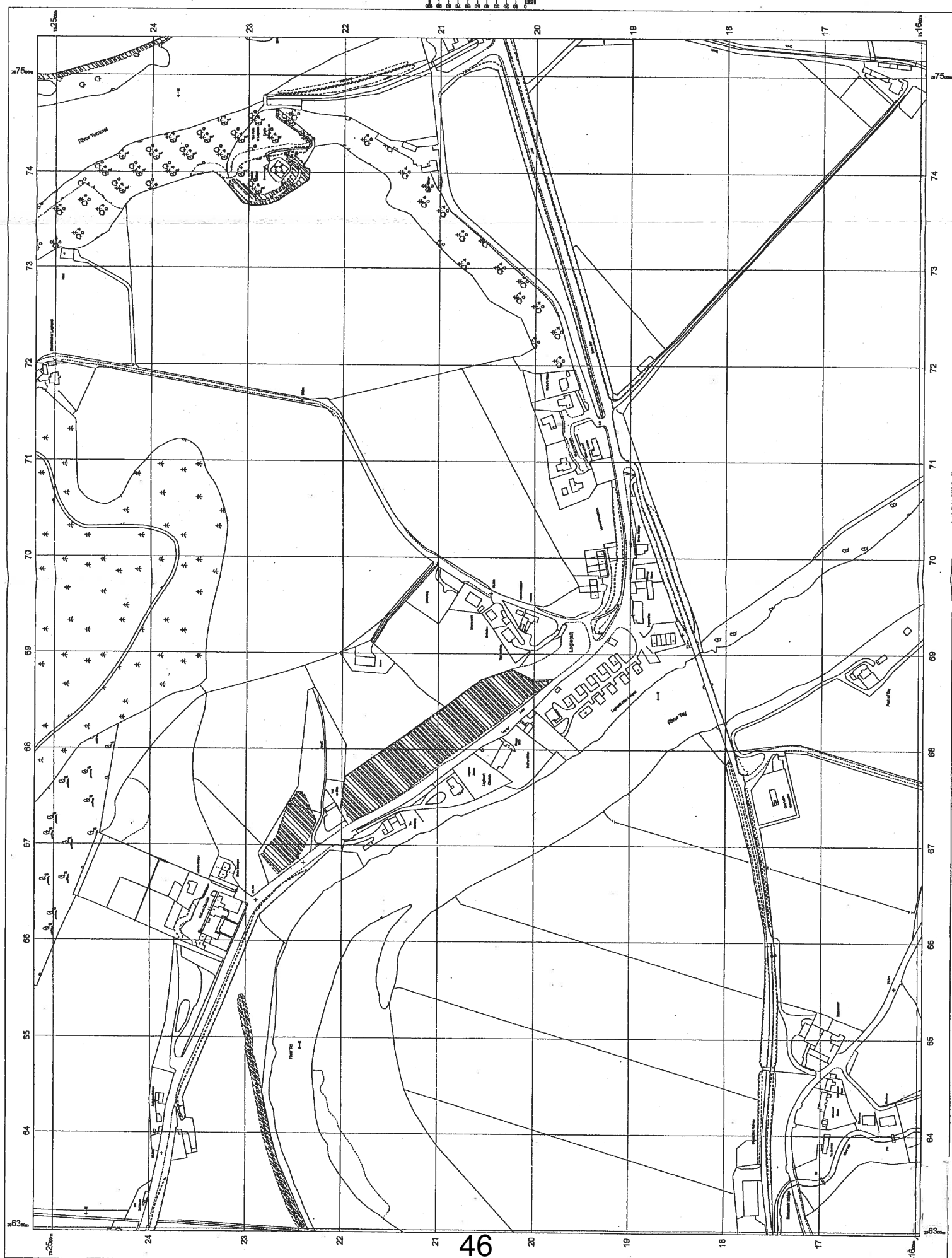
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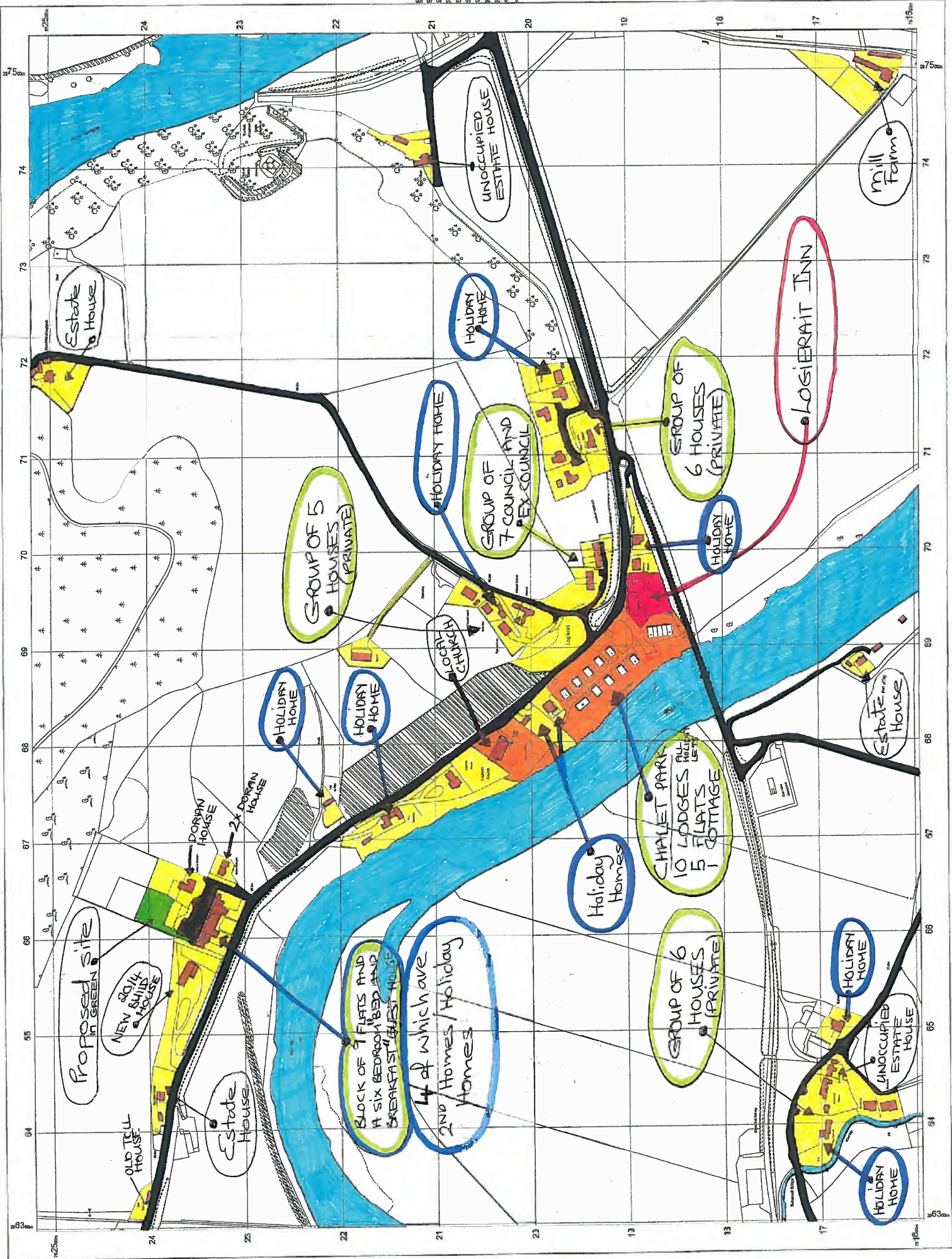
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TCP/11/16(323)
Planning Application 14/00214/FLL – Erection of
dwellinghouse, land 80 metres north east of Cuil An
Daraich, Logierait

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(included in applicant's submission, see pages 26-32)*

PERTH AND KINROSS COUNCIL

Mr Jimmy McMennemie
c/o OSA
Paul O'Shea
3 Bowerswell
Waterloo
Perthshire
PH1 4FG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 8th July 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/00214/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 4th February 2014 for permission for **Erection of dwellinghouse Land 80 Metres North East Of Cuil An Daraich Logierait** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to the Local Development Plan 2014, Policy RD3 Hosuing in the Countryside, Category A - Building Groups as the proposal does not respect the character, layout and building pattern of the group.
2. The proposal does not accord with the Housing in the Countryside Guide 2012 Category A - Building Groups as the proposal does not respect the character, layout and building pattern of the group.

Justification

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

Notes

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

Plan Reference

14/00214/1

14/00214/2

14/00214/3

14/00214/4

14/00214/5

14/00214/6

14/00214/7

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/00214/FLL	
Ward No	N4- Highland	
Due Determination Date	03.04.2014	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of dwellinghouse

LOCATION: Land 80 Metres North East Of Cuil An Daraich Logierait

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: 7 March 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is located to the north of a small grouping of buildings all of which lie out with the settlement of boundary of Logierait. The site is contained by a stone wall to the west, allotments to the south, rising topography to the north and a post and wire fence to the east with an existing dwelling located beyond this to the southeast.

The site is currently overgrown and accessible only by foot. Vehicular access exists to the south along the rear of the dwellings at Cuil An Daraich and two parking spaces will be provided at this lower level of ground with a series of steps and paths leading to the dwelling.

The proposal is to erect a dwelling which is single storey in appearance stepped up the site with accommodation at first floor level contained wholly within the roofspace served by rooflights. The materials are natural stone, larch cladding with a natural slate roof.

This application follows on from a previous refusal of a similar application ref 13/01644/FLL.

SITE HISTORY

13/01644/FLL Erection of dwellinghouse 8 November 2013 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: Various discussions

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy 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 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 HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

OTHER POLICIES

None specific to this proposal.

CONSULTATION RESPONSES

Scottish Water No objection

Education And Children's Services No capacity issues

Perth And Kinross Area Archaeologist No objection conditions required

Environmental Health No objection condition required

Historic Scotland No objection unlikely to significantly impact on the monument Cuil-an-Daraich, enclosure 170m E of (Index No. 9526)

Transport Planning No objection to access point or parking

Community Waste Advisor - Environment Service No response within time

REPRESENTATIONS

The following points were raised in the 9 representations received:

Contrary to policy
Overshadowing
Detrimental impact on residential amenity existing and proposed
Traffic and access
Contaminated land
Nature and conservation interests
Overlooking
Maintenance of driveway and parking area
No material change from previous refusal
Effect on Listed Building
Construction process
Possible landslip/flooding

These issues are all covered in the Appraisal section of this report.

Additional Statements Received:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The application site is located out with a settlement boundary and the applicable policy is therefore Policy RD3: Housing in the Countryside of the Local Development Plan and the Housing in the Countryside Guide (HICG)

2012. The site is located adjacent to a grouping of buildings and is therefore assessed under Category (a) of the Policy and Guide - Building Groups.

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

The existing buildings on the site are considered a building group for the purposes of the policy it must therefore be considered whether the development of the site would comply with the criteria for extension of the group. The site is defined by an existing wall to the west, allotments to the south, rising topography to the north and a post and rail fence to the east (with a dwelling beyond to the southeast).

The application site extends the grouping further up the hillside within a site that is detached and remote from the group, even with the northern site boundary brought closer to the group, it still does not relate to the existing buildings. The development of the site would not respect the compact grouping on the flatter area of land which has contained the existing grouping.

It is considered therefore that, in principle, the development of the site does not comply with the Housing in the Countryside Guide and Policy in that the development of the site would not respect the character, layout and building pattern of the group.

Design and Layout

The proposed dwelling is located to the east of the plot. The dwelling proposed is single storey in appearance with accommodation at first floor served by rooflights.

The design, proportions and materials of the dwellinghouse are sympathetic to the location. The proposed materials are natural stone, timber cladding and slate roof. The retaining walls will have a stone finish.

The design and materials are acceptable in this location as the house is single storey in height to reduce the impact and the materials and finish is high quality.

Residential Amenity

The property although located on a slope is approx. 50 metres from the dwellings directly south which is in excess of the minimum 18 metres window to window distance for new dwellings. The windows to the east are within 9 metres of the boundary but do not overlook a property and to the south, west

and north the windows are all more than 9 metres from the boundary. The proposal therefore complies with the guidance in the Placemaking Guide in that the development will not lead to overlooking.

In relation to overshadowing length of shadow cast when taken from a 45 degree angle (from the roof) as outlined in the Placemaking Guide would not cause overshadowing out with the application site. It is therefore considered that the dwelling would not lead to overshadowing of neighbouring land.

The proposal also cannot be considered to have a detrimental loss of outlook due to the separation distance between it and the existing buildings to the south, the development of the site would alter the view, however loss of a view is not a material planning consideration.

The revisions to this application have improved the amenity for future residents. The topography of the site means that amenity space was required to be clearly demonstrated to meet council guidance. The agent has shown that around the dwelling the land will be terraced to create over 100sq metres of useable amenity space which is acceptable and complies with the Placemaking Guide.

Traffic Safety/Access

The access to the site is to be taken from the A827 within a 40 mph zone. Transport Planning have no objection to the proposal on the access point or parking.

The existing vehicular access will be used and new parking spaces will be located at the end of the existing parking area serving Cuil An Daraich. A driveway to the new development is not proposed.

The traffic generation from one property would not cause significant traffic concerns or road safety at this location.

The access maintenance has been raised as an issue as this is a private access. Arrangements would need to be agreed with all owners of the access road and this is not a material consideration to this planning application. Construction traffic is also not a material consideration as it is a temporary consequence of the development.

Biodiversity

No trees are shown for removal (bats, birds and red squirrel wouldn't be affected) therefore the disturbance to any potential wildlife would be only during the construction process.

Contaminated Land

The proposed development is on land that historically formed a walled garden area for the Breadalbane Poorhouse in the late 1800s and early 1900s. This

building has since been converted to a care home and laterally a residential development. SEPA was contacted by a local resident who expressed concern that the proposed new residential development is on land where asbestos lagging was buried when the existing building was converted from a care home into flats approximately 12 years ago. The Land Quality Team was subsequently notified by SEPA of the potential for ground contamination at this site. Objections have also been submitted directly to Perth & Kinross Council from local residents citing reports of asbestos burial at the proposed site. As a result the risk of historic land contamination needs to be assessed for this application prior to development commencing and this can be covered by the inclusion of a planning condition.

Drainage

Scottish Water has no objection to this planning application but does not guarantee a connection to Scottish Water's infrastructure. A separate application will be required for connection to the infrastructure after full planning has been granted. Killiecrankie Water Treatment Works currently has capacity to service this proposed development.

The applicant is proposing a private treatment plant within the site (biodisc and soakaway) if connection to the existing is not possible.

Listed Building

This site is in close vicinity to Cuil An Daraich which is a category C listed building.

The Conservation Officer has commented that the proposed dwelling-house is located at a higher ground level than the listed building behind Cuil An Daraich. The scale of the development will not dominate the mass and scale of this listed building.

The site plan indicates that trees of native species are to be planted on the south side of the site which will reduce inter-visibility between the new built development and the listed building.

Archaeology

The proposed development site lies within an area considered to have archaeological potential. A wealth of archaeological remains, much of which is scheduled given its national significance, can be found in the fields to the east of the development site.

These archaeological remains include prehistoric settlement, no doubt sited here above the flood plain at the strategic location of the confluence of the Tay and Tummel. Whilst nothing remains above ground of these archaeological sites, their presence is attested by crop marks identified by aerial photographic survey. The development site itself does not contain any previously recorded archaeological sites however the current land use

(gardens, allotments, scrubland) is not conducive to aerial photographic survey. There is therefore the possibility that significant sub-surface archaeological remains survive within the development area.

In line with Scottish Planning Policy historic environment section (paragraphs 110-112 and 123), it is recommended that a field-based archaeological evaluation should be carried out to determine the presence/absence of archaeology on site and, if necessary, develop a mitigation strategy to deal with any remains.

Developer Contributions

The development falls within the Logierait Primary School catchment area.

Education & Children's Services have no capacity concerns in this catchment area at this time.

Construction process

The stability of hillside has been raised as an issue; this would be covered in greater detail in the building warrant process and would not be a material consideration for the planning application.

Economic Impact

There will be limited economic impact from the development as the development will result in employment for construction workers; however this has very limited weighting on the overall recommendation.

Application Processing Time

The recommendation for this application has not been made within the statutory determination period due to discussions on the recommendation with Management.

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 not is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

1 The proposal is contrary to the Local Development Plan 2014, Policy RD3 Housing in the Countryside, Category A - Building Groups as the proposal does not respect the character, layout and building pattern of the group.

2 The proposal does not accord with the Housing in the Countryside Guide 2012 Category A - Building Groups as the proposal does not respect the character, layout and building pattern of the group.

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

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

14/00214/1
14/00214/2
14/00214/3
14/00214/4
14/00214/5
14/00214/6
14/00214/7

Date of Report 06.06.2014

TCP/11/16(323)

**Planning Application 14/00214/FLL – Erection of
dwellinghouse, land 80 metres north east of Cuil An
Daraich, Logierait**

REPRESENTATIONS

- Objection from Mrs Linda Crookston, dated 10 February 2014
- Representation from Education and Children's Services, dated 12 February 2014
- Objection from I H Guinan, dated 12 February 2014
- Representation from Perth and Kinross Heritage Trust, dated 12 February 2014
- Representation from Regulatory Services Manager, dated 12 February 2014
- Objection from A Hissett, dated 13 February 2014
- Representation from Historic Scotland, dated 13 February 2014
- Representation from Scottish Water, dated 13 February 2014
- Objection from Mr and Mrs Brown, dated 17 February 2014
- Objection from A Fawcus and M Courtney, dated 23 February 2014
- Objection from Mr and Mrs Reynolds, dated 24 February 2014
- Objection from Sally Craighead, dated 27 February 2014
- Representation from Conservation Officer, dated 28 February 2014
- Representation from Transport Planning, dated 28 February 2014
- Objection from Janice Headrick, dated 2 March 2014

- Objection from Liam and Eithne McKinney, dated 5 March 2014
- Representation from Mr and Mrs Brown, dated 27 October 2014
- Representation from Warren Reynolds, dated 3 November 2014

Mrs linda crookston (Objects)

Comment submitted date: Mon 10 Feb 2014

If this development is to take place, i would object on the following issues:-

Overshadowing, loss of outlook to the residential ammenity. Highway issues, traffic generation, vehicular access, highway safety. capacity of infrastructure, development of contaminated land, adverse impact on nature and conservation interests, entrance to Glebe Cottages and Cuil an Daraich from the A827 which is shared with numbers 1 and 2 Glebe Cottages. These cottages are owned by pkc, this driveway is in a state of bad repair, in the winter the said driveway becomes VERY slippery with ICE AND SNOW. some vehicles are unable to access the said driveway which causes with vehicles parking erratically.

Due to heavy construction traffic this driveway would be liable to subsidence if this application were to be allowed, plus extra cars due to the new dwelling would restrict access due to the fact the driveway into Cuil An Daraich is single lane with restricted view of vehicles coming out of Cuil An Daraich more so for 1 and 2 Glebe Cottages.

Memorandum

To Nick Brian
Development Quality Manager

From Janette Clark
Information Assistant

Your ref 14/00214/FLL

Our ref JC

Date 12 February 2014

Tel No (4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No: 14/00214/FLL

I can confirm this development falls within the Logierait Primary School catchment area.

Education & Children's Services have no capacity concerns in this catchment area at this time.

RECEIVED

13 FEB 2014

3 Cuil an Daraich JF
LOGHERAIT
PITLOCHRY
BHQGLH

Re: Planning Application

Ref:

14/00214/FLL

Dwelling House

ENTERED IN COMPUTER 12-2-14

13 FEB 2014

Sing —

- ① Strongly object to this application for a house on the site shown
- ② The site is on steeply rising ground above the private car park and owner's gardens, immediately at the rear of this historic building - now home for 13 families.
- ③ When this building was converted into flats and integral 'cottages' + a guest house, the proposed 'site' was used to bury a lot of waste materials - including asbestos it was said by workmen.
- ④ The proposed house would directly overlook the main entrances to the flats + guest house, etc and through all the large upper and lower lounge seat windows on this facade.

- ⑤ The carpark is private and maintained by the Cuid an Daraíoch owners who each have two parking spaces reserved for their sole use. Every dwelling has at least one car.
- ⑥ One cannot see how vehicular access could be given either for the erection of a house as proposed, or later, without very intrusive disturbance of the car park and gardens.
- ⑦ There are at present some eight children in the flats, etc and with no through traffic they can reasonably have limited play areas.
- ⑧ Cannot see how ~~sewage~~ sewage and water drainage can be dealt with from a new house without extensive works and intrusion on land not owned by the proposer.
- ⑨ This is a beautiful area well worth conserving and this site is not suitable. One application could well lead to others. It is land-locked and steep.

I H Guinan



The Lodge, 4 York Place, PERTH PH2 8EP

To:	Joanne Ferguson, Case Officer
From:	David Strachan, Area Archaeologist
Tel:	01738 477081
Email:	dlstrachan@pkht.org.uk

Wednesday, 12 February 2014

14/00214/FLL: Erection of dwellinghouse, Land 80 Metres North East Of Cuil An Daraich, Logierait for Mr Jimmy McMenemie

Thank you for consulting PKHT on the above application. I can confirm that the proposed development site lies within an area considered to have archaeological potential. A wealth of archaeological remains, much of which is scheduled given its national significance, can be found in the fields to the east of the development site. These archaeological remains include prehistoric settlement, no doubt sited here above the flood plain at the strategic location of the confluence of the Tay and Tummel. Whilst nothing remains above ground of these archaeological sites, their presence is attested by crop marks identified by aerial photographic survey. The development site itself does not contain any previously recorded archaeological sites however the current land use (gardens, allotments, scrubland) is not conducive to aerial photographic survey. There is therefore the possibility that significant sub-surface archaeological remains survive within the development area.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 110-112 and 123), it is recommended that a field-based archaeological evaluation should be carried out to determine the presence/absence of archaeology on site and, if necessary, develop a mitigation strategy to deal with any remains. The following archaeological condition should be attached to consent, if granted:

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

Notes:

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

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	14/00214/FLL	Our ref	LJ
Date	12 February 2014	Tel No	(4)75248

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK14/00214/FLL RE: Erection of dwellinghouse Land 80 Metres North East Of Cuil An Daraich Logierait for Mr Jimmy McMennemie

I refer to your letter dated 7 February 2014 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 12/02/2014)

Recommendation

The comments made on the previous application, 13/01644/FLL, still stand. The proposed development is on land that historically formed a walled garden area for the Breadalbane Poorhouse in the late 1800s and early 1900s. This building, which is Grade B Listed, has since been converted to a care home and laterally a residential development. SEPA was contacted by a local resident who expressed concerned that the proposed new residential development is on land where asbestos lagging was buried when the existing building was converted from a care home into flats approximately 12 years ago. The Land Quality Team was subsequently notified by SEPA of the potential for ground contamination at this site. Objections have also been submitted directly to Perth & Kinross Council from local residents citing reports of asbestos burial at the proposed site. As a result the risk of historic land contamination needs to be assessed for this application prior to development commencing.

I therefore recommend the following condition be applied to the application.

Condition

Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with the contamination to include:

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

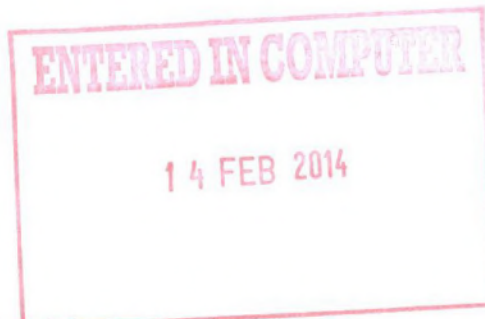
Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the planning authority.

A handwritten signature in black ink, consisting of a stylized 'H' followed by a large, flowing 'G'.

DF

Tracy McManamon

From: [REDACTED]
Sent: 13 February 2014 00:00
To: Development Management - Generic Email Account
Subject: Planning application objection



8 Cuil An Daraich

Logierait

PH9 0LH

Re: Planning application 14/00214/FLL at Cuil An Daraich, Logierait

Dear Development and Quality Manager,

I believe this application should be rejected in accordance with Section 39(1) of the Planning Scotland Act which aims to prevent applicants submitting repeated applications for the same development, where either no appeal has been made or has been made but not determined against a previous refusal. An application for this house development (ref 13/01644/FLL) was declined on 11 November 2013, was not appealed and this new application is not materially different to the previous application.

The application has not materially changed from application 13/01644/FLL and so should also be declined for the same reasons noted in your Decision Letter RE: 13/01644/FL as detailed below:

- The proposal is contrary to the Highland Area Local Plan 2000, Policy 54 Category (a) Building Groups as the proposed would detract from the character of the group. Importantly, as I noted below, the land falls outside the Logierait settlement boundary as set out in the Local Plan.
- The proposal is contrary to the Housing in the Countryside Guide 2012 as the proposal does not respect the character, layout and building pattern of the group and does not demonstrate that a high standard of residential amenity can be achieved for the proposed house due to topography of the site. The house would not have car access with access only via a steep path some the distance from the Cuil An Daraich car park some distance away
- The proposal is contrary to the Councils Placemaking Guide - private open space as the topography of the site means that minimal usable garden is still available per new plan.

Objections which I raised re: application 13/01644/FLL, and remain valid and must be considered for this most recent application, are detailed below :

- **Complete loss of privacy** – Being on the top floor the proposed house would look straight into my kitchen and both of my bedrooms. The large traditional sash windows in the flat will offer no privacy from the south

elevation of the proposed house. The south elevation incorporates 14 individual windows, from the property living room and 2 bedrooms, each of which would look straight into my flat leaving me entirely exposed. For the applicant's plans to suggest that trees would reduce the risk of overlooking is entirely misleading as the trees would take many years to grow and will never enclose the house given its elevation and projection. In addition, I would lose all privacy to my small garden which would be bordered and overlooked.

- **Scar the beautiful landscape** – My reason for owning flat 8 (top floor) is to enjoy, from the front and rear facing windows, the beauty of its unique setting in stunning Logierait. This development would deny myself and all other residents of Cuil An Daraich this right forever. The local plan nor draft local development plan permits residential development on this land.
- **Restricted land** – The land falls outside the Logierait settlement boundary as set out in the Local Plan. The land was sold to Mr McMenemie for a nominal amount as garden land. No planning or development rights attach to the land. This development is entirely a business venture, in an region with 800+ empty properties, with no regard for the detrimental impact it will have on the natural beauty of the landscape nor the historical significance of Cuil An Daraich and associated gardens.
- **Historical significance** – Cuil An Daraich is a listed building which must be conserved for generations to come. Its gardens were used by the residents of this former poor house to serve the community since 1850. The walled gardens have as much historical significance as the Cuil An Daraich building itself. Development would result in the wall (which is listed) being breached to gain delivery and machinery access to the site. While the applicant's application notes that there are currently 2 small openings in the wall this is temporary and I am in correspondence with Athol Estates with a view to gaining their approval to restore the listed wall to its original condition and so fill the 2 small gaps in the wall.
- **Asbestos landfill** - The development site is filled with a large amount of asbestos which must not be disturbed. Doing so would present a serious health risk to all residents, visitors and in particular to the children who play outside.
- **2 houses will be built** – I suspect that the applicant plans to build 2 houses. If this application is successful I expect that an application for a second larger property will be submitted shortly afterwards as the applicant may believe that applying this way would mean that only Matrons Cottage and Athol Estates could register an objection to the second property.
- **Restricted access** – The title deeds for Cuil An Daraich do not permit the applicant access to his proposed parking spaces. The access road is private property owned by the residents of Cuil An Daraich and access by the applicant would be denied at all times.
- **Construction issues** - If the applicant did find a way to access the house or parking development for deliveries and construction vehicles through our private road this would present a serious accident risk to the residents and in particular the children who play in this communal ground . The small car park is already struggling to cope with the volume of car and delivery traffic, additional traffic would present a serious vehicle collision risk. I must also point out that construction and delivery vehicle access from the main road (A827) would be very dangerous.
- **Sewage and drainage** - There is not sufficient capacity in the existing Cuil An Daraich sewage system to cope with this development and existing drainage issues from the garden down to the car park would cause flooding.
- **Landslip danger** – The house and parking site is part way up a steep embankment. Development on the site and excavation of the embankment to create parking spaces presents a significant risk of landslip on land which has proven to be unstable in the past.

Yours sincerely

A Hessett



Sent by e-mail:
developmentmanagement@pkc.gov.uk

Ms Joanne Ferguson
Planning
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8092
Direct Fax: 0131 668 8722
Switchboard: 0131 668 8600
Oliver.Lewis@scotland.gsi.gov.uk

Our ref: AMH/9526/10
Our Case ID: 201306766
Your ref: 14/00214/FLL

13 February 2014

Dear Ms Ferguson,

Town And Country Planning (Development Management Procedure) (Scotland) Regulations 2013
14/00214/FLL Erection of a dwellinghouse on land 80m NE of Cuil An Daraich, Logierait

Thank you for your consultation of 07 February 2014 requesting comments on the above application for the erection of a dwellinghouse on land 80m NE of Cuil An Daraich, Logierait.

There are several scheduled monuments within the vicinity of the development site, of which the closest of relevance is known as '**SM 9526 Cuil-an-Daraich, enclosure 170m E of**' and is located approximately 150m ESE of the development site. The scheduled monument comprises an enclosure of prehistoric date, visible as a cropmark on oblique aerial photographs. The setting of the enclosure includes its position within an open rural landscape.

Although the proposed dwellinghouse is likely to be visible from this scheduled monument (and others), we consider that it will still be possible to appreciate and understand the landscape setting of the scheduled monument, and as such there is unlikely to be a significant adverse impact upon its setting. Historic Scotland thus does not object to this application.

Yours sincerely,

OLIVER LEWIS
Senior HM Officer (Ancient Monuments - North)

13/02/2014



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

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

Development Management Team
T: 0141 414 7213

www.scottishwater.co.uk
developmentmanagementteam@scottishwater.co.uk

Dear Sir Madam

PLANNING APPLICATION NUMBER: 14/00214/FLL
DEVELOPMENT: Logierait Cuil An Daraich Land
OUR REFERENCE: 652265
PROPOSAL: Erection of dwellinghouse

Please quote our reference in all future correspondence

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

There are no public sewers in the vicinity of the proposed development.

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

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 installed, subject to compliance with the current 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 public water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact One Call on 0844 800 9957 or Site investigation services on 0333 123 1223

If the developer requires any further assistance or information on our response, please contact me on 0141 414 7213 or alternatively additional information is available on our website:
www.scottishwater.co.uk.

Yours faithfully

604228

Andrew Peacock

Customer Connections Administrator

Tel: 0141 414 7213

Andrew.Peacock2@scottishwater.co.uk

DT

Tracy McManamon

From: [REDACTED]
Sent: 17 February 2014 11:43
To: Development Management - Generic Email Account
Subject: Planning Application Objection. Dated 17th February 2014

7 Cuil An Daraich
Logierait
PH9 0LH



Re: Planning application 14/00214/FLL at Cuil an Daraich, Logierait

Dear Development and Quality Manager,

We are very surprised that only a few months after the refusal of planning permission, a new planning application has been made for the site behind Cuil an Daraich.

We believe this application should be rejected in accordance with Section 39(1) of the Planning Scotland Act which aims to prevent applicants submitting repeated applications for the same development, where either no appeal has been made or has been made but not determined against a previous refusal. An application for this house development (ref 13/01644/FLL) was declined on 11 November 2013, was not appealed and this new application is not materially different from the previous application. There has been little attempt made to address the issues raised by the residents of Cuil an Daraich.

The present application has not materially changed from application 13/01644/FLL and so should also be declined for the same reasons noted in your Decision Letter RE: 13/01644/FL as detailed below:

- The proposal is contrary to the Highland Area Local Plan 2000, Policy 54 Category (a) Building Groups, as the proposed development would detract from the character of the group. Importantly, as noted below, the land falls outside the Logierait settlement boundary as set out in the Local Plan.
- The proposal is contrary to the Housing in the Countryside Guide 2012 as it does not respect the character, layout and building pattern of the group and does not demonstrate that a high standard of residential amenity can be achieved for the proposed house due to topography of the site. The house would not have car access. The only access would be via a steep path from the Cuil an Daraich car park.
- The proposal is contrary to the Councils Placemaking Guide - private open space as the topography of the site means that minimal usable garden is still available per new plan.

Objections which were raised re: application 13/01644/FLL, and remain valid and must be considered for this most recent application, are detailed below :

Restricted land – The land falls outside the Logierait settlement boundary as set out in the Local Plan. The land was sold to Mr McMenemie for a nominal amount as garden land. No planning or development rights attach to the land. This development is a business venture, with no regard for

the detrimental impact it will have on the natural beauty of the landscape or the historical significance of Cuil An Daraich and associated gardens.

We suspect that the applicant plans to build 2 houses. If this application is successful, we expect an application for a second property to be submitted shortly afterwards. The applicant may believe that applying this way would mean that only Matrons Cottage and Athol Estates could register an objection to the second property.

Historical significance – Cuil An Daraich is a listed building. The walled garden has historical significance as does the Cuil an Daraich building itself. Development would result in the wall (which is listed) being breached to gain delivery and machinery access to the site. While the applicant's application notes that there are currently 2 small openings in the wall this is temporary and Mr Hessest in flat 8 is in correspondence with Athol Estates with a view to gaining their approval to restore the listed wall to its original condition.

Sewage and drainage - This is a matter that was flagged in the objections to the previous application and has not been addressed.

There is not sufficient capacity in the existing Cuil an Daraich sewage system to cope with this development. A separate septic tank for the new house would not solve the problem as the extra water seepage would destabilise the bank below the gardens.

The existing residents are seriously concerned that the plans outlined threaten the very delicate drainage system on the steep hillside above Cuil an Daraich. The drainage of the bank and car park have been improved at the residents' expense, and we are concerned that development higher up the slope will adversely affect the stability of the hillside and cause flooding problems in the car park. A landslip could affect the house itself.

Landfill and hazardous waste. When Cuil an Daraich was refurbished in 2010 a large amount of rubbish, including asbestos, was dumped as landfill. The new proposal makes no reference to this despite it having been flagged in the previous objections. Disturbing this waste would present a serious health risk to all residents, visitors and in particular to the children who play outside.

Access – The title deeds for Cuil an Daraich do not permit the applicant access to his proposed parking spaces. According to our property deeds, the access road and car park are private property and the shared responsibility of eleven separate properties. Should access for the proposed development be allowed this would require fresh legal and financial arrangements to be made.

Construction issues - If the applicant did find a way to access the house or parking development for deliveries and construction vehicles through our private road this would present a serious accident risk to the residents and in particular the children who play in this communal ground. The small car park is already struggling to cope with the volume of car and delivery traffic. Construction and delivery vehicle access from the main road (A827) would be very dangerous.

Loss of privacy – Cuil an Daraich with its large, traditional sash windows will be overlooked. The windows offer no privacy from the south elevation of the proposed house. For the applicant's plans to suggest that trees would reduce the risk of overlooking is entirely misleading as the trees would take many years to grow and will never enclose the house given its elevation and projection. The private gardens immediately below the proposed house would also be overlooked.

We suggest that the applicant has not answered any of the objections raised against his previous application and that the present application therefore has no more merit than the last. For this reason we ask that planning application 14/00214/FL be rejected.

A . Fawcus and M. Courtney

4 Cuil an Daraich

Logierait PH9 0LH

23rd February 2014

Re planning application for the erection of reference 14/00214/FLL

To Whom it may concern,

For the third time we refer to our objections letters ref. 06/01000/OU, 06/01002/OUT, 13/01644/FLL .

The application 14/00214/FLL does not address any of our previous objections especially that of:

access over private car par: way leave was given for occasional access to garden plot.

access to site and maintenance to listed wall

sewage disposal: septic tank overflow would drain directly into Cuil An Daraich residents gardens and children's play area.

storm water disposal: existing soft site storm water peculates slowly, hard area and roof storm water has no access to storm drains.

Below objects still apply.

1) Development would be visually intrusive

- It would be highly visible from both the A827 and B898
- The proposed building would project considerable above the existing settlement.
- The construction of new access to the site would require extensive cut and fill resulting in heavy visible scaring to the neighbouring land

2) Loss of Privacy

- The proposed development would inescapably look straight into several of the properties at Cuil and Daraich. 50% of our window area alone is directly overlooked by the plot.
- These large traditional windows do not afford much privacy at present.
- The new plot would be looking down into our property and any privacy provided by our window ledges would be lost due to the angle the proposed house has to our property, leaving us very exposed.
- There is also loss of privacy to our small garden area as this is directly below the proposed plot. We do not have much garden space and this will be impacted upon by any development on the plot.

3) Listed building

- Cuil An Daraich is a listed building and has an important role in the area since the 1850's.
- Been both a local landmark and a cultural reference point great care should be taken to conserve it for future generations. Development within its garden could be detrimental to the aesthetic significance of this historical building.
- I understand the wall to the west of this plot is included in the listing and understand that the wall will require breaching to allow access for building materials. This wall would also require substantial underpinning and lose its aesthetic integrity for the proposed excavation of new parking spaces.

4) Planning History

I believe that out line planning permission for a dwelling on the east half of the garden (neighbouring the proposed development) was previously denied. Should permission be granted for this new proposed development it could encourage the linear expansion of Logierait with this plot been considered the western edge of Logierait. The consequential infill development could present future problems especially with regards waste.

5) Sewage and Waste

Development of this site raises issues with storm and foul water disposal. Storm water from this site is generally absorbed, but development will present a problem. Also any further development could produce excessive demands on Cuil An Daraich's already stretched system.

6) Local Plan

The proposed plot appears to be outside the Logierait Settlement Boundary shown in the current Local Plan. Development in this area would therefore be contrary to the current Local Plan.

7) General Concerns

- We understand that the ground for this proposed site has been used as a landfill for large amounts of asbestos. We are therefore concerned that any development would present a serious health risk due to this hazardous material.
- The embankment in front of the site has shown a degree of slippage and so we are also concerned that this could become significantly more dangerous in the future.
- The application proposes the development of only two new parking spaces in the already congested car park. This will not allow the plot any over flow parking except on the busy A827.

Thank you for taking the time to read through these hastily typed objections. I hope they suitably convey our deep concerns over the proposed development of the planning application 14/00214/FLL. If you should need to contact us please write to the above address.

Yours faithfully

A Fawcus and M Courtney

UF

Tracy McManamon

From: [REDACTED]
Sent: 24 February 2014 14:25
To: Development Management - Generic Email Account
Subject: planning application reference 14/00214/FLL cuil-an-darrach, logierait, ph90lh

Mr Warren and Mrs Tracy Reynolds
The Matrons House,
Logierait
ph9 0lh

RE: Planning application 14/00214/FLL at Cuil an Daraich

Dear Development and quality manager,

We were surprised to receive a new planning application for the site behind Cuil an Daraich, so soon after the refusal of development (13/01644/FLL). This was declined on 11th November 2013. This application is not materially different to the previous one, with little attempt to address issues raised by the residents of cuil an daraich and ourselves.

We hope this application will be declined for the same reasons noted in your decision letter RE : 13/01644/FLL.

We wish to object to the proposed erection of a dwelling house (Applicant: Mr Jimmy McMenemie.) just north of Cuil an Daraich, Logierait. and west of the matrons house, logierait, we list the objections below..

1, Loss of Privacy.

The proposed position of the new house is extremely close to our home and close to our boundary fence. we would be over looked on all areas of our property and home, we have a 3 bedroom home and all rooms are over looked by the proposed new house.as well as lawns and gardens, car park etc we will also lose sunlight in the evening from over shadow from the new buildings roof line on a large part of our garden to the rear of our property, Despite promises by Mr McMenemie to plant trees he has not planted a single one or looked after the site, there is no doubt that privacy for us as a family will be compromised. we would like to invite you to see the effect this would have on our home and gardens.

2, Access (via private shared drive),

The proposed access to the new house is via the drive and car park used by the existing residents at Cuil an Daraich and ourselves at the matrons house. According to our property deeds, we understood that when this plot of land was sold, access would be granted to it as a garden only, not as access to a new house. damage will also be made to the drive over the build time, there has been talk of coming across the fields to the west of the proposed building plot, with the real possibility of becoming permanent road way over the fields, this is also a concern as this could turn into another building site if roadways are permitted !

3, Drainage and stability of hillside

Existing residents are seriously concerned that the plans outlined will threaten the already delicate drainage system on the steep hill side above Cuil an Daraich. Recently, the residents improved the drainage at their own expense. We would not like to see these improvements threatened by fresh development. The hillside has a considerable slope and there has already been some slippage. We are concerned that building work could adversely affect the stability of the hillside. this also involves as any wash off tends to run down our drive and is difficult in the winter.

4, Sewage and waste disposal

In the proposal, there is no mention of a new septic tank. The sewage system at Cuil an Darich is already fully stretched. It could not cope with additional waste as we have problems now with blockages and flows. Mr McMenemie would also need to dig up a large stretch of the car park and drive way before reaching soil pipes etc.

5, proposed build location,

Landfill and hazardous waste

When Cuil an Daraich was refurbished in 2000 a huge amount of rubbish and building waste was dumped as landfill by a mr watt, on the proposed location for the actual new development.

No reference has been made to the deposits of asbestos known to be buried beneath the area where the new house will be built. when the old buildings fire doors. chimney stack linings, pipe insulation and heating boilers were dismantled and dumped in this location, along with, flooring, glass, plasterboard etc.

we would like tests to be carried out to see whats under the surface as this is approximately 10 meters away from our boundary line.

this has been mentioned to the owner and to the council before.

we would hope this will be dealt with in a safe manner as you can understand we DO NOT want any particles drifting onto our property and endangering our family members present and future health as we have 2 small children !

6,A Character of planned house.

Cuil an Daraich is a grade 2 listed building of historical importance.

The proposed new house would be clearly out of character with both the area, and the existing buildings. there are few original trees from the poor house, only one last fruit tree, a very old apple tree is all that remains of the old walled fruit gardens that once supplied fresh food for the Cuil an Daraich, this will be cut down to make room for the foundations of the proposed new build, we would like to see this tree kept and looked after ! and if possible a preservation order placed on it !

6,B on the site plans supplied by Mr McMenemie, the northern 1/2 of the site area is left unused, we expect Mr McMenemies plan is to build a second house to the rear of the proposed new building, this is also of great concern to us all !

We both hope you will take these objections into consideration, and reject the proposal.

Yours Faithfully,

Warren and Tracy Reynolds

UF -

Tracy McManamon

From: Sally Craighead [REDACTED]
Sent: 27 February 2014 21:01
To: Development Management - Generic Email Account
Subject: Planning Application at Cuil-An-Daraich, Logierait

Dear Sir

Re: Planning application no. 14/00214/FLL

It appears that the new application does not differ greatly from the previous one. I would be concerned that the proposed dwellinghouse would again:

- 1) Put yet more pressure on the existing sewage system which already has a great many properties connected to it.
- 2) Add to the traffic that exists on the private driveway and car park which is already full to capacity. It is difficult to imagine how another two parking spaces could be contrived, even with a cutting away of some of the existing shrubbery.
- 3) There is a possibility that material from the Cuil-An-Daraich renovation of fourteen or so years ago, that was dumped in the area of the site, may contain asbestos.

From the site plan it would appear there is a possibility that a second dwellinghouse to the north of that already proposed may be considered for application. Such would put impossible pressure on the existing facilities. Should there be an absolute guarantee that another dwellinghouse would not be built on the site and that all the above concerns could be dealt with satisfactorily I would not object to the proposal.

Sally Craighead

Easter Cottage
Cuil-An-Daraich
Logierait
PH9 0LH



Memorandum

To Joanne Ferguson
Planning Officer

Your ref 14/00214/FLL

Date 28 February 2014

From Richard Welch, Conservation Officer,
Development Management, Planning &
Regeneration

Our ref

Tel No 76598

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Erection of a dwellinghouse: land 80 metres north-east of Cuil An Daraich, Logierait Conservation Officer comments

This site is in close vicinity to Cuil An Daraich which is a category C listed building.

The proposed dwelling-house is located at a higher ground level than the listed building. However, the new development is situated behind Cuil An Daraich and the scale of the development will not dominate the mass and scale of this listed building.

I note that an existing vehicular access will be used and the new parking spaces will be located at the end of the existing parking area serving Cuil An Daraich. A driveway to the new development is not proposed. Any proposals to breach the garden wall temporarily should be submitted for assessment.

The site plan indicates that trees of native species are to be planted on the south side of the site which will reduce inter-visibility between the new built development and the listed building. A detailed planting plan and schedule of landscaping work should be submitted for further approval.

The design, proportions and materials of the dwelling-house are acceptable. I suggest however that a sample of the natural slate and samples of the stone for the external walls of the building and also the retaining walls are provided for further approval. Details of the design and type of conservation style rooflights should also be provided.

Richard Welch
Conservation Officer



MEMORANDUM

To	Joanne Ferguson Planning Officer	From	Niall Moran Transport Planning Officer Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	14/00214/FLL	Date	28 February 2014

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

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

With reference to the application 14/00214/FLL for planning consent for:- **Erection of dwellinghouse Land 80 Metres North East Of Cuil An Daraich Logierait for Mr Jimmy McMennemie**

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

- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.

Tracy McManamon

OF

From: [REDACTED]
Sent: 02 March 2014 16:48
To: Development Management - Generic Email Account
Subject: [MAYBE SPAM] Fwd: Planning Application Objection. Dated 2nd March 2014

6 Cuil An Daraich
Logierait
PH9 0LH

Re: Planning application 14/00214/FLL at Cuil an Daraich, Logierait

Dear Development and Quality Manager,

I believe this application should be rejected in accordance with Section 39(1) of the Planning Scotland Act which aims to prevent applicants submitting repeated applications for the same development, where either no appeal has been made or has been made but not determined against a previous refusal. An application for this house development (ref 13/01644/FLL) was declined on 11 November 2013, was not appealed and this new application is not materially different from the previous application. There has been little attempt made to address the issues raised by the residents of Cuil an Daraich.

The present application has not materially changed from application 13/01644/FLL and so should also be declined for the same reasons noted in your Decision Letter RE: 13/01644/FL as detailed below: The proposal is contrary to the Highland Area Local Plan 2000, Policy 54 Category (a) Building Groups, as the proposed development would detract from the character of the group. Importantly, as noted below, the land falls outside the Logierait settlement boundary as set out in the Local Plan.

The proposal is contrary to the Housing in the Countryside Guide 2012 as it does not respect the character, layout and building pattern of the group and does not demonstrate that a high standard of residential amenity can be achieved for the proposed house due to topography of the site. The house would not have car access. The only access would be via a steep path from the Cuil an Daraich car park.

The proposal is contrary to the Councils Placemaking Guide - private open space as the topography of the site means that minimal usable garden is still available per new plan.

Objections which were raised re: application 13/01644/FLL, and remain valid and must be considered for this most recent application, are detailed below :

Restricted land – The land falls outside the Logierait settlement boundary as set out in the Local Plan. The land was sold to Mr McMenemie for a nominal amount as garden land. No planning or development rights attach to the land. This development is a business venture, with no regard for the detrimental impact it will have on the natural beauty of the landscape or the historical significance of Cuil An Daraich and associated gardens.

We suspect that the applicant plans to build 2 houses. If this application is successful, we expect an application for a second

property to be submitted shortly afterwards. The applicant may believe that applying this way would mean that only Matrons Cottage and Athol Estates could register an objection to the second property.

Historical significance – Cuil An Daraich is a listed building . The walled garden has historical significance as does the Cuil an Daraich building itself. Development would result in the wall (which is listed) being breached to gain delivery and machinery access to the site. While the applicant's application notes that there are currently 2 small openings in the wall this is temporary and Mr Hissett in flat 8 is in correspondence with Athol Estates with a view to gaining their approval to restore the listed wall to its original condition.

Sewage and drainage - This is a matter that was flagged in the objections to the previous application and has not been addressed. There is not sufficient capacity in the existing Cuil an Daraich sewage system to cope with this development. A separate septic tank for the new house would not solve the problem as the extra water seepage would destabilise the bank below the gardens.

The existing residents are seriously concerned that the plans outlined threaten the very delicate drainage system on the steep hillside above Cuil an Daraich. The drainage of the bank and car park have been improved at the residents' expense, and we are concerned that development higher up the slope will adversely affect the stability of the hillside and cause flooding problems in the car park . A landslide could affect the house itself.

Landfill and hazardous waste. When Cuil an Daraich was refurbished in 2010 a large amount of rubbish, including asbestos, was dumped as landfill. The new proposal makes no reference to this despite it having been flagged in the previous objections. Disturbing this waste would present a serious health risk to all residents, visitors and in particular to the children who play outside.

Access – The title deeds for Cuil an Daraich do not permit the applicant access to his proposed parking spaces. According to our property deeds, the access road and car park are private property and the shared responsibility of eleven separate properties. Should access for the proposed development be allowed this would require fresh legal and financial arrangements to be made.

Construction issues - If the applicant did find a way to access the house or parking development for deliveries and construction vehicles through our private road this would present a serious accident risk to the residents and in particular the children who play in this communal ground . The small car park is already struggling to cope with the volume of car and delivery traffic. Construction and delivery vehicle access from the main road (A827) would be very dangerous.

Loss of privacy – Cuil an Daraich with its large, traditional sash windows will be overlooked. The windows offer no privacy from the south elevation of the proposed house. For the applicant's plans to suggest that trees would reduce the risk of overlooking is entirely misleading as the trees would take many years to grow and will never enclose the house given its elevation and projection. The private gardens immediately below the proposed house would also be overlooked.

We suggest that the applicant has not answered any of the objections raised against his previous application and that the present application therefore has no more merit than the last.
For this reason we ask that planning application14/00214/FL be rejected.

Yours Sincerely
Janice Headrick

Flat 6
Cuil an Daraich
PH9 0LH

Comment submitted date: Wed 05 Mar 2014

?

?

We are writing to object to this application to erect a dwelling house adjacent to Cuil an Daraich. To us this application is almost exactly the same, but for some small discreet amendments to application 13/01644/FLL which was rejected at the end of 2013 by the P&K Council. The 3 x reasons for the 13/01644/FLL application's refusal are listed below;

1. The proposal is contrary to the Highland Area Local Plan 2000, Policy 54 Category (a) Building Groups as the proposal would detract from the character of the group.
2. The proposal is contrary to the Housing in the Countryside Guide 2012 as the proposal does not respect the character, layout and building pattern of the group and does not demonstrate that a high standard of residential amenity can be achieved for the proposed house due to the topography of the site
3. The proposal is contrary to the Councils Placemaking Guide - private open space as the topography of the site means that 100 sq metres of adequate useable rear garden area cannot be provided.

Over and above these reasons for rejecting this new planning application, we have included additional points below that demonstrate further why this planning application should be rejected.

? Loss of privacy?? Although the developer suggests that trees would reduce the risk of overlooking the Cuil an Daraich property, this is in no way sufficient to compensate for the location & size of a property such as this. Furthermore, the addition of this proposed property and/or the trees would cause many people to lose all privacy and enjoyment they have to their gardens which is not acceptable. The proposed property would also be overbearing and we envisage the effect of shadowing would be evident at certain times of the day.

?????????Asbestos landfill?- The development site we believe is filled with a large amount of asbestos and other building materials which were buried as the building was renovated several years ago, and surely cannot be disturbed.? Doing so would present a serious health risk not only to the residents, but to everyone in the area. Asbestos exposure becomes an issue if asbestos containing materials becomes airborne, but those most at risk are persons who purposely disturb materials such as construction workers and people in close proximity to the disturbance ?ie. residents of Cuil an Daraich and our close neighbours. To us, there appears to be no mitigation available to allow this asbestos to be unearthed and removed in a safe manner.

History of the development ? The applicant previously applied to erect two properties at this site in 2006, however this application was withdrawn before it could be assessed. However the general feeling was that the application was going to be rejected, so to avoid this embarrassment the applicant withdrew his application in advance of a final decision was made. Then as mentioned above, planning application 13/01644/FLL was submitted & refused in 2013. We believe this application for a single property is the thin end of the wedge in that should this application gain approval, a second application would be submitted for the erection of second property shortly afterwards as the land area appears to be split into 2 discrete plots.

?????????Historical significance?? Cuil an Daraich is a Grade B listed building and like many others in this country deserves protection from developments such as these which detract from their natural beauty. The gardens of the Cuil an Daraich property were used by the residents of this former poor house to serve the community since 1850.? The walled gardens have as much historical significance as the Cuil An Daraich building itself.? While there are currently 2 small openings in the wall, these are temporary and discussions are still progressing to restore the listed wall to its original condition.????

?????????Construction issues?? Should the application be approved and the applicant be allowed to gain access for the development, we have serious concerns about the additional construction traffic on this narrow access road. The access route from the main road (A827) to the development is not suitable for large vehicles with the Cull an Daraich property on one side and trees on the other. On from this point, discussions had been progressing with the residents of Cull an Daraich with respect to repairing the access road as it is currently in a poor condition. What point is there in the residents paying out significant amounts of money to repair an access road which will be destroyed by large vehicles and machinery travelling on this.

The last point of this concerns the retaining wall at the rear of the Cuil An Daraich property, along the access road / resident car park. With heavy vehicles transiting over the access road on a regular basis, the ground will be compacted to such an extent it could cause the retaining wall to belly or even burst, causing serious integrity issues to the retaining wall.

?????????Sewage and drainage?- We believe there is insufficient capacity in the existing Cuil An Daraich sewage system to cope with this development. The existing drainage issues from the garden down to the car park would cause flooding ? worsened by the fact the access route will have been significantly compacted by construction traffic.

If at all possible, we suggest that you undertake a site visit to get an appreciation of how this development would impact everyone associated within the Cuil an Daraich property and the other local properties adjacent to the proposed location of this dwelling house. You will then see why we feel so passionately about protecting the local area from this proposed development as it has no place so near such a commanding and historical building as Cuil an Daraich. Should this development be approved, we will all lose serious enjoyment of the property, which we cannot allow to happen.

Liam & Eithne McKinney

CHX Planning Local Review Body - Generic Email Account

From: Mike Brown [REDACTED]
Sent: 27 October 2014 18:49
To: CHX Planning Local Review Body - Generic Email Account
Subject: Regarding the Review requested by Mr J McMennemie. Case: TCP/11/16. Ref 14/00214/FLL

Dear Gillian Taylor,

We have read carefully the review application submitted by Mr McMennemie, and can find therein no answers to the cogent arguments we raised when the planning application was first submitted. In particular, the Applicant has never addressed our concerns regarding sewage disposal, drainage, parking, access to the site, and the presence of asbestos waste.

Therefore, we are pleased to learn that you have our original objections on file, and that these will be considered as part of the review process.

In addition, we reject his contention that the large tree to the south east of the site would provide privacy for the owners of the flats at Cuil An Daraich. This is simply not the case, as an inspection of the site would confirm. Privacy is a real concern here.

Furthermore, it is clear that this piece of land was sold to Mr McMennemie as a garden (as reflected in the price), and was never intended as a house building site.

Obviously, we hope that the Review will confirm the rejection of the original application.

Yours Sincerely,

Michael and Alison Brown. (Flat 7, Cuil An Daraich.)

Audrey Brown - CHX

From: Warren Reynolds [REDACTED]
Sent: 03 November 2014 22:28
To: CHX Planning Local Review Body - Generic Email Account
Subject: Re: TCP/11/16(323)

Application Ref: 14/00214/FLL – Erection of dwellinghouse,
03/11/2014

dear sir/madam,
we would like to re state our objection to the planed house,
all objections still stand for my self, mr warren reynolds and my wife mrs tracy reynolds

i would allso like to remind you that under the planed house location there was and still remains tons of rubbish taken from the former old folks home located oposite at cuil-an-dariach, large ammounts of internal walls, insulations, glass, old fire doors (asbestos covered doors) water system insulations (asbestos) etc were dumped by the developer Mr ian watt, perhaps a small excavation would be in order to investigate this location, for harmfull material, i know the location well and was witness to the dumping of this waist rubbish when the conversion of cuil-an-dariach was underway in the early 2000's

kind regards
warren reynolds

